



Resolving tenancy disputes

When you rent a place to live in Queensland, you have rights and responsibilities under the Residential Tenancies and Rooming Accommodation Act 2008 ('the Act'). The Act describes the process that you and your lessor, agent or provider can use to resolve any disputes.

1. Negotiate

If you have a tenancy problem, notify your lessor, agent or provider. You may be able to resolve the problem by talking with your lessor, agent, or provider, or by writing them a letter to explain the problem and the solution you are seeking. Keep copies of any correspondence. If you reach an agreement, put it in writing.

2. Notice to Remedy Breach

If your lessor, agent or provider has breached the terms of the agreement, or failed to meet their obligations under the Act, you can give them a Notice to Remedy Breach. This form asks them to fix the problem, or "remedy the breach", by the due date on the notice. Notice periods apply.

If your lessor, agent or provider gives you a Notice to Remedy Breach, it is important to remedy the breach by the due date on the notice. If you cannot remedy the breach in time, or if you dispute the breach notice, it is important to contact the lessor, agent or provider to let them know. It is a good idea to put your response in writing and keep a copy.

3. Apply to the RTA Dispute Resolution Service

If you and the lessor, agent or provider have a dispute, you can use a Dispute Resolution Request to apply to the RTA for conciliation to resolve the dispute. The RTA Dispute Resolution Service may be able to help you, and the lessor, agent or provider, to negotiate and reach an agreement. For some matters you must apply to the RTA to resolve the dispute, before you can apply to the Tribunal for a tenancy hearing. If the RTA cannot assist you to resolve the dispute they will issue a Notice of Unresolved Dispute.

4. Seek tenancy advice

When resolving a tenancy dispute it is important to have information about the Act and your rights and responsibilities. You can contact a tenant advice service for advice and assistance.

5. Apply to the Tribunal

The Tribunal has the power to hear tenancy matters and can make a range of orders to resolve tenancy disputes. Tribunal applications are either urgent or non-urgent applications. Urgent applications are defined in the Act. All other matters are non-urgent applications.

For urgent applications, you can apply directly to the Tribunal without first applying to the RTA Dispute Resolution Service. For non-urgent applications, you must first apply to the RTA Dispute Resolution Service. If the RTA cannot assist you to resolve the dispute, they will send you a Notice of Unresolved Dispute (NURD). When you lodge a non-urgent application with the Tribunal it must include a copy of the NURD.

6. Ending your tenancy

If you cannot resolve a dispute, you may want to take steps to end the tenancy and move out. To end your agreement, you will need to give written notice and follow the process set out in the Act. Notice periods will apply. If you have a fixed term residential tenancy agreement, you may need to apply to the Tribunal for an order to end your agreement. For more information see the You Want to Leave Tenancy Facts.

7. Report offences to the RTA

Failure to comply with some parts of the Act is an offence. Offence provisions include failure to lodge bond money with the RTA, unlawful entry and unlawful seizure and disposal of tenant goods. You can report offences to the RTA Investigations Unit who can investigate offences. A person who commits an offence can be fined.

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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.





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Negotiating a solution

If you have a tenancy problem, you should contact the lessor, agent or provider directly, to notify them about the problem and negotiate an agreement. It can also be helpful to write a letter explaining the problem and the solution you are seeking. Keep a copy as evidence of your request.

When negotiating, it is important to be aware of your rights and responsibilities as a tenant or resident. You can contact a tenant advice service for information and advice.

If there is a breach of the agreement

If the lessor, agent or provider has breached their obligations under the agreement, or failed to meet their responsibilities under the Act, you can give them a Notice to Remedy Breach, which asks them to fix the problem by the due date on the form. Keep a copy for your records. This form is useful evidence if you have to apply to the Tribunal for a decision about the breach.

Your Notice must give the lessor, agent or provider the correct amount of time to remedy the breach.

- Give 7 days notice in general tenancies and moveable dwellings.
- Give 5 days notice in rooming accommodation.

If you send the Notice by mail, add two business days to the notice period to allow for delivery (or longer if you live in a rural area).

If you have a dispute with the lessor, agent or provider and you reach an agreement to solve the problem, put the agreement in writing. Make sure all parties sign the agreement and keep a copy as evidence. Remember that any agreement you make with the lessor, agent or provider must not contradict the Act.

If you cannot reach an agreement, you can seek assistance from the RTA Dispute Resolution Service or apply to the Tribunal for a tenancy hearing.

Leaving because a breach is not remedied

If you have given the lessor, agent or provider a Notice to Remedy Breach but they do not fix the breach by the due date, you may want to end the agreement due to their "unremedied breach" of the agreement. You will have to give written notice to end the agreement. Time periods apply.

If you have a fixed term residential tenancy agreement and want to leave because of an unremedied breach by the lessor or agent, it is advisable to apply to the Tribunal and seek an order to end your agreement. This is an urgent application.

If you apply to the Tribunal about a breach, you can also seek a decision about a rent decrease or compensation for relocation costs if you have to move out because of the unremedied breach.

For more information see the [You Want to Leave Tenancy Facts](#).

Dispute Resolution Services

The RTA provides a free Dispute Resolution Service to assist parties to resolve tenancy disputes. If you are unable to resolve a dispute by negotiating directly with the lessor, agent or provider, you can apply to the RTA Dispute Resolution Service for conciliation to resolve the dispute.

To apply, fill in an RTA Dispute Resolution Request form and post or fax this form to the RTA. A conciliator from the RTA will then contact you to explain the dispute resolution process.

It may take a few weeks for an RTA conciliator to contact you. If you need the problem to be dealt with quickly, note this on the form or in an attached letter. It can also be useful to attach copies of letters, forms or other relevant documents.

Is conciliation required?

Under the Act, some matters are defined as urgent Tribunal applications. In these situations, you can apply directly to the Tribunal for an urgent hearing without first applying to the RTA Dispute Resolution Service.

All other tenancy matters are non-urgent Tribunal applications. This means you must first apply to the RTA for dispute resolution before you can apply to the Tribunal for a hearing.

If your matter is defined as an urgent application, you may still use the RTA Dispute Resolution Service to try to resolve your dispute before going to the Tribunal.

What is conciliation?

The RTA Dispute Resolution Service consists of a team of trained conciliators. Their role is to provide information on the Act and assist parties to resolve their tenancy dispute.

The conciliator will:

- contact each party and clarify the issues in dispute.
- help you and the lessor, agent or provider, understand how the Act applies to your situation.
- assist parties to share information, including copies of receipts, documents or other evidence.
- facilitate agreement by exchanging offers and suggesting options.

The dispute resolution process often involves a series of phone calls. In some situations, the conciliator may suggest that a teleconference or face-to-face meeting will be helpful.

Withdrawing a dispute

You can withdraw a Dispute Resolution Request at any time by notifying the RTA Dispute Resolution Service in writing. Participation in the dispute resolution process is voluntary for all parties. There are no penalties if you or the other party do not participate, or if you cannot reach an agreement. If you agree to participate, you can withdraw from the process at any time.

Confidentiality

The dispute resolution process is based on three principles:

- **Natural justice** – a process based on fairness, in which each party gets to put forward their side of the story.
- **Impartiality** – this means not taking sides, but providing direction when necessary.
- **Confidentiality** – all discussions are kept confidential between the parties, except in special circumstances as required by law. Any admissions made during conciliation cannot be used in the Tribunal or in any other court.

In some situations, the RTA may decide that a dispute is not suitable for conciliation. For example, the problem may not come under the tenancy laws. The RTA will advise you about what to do if they are unable to handle your dispute.

Who can participate in dispute resolution?

In most situations, parties must represent themselves during the dispute resolution process. However, the conciliator can let someone represent you if they agree you need representation. Corporations can also nominate a representative.

The conciliator can allow other people to be involved in the process if they are satisfied they have sufficient interest in the dispute. For example: if the dispute relates to the lessor's consent to sublet, the conciliator may allow a prospective sub-tenant participate.

Conciliation agreements

If you reach an agreement, the conciliator can provide a written record of the agreement. Each party should sign the agreement and keep a copy. The conciliation agreement will become part of your tenancy agreement and can be enforced by the Tribunal if necessary.

If the agreement relates to a rental bond dispute, each party will be asked to fill in and sign a Refund of Rental Bond form and send it to the RTA. The RTA can then refund the bond amounts as agreed.

If you agree to release all your bond money to the other party, confirm with the conciliator and the other party that this agreement is 'in full and final settlement of all claims relating to the tenancy'. If this is the case, write this on the Refund of Rental Bond form. This may protect you from additional future claims for the tenancy.

If a conciliation agreement is broken

If you believe that the lessor, agent or provider has broken the conciliation agreement, you can apply to have the matter heard by the Tribunal. You can apply directly to the Tribunal, without going back to the RTA. If the lessor, agent or provider believes that you have broken the conciliation agreement, they can also apply to the Tribunal for a decision.

Need an RTA form? Some forms are available at official Australia Post Offices in Queensland or go online at www.rta.qld.gov.au.

If no agreement is reached

If the dispute resolution process ends without an agreement being reached, or if one of the parties is unwilling to participate in the dispute resolution process, the RTA will issue a Notice of Unresolved Dispute. The RTA will send the Notice of Unresolved Dispute to the person who sent in the Dispute Resolution Request form. This person then has the option to apply to the Tribunal for a tenancy hearing and seek a final decision about the dispute.

Applying to the Tribunal

The Queensland Civil and Administrative Tribunal (QCAT) has the power to hear tenancy disputes. If you are unable to resolve a tenancy dispute, you can apply to the Tribunal for a tenancy hearing and seek a final decision.

In the Tribunal, each party must represent themselves, and legal representation is not allowed, except in certain circumstances.

Before you attend a Tribunal hearing, it is a good idea to seek tenancy advice about how the tenancy law applies in your situation.

Urgent and non-urgent applications

The Act defines two types of Tribunal applications: urgent applications and non-urgent applications. The Tribunal application form includes a list of all urgent and non-urgent applications. If you apply to the Tribunal, you will need to tick the appropriate box to indicate the type of application you are making.

If your matter is defined in the Act as an urgent application, you can apply directly to the Tribunal for a tenancy hearing, without first going through the RTA Dispute Resolution Service.

All other matters are defined as non-urgent applications and you must apply to the RTA Dispute Resolution Service for conciliation before you can apply to the Tribunal for a hearing.

If you apply to the RTA Dispute Resolution Service but your matter cannot be resolved, the RTA will send you a Notice of Unresolved Dispute (NURD). This notice will include a conciliation number.

When you complete a Tribunal non-urgent application form, you will need to write the RTA conciliation number on the application form, and attach a copy of your NURD.

Time limits

When applying to the Tribunal, it is important to act quickly as time limits may apply. If you fail to act within the required time limit, you may lose your right to have the matter heard in the Tribunal.

For example, if the dispute relates to a breach of a tenancy agreement, you must take action to apply to the Tribunal within six months of becoming aware of the breach. To dispute an abandonment notice or Tribunal abandonment order, you must apply to the Tribunal within 28 days of receiving the notice or the order being made.

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Applying for a hearing

To apply to the Tribunal for a tenancy hearing, complete and lodge an Application for minor civil dispute – residential tenancy dispute. Attach any supporting documents. If it is a non-urgent application, attach a copy of your NURD.

Tribunal application forms are available from your local courthouse or online at www.qcat.qld.gov.au

Applications must be lodged in person or by mail at the local Magistrates Court closest to the rental premises (not including the Brisbane Magistrates Court) or the QCAT registry in Brisbane.

When you lodge your application, you will need to provide the Tribunal with at least three copies of your application and attachments (one for you as the applicant, one for each respondent, and one for the Tribunal).

If there is more than one respondent, an extra copy of the application form and attachments is required for each additional respondent.

On the application form there is space to provide details about the dispute and any evidence you have attached. Your application can set out the outcome you are seeking and the decision you would like the Tribunal to make. If there is not enough space on the application form, you can attach additional signed pages. If you are seeking compensation, include photocopies of any receipts or invoices.

Tribunal decisions

The maximum monetary limit for Tribunal applications is \$25,000. Claims for amounts that are over the maximum limit must usually be heard in the Magistrates Court.

The Tribunal has the power to make a range of decisions in relation to tenancy disputes. Examples of decisions the Tribunal can make include:

- payment of money, compensation, or reduced rent.
- changing the rules of entry.
- terminating an agreement or setting aside a Notice to Leave.
- performance of specified work or action to remedy a breach of the agreement
- refunding of rental bond money.

Generally, the type of decisions the Tribunal can make will depend on the nature of the tenancy dispute. If you apply to the Tribunal, you will need to apply under the sections of the Act that relate to the type of decisions you are seeking.

For advice and assistance to complete a Tribunal application form contact your local tenant advice service.

Costs

When you lodge a Tribunal application, you will need to pay a filing fee. The amount depends on how much money you are claiming.

In December 2009 Tribunal filing fees ranged from \$20– \$250:

- \$20 – non-monetary order, or claims not more than \$500
- \$50 – claims over \$500, but not more than \$1,000
- \$90 – claims over \$1,000, but not more than \$10,000
- \$250 – claims over \$10,000

Parties appearing in the Tribunal for a tenancy matter are liable for their own costs. However, the Tribunal can award the cost of the filing fee as part of the claim.

Your application can include a request that the respondent compensate you for the cost of the filing fee. If you are responding to a claim by the lessor or agent, they can include the cost of the filing fee in their claim against you.

Waiver of fees

When applying to the Tribunal, an applicant may apply to the principal registrar for a waiver of the payment of fees, if they can demonstrate that the fees would cause undue financial hardship. To do this you will need to lodge an Application for waiver of fees by reason of financial hardship.

The principal registrar may waive the payment of a fee if they are satisfied that payment of the fee would cause or would be likely to cause, the person undue financial hardship.

How to contact QCAT

In Brisbane the QCAT registry is located at:

Level 9, Bank of Queensland Centre,
259 Queens Street, Brisbane.

Mail address:

GPO Box 1639, Brisbane Qld 4001.
Phone 1300 753 228

For more information or to access QCAT forms contact your local Magistrates Court or visit www.qcat.qld.gov.au.

For advice and assistance regarding tenancy hearings in the Tribunal contact your local tenant advice service

The hearing date

Most Tribunal matters can be heard within a few weeks of the application being lodged. However, waiting times may vary depending on how busy the Tribunal is and how often they hold hearings. In parts of regional Queensland, the Tribunal may only hear matters once a month.

Tribunals will usually prioritise applications that are defined as urgent applications under the Act. These are often heard within two weeks. If you have a non-urgent application but need the Tribunal to hear your matter quickly, explain this when you lodge your application. If there are certain days or times you are unable to attend a hearing, for example if you are going away on holidays, put this in writing when you lodge your application.

Notice of hearing

When the Tribunal receives an application, they will send all parties a Notice of Hearing with the date, time and location of the hearing. The Tribunal will also send the respondents a copy of the application.

If you are the respondent, the Tribunal will send you the Notice of Hearing along with a copy of the application lodged by the lessor, agent or provider.

If you need to change the hearing date

If you receive a Notice of Hearing but cannot attend the hearing at that time, you should immediately contact the Tribunal and request the matter be adjourned to another date. You will need to confirm this request in writing and have a good reason why you cannot attend. The Tribunal will consider your request.

If you cannot attend the hearing

If you cannot attend the hearing in person, you can appoint someone who is familiar with your case to represent you. You will need to complete an Application for leave to be represented form.

The person you appoint should have a good knowledge of your case. You will need to ensure they have original copies of your evidence and documents to present at the hearing.

If someone is representing you at the hearing, you should provide a sworn Affidavit statement about your matter. An Affidavit must be signed by you and witnessed by a Justice of the Peace, Solicitor or Commissioner for Declarations.

If you cannot attend the hearing in person, and do not have someone who can represent you at the hearing, you can contact the Tribunal and ask if you can attend the hearing via telephone or video link. If you want to present evidence or present a written Affidavit statement, make sure you fax or mail the Tribunal a copy of the documents, before the hearing.

Who attends the hearing?

In the Tribunal you must usually represent yourself. Professional advocates, such as lawyers, cannot represent you or the lessor or provider, unless the Tribunal agrees.

The hearing can be attended by:

- **The Member or Adjudicator** – the people who will most likely hear the matter, review the evidence and make a final decision about the dispute.
- **The Applicant** – the person who commences proceedings.
- **The Respondent** – the person who is responding to proceeding.
- **Witnesses** – for either the applicant or respondent.
- Interpreters – if requested.

Tribunal hearings are public, with a few exceptions. The Tribunal will make an audio recording of the hearing including the reasons for the decision.

If you need an interpreter

Let the Tribunal know in advance if you need interpreter assistance at the hearing. The Tribunal will usually arrange and pay for the interpreter. When applying for a hearing indicate on your application if you need an interpreter.

If you are the respondent and need an interpreter when you attend a Tribunal hearing, let the Tribunal know as soon as you receive notice of the hearing date. The Tribunal will usually ask you to fax or mail them a written request for interpreter assistance.

Can someone represent you?

All parties involved in a matter before the Tribunal must represent themselves, unless it is in the interests of justice that they be represented. This may apply in cases where there is a minor involved, the matter is complex, or a person does not have capacity to understand the process due to a disability.

If you need someone to represent you at the hearing, you must seek permission from the Tribunal. You will need to complete an Application for leave to be represented form. Permission to be represented is at the discretion of the Tribunal.

If you need assistance to present your case, you can take a support person or advocate to the hearing to assist you. If you want the person to speak on your behalf, you will need to fill in the form and seek permission from the Tribunal.

If you are applying for a hearing you will need to include details of your representative on your application form and attach an Application for leave to be represented form.

The lessor or provider may have a real estate agent represent them at the Tribunal. The agent may have to show the Tribunal evidence they are authorised to act on behalf of the lessor or provider.

What to take to the hearing

The Tribunal will make a decision based on the evidence presented by each party. When attending a Tribunal hearing it is important to have evidence to support your case. If you are applying for a hearing you can attach copies of your evidence to your application.

Evidence can include:

- Your written statement or Affidavit about the dispute.
- A copy of the tenancy agreement and any Condition Reports.
- Evidence of rent payments or a copy of your rent record.
- Photographs showing the condition of the premises.
- Receipts or quotes.
- Copies of letters or forms you have sent or received.
- Signed Affidavit statements by people who can provide evidence regarding the matters in dispute.

The Tribunal is not bound by formal rules of evidence and can accept any evidence that it believes is credible and relevant.

If you are responding to an application it is good to gather evidence and prepare a statement to take to the hearing. Remember to keep your statement short and to the point. You must respond to the claims in the application lodged by the other party.

When you attend the Tribunal hearing you will need spare copies of your statement and evidence to give to the Tribunal and the other party.

Before the hearing, you may prefer to fax or mail a copy of your statement and evidence to the Tribunal so it can be attached to the file. The Adjudicator or Member may get an opportunity to read your statement, prior to the hearing.

Affidavits

You may want to prepare your statement in the form of a sworn Affidavit statement that must be signed by you and witnessed by a Justice of the Peace, Solicitor or Commissioner of Declarations.

An Affidavit is needed if you, or a witness, cannot attend the hearing and present evidence in person. Even if you are attending the hearing, you may prefer to prepare your statement in the form of a sworn Affidavit.

Blank Affidavit forms are available online at www.courts.qld.gov.au or from your local Magistrates Court. A list of Justices of the Peace is available online at www.justice.qld.gov.au or ask at your local courthouse.

Defending an application

If you are responding to a claim lodged by the lessor, agent or provider, you will be the respondent at the hearing. The Tribunal will send you a Notice of Hearing and a copy of the application lodged by the other party. Read this carefully, as this is what you need to respond to when you attend the hearing.

As the respondent, it is important to attend the hearing so that you can present your side of the story. If you don't attend the hearing, an order may be made in your absence, based solely on the information presented by the lessor, agent or provider.

It is in your interests to attend the hearing because:

- The lessor or provider may apply for other orders that you have not been told about (for example a compensation order).
- Your evidence may show that the claims by the lessor, agent or provider are unreasonable or invalid.
- The Member or Adjudicator will hear both sides of the dispute.

When you gather evidence and prepare your statement keep in mind that you need to respond to the claim being made by the other party. Has evidence been provided to justify the claim? Do you have evidence to dispute the claim? Are there other issues that need to be taken into account? What decision do you want the Tribunal to make to resolve the dispute?

Be aware the Tribunal has limited time to deal with each hearing and may not have time to read a lengthy statement. If you have a long statement with detailed information it is helpful to number the paragraphs so you can refer to them easily. It is also useful to list and number any attached evidence.

When preparing for a Tribunal hearing, it is useful to have a one page cover sheet, which summarises your key points and refers to your evidence. At the hearing this summary can help you stay on track and focus on the most important issues. Your summary statement can also state what decision you think should be made.

Counter applications

If you are the respondent, you may use a Minor civil dispute – counter application form, to lodge a counter application against the applicant. This applies when your claim arises out of the same situation, you dispute the applicant's allegations and you want to request an alternative Tribunal decision. For example, a dispute over rent arrears may relate to a repair dispute. You could lodge a counter application to seek a decision about the repairs. You may use this form instead of making a separate application. This means both applications may be heard and decided together.

To lodge a counter application, fill in a Minor civil dispute – counter application form and lodge at least three copies at the same Tribunal where the original application was lodged. A counter application must be lodged as soon as practicable, and no later than seven days after the original application is filed.

At the hearing

Even though the Tribunal is less formal than a Court, many people feel nervous about the process. If you are going to the Tribunal, you might find it useful to sit in on a few public hearings before your matter is heard.

Some Tribunal hearings begin with the Member or Adjudicator asking you and the lessor, agent or provider whether it is possible for you to settle the matter before starting the hearing. If you both agree, you may be left to discuss and negotiate the matter. If you settle the dispute this way, the Member or Adjudicator will record the agreement you have reached. If you don't settle the dispute, the hearing will begin.

All parties are required to give evidence under oath or make an affirmation to tell the truth. Tribunal hearings are like other Court hearings in that perjury (lying) is a criminal offence.

You and the lessor, agent or provider should both be given an opportunity to present your case. You will usually only have a few minutes, so it's best to plan what you want to say, and start with the most important points.

The person who lodged the application (the applicant) will be asked to speak first and confirm the details of their claim. The respondent is then able to respond to the claim and present their evidence.

The Tribunal may question each party about their evidence. Each party will also have an opportunity to question the evidence or statements made by the other party.

It is up to the Member or Adjudicator to decide whether or not they need to hear evidence from witnesses before they make a decision. If you have a witness present, let the Member or Adjudicator know at the start of the hearing.

Conduct of proceedings

The Tribunal must comply with the rules of natural justice. In essence, the Tribunal should conduct a hearing that is appropriate to the circumstances and shows a lack of bias. There should be evidence to support the Tribunal's decision.

The Tribunal is not bound by the rules of evidence and may inform itself in any way it considers appropriate, with little formality and technicality and as much speed as required by the Act. The Tribunal must, as far as practicable, ensure that all relevant material is disclosed to the Tribunal.

The Tribunal must take steps to ensure that each party understands the practices and procedure of the Tribunal, the nature of assertions made and the decision made by the Tribunal.

If a party does not attend the hearing and the Tribunal is satisfied the person was given notice of the hearing, or the person could not be found, the Tribunal can hear and decide the matter in the person's absence.

The Tribunal decision

After hearing from both sides, the Member or Adjudicator will make a decision and will give reasons for this decision. The Tribunal will send each party a copy of this decision.

A Tribunal decision is final and binding on all parties. You can ask the Member or Adjudicator to explain the decision to you if you are unclear what it means.

Written reasons for decisions

Parties can request written reasons for the decision. You may, request written reasons within 14 days after the decision takes effect, and the Tribunal must comply within 45 days.

Audio recordings are made of all Tribunal hearings. If the reasons for a decision were given orally, the Tribunal can provide you with an audio recording of the appropriate part of the proceeding.

Parties to proceedings can also order a full copy of the audio recording or a transcript. A fee will apply for this.

Can the order be changed?

In limited circumstances, you can apply to the Tribunal to seek changes or corrections to the order, or to have the matter re-opened. Re-openings apply if you were unable to attend the original hearing or it is in the interests of justice to reopen the matter as significant new evidence is available.

You will need to use an Application for reopening, correction, renewal or amendment form, to apply to the Tribunal to have the matter re-opened, or to seek changes to the order. You must lodge this application with the Tribunal within 28 days of the original decision.

You can apply for a reopening of the proceeding if:

- You did not appear at the hearing and had a reasonable excuse for not attending; or
- You would suffer a substantial injustice if the proceeding was not reopened because significant new evidence has arisen that was not available at the original hearing.
- You can apply to the Tribunal to correct a decision if:
 - There is a clerical mistake, error, miscalculation, or mistake in description of matter, person or thing mentioned in the decision.
- You can seek a renewal of a Tribunal decision if:
 - It is not possible to comply with the Tribunal's final decision, or there are problems with interpreting, implementing or enforcing the decision.

When lodging an Application for reopening, correction, renewal or amendment form, you will need to attach relevant evidence, such as receipts showing rent has been paid up-to-date or an Affidavit that states your reason for not attending the original hearing. The Tribunal will decide whether or not to grant your application.

Appealing a QCAT decision

In certain circumstances parties can appeal a QCAT decision. The appeal process differs depending on the type of decision and who made the original decision.

For a tenancy matter you must seek leave to appeal.

The Tribunal will decide whether or not to grant the appeal. An application for leave to appeal and the appeal may be dealt with at the same hearing.

It is best to obtain a copy of the written reasons for the decision before you appeal. You can request written reasons within 14 days after the decision takes effect. QCAT has 45 days to provide you with written reasons. All QCAT hearings are digitally recorded. Where the decision was given orally it is sufficient for the Tribunal to provide an audio recording, or a transcript, of that part of the proceeding.

An application for an appeal must be lodged within 28 days of receiving written reasons for the decision. You will need to fill in an Application for leave to appeal or appeal. A filing fee of between \$250 and \$500 will apply.

In some instances the Tribunal may stay a decision pending the outcome of an appeal. This is at the discretion of the person hearing the matter. If you are seeking a stay of the decision it is advisable to request this up front and provide compelling evidence. You can fill in an Application to stay a decision and lodge this form with your Application for leave to appeal or appeal.

Offences and penalties

Some parts of the Act describe offences and penalties to deter and punish unlawful behaviour. People who commit an offence can face a penalty fine. For example, the maximum penalty for failing to lodge a rental bond with the RTA is currently \$4,000.

The RTA is responsible for overseeing the Act and for investigating offences. If you believe the lessor, agent or provider has committed an offence you can contact the RTA Investigations Unit and lodge a written complaint. You will need to provide evidence regarding the offence. The RTA will write to the person to seek a response.

The RTA aims to educate all parties about their obligations under the Act. The RTA may prosecute offences if the matter cannot be resolved and there is evidence that an offence has been committed.

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**

