

To The Secretary,  
Legal & Social Issues Committee,  
Parliament House,  
Spring Street,  
East Melbourne, VIC. 3002

2.6.2016

Re: Emergency Response

When I inspected my [REDACTED] unit in November, 2009 with a view to purchasing, the vendor showed me the emergency buttons in the master bedroom and bathroom. These were connected to the Resident Manager's unit for use in an emergency.

The Village is small (30 units) and apart from a Community Room has no other amenities. This suited me as all I wanted was emergency help if needed. I had a heart attack in 2002.

Two days before settlement at a final inspection, the vendor complained about having to install an emergency phone at a cost of almost \$700. I understood that this was to improve communication with the Resident Manager.

Two days after moving in, the Resident Manager came to my unit to activate the phone and leave information with me. It was then I realized the phone was connected to the INS Smart Caller System and if I pressed the Emergency button I would be connected to a call centre. I felt cheated. I could have stayed in my house and installed an emergency call system but I wanted help on site if needed.

I found out from other residents that the press button system was failing, [REDACTED] (the Retirement Village Managers) would not pay for repairs and entered into a contract with INS. Residents were told it was to be installed at a cost to each resident of almost \$700.

Some residents have Mepac (free of charge). Other residents investigated alternatives which Management refused to consider. CAV sent a mediator to attend a meeting at the Village but Management won't discuss any matter.

Due to the cost (with cheaper alternatives available) most residents refused to have the IWS System installed. Then followed harassment with some residents giving in. Others received letters from a lawyer to sign acknowledging that without the IWS System [REDACTED] were not responsible in an emergency. Their contracts (mine also) states that Management will maintain direct contact between the resident's unit and the Resident Manager's unit.

The Emergency phone being installed before I moved into my unit was a result of vendors not being given permission to sell unless the phone was installed.

We also pay a monthly fee to IWS as well as the cost of a 24/7 Resident Manager - well over \$120,000 per year shared between 30 - Salary and associated costs, Rent and Council Rates/Owners Corporation Fees for Managers unit, Electricity, Gas, Water, Phone and costs for a reliever plus GST. The present manager was hired on the Aged Care Award level 3. She has been promoted to Level 6. Why? We don't know - This is an independent living village. Residents have no say in the appointment or duties of the Resident Manager.

WE NEED AN OMBUDSMAN PLUS AN INQUIRY INTO THE PRACTISES OF RETIREMENT VILLAGE MANAGEMENT COMPANIES AND LEGISLATION PASSED Re: CRITERIA FOR OPERATING A RETIREMENT VILLAGE.

We also have an Owners Corporation Manager whose company does a great job in spite of interference from the Retirement Village Management.

Thank you for your attention in this matter.

[REDACTED] (MRS. J. S. ACCIACCARELLI)

To The Secretary,

Legal and Social Issues Committee  
Parliament House, Spring Street  
East Melbourne, VIC 3002

Re: Fees increased by 120%

2012 - Fees increased by 120% mainly by [redacted] adding items not previously included in budget. Residents passed a motion not to accept budget, talks to be held with Management, present fees to be paid until resolved. Management agreed to this but did not become available for discussion and 3 months after AGM sent invoices with higher charge.

CAV - All but one resident completed Complaint forms to CAV asking for an investigation re: extra budget charges. Myself and my son-in-law were authorized to represent residents. No investigator appointed by CAV. Two mediation meetings held - Management adamant about charging higher fees, refused to discuss further. We were advised to go to VCAT.

VCAT - 16 Residents (We only have 30 units) joined an application lodged by a resident assisted by my son-in-law. Several residents who did not join the VCAT application admitted they felt intimidated and threatened by Management. Application made to Civil Division. However, Management already had an application for their perceived dissatisfaction with the Owners Corporation and a few days after the Residents application, Management were given permission by VCAT to add counter claims against residents to their Owners Corporation matter. The Owners Corporation matter was settled but we were unable to get the Question of Village Fees switched to the Civil Division.

Seacliff Management Pty Ltd had a solicitor and a barrister. It soon became apparent that the VCAT sitting member was only interested in listening to a legally qualified person.

The stress of the situation began to have an impact.

1/16 decided to go alone without using VCAT.

5/16 did hire a lawyer who after several directional meetings advised his clients to comply with Management.

2/16 moved out of The Village into Nursing Homes.

8/16 Continued with VCAT Action conducted by [REDACTED] (Resident) and my son-in-law.

5 of us reached a compromise with Management. The fees remained high and have increased each year but we did get an agreement re: the amount owed. We were assisted by a different sitting member who was from the Civil Division.

3 continued with VCAT. The outcome is on public record and although very much in favour of management does state when residents were overcharged. However, no order was made for residents to be reimbursed and when one applicant asked Management when this would happen, he was told to mind his own business.

The Agreement 5 of us made with Management at VCAT is confidential. However, I am being harassed to pay for more than is stated in the Agreement which was handwritten by their barrister and signed by a director of [REDACTED], the VCAT sitting member and the 5 residents named in the Agreement. Of the 5, I am the only one receiving threatening letters as part of the Agreement did not apply to me.

The letters are written by the Resident Village Manager for which we pay over \$120,000 per annum (Shared between 30). Her duties are very few. They include keeping the Community Room clean (usually done when a Reliever is there), being here in case of an emergency (no direct call button - instead Management have insisted on residents paying to install an emergency phone connected to an outside agency).

Common Property - This is managed and maintained by an Owners Corporation Manager and Committee. It is not the responsibility of the Retirement Village Management so the Resident Manager is paid a lot for little work.

Thank you for your attention in this matter.

[REDACTED] (MRS. J. ACCIACCARELLI)

Rec 6/6/16

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To/ The Secretary,

Legal + Social Issues Committee  
Parliament House, Spring St,  
East Melbourne, Vic 3002

3.6.2016

### Re: Maintenance of Common Property

1987 - [redacted] built by the [redacted] as [redacted]  
31 Strata Titled units, 30 sold, Unit 1 kept by [redacted] as accommodation  
for a Resident Manager. [redacted] established [redacted]  
to manage the village and also appointed them as the Body  
Corporate. Both companies have the same share holder + directors -  
the [redacted]

Following the Owners Corporation Act [redacted] resigned  
as the Body Corporate but are still the village managers.

2009 - Residents appointed [redacted] (Now [redacted]  
[redacted]) as Owners Corporation Managers and elected a  
Committee. [redacted] Management handed over to Owners Corporation \$7000.  
A survey of the village organized by the Owners Corporation (OC)  
revealed that approximately \$250,000 maintenance was needed  
as very little had been done since the village was built. No  
maintenance fund established to pay for works when needed.

A Levy was established to enable the OC to accumulate  
sufficient funds for a Major Painting and Maintenance Programme.  
Gradually as funds allow, items on the programme are being done.  
One resident who is a qualified engineer undertook some repairs at  
a cost of materials only. [redacted] and [redacted] took action  
at VCAT claiming the OC had allowed an unqualified person to  
carry out maintenance and was also neglecting maintenance in other  
areas - settled with maintenance programme and qualifications accepted.

1987 - 2008 :- Unfortunate we cannot claim for neglect when  
[redacted] Management was the Body Corporate.

Since 2009 - All tradespersons must lodge necessary documents with

The Owners Corporation Manager before being contracted to carry out maintenance work. It is becoming increasingly difficult to get tradespersons to come to the village. Several have complained that [REDACTED] [REDACTED] have distracted them with conversation, questioning, photographing them while they work. This not only increases their working time but the distraction could cause an accident. The Owners Corporation Committee do keep [REDACTED] informed when work affects the routine/safety of residents.

### Re: Dogs in the Community Room

December, 2009 - Told no dogs allowed to be owned in village.

Since then 3 residents have acquired dogs. Residents have no objection if dogs are not causing a nuisance to other residents.

At two meetings - Owners Corporation AGM and a Residents' Meeting, a resolution was proposed, seconded and passed by a majority that dogs were not allowed in the Community Room.

This has been ignored. The Resident Manager admits that she encourages dogs into the Community Room "because some residents like them". Residents' dogs, visitors' dogs, Relievers dogs are encouraged in; leaving fur on furniture and carpet, urinating on the carpet plus a water bowl left on the floor in the kitchenette to trip over.

Several residents can no longer enter the Community Room due to a reaction to dog fur.

Letters to the Resident Manager from the Owners Corporation Manager and Committee have been ignored.

WE NEED AN OMBUDSMAN TO ASSIST WITH DIFFERENCES BETWEEN RESIDENTS AND MANAGEMENT. WE NEED LEGISLATION PASSED LISTING CRITERIA FOR A LICENCE TO OPERATE A RETIREMENT VILLAGE.

Thank you for your attention in this matter.

[REDACTED]  
[REDACTED] (MRS. I. ACCIACCARELLI)