

Application – Retirement Villages Act 2012

File Number:

APPLICANT DETAILS

(see note 2 for who can file an application) (for multiple applicants, attach details on a separate page).

Applicant Name:

Address:

Are you the:

Operator Resident Relative Residents Committee Other (please specify)

Preferred Phone Number:

Alternate Phone Number:

Email:

APPLICANT REPRESENTATIVE DETAILS (IF ANY)

(see note 3 for who can represent the applicant)

(any representative who is not a lawyer should file an *Authority to Act for a Corporation* or *Power of Attorney* providing authorisation to represent the applicant).

Name:

Address:

Preferred Phone Number:

Alternate Phone Number:

Email:

RESPONDENT DETAILS

(see note 4 for who can be a respondent. For multiple respondents, attach details on a separate page).

Respondent Name:

Address:

Is the respondent the:

Operator Resident Relative Residents Committee Other (please specify)

Preferred Phone Number:

Alternate Phone Number:

Email:

ATTACHMENTS

(you should attach a copy of any documents that are relevant to your application eg. village rules, resolutions, minutes, notices, etc)

List attachments:

What Orders or Declarations do you seek

(set out each order and for each order refer to the section of the *Retirement Villages Act 2012* under which the order is to be made, eg. s.181. If there is not enough room attach a list of orders to the application form.)

Reasons for your application

Provide a summary of the reasons you are applying to the ACAT (attach page if insufficient space)

The applicant certifies that the respondent's address details provided in this application are the most current available to the applicant and believes that service of documents to this address will most likely result in the respondent receiving them.

**Signature of applicant/
applicant's representative:**

**Name of applicant/
applicant's representative:**

(Any representative who is not a lawyer must be properly authorised by an *Authority to Act for a Corporation* or *Power of Attorney*.)

Date:

APPLICATIONS UNDER THE RETIREMENT VILLAGES ACT 2012

1. When should I use this application form?

This application form should only be used if you want the ACAT to make orders under the *Retirement Villages Act 2012* (RV Act). A copy of the RV 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*. If you are not sure what law applies to your dispute please first contact the Office of Regulatory Services (ORS) by telephone (6207 3000) for information or see the information on the ORS website: www.ors.act.gov.au/community/.

For assistance in completing and filing the application form or more information on procedure contact ACAT:

Registry: Level 4, 1 Moore Street Canberra City
Postal: GPO Box 370, Canberra ACT 2601
Telephone: 6207 1740
Website: www.acat.act.gov.au.

Please note that the tribunal cannot give legal advice.

2. Applicant's details

The RV Act sets out who may file an application for certain sorts of orders. Before you file your application you should check the RV Act to confirm that you are entitled to be the applicant. If you are not sure you should seek legal advice or assistance.

3. Applicant's representative

If the applicant is represented by someone who is not a lawyer, then written authorisation in accordance with the ACAT's procedural directions is required. If the application form is signed by the representative this authorisation should be provided when the application is filed.

If the applicant is an individual, a *Power of Attorney* is sufficient authorisation. If the applicant is a corporation then an *Authority to Act for a Corporation* is required.

4. Respondent's details

The RV Act sets out who are the parties to different sorts of disputes, so it is important that you check that you have named the correct respondent before you file your application. If you are not sure, you should seek legal advice or assistance.

5. Orders sought

The RV Act specifies the kinds of orders that can be made by the ACAT for different kinds of disputes. You should check the RV Act before filing your application to ensure that the orders you are seeking are orders that the ACAT can make in relation to your matter. You should refer to the relevant sections of the RV Act in this part of your application.

6. Filing and service of the application

Applications may be lodged in person at the ACAT registry with the required fee between the hours of 9:00 am and 4:00pm at the ACAT, or by mail. The ACAT will arrange service of the application upon the respondent. If you have any questions about service or the tribunal process following filing of the application you should contact the ACAT.

7. 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.