

Retirement village dispute resolution

The Queensland Civil and Administrative Tribunal (QCAT) is an independent tribunal that resolves disputes in a manner that is accessible, quick and inexpensive.

There are more than 250 retirement villages throughout Queensland. To live in a registered retirement village, you must enter into a residence contract and pay a one-off ingoing contribution. In return, you have the right to live in a village unit and access one or more services for an ongoing charge.

The [Park and Village Information Link \(PAVIL\)](#) is a specialist service providing free information and legal help for residents and prospective residents of retirement villages and manufactured home parks in Queensland. PAVIL is part of Caxton Legal Centre. You can contact PAVIL for information about the rights and responsibilities of residents and operators and for help to resolve disputes.

Sometimes disagreements occur between residents and retirement village operators (operator) regarding the residence contract. (Please note: QCAT does not have jurisdiction to determine disputes between one resident and another.) To help resolve retirement village disputes, you can follow this three-step process.

Step 1 – internal negotiation

You are required to try to resolve the dispute within the village. Write to the other party stating your dispute and nominate a date for a meeting with at least 14 days notice. The other party must respond in writing within seven days of receiving your letter. On the day nominated for the meeting (or another day within seven days after the nominated day as agreed by the parties), you must meet to resolve the dispute. You may also contact a [Dispute Resolution Centre](#) to access free, confidential and impartial mediation services.

Step 2 – mediation

If you cannot resolve your dispute through internal negotiation, you may apply to attend mediation at QCAT by completing [Form 3 - Dispute notice for referral to mediation – Retirement Villages Act 1999](#).

A mediator will be appointed within 14 days, and they will give you seven days notice of the meeting's date, time and location. An [application fee](#) is payable. The mediation is private and discussions of outcomes are confidential except as agreed by all parties.

Lawyers may represent you and the other party unless the mediator is satisfied either party should not be represented. Other people may also join the mediation if the mediator believes they have relevant interest in resolving the dispute.

This fact sheet provides general information and should not be considered legal advice. If you are unsure about your legal rights, you should seek legal assistance. Your individual circumstances should determine any actions taken to resolve your dispute.

Step 3 – hearing

If the dispute is not resolved at mediation you may complete [Form 31 - Application for a tribunal hearing – Retirement Villages Act 1999](#) to apply to QCAT for a hearing. An [application fee](#) is payable.

Exclusion from the three step process

In some circumstances, you [can apply](#) for a hearing without going through steps one and two such as when an operator:

- threatens to remove or actually removes a resident from the retirement village
- threatens to deprive or actually deprives a resident of the right to live in the village
- threatens to restrict or actually restricts a resident's use of retirement village land
- gives a resident false or misleading documents to the financial detriment of the resident
- fails to fulfil requirements regarding exit entitlements and unit resale and you are materially prejudiced by the failure.

Legal advice

As part of an independent tribunal, QCAT registry staff cannot provide legal advice. If you are seeking legal advice, please contact:

- Caxton Legal Centre's [Park and Village Information Link \(PAVIL\)](#) on 07 3214 6333 to book an appointment.
- Caxton Legal Centre also manage the Seniors Legal and Support Service, which provides free legal and social work support for seniors experiencing mistreatment, financial exploitation or elder abuse. For more information, please visit caxton.org.au/sails_slass.html or phone 07 3214 6333.
- your local community legal centre. To find a local centre, contact Community Legal Centres Queensland at communitylegalqld.org.au or phone 07 3392 0092
- LawRight – an independent community legal centre which provides a Self Representation Service (free legal advice and assistance) for some matters before QCAT, including retirement village disputes. Visit lawright.org.au or call 07 3006 2324.
- [Legal Aid Queensland](#) on 1300 65 11 88
- a private solicitor. Contact Queensland Law Society at qls.com.au/For_the_community/Find_a_solicitor or phone 1300 367 757.

Contact information

Queensland Civil and Administrative Tribunal (QCAT)

Brisbane

Email: enquiries@qcat.qld.gov.au

Phone: 1300 753 228

Outside of Brisbane

To find your nearest Magistrates Court, visit courts.qld.gov.au or look up Queensland Magistrates Courts in the phone book.

Dispute Resolution Centres

07 3239 6269 or 1800 017 288 (toll free outside of Brisbane)

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