

From: [Inquiry into the Retirement Housing Sector POV eSubmission Form](#)
To: [LSIC](#)
Subject: New Submission to Inquiry into the Retirement Housing Sector
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Inquiry Name: Inquiry into the Retirement Housing Sector

Phyl Blackbell
[REDACTED]

[REDACTED]

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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.

For many years the corporate owner would not replace the power box/met boxes in the village. The Village is 38 years old. We have seen many fires within the panels residents are expected to pay out of their levy to replace. It escalated then [REDACTED] issued a defect notice and that meant that the power to the village was to be switched off. The village was set to pay to remedy this and the Committee had to fight to get the Corporate Owner to pay by threatening them

with VCAT. The Owner hid behind its ambiguous contract and taking the view it wasn't their responsibility. The Owner has now paid to repair but not before legal/consultancy costs were incurred by the village.

An Ombudsman would have been able to help a resolve the matter in a timely manner without the need for legal costs paid to force the Owner to do what it is legally required to do.

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 I 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 eft I worry how bad the cracks have to be to be fixed, how long do I have to pay for hefting before it is fixed? The Committee of Management have battled with this for years and finally in 2016 they has 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.

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 whole 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 is shouldn't have had to be put in that position it cause serious health issues to residents and Committee members over those years due to the stress of the legal mess hey 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 at 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.

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File1:

File2:

File3: