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28 June 2016

Retirement Housing Inquiry.
Legal and Social Issues Committee.
Parliament House
Melbourne, Victoria

Dear Committee Members,

This is a personal account of problems we faced at our village.

DISHONEST MARKETING

Before we moved into the retirement village we had a list of questions, as it was a new village with only 6 units built and 3 units occupied, we were the 4th to move in.

One of the questions was 'how long before the Community Centre and the other facilities would be built,' without any hesitation the manger replied "12 to 18 months". After moving in and speaking with the other residents they had the same story, 12 to 18 months.

18 months later and no sign of any facilities being built we had the temerity to ask, "When will we be getting our Community Centre?"

"I don't know," said the manager. "But you told us it would be only 12 to 18 months" we replied; "I said no such thing", he answered.

This denial continued for another year until finally the Community Centre was opened over 3 ½ years later. At a later meeting for residents we pressured him about this untruth to the residents and he admitted he had said 12 to 18 months because he had been told that by one of the managers, who was no longer with the company, and therefore we should look forward and not backwards.

The wait for the other facilities was 18 months and after 6 years we still do not have all of what we have been promised in our contracts. We have been told that they will not be supplied to us. We are still living in a building site.

Because we agitated for these promised facilities to be provided ,we were labeled 'trouble makers' in the village by management.

VILLAGE RULES – BULLYING AND INTIMIDATION

Prior to moving into the village we got legal advice on our contract by a lawyer who charged a huge fee, for advice, which subsequently turned out to be incorrect. We were handed this contract 2 weeks before moving in, the required amount of time, as stated in the Retirement Villages Act1986, which did not leave a great deal of time to get proper legal council.

We were handed another list of village rules after entering the village, this included the statement that no one was allowed to have a pot plant or any other item on their front portico.

We argued for 2 years that this was under our roofline and not common ground and therefore management had no right to deny us the right to place a pot on our front porch. (This was never about a pot it was about our rights). We then bought the biggest and brightest pot we could find and filled it with huge broad leaf plant to make a statement. We got a major reaction from management;

threats, harassment and intimidation, we refused to remove it. We then asked for a meeting with senior management from head office to stop this persecution from the managers.

The village manager was present when these senior management personnel reluctantly advised us that “Yes, we were within our rights to have a pot on our front porch”, I then asked that they advised the rest of the residents of these rights. The village manager shouted at me “why don’t you conform like the rest of the residents” I was so amazed; I laughed at the inanity of his statement which made me feel like a schoolchild being chastised by the headmaster. This incensed him as he followed by screaming in my face a “you are not welcome at this village, no other resident wants you here”. His superiors ordered him out of the room, they witnessed all this. However, he is still the manager of this village. It was verbal abuse, bullying and intimidating, I thought he was going to hit me, he was so out of control. He has repeated this disgraceful behavior with other female residents and is still employed here.

HARRASSMENT

In our contract it states that all residents have the right to use all village facilities, when and if available and this includes the Caravan Parking area. We were therefore surprised when management handed us a caravan parking agreement to sign, 4 years after being in the village. This agreement listed 18 new rules for use of the caravan area. We refused to sign this document, as we believed it was taking away our contractual rights. Because we refused to sign, this was used against us by management to ostracize us within the village. We had to send a legal letter to stop this harassment from management.

INTIMIDATION AND BLACKMAIL

Management at this village and others villages within this company use coercion to attend our Residents Committee (Res. Com.) meetings, telling residents that “village issues would be looked at more kindly if they were allowed to attend Res. Com meetings whenever they wished”. This is intimidation and blackmail. Management interferes with the process of these meetings and at one stage was responsible for the dissolving of the Res.Com.

MISINTERPRETATION OF CONTRACTS

Our contract states that one of the facilities that the owner would provide would be a village bus: their version of this contract is to make the arrangements regarding the lease and then the residents pay for the leasing of the bus. This is misinterpreting the legal term ‘provide’, which is stated in our contract. Yet to challenge this deliberate misinterpretation we would have to go to VCAT, as CAV will not intervene on a ‘contract clause’.

My husband and I joined Resident of Retirement Villages Victoria (RRVV) to educate ourselves about resident’s rights in retirement villages. Later we both joined the RRVV committee as our form of retirement voluntary work. We then realized what a Pandora’s box it was. We had no idea of the extent of problems that exist in retirement villages. A common theme with residents is “when I entered the village I felt like I left my rights at the gate”.

We considered ourselves lucky that we had access to legal advice from family, others are not so fortunate, this is why we feel that an ombudsman is the only answer for residents.

With an ageing population the Retirement Villages industry will become more and more important as an alternative to suburban living for many elderly retirees. The proper protection of resident's rights will become essential to enable this industry to grow.

Owen and Lesley Menzies