

Exiting a Retirement Village

REFURBISHMENT

This is what the Code prescribes

(we have added the emphases to highlight the matters of major importance.)

22. Refurbishment of residential premises

(1) In this clause —

refurbishment work means maintenance, repair, replacement or renovation work carried out in respect of residential premises to return the residential premises to a reasonable condition.

(2) If a resident permanently vacates his or her residential premises and is required under the residence contract to pay for, or contribute to, the cost of refurbishment work to those residential premises, the administering body of a retirement village must —

(a) before the commencement of the refurbishment work, give the former resident or the former resident's personal representative —

(i) a written statement that lists and gives details of each item of refurbishment work that the administering body believes is required to be carried out on the residential premises; and

(ii) if the administering body is arranging for the refurbishment work to be carried out on the residential premises, a written estimate of the cost for each item of work and an indication of the commencement and completion dates of the work including anything that may foreseeably affect those dates; and

(iii) if there is a material change to a statement given under subparagraph (i), or an estimate given under subparagraph (ii), a written notice of that change;

and

(b) before accepting or making any demand for payment for the refurbishment work —

(i) ensure the work is completed; and

(ii) give the former resident, or the former resident's personal representative, a fully itemised account for the final cost of the work; and

- (iii) provide the former resident, or the former resident's personal representative, with a reasonable opportunity to enter the residential premises in order to inspect the refurbishment work.
- (3) The former resident, or the former resident's personal representative, may apply to the State Administrative Tribunal for an order in relation to any refurbishment work that has been, or is proposed to be, carried out on that resident's residential premises, if the person is of the opinion that —
- (a) the work was not, when the residential premises were permanently vacated by the former resident, reasonably required to return the residential premises to a condition required by the residence contract; or
 - (b) the proposed or actual cost of the work is excessive or unreasonable; or
 - (c) the proportion of the total costs that are to be paid by the former resident, or the former resident's personal representative, is excessive or unreasonable; or
 - (d) the statement given under subclause (2)(a)(i) describes an amount of work that exceeds the amount of work required to return the residential premises to a reasonable condition; or
 - (e) the commencement or completion date of the work indicated by the administering body in subclause (2)(a)(ii) is unreasonable; or
 - (f) the actual time taken to complete the work to the residential premises was unreasonable.
- (4) On an application under subclause (3) the State Administrative Tribunal may, in addition to any other decision it has the power to make, make an order —
- (a) if work is being carried out on the residential premises, that the work be stopped or that it be completed; or
 - (b) if work has not been carried out on the residential premises, that the work be commenced; or
 - (c) that varies the amount that the former resident, or the former resident's personal representative, is required to pay for work carried out, or proposed to be carried out, on the residential premises.

Disclaimer: WARVRA has made every reasonable effort to ensure this information is accurate, but it is not to be construed as legal or financial advice. Each person should seek advice and verify information themselves.