

Retirement village dispute resolution

The Queensland Civil and Administrative Tribunal (QCAT) is committed to actively resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

There are over 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.

Sometimes disagreements between residents and retirement village operators (operator) regarding the residence contract occur. To resolve retirement village disputes, 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 7 days after the nominated day and agreed by the parties), you must meet to resolve the dispute.

You may also contact a [Dispute Resolution Centre](#), which offers free confidential and impartial mediation services to assist in resolving your dispute.

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. The mediation is private and no record is kept. An [application fee](#) is payable.

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. However, these people do not become a party to the dispute.

Step 3 – hearing

If the dispute is not resolved at mediation you may apply to QCAT for a hearing to be held by completing [Form 31 - Application for a tribunal hearing – Retirement Villages Act 1999](#).

An [application fee](#) is payable.

Exclusion from the three step process

In some circumstances, you [can apply to QCAT](#) for a hearing without going through step 1 and 2. These include 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

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 advice. Any actions taken to resolve your dispute should be determined by your individual circumstances.

- threatens to restrict or actually restricts a resident's use of the 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 are unable to provide legal advice. To obtain legal advice contact:

- Legal Aid Queensland via www.legalaid.qld.gov.au/ or 1300 65 11 88
- Caxton Legal Centre via www.caxton.org.au or 07 3214 6333
- your local community legal centre. Contact the Queensland Association of Independent Legal Services (QAILS) via www.qails.org.au or 07 3392 0092.

Seniors Legal and Support Service Centres are also available for the over 60s. Visit <http://www.communities.qld.gov.au/communityservices/seniors/seniors-legal-and-support-service/contacts> or call:

- Brisbane – 07 3214 6333
- Cairns – 07 4031 7179
- Hervey Bay – 07 4124 6863
- Toowoomba – 07 4616 9700
- Townsville – 07 4721 5511.

QPILCH is 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 www.qpilch.org.au or call 07 3846 6317.

For referral to a suitable private solicitor contact the Queensland Law Society via www.qls.com.au or 07 3842 5842.

Contact information

QCAT

Brisbane

Address: Level 9, BOQ Centre, 259 Queen Street, Brisbane, 4000
 Post: GPO Box 1639, Brisbane Qld 4001
 Phone: 1300 753 228
 Email: enquiries@qcat.qld.gov.au
 Website: www.qcat.qld.gov.au

Outside of Brisbane

Your local Magistrates Court (excluding Brisbane Magistrates Court) can supply and accept all QCAT application forms. To find your nearest Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit www.courts.qld.gov.au.

Dispute Resolution Centres

07 3239 6269 or 1800 017 288 (toll free outside of Brisbane) or www.justice.qld.gov.au

Resources

Available from www.qcat.qld.gov.au:

- QCAT fact sheet – *Using QCAT*
- Fees and allowances

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