



The Association of Residents of  
Queensland Retirement Villages Inc

## FACT SHEET #13

# REINSTATEMENT OF RETIREMENT VILLAGE UNITS

The ARQRV is a strong consumer protection organisation that represents the interests of residents in retirement villages to governments and scheme operators. We are a not-for-profit organisation run by volunteers who are themselves residents in a retirement village, so we have first-hand experience of the issues affecting all residents. We act to inform members of their rights under the *Retirement Villages Act* and provide on-going information about issues that are significant to the retirement village lifestyle.

ARQRV has produced a range of fact sheets on various topics that will be of assistance when it comes to understanding retirement village living.

Recent changes to the *Retirement Villages Act 1999* has commenced new requirements for resident reinstatement of a unit to the condition it was in when the resident moved in, minus fair wear and tear.

Reinstatement of Retirement Village Units - Commenced 1 February 2019	
<b>Reinstating a unit</b>	<p>When exiting their accommodation unit, the resident must leave it in the same condition it was in when they first moved in, apart from fair wear and tear and renovation.</p> <p>Reinstatement can help an accommodation unit to sell promptly for a good price.</p>
<b>What does 'reinstatement work', 'fair wear and tear' and 'renovation work' mean?</b>	<p>'Reinstatement work' means replacements or repairs that are reasonably necessary to return the unit to the condition it was in when they moved in, apart from fair wear and tear and renovations, that were done by the resident with the agreement of the scheme operator.</p> <p>'Fair wear and tear' includes a reasonable amount of wear and tear associated with the use of items commonly used in a retirement village.</p> <p>'Renovation work' means replacements or repairs other than reinstatement work.</p>
<b>Timeframes</b>	<p><b>Reinstatement work must be completed:</b></p> <ul style="list-style-type: none"> <li>• At a time the resident and scheme operator agree for the reinstatement work to be completed.</li> <li>• If renovation work is also to be carried out it must be completed within 90 days after the resident vacates the unit or, a longer period of time can be agreed to between the resident and scheme operator.</li> <li>• In all other cases, 90 days after the resident leaves the accommodation unit.</li> <li>• If an agreement to complete reinstatement work can't be reached, this is a dispute under the <i>Retirement Villages Act 1999</i>. If the Queensland Civil and Administrative Tribunal (QCAT) orders the work to be done, it must be completed in the time set by QCAT.</li> </ul>

	<p><b>Renovation work</b></p> <p>This applies if the scheme operator proposes to carry out renovation work in or affecting the accommodation unit.</p> <p>Before starting the renovation work, the scheme operator must agree with the resident on a date by which the renovation work will be finished. The scheme operator must ensure the renovation work is completed by the agreed date.</p> <p>A dispute about the date by which the renovation work will be finished is a dispute under the <i>Retirement Villages Act 1999</i>.</p>
<p><b>Who pays for the renovation work</b></p>	<p>If the residence contract states that the former resident and the scheme operator are to share any capital gain on the sale of the accommodation unit, the cost of renovation work must be shared in the same proportion the capital gain is to be shared.</p> <p>Otherwise the operator is required to pay for renovation work.</p>

For further information please contact ARQRV

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