Leaving a Retirement Village

Right where you live
Better rights for retirement living

The *Retirement Villages Act 1999* (Qld)

As a resident of a retirement village, your rights and responsibilities are set out in the *Retirement Villages Act 1999* (Qld) and must be read in conjunction with the terms of your residence agreement

Leaving a Retirement Village

People move out of retirement village for a number of reasons:

1. They are not happy living there and want to move to a new location
2. They are moving into a nursing home
3. Upon their death
4. Your residence agreement can be terminated by the operator under certain circumstances e.g. intentionally injuring someone in the village, seriously damaging your unit or another resident's property or unit, if you are deemed, with an ACAT assessment, unable to properly care for yourself.

Each of these circumstances will elicit a different response. This fact sheet describes the process if you choose to move out for reason number 1.

Rights and responsibilities

Most scheme operators have a process that must be followed and they provide all the necessary paperwork that must be completed.

In the first instance, advise the village manager you wish to terminate your right to reside in the village and make sure you read your residence agreement documents to understand the fees and charges you will have to pay. You must give one months' notice of your intention to leave the village, in writing to the village manager.

Be aware that you will need to vacate your home once the residence agreement is terminated. This means you will have to find somewhere else to live while your home is placed on the market waiting to be sold. The payment of your exit entitlement could take up to 18 months.

Amendments to the *Retirement Villages Act 1999* (Qld)

There have recently been some changes to the *Retirement Villages Act 1999* (the '*RV Act*' for short).

You may be affected by its recent amendments.

Funded by

Queensland Government

ARQRV

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Condition of unit

After you leave, the operator will arrange for the unit to be returned to a marketable condition. This is called reinstatement and means that the unit should be returned to the condition it was in at the start of your occupation and in a general condition of other units which are comparable to yours.

You and the operator must agree on the work required to return the unit to a marketable condition. Generally, the work must be completed within 90 days of you leaving the village.

Reselling the 'right to reside' in your unit

Once you have signed the termination papers, you and the scheme operator must negotiate in good faith to agree on a resale price for your unit.

You will also receive a document showing all the costs you will have to pay and the final amount of money you will receive.

If no agreement on the resale price is reached within 30 days from the termination date, the scheme operator must obtain an independent valuation within a further 14 days.

This valuation then becomes the resale price. You will receive a document stating the resale price.

This resale price must be updated every six months to ensure the valuation is current and accurate.

Your Exit Entitlement

When you leave a village you are paid an exit entitlement, a payment which takes into account your in-going contribution when you first moved into the village and the resale price of the unit when you leave. A range of costs are deducted from the final payout figure, such as general services charges, exit fees, reinstatement and resale costs, legal costs of selling and more.
Once the 'right to reside' in the unit is resold, the scheme operator must pay you the exit entitlement on, or before, the earliest of the following days:

a) the day stated in your contract
b) 14 days after the settlement day
c) no later than 18 months after the termination date, or a later date fixed by the Queensland Civil and Administrative Tribunal (QCAT)

Rightwhereyoulive.org.au
info@rightwhereyoulive.org.au

For more information contact ARQRV

Phone: 0437 906 074

Email: enquiries@arqrv.org.au

www.arqrv.org.au

Have a complaint or dispute?

The Queensland Retirement Village and Parks Advice Service (formerly PAVIL), situated at Caxton Legal Centre, provides information, advice and assistance on the law relating to retirement villages

Phone: 07 3214 6333

Do you have a hearing or speech impairment?

If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service. For more information, visit:

www.relayservice.gov.au

Do you speak a language other than English?

If you need an interpreter, please contact the Translating and Interpreting Service (TIS) on **131 450** and provide them with the number you want to call

This fact sheet provides information only and is not intended to provide legal advice

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