Information sheet – retirement village operators

Residence rules

Residence rules are defined under the Retirement Villages Act 2016 (SA) (the Act) to mean ‘the rules with which residents of a retirement village are expected by the operator to comply.’ The Retirement Villages Regulations 2017 (SA) (the Regulations) outline the matters which residence rules must at least address.

All residents must be provided with a copy of the village's residence rules before they enter into a residence contract (section 22 of the Act). Residents must also be provided with a copy of the residence rules applicable to the village on request (section 42(1)(b) of the Act).

Under Regulation 15 the residence rules must relate to the use of the retirement village to ensure the enjoyment of the retirement village by all residents. Residence rules must at least address the following:

- visitors to the retirement village or a residence in the retirement village, including visitors who stay in a residence in the retirement village overnight or on a short or long term basis
- noise within the retirement village
- the parking of vehicles within the retirement village
- the collection and disposal of rubbish
- pets
- gardens and landscaping within the retirement village
- the use and operation of services and facilities in the retirement village (including restrictions on the use and operation of services).

Having clearly written residence rules can help to ensure that all residents understand their rights and obligations in relation to living in a retirement village. Rules can also assist in avoiding unnecessary disputes as well as providing a reference point should a dispute arise.

Under the Regulations, Schedule 1, Operator and Residents Code of Conduct, residents must comply with the residence rules and an operator must take reasonable steps to ensure that residents comply with residence rules.

As set out in Clause 6(2) of the Code of Conduct changes to residence rules can only occur with consultation of all residents and if an alteration is made to residence rules the operator must issue an amended set of the rules to every resident (see section 42(2) of the Act). Operators must also be aware that residence rules that are harsh or unconscionable are void under the Act (section 41).

Following is an example of residence rules which you might like to adapt to suit your own village.

Disclaimer: In developing this information sheet, every effort has been made to ensure that the information reflects the intent of the legislation and/or represents examples of best known practice. The information contained in these resources does not constitute legal advice. The Office for the Ageing recommends that you seek your own legal advice should you require interpretation of the legislation.

For more information
Office for the Ageing
Department for Health and Ageing
PO Box 196, Rundle Mall Adelaide 5000
Telephone: (08) 8204 2420
Email: retirementvillages@sa.gov.au

© Department for Health and Ageing, Government of South Australia. All rights reserved. FB: 17154.4-11 January 2018.
These following rules have been made to maintain a peaceful, comfortable and enjoyable village environment for all residents, staff, visitors and guests.

1. Definitions

In the following rules

a) **we, our** and **us** means the operator of the village, and includes employees, agents or representatives of the operator, and

b) **you** and **your** apply to any resident of the village, and

c) **common areas** means any part of the village other than the residences (eg community centre, gardens).

2. Visitors and guests

We encourage residents to keep links with relatives, friends and other people from outside the village. Visitors or short-stay guests are welcome any time, and there is no need for you to get our consent or let us know they are coming. A visitor or short stay guest is somebody who visits during the day or stays overnight for up to 10 calendar days.

You are asked to obtain consent from us if you would like to have a guest live with you on a temporary basis.

A guest is somebody, other than a new spouse or de facto (see your residence contract), who intends to stay for more than 10 calendar days. We will not unreasonably refuse such a request.

You must take all reasonable steps to see that your visitors or guests (including tradespeople) comply with the residence rules.

**Please note:** Any visitor or guest who seriously or repeatedly breaks the rules may be asked to leave the village immediately.

3. Noise

As with any other residential complex, a level of noise within the village is to be expected. However, you must not make any noise likely to unreasonably interfere with the quiet enjoyment of others in the village. This rule applies whether you are inside your residence or in common areas.

When listening to music or a radio, or playing computer games, or watching television, you should not have the volume turned high enough to be heard from outside your residence. Residents with hearing difficulties are encouraged to use headphones or other aids.
4. Parking

As parking spaces are limited within the village, you may park a vehicle only in your own garage, driveway, carport or other parking area allocated specifically to you. You must not park or stand a vehicle on any other part of the village.

This rule does not prevent you from stopping to allow passengers to get out of or enter your vehicle. However, under no circumstances may a vehicle be parked or driven on grassed areas. In this rule ‘vehicle’ means a car, caravan, trailer, boat or other motorised vehicle.

In the interests of safety, drivers within the village must obey speed limits and other traffic signs at all times.

‘Visitor parking’ spots are available for use only by visitors, tradespeople, visiting doctors, emergency vehicles or other people just visiting the village. They are not to be used by residents, guests staying overnight or longer, tenants or staff (delete if there is no ‘visitor parking’).

5. Pets

Note: No single model applies to pets. Select option A, B or C.

Option A – no dogs or cats allowed

You may keep fish or a small caged bird (eg a canary, budgerigar) in your residence at any time, without the need to let us know or get our consent. For the safety of other residents, no other animals (including cats or dogs or larger birds such as galahs) are to be kept in your residence or brought into the village.

Option B – cats permitted but no dogs

We recognise the important role pets play in the lives of many older people. You may keep fish or a small caged bird (eg a canary or budgerigar) in your residence at any time, without the need to let us know or get our consent.

Cats

If you want to keep a cat as a pet you must obtain our prior consent. We will consider each case on its merits, and we will not unreasonably refuse such a request. If we permit you to keep a cat, it must be de-sexed, kept inside your residence after dark and wear a bell on a collar at all times. Cats are not allowed in any other building or any enclosed common area in the village.

If we permit you to keep a cat, you must ensure that you comply with the Dog and Cat Management Act, 1995. We may revoke our permission only if your cat creates an unreasonable noise or nuisance, attacks or threatens people or other animals within the village, causes damage to village property, or if the rules set out above are broken.

You must appropriately wrap and dispose of any cat litter or pet waste in your own bin and not put in communal bins.
Dogs

For the safety of other residents, dogs must not be kept as pets or brought into the village.

Option C – cats and dogs permitted

We recognise the important role pets play in the lives of many older people. You may keep fish or a small caged bird (e.g., a canary or budgerigar) in your residence at any time, without the need to let us know or get our consent.

If you want to keep a cat or a dog as a pet, you must obtain our prior consent. We will consider each case on its merits, and we will not unreasonably refuse such a request. Known dangerous breeds of dogs, will not be allowed.

If we permit you to keep a cat or dog, you must ensure that you comply with the Dog and Cat Management Act, 1995. Additionally, cats must be kept inside your residence after dark and wear a bell on a collar at all times. Dogs must be kept on a leash or under effective control when in common areas.

Regardless of these requirements, cats and dogs are not allowed in any other building or any enclosed common area in the village.

If we permit you to keep a pet, we may withdraw our permission only if your pet creates an unreasonable noise or nuisance, attacks or threatens people or other animals within the village, causes damage to village property, or if the rules set out above are broken.

You must appropriately wrap and dispose of any pet waste in your own bin and not put in communal bins.

Pet waste in communal areas must be disposed of immediately.

Where the village does not allow dogs or cats

Our village has a ‘no dogs or cats allowed’ policy. However, we recognise the important role pets play in the lives of many older people and if we allow you to bring your dog or cat into the village, we do so on the understanding that

- it is kept in accordance with . . . . (insert the policy that will apply, e.g., Option C.) and
- on its death, the following policy will apply . . . . (e.g., Option A).

6. Gardening and landscaping

The state of the grounds is important to the overall appearance of the village for residents and visitors. It is our responsibility to maintain all the lawns and gardens on common areas in a presentable condition.

However, if you want to assist, such as by watering or weeding the common area near your residence, you are welcome to do so. You must not prune or remove plants, take cuttings or pick flowers from the common area gardens without our consent. You must not use any part of common areas as your own garden without our consent. If we give consent, it is your responsibility to keep the area in a presentable condition, until you tell us you are no longer able or willing to garden.
If your residence has its own garden, it is your responsibility to keep it in a presentable condition. Care should be taken when buying new plants for your garden. You must avoid plants that grow rapidly or commonly cause allergic reactions. Trees, shrubs or vines with the potential to grow in excess of 2 metres (that is approximately 6ft 6in) in height must not be planted without our consent.

7. The collection and disposal of rubbish

For health and safety reasons, you must ensure that your garbage is securely wrapped before placing it in a bin.

You must not litter or leave rubbish on village property, other than in the bins provided.

Under no circumstance is the burning of garden waste permitted within the village.

Any pet waste must be appropriately wrapped and deposited in your own bin and not put in communal bins.

You are responsible for placing your rubbish bins in the allocated area for collection. We will provide residents with a copy of the current rubbish collection schedule.

8. Common area restrictions

The common areas are provided for the use and enjoyment of all residents. Signs posted on common areas, about such matters as hours of use, form part of these rules and must be obeyed.

You must not place objects which obstruct or permit obstruction of walkways, entrances, stairways, corridors, fire escapes, lights, windows or other parts of the common areas (for example, pot plants, hoses, brooms, rakes and other items may present a hazard if left on common areas).

When in common areas you and your visitors and guests must be adequately clothed and must not use language or behave in a manner likely to cause offence or embarrassment to another person.

Smoking is not permitted in any building other than your residence or designated areas. It is our job to maintain and clean the common areas. You may assist by sweeping or vacuuming the pathway or corridor immediately outside your residence.

You must not use any part of the common areas as your own garden without our consent.

9. Use and operation of services and facilities

In addition to the common areas provided for your use and any services and facilities, including services and facilities specific to you which are outlined in your residence contract, the following services and facilities are available for your use:

- Community centre
- BBQ area and gazebo with outdoor furniture
- Bowling green
These facilities and services are for the enjoyment of all residents and the rules relating to the use of common areas should also be observed.

Residents shall not permit children to play in common areas or common facilities unless accompanied by an adult exercising effective control.

Community centre

There is a community centre available for the use of all residents. You are able to reserve one of the rooms in the community centre for a private function, such as a birthday party, however you must seek permission from village management to make the booking. Approval is at the discretion of management but will not be unreasonably withheld.

BBQ area and Gazebo with outdoor furniture

A BBQ area and gazebo is available for the use of all residents. You should clean the BBQ after use and dispose of all rubbish in the bins provided.

Bowling Green

The Bowling Green is available for use of residents through the Bowling Club or social bowling activities which will appear in the monthly social planner. When using the bowling green we ask that you treat it with care by observing the following rules:

- Flat soled shoes, socks or bare feet only on the playing surface
- Do not sit on the surrounding edge of the green
- Do not drop your ball when playing
- Smoking, drinking and eating are not permitted on the playing surface
- Driving is not permitted by players who are not members of the Bowling Club.

10. External appearance of residences

We respect your right to privacy and autonomy over your possessions and domestic affairs. However, you must only hang washing, towels, bedding, clothing or other articles in the rear/side areas of your residence (or areas designated for this purpose).

In the interests of safety, you must not place objects which may fall, such as pot plants, on any ledge, sill or elevated surface.

11. Internal appearance of residences

We expect that your residence will be kept clean and tidy to our reasonable satisfaction.
12. **Village security**

   It is our job to ensure that the village is generally secure. In particular, we will maintain locks or other security devices provided to ensure your residence is reasonably secure.

   You must not change locks on doors without our approval.

   You must not interfere with the self-closing mechanisms of exterior doors that are designed to maintain security.

   To help prevent theft, you must ensure that all windows, doors and other openings are closed and securely fastened when your residence is not occupied.

13. **Emergencies**

   You must familiarise yourself and any visitors with the village’s emergency/evacuation procedures. If the emergency alarm sounds or you are advised to evacuate your residence, you must follow the village procedures.

   In the event of an emergency, it is important for us to know who should be in the village. Consequently, you should advise us if you intend to be absent from your residence for an extended period of time. An extended period of time is . . . .

   You are also required to advise us of a contact person. In the event of sudden illness or medical emergency, we may engage medical assistance or arrange for an ambulance to transfer you to a hospital (at your expense). In either circumstance, we will advise your nominated contact person.

14. **Important notes about these rules**

   It is our job to enforce the rules fairly and equitably.

   If you believe that a rule is harsh or unconscionable (Retirement Villages Act 2016, section 41), you should, in the first instance, discuss your concerns with us and/or attempt to resolve any matter according to the village’s dispute resolution process.

   If you do not comply with these rules, we may apply to the South Australian Civil and Administrative Tribunal for an order that you comply or, in serious or persistent cases, an order to terminate your right of occupation.

   From time to time, we may amend these rules in consultation with residents. When this occurs, an amended set of rules will be issued to you.