



Tenants' Union
of Queensland Inc

Renting in Queensland



In Queensland, most people who rent their home are covered by the **Residential Tenancies and Rooming Accommodation Act 2008** ('the Act'). The Act sets out your rights and responsibilities as a tenant or resident and the rights and responsibilities of your lessor, agent or provider (the person you rent from).

The Act

In Queensland the *Residential Tenancies and Rooming Accommodation Act 2008* sets out your rights and responsibilities when you rent a place. The Act applies if you rent from a lessor, agent or provider, or rent social housing from the government, or a community organisation.

Different rules may apply depending on the type of accommodation you rent.

Residential tenancy provisions apply to tenants who rent general premises (a house or unit), or rent moveable dwelling premises (a caravan or caravan site). Rooming accommodation provisions apply if you are a resident and rent a room in rooming accommodation where you share facilities. In some cases the Act also has sections that apply to prospective tenants and residents.

For more information see 'Who is covered by the Act?' at the end of this Tenancy Facts.

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Your tenancy agreement

Before you rent a place, your lessor, agent or provider must give you a written agreement that meets the requirements of the Act (the only exception is an agreement for a short tenancy in a moveable dwelling park).

If the lessor, agent or provider fails to give you a written agreement, they are in breach of the Act. If you are not given a written agreement the Act will still apply to your tenancy.

All agreements must include standard terms, such as the name and contact details for each party, the address of the premises, how much rent you pay and any terms of the agreement. Your lessor or provider must not include any extra terms or clauses in the agreement that contradict what the Act says.

The RTA provides standard agreement forms. The type of agreement that applies to you will depend on the type of accommodation you rent.

In residential tenancies if you rent a house or a unit the General Tenancy Agreement (Form 18a) will apply. If you rent in a caravan park you will have a long tenancy moveable dwelling agreement and the Moveable Dwelling Tenancy Agreement (Form 18b) will apply.

If you move into a caravan park and intend to stay less than 42 days, you and the lessor can agree to have a short tenancy moveable dwelling agreement and can make a 'short tenancy statement' to this effect. Some provisions of the Act do not apply to short tenancy agreements and this agreement can only be extended once for an additional 42 days.

In rooming accommodation providers and residents have the option to sign either a Rooming Accommodation Agreement (Form R18) or a General Tenancy Agreement (Form 18a). If you sign a General Tenancy Agreement you will be covered by the parts of the Act that apply to residential tenancies.

Tenancy Facts are published by the Tenants' Union of Queensland to assist tenants and residents. Tenancy Facts are available from your local tenant advice service, or online at www.tuq.org.au

Who's who? A **lessor** is the person who gives a **tenant** the 'right to occupy' a residential premises under the Act. Lessors often employ real estate **agents** to work on their behalf. A **provider** is a person who provides rooming accommodation to **residents**.

The Residential Tenancies Authority (RTA) is the government authority that oversees tenancy laws in Queensland. Tenancy forms are available from the RTA, online at www.rta.qld.gov.au or from tenant advice services. Some forms are available at the post office.

The Tribunal refers to the Queensland Civil and Administrative Tribunal (QCAT), which hears tenancy disputes. To find your local Tribunal visit www.qcat.qld.gov.au or call QCAT on 1300 753 228.





Renting in Queensland

Starting a tenancy

At the start of your tenancy, the lessor, agent or provider must:

- Give you a written tenancy agreement (this is optional for short moveable dwelling agreements).
- Give you a copy of the RTA information booklet that applies to your tenancy (not required in rooming accommodation).
- Give you a receipt if you pay a bond and lodge your bond money with the RTA within 10 days.
- Give you a prepared Entry Condition Report to comment on, sign and return. You must use this form to record the condition of the premises when you move in. Keep a copy for your records. This form is important evidence if you have a bond dispute at the end of your tenancy. Entry Condition Reports are not required for short tenancy movable dwelling agreements, or rooming accommodation agreements where no bond is taken.
- Give you a copy of the park rules, if you are living in a moveable dwelling park.
- Give you a copy of any by-laws that apply to your tenancy.

During your agreement

You must:

- Pay the rent according to your agreement.
- Keep the premises clean, having regard to their condition at the start of the tenancy.
- Repair any damage you or your visitors cause.
- If you live in a moveable dwelling park, keep your premises in a manner that does not detract from the standards of the park.
- Not cause a nuisance to neighbours or disturb other tenants or residents.
- Be responsible for the behaviour of your visitors.
- Get written permission if you wish to install fixtures or make changes to the premises.
- Get written permission if you wish to sub-let to another tenant.

Your lessor, agent or provider must:

- Ensure premises are clean and in good repair when you move in.
- Ensure the premises are reasonably secure.
- Ensure premises are fit to live in and kept in good repair.
- If there is a common area, ensure it is kept clean.
- In a moveable dwelling park, ensure common facilities are in good repair.
- Follow the rules for entry and respect your privacy. The Act sets out reasons for entry and notice requirements.

See the *Entry and Privacy Tenancy Facts* for more information.

Ending your agreement

- If you want to move out, you must give your lessor, agent or provider written notice – for more information see the *You Want to Leave Tenancy Facts*.
- If your lessor, agent or provider wants to end your agreement, they must give you written notice – see the *Lessor Ends Your Tenancy Tenancy Facts*.
- If you receive a Notice to Leave but fail to leave by the handover day, the lessor or agent cannot self-evict you but must apply to the Tribunal for an order to remove you from the premises (this does not apply in rooming accommodation).
- In certain circumstances, you or the lessor can apply directly to the Tribunal for an urgent order to terminate the tenancy.
- When you move out, you must leave the premises clean and in a similar condition to when you moved in.
- You are not responsible for fair wear and tear of the premises. The lessor or provider is responsible for this.
- When you move out, you can use a Refund of Rental Bond form to apply to the RTA for a refund of your bond money.

Resolving disputes

If you have a dispute consider the following options:

- Talk to your lessor, agent or provider and see if you can negotiate a solution. If you reach an agreement, put it in writing.
- Seek advice from a tenant advice service about how the Act applies in your situation.
- Write to your lessor, agent or provider to explain the problem and suggest a solution.
- If your lessor, agent or provider is in breach of the agreement, you can give them a Notice to Remedy Breach form that asks them to fix the problem by a due date.
- If you breach the agreement, the lessor, agent or provider can give you a Notice to Remedy Breach form that asks you to fix the problem by a due date.
- If you get a breach notice from your lessor, agent or provider, it is important to fix the problem by the due date or respond in writing if you don't agree with the notice.
- If you cannot solve a dispute, you can use a Dispute Resolution Request form to apply to the free RTA Dispute Resolution Service for conciliation to resolve the dispute.
- If you cannot resolve a dispute through the RTA Dispute Resolution Service, consider applying to the Tribunal for an order.
- Under the Act some Tribunal applications are urgent and you can apply directly to the Tribunal without first applying to the RTA Dispute Resolution Service.

Some sections of the Act have offence provisions. Failing to comply with the requirements of these sections is an offence. The RTA can investigate complaints about offences and can prosecute and fine people who do not comply with the Act.

Who is covered by the Act?

Private residential tenants

The Act covers tenants who rent a house or unit (or similar type of accommodation) from a lessor or a real estate agent (who acts on behalf of the lessor). This also includes tenants who are:

- Sub-tenants of a tenant.
- Under 18 years of age.
- Renting a room in a hotel or motel if it is not for holiday purposes.
- Occupying the premises as part of employment conditions.
- Renting for more than 13 continuous weeks in premises provided under the Supported Accommodation Assistance Program (SAAP).

Moveable dwelling tenants

The Act covers moveable dwelling tenancies. It applies if you rent a caravan or mobile home. It also applies if you own a caravan and rent the site. The Act does not apply to owner-occupiers in mobile homes who are covered under the *Manufactured Homes (Residential Parks) Act 2003*.

Social housing tenants

The Act covers social housing tenants. These include tenants in public housing managed by the Department of Communities (Housing and Homelessness Services) and tenants who rent from a community housing provider. Government and community housing providers are exempt from some parts of the Act. Additional policies may also apply to things like eligibility, how rent is calculated and who can live in the property.

Rooming accommodation

The Act covers residents in rooming accommodation who pay rent to occupy one or more rooms. In rooming accommodation residents usually share facilities such as bathrooms, kitchens and common areas. If the person you rent from also lives in the premises then the Act will apply if there are four or more rooms available for rent.

All rental bonds

All rental bonds are covered by the Act and all bond money must be lodged with the RTA. This includes bond money paid for residential accommodation, such as boarding, lodging and student accommodation, which is not otherwise covered by the Act.

When you pay a rental bond you must be given a receipt as evidence of this payment. You and the person you pay bond to should complete and sign an RTA Bond Lodgement form, which records your signature and details of your bond payment. The person you pay bond to must lodge this form and your bond money with the RTA. Failure to lodge a bond with the RTA is a serious offence against the Act.

Some definitions

Tenant

A tenant is a person who is given permission to occupy a residential premises as their home under a residential tenancy agreement. A tenant also includes the sub-tenant of a tenant.

If a tenant rents out all or part of a residential premises to a sub-tenant, the head tenant has obligations like a lessor. Head tenants must have written permission from their lessor before they can sub-let or transfer the premises to another tenant or sub-tenant.

Lessor or agent

A lessor is the person who gives the tenant a 'right to occupy' a residential premises under a residential tenancies agreement. Lessors often employ an agent to manage the tenancy on their behalf. The agent therefore stands in the place of the lessor, taking on most of their rights and responsibilities.

Resident

A resident is a person who pays rent to occupy one or more rooms in rooming accommodation.

Provider

A provider is a person who provides rooming accommodation to residents.

The Residential Tenancies Authority (RTA)

The RTA is the State Government Authority that oversees tenancy laws in Queensland. The RTA provides services for tenants, residents, lessors, providers and agents.

RTA services include:

- Tenancy publications and standard tenancy forms
- Telephone information service
- A free Dispute Resolution Service
- The RTA holds and refunds rental bonds
- The RTA can investigate offences against the Act

Need to contact the RTA? Visit www.rta.qld.gov.au or call 1300 366 311

It's a good idea to keep everything about your tenancy in writing. Keep a copy of all correspondence and any forms you fill out.

Who is not covered by the Act

The Act does not apply to:

- People who rent holiday premises for holiday purposes.
- Approved supported accommodation for the first 13 weeks.
- Hospitals, nursing homes and some refuge accommodation.
- People covered by the *Retirement Villages Act 1999*.
- Owner-occupiers of mobile homes covered by the *Manufactured Homes (Residential Parks) Act 2003*.
- Headlease agreements for approved supported accommodation, affordable housing agreements or government employee housing.
- Accommodation subject to rehabilitation orders by the Drug Court.
- Rental purchase plans or tenancies for less than 28 days arising from a sale contract.
- Accommodation provided by Aboriginal Hostels Limited.
- Rooming accommodation provided under the *Aged Care Act*, the *Mental Health Act*, or in a private hospital under the *Private Health Facilities Act*.
- Accommodation for school students arranged/provided by the school or the education department.
- Students in on-campus accommodation provided by a University or non-profit organisation (though any bond must be lodged with the RTA and is covered by the Act).
- Lodgers who rent rooms in private accommodation (though any bond is covered by the Act).
- Boarders who rent a room from a provider who has less than four rooms available for rent (though any bond is covered by the Act).

Not sure whether the Act applies to you?

If you are unsure about whether you are covered by the Act, you may wish to contact a tenant advice service for information and assistance. You can apply to the Tribunal for an urgent hearing to clarify your tenancy status.

Tenancy Facts

The Tenants' Union of Queensland provides information and advice to tenants about their rights and responsibilities under the Act. Information produced by the Tenants' Union is available in print and online at www.tuq.org.au

Tenancy Facts include:

1. Renting in Queensland
2. starting a tenancy
3. rental bonds
4. rent and other charges
5. entry and privacy
6. repairs and maintenance
7. you want to leave
8. lessor ends the tenancy
9. resolving tenancy disputes
10. tenancy databases

Further help

Tenants' Union of Queensland

The Tenants' Union is a statewide organisation that provides free advice services, and represents the interests of tenants and residents in Queensland. The Tenants' Union aims to improve and protect the rights of all people who rent their home. www.tuq.org.au

Tenant advice service

Statewide: 1300 744 263
9am–4pm Mon–Fri and till 7pm Tue and Wed

Fraser Coast: 9am–1pm Mon–Fri

North Qld: 2pm–5pm Tue and Thur

(Note: Tenants calling from Fraser Coast or North Queensland will be put through to those offices during listed advice hours)

The Tenants' Union of Queensland is an independent community organisation funded under the Department of Communities TAAS Program from interest on tenant bond money managed by the RTA. The Tenants' Union acknowledges RTA funding for this project.

Tenant Advice and Advocacy Services (TAAS)

Tenants and residents can contact their local TAAS service for tenancy advice, advocacy and support. Look under 'T' in the phone book for your local TAAS.

Residential Tenancies Authority (RTA)

The RTA is the government authority that oversees renting laws in Queensland. The RTA provides information and services for tenants, lessors, agents, providers and residents. RTA forms are available from Australia Post Offices, online at www.rta.qld.gov.au or Ph: **1300 366 311**

Translating and Interpreting Service (TIS)

If you need an interpreter to speak with a tenant advice service call TIS Ph: **131 450**

