



Rental bonds

When you rent a place to live, you will usually be asked to pay a rental bond. In Queensland, this bond money is held by the Residential Tenancies Authority (RTA) until you move out. The rules about the payment and refund of your rental bond are set out in the Residential Tenancies and Rooming Accommodation Act 2008. When you move out if you do not leave the premises clean, are behind in the rent, or have damaged the premises, your lessor or provider may be entitled to claim money from the bond.

What is a rental bond?

A rental bond is money your lessor or provider can ask you to pay as financial security when you rent a place. In Queensland the RTA holds bond money during the tenancy and administers the bond refund at the end of the agreement.

It is not compulsory to charge a bond for residential premises. However, if a bond is charged, it must be lodged with the RTA. Bonds charged for on-campus university accommodation, or boarding or lodging accommodation, must also be lodged with the RTA, even though those types of accommodation are not covered by the Act.

For a residential tenancy, the lessor or agent cannot ask you to pay a bond, or other money for the tenancy other than a key deposit, until you are given a copy of the proposed tenancy agreement for the premises. This does not apply to room-only accommodation.

Bond receipts

The person you pay your bond to must give you a receipt as soon as they receive your bond payment. The receipt must record:

- The name and signature of the person receiving the bond
- Your name and the name of the lessor or provider
- The address of the rental premises
- The date the bond is paid
- The amount of bond paid
- If there are co-tenants, the amount paid by each tenant.

Keep your bond receipt and your other tenancy records in a safe place. The person receiving your bond must keep a copy of the receipt for at least 1 year after your agreement ends. If they do not do this, they could be fined.

Bond checklist

How to avoid problems

- Get a receipt when you pay the bond.
- The person you pay bond money to must lodge your bond with the RTA.
- Use an Entry Condition Report to record the condition of the premises at the beginning of your tenancy. Take photographs of the property as extra evidence.
- Read all documents carefully and never sign a blank or incomplete form.
- Keep copies of all rent receipts or a record of your rent payments.
- When you move out give the correct written notice before you leave.
- Leave the premises clean, similar to their condition when you moved in. Keep copies of receipts for carpet cleaning.
- Take photos of the premises before you leave.
- When you move out use an Exit Condition Report to record the condition of the premises. Give a copy to the agent or lessor.
- Return the keys when you move out.
- Notify the RTA of your forwarding address.

Use a Refund of Rental Bond form to apply to the RTA for a bond refund.

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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.

Rental bonds

Maximum bond

The maximum bond you can be charged is set out in the Act. It is an offence for the lessor, agent or provider to charge more than the maximum bond amount. If they do this, they could be fined.

For general tenancies

- If your weekly rent is \$700 or less, the maximum bond is equal to four weeks rent
- If your weekly rent is more than \$700, there is no maximum bond limit

For rooming accommodation:

- If your weekly rent is \$500 or less, the maximum bond is equal to four weeks rent
- If your weekly rent is more than \$500, there is no maximum bond limit

For moveable dwelling premises:

- where the tenancy is a long tenancy (more than 42 days) and electricity is supplied in the lessor's name and individually metered, the maximum bond is equal to three weeks rent
- In any other moveable dwelling premises, the maximum bond is equal to two weeks rent

If your lessor is also your employer and gives you a rental subsidy, the maximum bond is the greater of \$400 or the maximum bond that would otherwise apply.

Bond Increases

Your bond may be increased if your rent increases, however, you cannot be asked to pay more than the maximum amount of bond.

Bond can only be increased once in a 12 month period and you must be given at least 1 month written notice of the increase. Bond cannot be increased during a fixed term tenancy unless a term in the agreement allows for this.

If you face financial hardship because your rent is increased and you are asked to pay additional bond, you could ask the lessor or provider to let you pay the extra bond in instalments.

Release of bond

If the RTA receives an amount of bond in excess of the maximum amount they will return any extra amount to you. Rental properties must also be advertised for rent at a fixed rent. The RTA will also return the bond to you if your lessor or agent is found guilty of not advertising the rental property at a fixed price.

You should receive an official receipt from the RTA within two weeks of paying your bond.

Duty to lodge the bond

The person you pay bond to must lodge the money with the RTA within 10 days of receiving it from you. They must complete and sign a Bond Lodgement form with you and send this form to the RTA along with your bond money.

The Bond Lodgement form gives the RTA a record of the signatures for you, and your lessor, agent or provider. The RTA will check the signatures before refunding the bond at the end of the tenancy. If parties to the bond change during the tenancy you should contact the RTA to update the signature record.

When the RTA receives your bond, it will send you an official receipt. This includes your rental bond number. If you do not receive an official receipt within two weeks of paying your bond, you should contact the RTA to check that the bond has been lodged. You can contact the RTA at any time to enquire about the status of your bond.

Bond instalments

If you and your lessor, agent or provider agree, you can pay the bond in instalments. The lessor, agent or provider must forward your first instalment to the RTA with the completed Bond Lodgement form. The remaining instalments must be lodged with the RTA with a Part-Payment of Rental Bond form. The lessor, agent or provider must lodge each instalment with the RTA within 10 days of receiving it.

If your lessor receives money from the government to provide rental accommodation, they do not need to lodge each installment but must lodge the total bond within 10 days of receiving your final instalment or your agreement ending.

If you live in rooming accommodation and pay the bond in instalments, your provider must lodge your bond with the RTA within 10 days of all instalments being received or, if all the bond is not paid in three months, within 10 days of the end of the three month period, after which time each bond instalment must be lodged with the RTA within 10 days of receiving it.

If your bond is not lodged

If the person you pay bond money to does not lodge your bond with the RTA, they are committing an offence and could be fined.

You can advise the person you paid bond to that it is a serious offence and they may face a fine for failing to lodge your bond with the RTA. You can ask them to either return your bond money to you immediately, or lodge your bond money with the RTA.

If your bond is not lodged with the RTA you can contact the RTA Investigations Unit to make a complaint about this offence. You will need a bond receipt or other evidence that you have paid the bond.

You can also use a Dispute Resolution Request form to apply to the RTA Dispute Resolution Service for conciliation to resolve the dispute. If you need help you can contact a tenant advice service.

Shared tenancies

If you share the rental property with other people, you may be asked to contribute to the bond. Any bond you pay must be lodged with the RTA. If you move into an existing tenancy and pay a share of the bond, make sure you get a receipt when you pay the bond.

Co-tenancies

If you share the tenancy with at least one other person and you all sign the tenancy agreement, you are co-tenants. This means that you are individually and jointly responsible for the tenancy.

The Bond Lodgement form can record the amount of bond paid by each co-tenant. It is important that everyone who contributes to the bond signs the form. For an agreed bond refund, the same people will need to sign the Refund of Rental Bond at the end of the tenancy.

If you move into an established shared tenancy, you may be required to pay a share of the bond. You can pay the bond to a remaining tenant, or to the tenant who is leaving. The person who receives your bond must give you a receipt.

Changes to shared bonds

To inform the RTA about the changes to the bond, complete a Change of Shared Bond Arrangement form and send it to the RTA. This form must be signed by the previous tenant, the new tenant, any other tenants, and the lessor or agent. This form is the only way that the RTA can know about changes to the bond and who can claim the bond at the end of the tenancy. A Change of Shared Bond Arrangement only applies if at least one original tenant remains in the premises.

Sub-tenancies

If you are a sub-tenant renting from the head tenant, the head tenant can charge you a bond for your tenancy. The head tenant has the same responsibilities as a lessor and is required to give you a receipt, complete a Bond Lodgement form with you, and lodge the bond with the RTA within 10 days of receiving it. The parties to this bond will be the head tenant and the sub-tenant. The head tenant has all the other obligations of a lessor, including giving you a written agreement.

Boarders and lodgers

If you are a boarder or lodger (you rent a room in someone's place), you may be charged a bond. While the Act does not apply to your tenancy agreement, your bond is covered by the Act and must be treated in the same way as all other bonds. You must be given a receipt and the person you pay bond to must lodge your bond with the RTA within 10 days of receiving it, along with a Bond Lodgement form signed by you.

Never sign a blank Refund of Rental Bond form. This is like signing a blank cheque.

Bond refunds

At the end of your tenancy you can use a Refund of Rental Bond form to apply to the RTA for your bond refund. How the bond is paid out will depend on whether or not everyone agrees on the bond refund and signs the bond refund form.

If you agree on the bond refund all parties can fill in and sign the Refund of Rental Bond form and send it into the RTA. The RTA can immediately refund the bond as long as the names and signatures on the form match all those currently registered with the RTA.

If you cannot agree on the bond refund any person who is a party to the bond can complete a Refund of Rental Bond form and send it directly into the RTA. The RTA will act on the first claim form they receive and will notify the other party that a claim has been made. The RTA will hold the disputed bond amount while the parties go through the bond dispute process.

You can ring the RTA at any time to find out what is happening with your bond. When you move out it is also useful to let the RTA know your new contact details in case they need to contact you about your bond.

Agreed bond refunds

If you and the lessor, agent or provider, agree on how the bond should be refunded, you can jointly complete and sign a Refund of Rental Bond form to authorise the RTA to release the bond.

You can lodge an agreed Refund of Rental Bond form at an Australia Post Office in Queensland or post the form into the RTA. Remember to keep a copy for your records.

If everyone who signed the original Bond Lodgement form (or any subsequent change of signature forms) has signed the Refund of Rental Bond form, the RTA can pay out the bond money immediately.

On the Refund of Rental Bond form, you can nominate whether you want the RTA to refund the bond by:

- Direct credit into your bank account.
- Cheque to your forwarding address.
- Cash paid over the counter at an approved Australia Post Office (you will need photo ID).

Withdrawing a form

If you change your mind you can withdraw a Refund of Rental Bond form that you have submitted to the RTA. The RTA can only act if they receive your request before they release the bond.

If the form was jointly signed by you and the lessor, agent or provider, you must send the RTA a written request to withdraw the form. If you withdraw from a joint application, the RTA will process the form as if it had been signed only by the other party.

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Bond disputes

If you and the lessor, agent or provider cannot agree on how the bond should be refunded, either of you can complete and sign your own Refund of Rental Bond form and lodge it directly with the RTA. This is called a 'disputed' bond claim.

You can lodge a disputed bond claim with the RTA in person or by mail. You cannot lodge it at Australia Post. Remember to keep a copy for your records.

The RTA cannot process a disputed bond claim until after the tenancy ends.

If the RTA receives a Refund of Rental Bond form that has not been signed by all parties it will send the other parties:

- A Notice of Claim.
- A cheque for any undisputed amount.
- A Dispute Resolution Request form.

The RTA will release any undisputed part of the bond immediately and will hold the disputed part of the bond until the dispute is resolved.

Notice of Claim

The RTA Notice of Claim letter notifies the person that a claim has been made with the RTA for the bond. The Notice of Claim letter gives the person 14 days notice to lodge a Dispute Resolution Request form with the RTA to dispute the claim.

If the RTA does not receive a Dispute Resolution Request form within the 14 day time limit, it will refund the bond according to the first Refund of Rental Bond claim it received.

If the RTA receives a Dispute Resolution Request form within the time limit, it will provide conciliation through its Dispute Resolution Service. This service aims to help you and your former lessor, agent or provider, discuss the matter and resolve the dispute.

If you reach an agreement about the bond refund all the parties to the bond can complete and sign a new agreed Refund of Rental Bond form to immediately release the bond.

If the RTA is unable to help you reach an agreement about the bond refund it will issue a Notice of Unresolved Dispute. This notice is sent to the person who received the Notice of Claim. That person has seven days to apply to the Tribunal for a bond dispute hearing.

If the person does not apply to the Tribunal within seven days for a bond dispute hearing, the RTA will release the bond according to the first Refund of Rental Bond form it received.

For more information on the RTA conciliation process or going to the Tribunal see the Resolving Tenancy Disputes Tenancy Facts. You can also contact a tenant advice service for assistance.

Bond claims

Your lessor, agent or provider may want to claim some money from your bond. This may happen if you breach the agreement, leave the tenancy owing rent, damage the premises, or do not leave the place clean and in a similar condition to the beginning of the tenancy (fair wear and tear excepted).

You may agree with the claims against your bond. When you sign the Refund of Rental Bond form you may agree that part, or all, of the bond will be paid to the lessor, agent or provider. You can fill in these amounts on the form.

If you and the lessor, agent or provider, agree this is the only amount you owe, you should write on the form 'full and final settlement', so that there can be no further claims against you.

If all parties agree and sign the Refund of Rental Bond form and send it into the RTA, the RTA will immediately release the bond according to the amounts written on the form.

If you cannot reach an agreement you can lodge your own Refund of Rental Bond form directly with the RTA after your tenancy ends.

If you dispute the claim

If the lessor, agent or provider wants to claim all or part of your bond, and you do not agree, you should fill in your own Refund of Rental Bond and lodge it with the RTA as soon as possible.

You should also contact the lessor, agent or provider to seek details about their claim and try to negotiate an agreement. If you later reach an agreement about the bond, you can both fill in and sign a new Refund of Rental Bond form to immediately release the bond.

If you receive a Notice of Claim from the RTA, it means that the lessor, agent or provider has already lodged a claim against your bond. To dispute this claim it is important to act quickly and send a Dispute Resolution Request form to the RTA before the due date. Contact a tenant advice service if you need help.

If the RTA cannot assist you and your former lessor, agent or provider to reach an agreement, the RTA will send you a Notice of Unresolved Dispute. To proceed with the bond dispute you must apply to the Tribunal for a tenancy hearing within seven days.

At the hearing the Tribunal will examine the evidence and make a final decision about the bond refund. If you do not apply to the Tribunal within seven days the RTA will automatically release your bond according to the claim lodged by the other party.

At the end of the tenancy lodge a Refund of Rental Bond form with the RTA to claim your bond refund.

Evidence

If you have a bond dispute it is important to have evidence to show you have met your obligations as a tenant or resident. You can also request copies of evidence from the other party regarding their claims against your bond.

You can ask the lessor, agent or provider to give you copies of any receipts or other evidence they are relying on to justify their claims against you. If you are not given this information you can request copies of this evidence during the RTA conciliation process.

If you believe the lessor or provider does not have a good reason to claim all or part of your bond, you can gather evidence to dispute their claims. This evidence is important if you need to go to the Tribunal for a bond dispute hearing.

Copies of your Entry Condition Report, Exit Condition Report, photos and rent receipts can provide important evidence regarding the condition of the premises and whether your rent was paid and you left the premises clean and undamaged when you moved out.

If you paid for professional cleaning or gardening services, make sure that you keep receipts. You can also collect statements from witnesses about the condition of the place.

RTA Dispute Resolution Service

The RTA provides a free Dispute Resolution Service that can help you and your lessor, agent or provider, resolve a tenancy dispute. The Dispute Resolution Service can help you to reach an agreement about the dispute through a process of conciliation.

Conciliation can include:

- A telephone negotiation service where a conciliator will contact each party and facilitate an exchange of information or documents.
- A telephone conference between the parties with a conciliator facilitating the discussion.
- Providing information about how the Act relates to your dispute.
- Face to face conciliation conferences between the parties.

If conciliation is successful, you should ask the RTA for a written copy of the outcome. If the dispute is about a bond refund the RTA will ask all parties to fill in a new agreed Refund of Rental Bond form and send it into the RTA who will then release the bond.

If the agreement about the bond refund is in “full and final settlement of all claims” confirm this with the RTA conciliator and the other party and write this on your form.

Going to the Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) has the power to hear tenancy disputes. If the RTA cannot help you resolve a bond dispute, it will issue a Notice of Unresolved Dispute.

For bond disputes the person who receives a Notice of Unresolved Dispute has seven days in which to apply to the Tribunal for a hearing and notify the RTA. If the person does not apply to the Tribunal and notify the RTA within seven days, the RTA will release the bond to the other party, according to the first Refund of Rental Bond form they received.

QCAT application forms are available from your local courthouse or online at www.qcat.qld.gov.au. If you need help to fill out the form or prepare for a bond dispute hearing contact your local tenant advice service. If you apply for a hearing you are the “applicant”. If you are responding to a Tribunal hearing you are the “respondent”.

If you are the respondent the Tribunal will send you a copy of the claim lodged by the other party and a letter telling you the date and time of the hearing. Before you attend the Tribunal hearing gather any evidence and prepare what you will say to respond to the claim. You can also get advice from a tenant advice service.

At the hearing, the Tribunal will look at the evidence presented by each side and make a final order about the bond refund. The RTA will release the bond according to the Tribunal order.

For further information, see the Resolving Tenancy Disputes Tenancy Facts.

Bond disputes often arise at the end of a tenancy. Tenancy documents, your Entry and Exit Condition Reports, receipts and photos can provide important evidence if there is a dispute.

Abandonment and bond refunds

If the lessor or provider believes that you have abandoned the premises, they can take steps to formally end the tenancy. If the tenancy is terminated due to abandonment, the lessor or provider may also apply to the RTA for a bond refund. The RTA will send you a Notice of Claim giving you 14 days to dispute the claim. If you fail to dispute the claim within this period, the RTA will automatically refund the bond to the other party.

For more information about abandonment, see the Your Lessor Ends the Tenancy Tenancy Facts.

Bond Transfers

You can transfer all or part of your bond from one tenancy to another if everyone agrees – including your existing and your new lessor, agent or provider. You cannot transfer a bond if the lessor, agent or provider is claiming part of the bond or if you still owe money for a Bond Loan.

To transfer the bond, complete a Transfer of Bond form and send it to the RTA. The Transfer of Bond form must be signed by everyone who is registered with the RTA as a party to the bond. You will need to sign a Bond Lodgement form with your new lessor or provider, and indicate on the Bond Lodgement form that the bond is being transferred from a previous agreement.

To ensure you receive any correspondence about your bond, contact the RTA to notify them of your new address.

Bond loans

If you do not have enough money to pay a bond, you may be able to get a Bond Loan from the Department of Communities (Housing and Homelessness Services).

Bond Loans are designed to help people on low incomes meet some of the costs of renting. The Bond Loan is interest free and you gradually repay the loan during your tenancy.

Bond Loans are only available for new tenancy agreements. To be approved for a bond loan you must also meet eligibility criteria.

To apply for a Bond Loan, contact your local Housing Services Area Office. You will need to complete an application form and attend an interview. You will need to provide identification and proof of income.

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)

Disclaimer. This brochure provides information only and is not intended to provide legal advice. 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**

