



Resolving Disputes in Retirement Villages - A Guide for Residents

The *Retirement Villages Act 2004* (the Act) requires operators of retirement villages to provide a detailed procedure for internal dispute resolution within their village rules. This procedure should provide a clear framework for residents to raise concerns or issues they have, including with the village operator.

Understanding expectations

Before you sign a residence contract, the village operator must give you clear information about your rights and responsibilities. It's important that you read and understand the terms and conditions contained in the contract and the village rules, because they explain what you can expect and what is expected of you.

Your right to live in a retirement village can end if:

- You seriously break the residence contract or the village rules, or
- Your home is no longer suitable for you, because of a physical or cognitive condition that makes it unsafe or inappropriate for you to stay.

The operator also has responsibilities. They must follow the rules and obligations set out in the residence contract, just as you do.

First steps to resolving issues in a retirement village

If you have a problem with another resident or with the village operator, you should first try to sort it out directly with the people involved. This could include:

- Having a calm, respectful conversation where you explain your concerns and work together to find a solution that suits everyone. You can bring a support person if it helps.
- Writing a letter or email to the other party, explaining what the issue is and suggesting how you think it could be resolved.

If you cannot resolve the problem between yourselves and it becomes a dispute, you should write to the village operator and ask them to start the dispute resolution process. This process should be clearly explained in the village rules.

If you write a letter, make sure you keep a copy for your records.

What to do next if a dispute remains unresolved

If you still cannot resolve the problem, and only after you have followed the dispute resolution steps in your village rules, you can apply to the Director of Consumer Affairs and Fair Trading for help.

You might apply to the Director if, for example:

- someone has broken a requirement of the law
- someone has not followed the residence contract or a village rule
- a decision has been made that is unreasonable under the law, the residence contract, or the village rules.

The Director will look at your application and decide whether there are reasonable grounds to take action.

The Director can make orders such as:

- directing a resident, tenant, or operator to follow the law
- reducing or changing an action that breaches a contract or village rule
- requiring someone to undertake work or take steps to fix a breach
- changing or removing parts of a residence contract or village rule that do not comply with the law.

Requesting a copy of your village rules

If you have lost your copy of the village rules, you have the right to request the operator to provide you another one. The operator must provide it within 10 business days; however, an administrative fee may be applied.

For further information

Additional support is available from services such as The Tasmanian Association for Residents of Retirement Villages (TARRV), Advocacy Tasmania, and COTA Tasmania.

Should you require further information or would like to request contact details for support services, contact CBOS on 1300 654 499 or at cbos.info@justice.tas.gov.au.

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