



Tenants Queensland Inc

Getting your belongings back

Rooming Accommodation generally covers residents who rent a room, but share facilities like a kitchen or bathroom. The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that covers residential tenants and lessors as well as rooming residents and providers in Queensland.

Have you left belongings behind?

If a rooming accommodation agreement ends and you leave belongings behind in your room (other than money or personal documents) you can ask your provider to return your goods to you if it has been 28 days or less since you left.

If you request the return of your goods the provider must return them to you. However the provider can ask you to pay reasonable costs for storage.

The provider must safely store your goods for at least 28 days and during the storage period must make reasonable efforts to contact you about any belongings you left behind.

However the provider can immediately sell or throw out your goods if they reasonably believe:

- the goods are perishable (likely to go off, rotten or degrade);
- the *market* value of the goods is less than \$150; or
- storage of the goods is unhealthy or unsafe.

Your provider cannot refuse to return your belongings or withhold your belongings for payment of any rent or debt you may owe your provider.

If you have to leave some of your belongings behind make an agreement with your provider about storing your things and when you will collect them. Include a list of any belongings you leave behind.

If you make an agreement with the provider about leaving your things behind, put this agreement in writing and keep a copy.

If you left your belongings behind when you vacated your room you can ask your provider to return them to you

The provider is the person who is providing you with your room. Unless otherwise stated, 'provider' can be taken to include 'provider's agent'. A resident is a person who rents a room in rooming accommodation.

Money or personal documents left behind

If you left any money or personal documents (e.g. passport, birth certificate, marriage certificate, photos) behind in your room, you can ask your provider to return them to you.

The provider must store your money or personal documents for 28 days after you leave. During this time the provider must take reasonable steps to contact you about your items. If you request the return of your documents or money they must be returned to you.

Personal Documents

If you don't claim your personal documents within 28 days your provider must give them to the Public Trustee. The Public Trustee will store your personal documents for six months and, if you haven't claimed them in this time, the Public Trustee can then deal with the documents as they consider appropriate.

Money

If you left any money in your room and you don't ask for it back within 28 days, the provider should give your money to the Public Trustee. However before they give your money to the Public Trustee the provider is allowed to take any money you owe them under your rooming accommodation agreement.

The Public Trustee will deposit the money into an "unclaimed moneys fund". You can claim your money from the Public Trustee at any time.

If you don't collect your goods

Selling belongings left behind

If you don't come to collect your belongings within 28 days of leaving your room, your provider may:

- continue to store your goods; or
- sell your goods, *but* the provider must first advertise them in a newspaper that is circulated in the local area; or
- donate your goods to charity, if the provider reasonably believes the *market value* of your goods is less than \$600.

If the provider sells your goods, the money they receive can be used to pay any money you owe under your rooming accommodation agreement, or to pay any costs of storing and selling your belongings.

If there is any money left and the provider has been able to locate you by the time of sale, then they must give you the rest of the proceeds. If the provider cannot find you, then the provider must give the remainder of the money to the Public Trustee.

The Public Trustee will then deposit the money into an "unclaimed moneys fund". You can claim your money from the Public Trustee at any time.

However, the Public Trustee may pay the provider any money owed to them under the rooming accommodation agreement, as well as any reasonable expenses for storing and selling your belongings.

If the provider still has your belongings after 28 days have passed, then they must give them to you if you ask for them. You may still need to pay the provider's reasonable costs (e.g. storage) at this time.

Solving Disputes

If you think the provider has not dealt with your belongings properly, or you are unhappy with how the provider is currently dealing with them, you can talk to your provider to solve the dispute.

You can write to the provider to formally request the return of your goods and arrange to collect your goods. You can attach a list of all the items you left behind.

Put any agreement in writing and you keep a copy. If you cannot come to an agreement to get your goods back contact a tenant advice service for help.

The Residential Tenancies Authority (RTA) runs a free dispute resolution service that can help you communicate with the provider to solve a dispute. To apply fill out a Dispute Resolution Request (RTA Form R16) and email or post this form into the RTA.

You can get RTA forms online at www.rta.qld.gov.au or call the RTA and they can post forms to you. You can also call Tenants Queensland for help to fill in forms.

If the RTA Dispute Resolution service cannot help you solve the dispute you can apply to the Queensland Civil and Administrative Tribunal (QCAT) for an order regarding your belongings.

In QCAT, you can seek an order for return of your goods or can claim compensation for your loss or expense due to your provider's actions dealing with your belongings.

For more information about disputes see the Tenants Queensland Fact Sheet, *Resolving Tenancy Disputes*.

For free tenancy advice call:

Tenants Queensland (TQ)

1300 744 263 – QSTARS statewide advice line

www.tenantsqld.org.au

Tenants Queensland receives funding from Commonwealth and State funded Community Legal Services Program and also manages the Queensland Statewide Tenant Advice and Referral Service (QSTARS) which is funded by the Queensland government

Further information:

Residential Tenancies Authority (RTA)

1300 366 311

www.rta.qld.gov.au

The Residential Tenancies Authority (RTA) is the government body that oversees Queensland tenancy laws. The RTA manages rental bond money and provides renting information, tenancy forms and publications, bond management and dispute resolution services, for tenants, lessors, providers, residents and agents. RTA services are funded from the interest earned on tenant bond money