

WHAT VCAT CAN DO

The Victorian Civil and Administrative Tribunal (VCAT) may make orders under specified sections of the *Retirement Villages Act 1986* (the Act).

You can use this form if you are a retirement village operator, proprietor or resident seeking VCAT to make orders as set out in **Part 5** of this application form.

If you are a retirement village proprietor or operator seeking approval to terminate a residence contract on health and safety grounds (section 16I of the Act), you must use the prescribed application form, titled **Form 3 - Application for approval to terminate contract on health and safety grounds**. A copy of this application form is available on the VCAT website at: vcat.vic.gov.au/documents/application-retirement

TERMS USED IN THIS FORM

An **aged care payment** refers to either a daily accommodation payment or another prescribed payment which a resident may be required to pay for residential care, home care, or flexible care.

An **alternative accommodation payment** refers to a payment which is made to meet the reasonable costs of caring for a former resident in a place other than the retirement village or a residential care facility.

A **breach notice** is a prescribed form which may be given by either the proprietor or operator of a retirement village to a resident when it is believed that the resident is in breach of a clause of the residence contract.

An **entry payment** refers to a lump sum or installment payment made by or on behalf of a person giving the person a right to occupy a premises in a retirement village.

An **exit entitlement** refers to the adjusted amount of the resident's entry payment, which is repayable upon the resident delivering vacant possession of the premises.

The **operator** is the person who is responsible for the daily operation of the retirement village, whether or not that person is also the proprietor of the village.

The **proprietor** is the person who is the owner of the land in the retirement village, other than land that is owned by a resident or part of an owners corporation.

The **resident** is a person who lives or proposes to live in a retirement village subject to the residence contract that they have entered into with the retirement village operator or proprietor. It does not include an owner resident within the meaning of the Act.

The **retirement village contract** refers to any contract entered into by the resident with either or both of the proprietor and the operator of the retirement village which provides a right to occupy, use, or modify. This includes both residence contracts and management contracts.

The **retirement village laws** include the Act and any regulations made under the Act.

A **termination notice** (or notice of termination of contract for breach) is a form which may be given by either the proprietor or operator of a retirement village to a resident which will terminate the contract between the parties and require the resident to leave the retirement village.

PART 1: APPLICANT DETAILS

1. Applicant details

Given names

Surname

Organisation name
(if you are a business)

ABN

Company name
(if you are a company)

ACN

Applicant role

☐

Operator

☐

Proprietor

☐

Resident

2. Applicant's representative (if applicable)

Given names

Surname

Position

3. Applicant's contact details

Email

Phone number

Street address

Suburb

Postcode

State

PART 2: APPLICANT 2 DETAILS

4. Is there another applicant making this application with you? If no, continue to Part 3.

☐ Yes, fill in details below ☐ No, continue to Part 3

5. Applicant 2 details

Given names

Surname

Organisation name
(if you are a business)

ABN

Company name
(if you are a company)

ACN

Applicant role

☐ Operator ☐ Proprietor ☐ Resident

6. Applicant 2 representative (if applicable)

Given names

Surname

Position

7. Applicant 2 contact details

Email

Phone number

Street address

Suburb

Postcode

State

PART 3: RESPONDENT DETAILS

8. Respondent details

Given names

Surname

Organisation name
(if you are a business)

ABN

Company name
(if you are a company)

ACN

Respondent role

☐

Operator

☐

Proprietor

☐

Resident

9. Respondent's representative (if applicable)

Given names

Surname

Position

10. Respondent's contact details

Email

Phone number

Street address

Suburb

Postcode

State

PART 4: RESPONDENT 2 DETAILS

11. Is there another respondent you are making this application against? If no, continue to Part 5.

☐ Yes, fill in details below ☐ No, continue to Part 5

12. Respondent 2 details

Given names

Surname

Organisation name
(if you are a business)

ABN

Company name
(if you are a company)

ACN

Respondent role ☐ Operator ☐ Proprietor ☐ Resident

13. Respondent 2 representative (if applicable)

Given names

Surname

Position

14. Respondent 2 contact details

Email

Phone number

Street address

Suburb

Postcode State

PART 5: RETIREMENT VILLAGE DETAILS

15. Provide address of the retirement village

Address			
Suburb			
Postcode		State	

PART 6: CLAIM DETAILS

16. Orders sought from VCAT

You must select what type of application you are making under the *Retirement Village Act 1986*. Depending on what you are applying to VCAT about, you may need to provide additional documentation in support of your claim. These documents are listed underneath each of the option.

It is recommended that all applications include a copy of the *retirement village contract* between the proprietor/operator and resident.

- ☐ Orders relating to a dispute about a breach notice - **Section 16G(1)**
 - A copy of the *breach notice* given to the resident
- ☐ Orders relating to a dispute about a termination notice - **Section 16G(2)**
 - A copy of the *notice of termination of contract* given to the resident
- ☐ Orders relating to a dispute about the resident rescinding a residence contract - **Section 26(2)**
 - A copy of the resident's *notice of rescission*
- ☐ Orders that the operator is not obliged to enter into a management contract with a purchaser of a lot - **Section 32E(4)**
 - Notification by the lot owner resident that the contract of sale of the lot has been entered into
 - Notification by the operator to the lot owner resident that the operator will not enter into a management contract with the purchaser
- ☐ Orders that the operator be directed to enter into a management contract with the purchaser of a lot - **Section 32F**
 - Notification by the lot owner resident that the contract of sale of the lot has been entered into
- ☐ Orders that the exit entitlement be paid to the vacating resident - **Section 32N(1)**
 - Payment statement (*exit entitlement* calculation)
 - Documentation that shows the date by which the *exit entitlement* is required to be paid
- ☐ Orders directing the recalculation of the exit entitlement and payment of any additional payments required by the recalculation - **Section 32O(1)**
 - Payment statement (*exit entitlement* calculation)
 - Documentation that shows the date by which the exit entitlement is required to be paid
- ☐ Orders extending the time to pay an exit entitlement including making the payment in installments - **Section 32P(1)**
 - Payment statement (*exit entitlement* calculation)
 - Documentation that shows the date in which the exit entitlement is required to be paid by
- ☐ Orders exempting or extending the time to make the first aged care or alternative accommodation payment from the vacating resident's exit entitlement - **Section 32Y(1)**
 - Documentation that shows how the exit entitlement has been calculated
 - A copy of the resident's request for *aged care or alternative accommodation payments*

PART 6: CLAIM DETAILS (cont.)

17. Provide complete claim details so that the respondent and VCAT can understand why you have made this application.

You will need to provide sufficient information to establish your claim. If you don't provide enough information, your case may be dismissed or adjourned.

If you need more space, print clearly on a separate page and attach to this application.

PART 8: OTHER VCAT CASES

18. Is there, or has there been, a related case at VCAT involving the same applicant/s and resident?

☐ Yes, provide VCAT proceeding number/s: ☐ No

PART 9: INTERSTATE PARTIES

19. To your knowledge, are any of the parties to this application an individual who resides in an Australian state other than Victoria?

We cannot hear applications where an individual in your dispute resides interstate. For more information, see: vcat.vic.gov.au/what-vcat-does/what-vcat-cannot-do

☐ Yes ☐ No

 If 'Yes', do not use this form. You can apply to the Magistrates' Court of Victoria.

PART 10: ACKNOWLEDGMENT

Name of the person completing this application:

By completing this application, I understand and acknowledge that:

- ☐ To the best of my knowledge, all information provided in this application is true and correct.
- ☐ It is an offence under section 136 of the Victorian Civil and Administrative Tribunal Act 1998 to knowingly give false or misleading information to VCAT.

Date of acknowledgment:

WHAT HAPPENS NEXT?

We will review your application and contact you if we need more information. We will tell you whether VCAT will accept your application.

VCAT reference number

We will give you a VCAT reference number. You must use this number in all correspondence and on all documents relating to your case.

The VCAT reference number starts with a 'C' and ends with the year the application is lodged - for example, C1234/2026.

Notice of hearing

We will send to you and each other party a hearing notice that states the time, date and place for a mediation, compulsory conference, directions hearing or hearing.

The notice has important information about what you must do and how to prepare.

CONFIDENTIAL DETAILS PAGE

Share the following pages with VCAT only.

Do not share these pages when you send this document to other parties.

VCAT will not share these details with others.

Koori Support Services

Are you Aboriginal or Torres Strait Islander?

☐ Yes ☐ No ☐ Prefer not to say

Do you want VCAT Koori Support to contact you?

☐ Yes ☐ No

Family Violence support services

Do you want family violence support?

☐ Yes ☐ No

How can we safely contact you?

☐ Email ☐ Phone

Please provide us with any instructions, if needed, on when and how it is safe for us to contact you (for example, "call me during 11am and 1pm only"):

Other support services

Please tell us about any other support services required

Interpreter support

☐ No ☐ Yes (specify language required)

Disability Liaison support

☐ No ☐ Yes

Other (please specify)

AFTER SUBMITTING YOUR APPLICATION

VCAT will send you and all the other parties a Notice of Hearing. The notice will tell you the venue, time and date you must come to the hearing.

Bring to your hearing:

- a copy of your application form and any supporting documents
- proof you gave the other party any relevant documents (such as a breach notice)
- proof you sent the application and any supporting documents to the other party

SUBMITTING THIS APPLICATION

Submit your application either by email, by post or delivering it in person.

By email

Email civil@courts.vic.gov.au

By post

Consumer and Business Disputes
Victorian Civil and Administrative Tribunal
GPO Box 5408 Melbourne VIC 3001

Delivering it in person

You can submit your application in person at one of our venues.
To find your closest venue, visit vcat.vic.gov.au/visit

NEED HELP WITH YOUR APPLICATION?

If you have any questions about completing this form, contact our Customer Service team by email, phone or in person.

By email

Email civil@courts.vic.gov.au

By phone

Call us between 9 am and 4:30 pm Monday to Friday on 1300 01 8228 (1300 01 VCAT)

In person

Our venues are open Monday to Friday. Find your closest venue at vcat.vic.gov.au/visit

PRIVACY STATEMENT

If you wish to know how VCAT may use the information you provide, refer to VCAT's privacy statement on the website (vcat.vic.gov.au/privacy). In most situations, VCAT is not allowed to publicly disclose information about a person apart from publishing decisions, repeating anything said or done at a public VCAT hearing and allowing the public to search the register and files.

ABOUT VCAT FEES

VCAT fees are charged according to 3 levels:

- **Corporate fees** for businesses and companies with a turnover of more than \$300,000 in the previous financial year, corporate entities and government agencies
- **Standard fees** for individuals, not-for-profit organisations, and small businesses and companies with a turnover of less than \$300,000 in the previous financial year. Companies must provide a statutory declaration to support this claim
- **Concession fees** for people who hold an Australian Government Health Care Card, Pensioner Concession Card, or Department of Veterans' Affairs Gold Card. You must provide a copy of your card with your application.

To find out if you need to pay an application fee and how much it costs, go to vcat.vic.gov.au/fees

FEE RELIEF

We can reduce or not charge (waive) a VCAT fee in certain circumstances.

Some people are automatically entitled to a full fee waiver. If you're experiencing financial hardship, you may be eligible for a fee waiver, fee reduction, or to pay later.

For more information about fee relief or to download our fee relief form, go to vcat.vic.gov.au/fees/concessions-fee-relief

Are you applying for fee relief?

- ☐ No, go to **Fee payment** section
- ☐ Yes, complete **Fee relief form** and attach it to this application

FEE PAYMENT

Complete this section unless you are applying for fee relief, no fee is payable or you want to pay using another method. For other payment options, see vcat.vic.gov.au/howtopay

Choose the fee level: ☐ Corporate ☐ Standard ☐ Concession

Fee amount charged \$

Card details

Cards accepted: ☐ VISA ☐ MasterCard

Cardholder name:

Card number:

Card expiry (mm/yy): /

REMOVE THIS PAGE WHEN SENDING A COPY OF THIS APPLICATION TO OTHER PARTIES

Reset form