



Retirement Villages Act 1992 (the Act) - section 37(5)

When completed this form is classified as OFFICIAL Sensitive

This form must be used where the operator of a retirement village and a former resident/s (or their representative) can't decide on a licensed land valuer (valuer) to determine the value of the resident's residential premises (unit) **at least two months** before the payment deadline.

- pay an exit entitlement to a resident, or the person entitled to it (section 29 of the Act); or
- enter a contract for, and complete, the purchase of residential premises (Part 3A of the Act).

For more information about appointment of a valuer: www.consumerprotection.wa.gov.au/rvexit

1. Fill out sections 1-4 of the form.
2. Prepare, clearly label and attach the documents listed in the checklist.
3. Give this form and relevant attachments to the resident/s to review and complete the declaration.
4. Once the resident/s have completed the declaration, lodge the form according to the lodgement information on page 5.

1. Consider the information in this form carefully.
2. Complete the declaration at section 5.

Retirement village	Name of retirement village		
	Address line 1		
	Address line 2		
	Suburb/Town	State	Postcode
The operator	Village operator name (entity)		
	Business trading name (if different from above)		
	Australian Company or Business Number (ACN or ABN):		
	Email	Phone	

The advice of appointment of a valuer will be sent to the business address if an email address is not provided.

Section 1 continued...

Business address (if different to village address)	Address line 1		
	Address line 2		
	Suburb/Town	State	Postcode

Section 2: Information about the resident or representative

Resident 1

Resident 1 name			
Address for service of notices	Address line 1		
	Address line 2		
	Suburb/Town	State	Postcode
	Email	Phone	

Resident 2 (if applicable)

Resident 2 name			
Address for service of notices	Address line 1		
	Address line 2		
	Suburb/Town	State	Postcode
	Email	Phone	

Authorised representative

An authorised representative acting on behalf of the resident/s, should provide their details below.

Authorised representative name			
Address for service of notices	Address line 1		
	Address line 2		
	Suburb/Town	State	Postcode
	Email	Phone	

The advice of appointment of a valuer will be sent to the address for service of notices if an email address is not provided.

Section 3: Application information

3.1 What is the address of the residential premises (unit) to be valued (include unit number)?	Address line 1	
	Address line 2	
	Suburb/Town	
	State	Postcode
3.2 Has the resident/s moved out?	Yes	No (go to question 3.4)
3.3 On what date did the resident/s move out?	Date	
3.4 What date is the exit entitlement due?	Date	
3.5 Provide details below if you have tried to appoint a valuer to value the unit in the last 3 months (include the name/s of any valuer that has been approached to determine the value of the unit).		

Section 4: Operator declaration

This application is being made because the resident/s and I have not been able to agree on a valuer to determine the value of the unit in 3.1.

All information in this application is true and correct to the best of my knowledge and belief.

I consent to The Department of Local Government, Industry Regulation and Safety (LGIRS) making enquiries and sharing information, including personal information, with valuers for the purpose of processing this application.

Full name

Position/title

Signature

Date

Section 5: Resident or representative declaration

This application is being made because the operator and I have not been able to agree on a valuer to determine the value of the unit in 3.1.

All information in this application is true and correct to the best of my knowledge and belief.

I consent to LGIRS making enquiries and sharing information, including personal information, with valuers for the purpose of determining this application.

**Signature
resident 1 (or
representative)**

Name

Date

**Signature
resident 2 (or
representative)**

Name

Date

Important information for operators and residents

The operator and resident/s (the parties) acknowledge the Commissioner must appoint a valuer (the appointed valuer) to determine the value of the resident's unit within 21 days of receiving this application. The Commissioner will select the appointed valuer from a list of valuers with expertise in the valuation of retirement village units provided by the Australian Property Institute.

A licensed valuer is a person licensed in Western Australia under the *Land Valuers Licensing Act 1978* (WA).

Either of the parties can apply to the State Administrative Tribunal for a review of the decision made by the Commissioner.

The appointed valuer must confirm that they have no conflict of interest to declare in relation to the requested valuation before accepting the appointment.

Once the appointment has been made, the appointed valuer will provide the parties with a formal letter of engagement or appointment (or similar), outlining the scope of agreed work and their terms and conditions. The valuation fee is to be paid by the operator and resident in equal shares.

The parties are required to enter into a contract with the appointed valuer. The determination made by the appointed valuer is final and binding on both parties.

The valuation report prepared by the appointed valuer is solely for the purpose of determining the value of a residential premises based on the residence contract/occupancy agreement for the premises the subject of the valuation, as defined in the Act.

The valuation report:

1. must be in writing, addressed to the parties or the operator's or resident's legal representative;
2. will contain reasons for the determination and specify the matters the appointed valuer has had regard to in making the determination;
3. may require the appointed valuer to obtain a legal opinion to legally interpret relevant parts of the occupancy agreement or residence contract. The parties acknowledge that the appointed valuer is authorised to seek such opinion, and these costs will be shared equally between both parties;
4. may require the appointed valuer to seek submissions from the parties; and
5. will be undertaken on the basis that the parties have each fulfilled all obligations on the resident moving out of the unit.

Documents you must include (required)

1. Copy of the community arrangements statement for the village.
2. Copy of the residence contract (occupancy agreement) detailing the obligations of the operator and resident when a resident permanently vacates the unit.

Additional documents you may include (optional)

Please attach as a separate document any other information you would like the Commissioner to consider.

Information to be provided to appointed valuer once engaged

The appointed valuer may request the following:

1. List of sales evidence within the village operator over the last 3 years. Include sale price and date, and details of any terms and conditions outside the standard occupancy agreement.
2. The listed sale price of the subject unit to be valued and a summary of the marketing history.
3. List of any offers made for the subject unit and not accepted.
4. List of any other units currently for sale in the village and the asking price of each (if there is a set price).

Privacy Collection Notice – Applications received under the *Retirement Villages Act 1992 (WA)*

LGIRS collects personal information through the following applications made under the *Retirement Villages Act 1992 (WA)*:

- Application for appointment of an external mediator
- Review of refusal to appoint a mediator
- Application for the Commissioner appointment of a licensed land valuer
- Application to extend – exit entitlement or buyback
- Application for exemption – exit entitlements and/or buybacks

This information is used for the following purposes:

- to review and determine the application; and
- maintain records of applications for accountability and reporting purposes.

For the same purposes, we may provide this information to:

- relevant government agencies or departments, or any third parties to assess issues raised in your application; and
- internal staff to enable assessment of the application, statistical analysis, customer satisfaction surveys, and other regulatory functions, including communication, education, and policy and legislative review and development.

We will not disclose personal information about you to anybody else, unless you have given consent, or we are authorised or required to do so by law.

Providing us with the requested information is voluntary, but if you choose not to provide us with it, we may not be able to assess your application.

Please refer to [LGIRS Privacy Policy](#) on our website for more information about how we handle your personal information, how you can request access to or correction of the personal information we hold about you, and who to contact if you have a privacy enquiry or complaint.

Lodgement options

In Person:

Consumer Protection
Gordon Stephenson House
Level 2/140 William Street
Perth WA 6000

Mail:

Retirement Villages – Request for
Commissioner to Appoint Valuer
Consumer Protection
Locked Bag 14
Cloisters Square
Perth WA 6850

Email:

Email your completed application
with clearly labelled attachments to:
consumer@lgirs.wa.gov.au

Visit the website for LGIRS regional office locations:

<http://www.consumerprotection.wa.gov.au/consumer-protection-office-locations>

For more information or help filling out this form:

Email: consumer@lgirs.wa.gov.au

Call 1300 30 40 54 on weekdays from 8.30am to 4:30pm.

Visit: www.consumerprotection.wa.gov.au/retirement-villages