

Application – Retirement Villages Act 2012

ACAT file number

1. APPLICANT

See attached information on who can lodge an application. For multiple applicants, attach a separate page.

Name

Postal address

Email
(preferred contact)

Telephone

Are you the

☐

Operator

☐

Resident

☐

Relative

☐

Residents Committee

Other
(please specify)

ACAT will use these details to communicate with you.

2. APPLICANT'S AUTHORISED REPRESENTATIVE (IF ANY)

A representative who is not a lawyer must lodge a *Power of Attorney* (for an individual) or an *Authority to Act for a Corporation* (for any other legal entity).

Name

Postal address
(if a company, address should
be the registered office)

Email
(preferred contact)

Telephone

If you have an authorised representative, ACAT will communicate with your representative.

A copy of this application form will be provided to the applicant, the respondent and each other party. ACAT hearings are usually open to the public and information provided to ACAT may be publicly available. If you have concerns about your information being made public please contact the Registry.

3. RESPONDENT

For multiple respondents, attach a separate page.

Name

Postal address

(if a company, address should be the registered office)

Email

(preferred address for service)

Telephone

Is the respondent the

☐

Operator

☐

Resident

☐

Relative

☐

Residents Committee

Other

(please specify)

4. DOCUMENTS SUPPORTING YOUR APPLICATION

Attach documents that are relevant to your application. For example:

☐ Village Rules

☐ Resolutions

☐ Minutes and/or notices

☐ Other (specify)

5. WHAT ORDERS OR DECLARATIONS DO YOU SEEK?

Set out each order you seek and the section of the *Retirement Villages Act 2012* under which each order is to be made: for example section 181, section 182. Attach a separate page if needed.

6. WHAT ARE THE REASONS FOR YOUR APPLICATION?

State why you are applying to the ACAT (attach a separate page if needed).

7. HEARING

What dates are you **not** available to attend ACAT in the next 4 weeks?

Do you need an interpreter? ☐ No ☐ Yes (language and dialect)

Do you need assistance? (for example, a hearing loop when you attend ACAT)

A list of services ACAT can provide is available on the 'Accessibility' page of our website (www.acat.act.gov.au)

☐ No ☐ Yes (provide details)

8. SIGNATURE

By signing this form, you certify that the respondent’s contact details you have provided are the most current available to you and that service of documents to this address will most likely result in the respondent receiving them.

Signature of applicant
or applicant’s
representative (all
applicants to sign)

Name of person/s
signing

Date

Please read the information on the next before lodging this application with ACAT.

INFORMATION ABOUT APPLICATIONS UNDER THE *RETIREMENT VILLAGES ACT 2012*

When is this form used?

This application form should be used if you want the ACAT to make orders under the *Retirement Villages Act 2012*. The Act can be found on the Legislation Register at www.legislation.act.gov.au.

Sometimes a dispute relating to a retirement village should be dealt with under other legislation, for example the *Residential Tenancies Act 1997* or *Unit Titles (Management) Act 2011*. Check the *Retirement Villages Act 2012* before lodging your application to ensure that the orders you seek can be made by the ACAT. If you are not sure what law applies to your dispute, you should review the information about retirement villages available from the Access Canberra website, contact Access Canberra on 13 22 81 or seek legal advice. There is a list of free legal advice providers on our website.

The ACAT cannot give legal advice.

Who is the correct applicant?

The *Retirement Villages Act 2012* sets out who may apply for certain types of orders. Before you lodge your application, check the Act to confirm that you are entitled to be the applicant. You should get legal advice or assistance if required.

Authorised representative

A representative who is not a lawyer must be correctly authorised. If the party being represented is:

- an **individual**, a *Power of Attorney* for the representative is required; and
- a **corporation** or a **different legal entity**, an *Authority to Act for a Corporation* is required.

These forms are available on the ACAT's website (www.acat.act.gov.au). If the application is signed by the representative, written authorisation should be provided to the ACAT when the application is lodged.

Respondent's details

The *Retirement Villages Act 2012* sets out the parties to different types of disputes. Check that you have named the correct respondent before you lodge your application.

Orders sought

The *Retirement Villages Act 2012* specifies the kinds of orders that can be made by the ACAT for different kinds of disputes. You should refer to the relevant sections of the *Retirement Villages Act 2012* in this part of your application.

Lodging and serving of the application

Applications may be lodged in person at the ACAT registry between the hours of 9:00 am and 4:30pm at the ACAT, by email or by post. The ACAT will serve the application on the respondent/s.

Filing Fee

Correct payment must be included with your application. The ACAT accepts cash, cheque and credit card payments over the counter, and bank cheque or credit card payments via post. Information on fees payable is available at: www.acat.act.gov.au.

Do you need assistance?

If the applicant or respondent need assistance (for example, an interpreter or hearing loop), please let the ACAT know as soon as possible. A list of services the ACAT can provide is available on the *Accessibility* page of our website (www.acat.act.gov.au).

More Information

Visit our website www.acat.act.gov.au for information about:

- What to expect
- Case types: Retirement Village Disputes
- Fees and forms
- Lodge and serve documents

Contact ACAT

Telephone (02) 6207 1740

Email tribunal@act.gov.au

Post ACT Civil and Administrative Tribunal (ACAT)
GPO BOX 370 CANBERRA ACT 2601