

Premises condition report and vacated premises report

Section 23 of the *Retirement Villages Act 2016* (SA) (the Act) requires that a premises condition report be provided to a resident not more than 10 business days after a person enters into occupation of a residence in a retirement village. For the purposes of the Act, a person enters into occupation of a residence on the day on which the person's right of occupation arises (whether or not the person chooses to exercise the right on that day)(section 4(2)(a)).

Under Regulation 16 of the Retirement Villages Regulations 2017 (SA) (the Regulations) you must complete a vacated premises report not more than 10 business days after the resident ceases to reside in a residence in a retirement village. Section 4(2) of the Act defines when a person is taken to have ceased to reside in a retirement village and when a person will have been taken to have delivered up vacant possession of a residence.

The premises condition report and vacated premises report are simply a record of the state of the residence, and do not cover the issue of who is responsible for repair or replacement of items or when they will be repaired or replaced. You are required to record these details in the residence contract (section 20(2)(d)). The contract should specify who is responsible for refurbishment costs such as re-painting, carpet replacement, kitchen upgrades and so on.

When the resident takes up occupation of their residence

The purpose of the premises condition report is to record the condition of the residence at the time the resident takes up occupation in a residence. This should be used as a document to compare with the condition at the time a resident ceases to reside in a residence. By keeping good records of the condition of the premises, there is less likelihood of disputes at the end of the occupancy.

You must complete the premises condition report within 10 business days of the resident entering into occupation of the residence. Section 23 of the Act requires you to record the condition of the fixtures, fittings and furnishings provided in the residence in writing. The report must be signed by you (or on behalf of you) and by the resident.

If possible it can be helpful if the premises condition report is completed before the resident moves their belongings into the residence as it is easier to see the condition of the property when it is empty. Although it is not required, it is also a good idea to take photographs of the residence, particularly any areas which may be the subject of dispute. Photographs on their own are not sufficient to satisfy the requirements of the Act.



When the resident ceases to reside in a residence

Within 10 business days of a resident ceasing to reside in a residence in a retirement village, you must complete a vacated premises report under Regulation 16. This records the condition of the residence at the time the resident ceased to reside, and should be compared to the premises condition report from when the resident took up occupation. The report must be signed by you and, if it is reasonably practicable, by the resident or their representative.

The premises condition report and the vacated premises report indicate whether there is any wear and tear or damage to the property. This will assist in determining responsibility for costs for any repair, replacements or refurbishment in the residence in accordance with the residence contract. An example of a premises condition report/vacated premises report is on the following pages. The example can be altered to accommodate different rooms and facilities as required.

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. Office for Ageing Well recommends that you seek your own legal advice should you require interpretation of the legislation.

For more information:

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Government of South Australia
SA Health

Premises condition report and vacated premises report

Retirement Villages Act 2016 (SA) (section 23) and Retirement Villages Regulations 2017 (SA) (Regulation 16)

Residence: Address of residence

The premises condition report reflects the condition of the premises at the time a resident(s) takes up occupation of a premises. We are required to complete this report within 10 business days of a resident entering into occupation. The report must be signed by the resident and the operator or a representative of the operator.

The vacated premises report reflects the condition at the time a resident(s) ceases to reside in a residence. We are required to complete the vacated premises report within 10 business days of a person ceasing to reside in a residence.

For information about responsibility for the cost of repair and replacement of fixtures, fittings and furnishings in the residence during your occupation refer to Clause x.x of the residence contract. For information about responsibility for the cost of repair and replacement of fixtures, fittings and furnishings when you cease to reside refer to Clause x.x of the residence contract.

Describe premises condition. Include general condition and if there is any damage.
You may want to use a code to indicate the condition of the premises. For example,
 C = clean D = dirty F = fair G = good B = broken/damaged S = scratched/marked
 N = not working

	Premises condition report: Condition and comments at occupation	Vacated premises report: Condition and comments when resident has ceased to reside
	Date of inspection: .../.../....	Date of inspection:/..../...
KITCHEN		
Walls		
Doors/doorway frames		
Windows/screens		
Ceiling/light fittings		
Blinds/curtains		
Lights/power points		
Skirting boards		
Floor coverings		
Cupboards/drawers		
Benchtops/tiling		
Sinks/taps		
Stove tops/hot plates		
Oven/griller		

Exhaust fan/range hood		
Dishwasher		
Other		
LOUNGE ROOM		
Doors/doorway frames		
Ceiling/light fittings		
Blinds/curtains		
Lights/power points		
Skirting boards		
Floor coverings		
Other		

Signed at occupation

Resident

Date

Signed

Operator

Date

Signed at end of occupation

Resident (or representative)

Date

Signed

Operator

Date