

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 tenants and lessors as well as residents and providers in Queensland.

Have you left any belongings behind?

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

To get your belongings back you may need to pay the provider's reasonable costs (e.g. storage).

Some of your things may be sold or thrown out immediately if the provider *reasonably* believes:

- 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 would be unhealthy or unsafe.

Otherwise, the provider must safely store your goods for at least 28 days. During this time, your provider must make reasonable efforts to contact you about any belongings you left behind.

Your provider cannot refuse to give you 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, try to come to an agreement with your provider about storing your things. It is a good idea to make a list of any belongings you leave behind. If you do make an agreement about leaving your things behind, make sure you get your 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.

Have you left money or personal documents 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 if it has been 28 days or less since you left. It is the provider's responsibility to store them for 28 days after you leave and to try and contact you about your items.

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.

Personal Documents

You can also ask your provider to give you your personal documents within 28 days after leaving the room. 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.

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.

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 try to talk to your provider about how they are dealing with your belongings.

You should make sure any agreements you make are in writing and you keep a copy. If you can't come to an agreement it is a good idea to get help.

The Residential Tenancies Authority (RTA) runs a free dispute resolution service. To ask for this service you will need to fill out a Dispute Resolution Request, RTA Form R16. You can get one of these forms from the Tenants Union of Queensland or your local Tenant Advice and Advocacy Service.

If the dispute cannot be resolved in Dispute Resolution you can apply to the Queensland Civil and Administrative Tribunal (QCAT) for an order regarding your belongings.

In QCAT, you may claim compensation for any loss or expense as a result of your provider's actions in dealing with your belongings.

For further information about disputes please refer to the Residential Tenancies Fact Sheet, *Resolving Tenancy Disputes*.

For free tenancy advice & further information call:

Tenants' Union of Queensland (TUQ)

1300 744 263 – Statewide advice line

www.tuq.org.au

Tenant Advice and Advocacy Services (TAAS)

Look under "T" for tenancy advice in the telephone directory for a local TAAS.

Further information:

Residential Tenancies Authority (RTA)

1300 366 311

www.rta.qld.gov.au

The Tenant Advice and Advocacy Service (Queensland) is administered by the Queensland Department of Communities (Housing and Homelessness Services) funded by both the Residential Tenancies Authority from interest earned on bond lodged with the Authority, and by the Department of Communities (Housing and Homelessness Services).

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

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