

From: [Inquiry into the Retirement Housing Sector POV eSubmission Form](#)
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Inquiry Name: Inquiry into the Retirement Housing Sector

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SUBMISSION CONTENT:

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I am a resident living in a retirement Village and these are the matters I wish to bring to your attention as to what us as residents have had to endure over the years.

If there had been an ombudsman in the industry many of these things would not have happened or they would have been resolved quicker and at far less cost.

Redevelopment and Body Corporate issues

From 2006 till 2014 I have lived with fear and uncertainty of my share of the costs associated with a legal battle we had to undertake. The village during this time had to live with an eyesore and put up with large trucks and traffic throughout the village. My Levy was being increased due to the costs forced onto residents. I was fearful of squatters settling into an empty building neglected in the middle of the village. I either walked past or looked out over the building, it was such a mess it made me feel unhappy as it was an eyesore. Constant updates by the Committee, were good but they just made me fearful for the future of the village. The outcome after years of fighting have meant that the Association has managed to win and the building has been sold and redeveloped with tight restrictions on [REDACTED] on the build and after it opened. We were lucky to have legal, Consultant and Manager to fight on our behalf but we should never have had to spend the money we did on something we are not a party too. Two developers making decisions that impacted on us. We are retired and elderly we should never have had to deal with the matter. The whole redevelopment and years leading up to it put me under pressure and affected by Health and Wellbeing.

Stormwater drains and pits – Contract ambiguity

Structure has not been done correctly when you remove the lid there are no bottoms on the pits. The pits have to be rebuilt and I believe that this contributes to the flooding within the village into the units. This coupled with inadequate drains means that my place floods. Each time I have to get my

carpet dried, mildew forms and causes more issues I should not have to live this way. I am lucky that the Association has paid to fix the issues but the problem comes about because of the defective workmanship that has resulted in these problems. The village is over 38 years old the draining system is too old especially as it is an outdated plumbing system, the system needs to be renewed surely this is an Owner responsibility as the system is unable to handle the flow of water flowing through with all the development around the village.

Cracking in walls and ceiling inside and out 2006-2016
– Contract ambiguity

The Contract states that I am responsible for the inside of my house. That is all well and good but the workmanship is faulty to start. As a leaseholder, where does the repair stop and the structure begin. How big has a crack got to be, I can see daylight, there is a draft..is that enough?. This has worried me ever since I came in, there have been cracks on the outside of units including mine. I came into the village to enjoy my life what was left I worry how bad the cracks have to be to be fixed, how long do I have to pay for heating before it is fixed? The Committee of Management have battled with this for years and finally in 2016 they have accepted responsibility and fixed the problems after the village engaged a Consultant to help the Committee fight for a fair outcome. An ombudsman means I would have been able to state my case and have a fair hearing and hopefully some action within a shorter period of time.

Bowling Green – Contract ambiguity

Our role in the village is to raise enough money to cover our expenditure. We are not required under our contract to replace assets. We are not owners. Our bowling green is a joke it is a swimming pool for ducks and is marketed as a Bowling Green, it is an eye sore. I came into the village with the expectation that I would be able to play bowls. Every year we request something be done. We are told we need to do a survey, the survey is done and we are then told the survey doesn't go far enough to gauge support so we put a yes or no survey out and made sure residents responded. It is still unresolved, the owner is still calling it a bowling green and people are being deceived.

Redevelopment

A Body corporate with a number of owners. One Corporate, One large developer, a sprinkling of owner residents. A piece of land on common land, two separate owners owning a building so nothing could be done to stop a building being derelict. There was a hole in the roof and it became a OH&S issue to those that lived around it. One owner had the roof cavity, the inside and outside walls, the common area and the other owner owned the inside of each room but not the common area. The residents caught in the middle, while the owners played their games and scaring the village residents. The village residents were left to pay the water and maintenance in their levies and it was a constant battle by village residents to get things done as one of the owners tried to force the other to buy them out, for a pittance, the owner of the village units could not do anything so the Association had to eventually take it to VCAT to force an outcome. The Village residents spent \$165K on legal and consulting fees over the years to get the matter resolved there was no guarantee of getting the money back ... it did but it shouldn't have had to be put in that position it caused serious health issues to residents and Committee members over those years due to the stress of the legal mess they were left to deal with. The outcome has meant the building is being used, has been redeveloped and does not cause the loss of quiet enjoyment of the village residents because the redevelopment was planned and restrictions on construction imposed thanks to our Village team.

Redevelopment

The village originated around 38 years ago. It was on land that was on the one building envelope. There was a nursing facility and a retirement village and they were separate in operation. A group of residents in the form of a Committee that ran the day to day functions of the facility. It was responsible for the Maintenance levy and common ground around the village.

The owner of the time was also the developer of the site adjacent to the village. The plans shown to the village residents was a two storey facility. Once it started to be built it ended up four. The issues this resented to the residents included: Increase in the levy: cost for the nursing home were being paid for by the village as they didn't separate the water metre. The village was maintaining the roads or the whole village supporting the nursing home. Increase in noise traffic from the extra ten bed facility and the bed facility included visitors and emergency vehicles. Lights shining into unit at night, trucks impeding on garden and continual tidying up of the mess left and the loss of quiet enjoyment of my life in the village. Redevelopment went ahead, I now live within the outcome of a badly developed situation. I lose sleep, constantly woken up of a night and the early hours of the morning. It is not safe to walk about the village because of the traffic. The developer got away with it all because they were the owners and developer they didn't honour the lease and didn't fully inform the Committee of their true intentions. An ombudsman would have helped us negotiate, the developer would not have got away with the lies and using our roads as theirs amongst other things.

Management

The Village is run by a Committee of Management, with a permanent member being the corporate member. Interaction between the Owner and the village has been strained and over the years the Owner has been overbearing and its representatives bullying using standover tactics and lies to ensure that it has met its corporate agenda.

Redevelopment – Owner would / couldn't help support the village and the village had to take on the legal case. The decision to spend association, resident funds troubled me a lot as I worried we would not win and residents money would be lost we felt we were lied to every step of the way.

Permanent Member the committee decided not to pursue a special general meeting the representative at the time bullied the committee and residents into going ahead with a resolution in its favour without fully informing the residents what it meant to them.

Contract the one I hear about the contract I have signed the more I know that it is unfair especially with it comes to the rules of a Resident Association. IF the village wants to change something at village level and the owner doesn't want that changed it can stop the change and example of this was when the whole village wanted to reduce the 24/7 nursing to business hours due to the cost impact on residents.

Village spending Owner representatives would lie as to what the Village could pay for, they tried to stop the village as a whole paying to be a part of the RRVV. Village Staff the Owner representatives would try to get the Committee to dismiss staff but then they needed their help due to the wrong doing of the employee there was no help to be had.

Unfairness of the corporate owner not paying or its responsibilities forcing the village to use its money to make it vulnerable.

Changing lease/disclosure statements and contracts of which the village is a party to without the knowledge of the Committee when there is a limited power of Attorney/or instrument of authorisation.

Overall the village has spent considerable funds fighting these matters. I like

being a Committee member and I think the village as a whole benefits from my efforts, we employ a manager and the village is mostly a happy place to live. We don't take to the interference of the Corporate Manager telling us what we should do making promises to potential residents and causing unrest in the village. These games are impacting on your health and the appointment of an Ombudsman would be able to help with all of the above problems, cost burden could be reduced and our rights and fear would be protected.

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File1:

File2:

File3: