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**INFORMATION SHEET 14 – Retirement Villages Act 2004**

# Overview

The operator of a retirement village can apply to the Tribunal for orders to increase recurrent charges paid by residents and tenants of a retirement village. Before an application can be made to the Tribunal, the operator must meet the requirements of s 14B(1A) and (1B) of the Retirement Village Act 2004 which includes a resolution put to residents and tenants of a retirement village which was not passed at the relevant meeting.

# Who can apply?

An operator of a retirement village may apply to the Tribunal for orders.

# I am a resident or tenant of the retirement village. How can I participate?

If an operator makes an application to the Tribunal they are required to give written notification to each resident and tenant of that retirement village of the making of the application to the Tribunal (see s 14B (3) of the Retirement Villages Act 2004).

A person whose interests are affected may apply to the Tribunal to be made a party to the proceedings.

# How do I apply to become a party to the proceedings?

A person or a group of persons may complete an [Application to Join form](https://www.tascat.tas.gov.au/__data/assets/word_doc/0003/636852/220223-Application-to-be-Joined-as-a-Party.doc). You should ensure your Application to Join is made as soon as possible. There is a fee that must be paid when making an Application to Join. Information about the amount of that fee is [located here](https://www.tascat.tas.gov.au/resource-and-planning/fees).

You may make an application for the reduction or waiver of that fee by lodging an [Application for Fee Waiver](https://www.tascat.tas.gov.au/__data/assets/word_doc/0003/681834/221024-Application-for-Fee-Waiver.docx)

If you wish to make an Application to Join that includes more than one person on the same form, please note that you will be expected to work as unified group and to arrange for one or two members of that group to act as the spokesperson and contact for all communications with the Tribunal and other parties. Please note that where a group of individuals who are not an incorporated body apply to join as a party to proceedings, they are jointly and severally liable in the event a costs order is made. You may wish to seek legal advice in relation to how you wish to apply to join proceedings before the Tribunal.

# What is the timeframe for making an application to the Tribunal?

The operator of the retirement village must apply to the Tribunal within 28 days of becoming aware that the relevant meeting under s 14 (1B) did not pass a resolution authorising the proposed increase.

# Is there a fee for lodging an application?

Yes, there is a fee. Information about the amount of that fee is [located here](https://www.tascat.tas.gov.au/resource-and-planning/fees).

You may make an application for the reduction or waiver of that fee by lodging an [Application for Fee Waiver](https://www.tascat.tas.gov.au/__data/assets/word_doc/0003/681834/221024-Application-for-Fee-Waiver.docx).

# The process of hearing an application under the Retirement Villages Act 2004

The process of proceedings will be similar to other proceedings in the Resource & Planning Stream. Information Sheet 1 of the RPS provides an overview of how proceedings operate in the Resource & Planning Stream. When an application is lodged, the Tribunal will request written confirmation from the operator that they have issued written notice of the application to each resident and tenant of the retirement village. The Tribunal will also advertise the application in the public notices section of the relevant regional newspaper which will include the address of the retirement village, the nature of the application, and the date and time of the directions hearing. That advertisement will invite anyone who wishes to make an Application to Join to do so as soon as possible.

A directions hearing will be convened usually within 10-14 days of receipt of the application. That directions hearing will confirm any parties who wish to apply to join, set a timetable for the filing of information and materials, set a hearing date for the application and explore whether alternative dispute resolution may assist in reducing the scope of dispute or resolve the proceedings.

# What is the cost of proceedings?

The Tribunal does not charge any fees in relation to hearing and determining an application, apart from any fees that are required for filing proceedings or Applications to Join.

Section 120 of the *Tasmanian Civil & Administrative Act 2020* sets out the costs of any party to the proceedings to be paid by that party. However, any party to proceedings may make an application to the Tribunal for one or more of the other parties to pay their costs. In making that application, submission need to be made setting out why an order should be made. Section 120 sets out the matters the Tribunal must consider in deciding whether an order for the costs of one party should be paid by another party.

If any application for costs is made, the other parties will be given an opportunity to reply.