

[www.retirementvillages.govt.nz](http://www.retirementvillages.govt.nz) | 0800 268 269

Email your completed form to: [retirementvillages@companies.govt.nz](mailto:retirementvillages@companies.govt.nz)

or post to: Registrar of Retirement Villages, Private Bag 92061, Victoria Street West, Auckland 1142

## Application for exemption from requirement for statutory supervisor

Section 41(2)(a) Retirement Villages Act 2003

Name of village

Registration number

Please exempt:

(Name of operator of the village)

from appointing a statutory supervisor for the village, as the appointment is unnecessary for the protection of residents' interests or is undesirable.

The following information and attachments support this application:

**NOTES** — See the attached guidance notes for full details of what you must provide in your application.  
Continue on a separate sheet if necessary.

### Signed by each operator of the village

**NOTE** — Continue on a separate sheet if necessary.

Name of operator:

Date signed:

Signed: .....

### Contact details of person completing this form

Name:

Address:

Email address:

Telephone number:

Fax number (optional):

## Guidance notes — Application for exemption from requirement for statutory supervisor

- › [Retirement Villages Act 2003](#) — New Zealand Legislation
- › [Retirement Villages \(General\) Regulations 2006](#) — New Zealand Legislation

### 1. Checklist for all exemption applications

What you must provide with your application	Existing village	New village
A completed application for exemption from requirement for statutory supervisor (Form RV5)	Yes	Yes
A full legal description of the part of the property, building or premises comprising the village, together with copies of any records of title, plans, deeds, licences or other documents evidencing that description.	Yes	Yes
<p>Details of the ownership structure of the village (or the intended ownership structure) including:</p> <ul style="list-style-type: none"> <li>› the legal nature of the operator (e.g. individual, company, charitable trust)</li> <li>› any underlying freehold or other tenure interest (if any) in the village that is retained by the operator</li> <li>› the nature and extent of any registered or unregistered encumbrances, mortgages or security interests affecting the interests retained by the operator, and the amounts and maximum amounts of any monies secured and able to be secured under them.</li> </ul> <p>This information should be set out in your disclosure statement — Regulation 14.</p>	Yes	Yes
<p>Details of the type of occupancy rights offered to residents of the village, or to be offered to intending residents of a new village. For example,</p> <ul style="list-style-type: none"> <li>› freehold or leasehold titles</li> <li>› cross-lease titles</li> <li>› unit titles</li> <li>› lease</li> <li>› licences to occupy</li> <li>› residential tenancy agreements or</li> <li>› other form of occupation agreement.</li> </ul> <p>This information should be set out in your disclosure statement and the occupation right agreement — Regulations 7 and 14.</p>	Yes	Yes
<p>Details of any consideration paid (or to be paid) by residents for their occupation right, whether it be —</p> <ul style="list-style-type: none"> <li>› a lump sum payment or deduction,</li> <li>› a contribution or a payment in kind in any form,</li> <li>› a periodic payment or deduction, or</li> <li>› a combination of payments and deductions.</li> </ul> <p>This information should be set out in your disclosure statement — Schedule 2 of the Act.</p>	Yes	Yes
Full financial statements of the village and the operator, and if the village is part of a wider legal ownership structure, of all related entities. Financial forecasts for new villages.	Yes	Yes
<p>Details of the nature, resources and business history of the operator and manager (if different) including —</p> <ul style="list-style-type: none"> <li>› an up-to-date CV or profile for each person involved in the operation and management of the village</li> <li>› a description of each person's role in the operation and management of the village</li> <li>› details of the skills, experience, resources and qualifications of the operator/manager, and</li> <li>› evidence of the character of the operator/manager.</li> </ul>	Yes	Yes
Details of the professional indemnity insurance cover held by the operator.	Yes	Yes

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### 1. Checklist for all exemption applications (continued)

What you must provide with your application	Existing village	New village
Details of the extent to which the residents of the village have or will have control of the management of the village.	Yes	Yes
Details of any plans to develop or redevelop any part of the land on which the retirement village is situated, or to acquire any contiguous land for development (if any).	Yes	Yes
Details of any plans to borrow for development or any other purpose (if any).	Yes	Yes
Details of any safeguards the operator undertakes to put in place to remove the need for the appointment of a statutory supervisor (if any). This may include details of any governance structures and procedures in place (or proposed structures and procedures) to monitor and manage the financial affairs of the village or details of any professional qualifications and/or experience the operator, manager or any other employees have which is relevant to the financial management and governance of the village.	Yes	Yes
Evidence that all residents (or intending residents for new villages) have been notified of the application for exemption and that all residents have been advised that they are able to directly contact the Registrar to alert the Registrar to any real current, or reasonably foreseeable risk to their interests. Please attach a copy of a letter sent to each resident advising them of the application.	Yes	Yes
A copy of the — <ul style="list-style-type: none"><li>› proposed occupation right agreement and disclosure statement for new villages or</li><li>› amended occupation right and disclosure statement for existing villages.</li></ul>	Yes	Yes
Details of the operational record of the village including details such as — <ul style="list-style-type: none"><li>› details of the village's banking arrangements, and</li><li>› details of the village's insurance cover, together with documentation to evidence that the insurance cover is current.</li></ul>	Yes	Yes
Details of the operational record of the village including details such as — <ul style="list-style-type: none"><li>› the complaints facility it has operated, and</li><li>› the minutes of its residents' meetings over the past 2 years.</li></ul>	Yes	N/A

### 2. For existing villages renewing an exemption also include the following

Confirmation that—

- ☐ The conditions of the previous exemptions have been met.
- ☐ The grounds on which the original exemption was granted haven't changed.  
If any of those reasons have changed, please provide as much detail as possible.
- ☐ No complaints or objections have been received by the operator from residents that would affect the application for exemption.

#### Note

The Registrar may seek any additional information which is considered necessary to assist in making the decision.