

Guide to the time cap on recurrent charges – residential premises permanently vacated ON/AFTER 1 April 2014

1. Is the village a lease/licence retirement village?

NO

Time caps do not apply

YES

2A. Was the residence contract entered into before 1 April 2014?

YES

NO

3A. Is the former resident deceased?

2B. The residence contract was entered into on or after 1 April 2014

YES

NO

YES

3B. Is the former resident deceased?

YES

NO

Liability ceases from the earliest of:

- a new resident becomes liable to pay charges; or
- the former resident being paid their premium; or
- **six months** after the later of the administering body being given:
 - **evidence of death**; or
 - the residential premises being **permanently vacated**.

Liability ceases from the earliest of:

- a new resident becomes liable to pay the charges; or
- the former resident being paid their premium; or
- **six months** after the residential premises being **permanently vacated**.

Liability ceases from the earliest of:

- a new resident becomes liable to pay charges; or
- the former resident being paid their premium; or
- **three months** after the later of the administering body being given:
 - **evidence of death**; or
 - the residential premises being **permanently vacated**.

Liability ceases from earliest of:

- a new resident becomes liable to pay the charges; or
- the former resident being paid their premium; or
- **three months** after the residential premises being **permanently vacated**.

Definitions:

Permanently vacated means:

- the resident must give the administering body (or the village manager) written notice of the resident's intention to vacate the premises if this is a requirement of the residence contract; and
- and the resident or their representatives have removed the resident's goods and belongings from the residential premises; and
- and the resident has ceased to reside in the residential premises; and
- and the right to exclusively occupy the residential premises has been given up by returning the keys to the premises to the administering body or village manager.

Evidence of death means:

- (a) evidence of the grant of probate or letters of administration; or
- (b) other evidence that the administering body accepts as evidence of the former resident's death.