

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.

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

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.

What's inside

- ★ Your tenancy agreement
- ★ Starting a tenancy
- ★ During your agreement
- ★ Ending your agreement
- ★ Resolving disputes
- ★ Who is covered by the Act?
- ★ Some definitions
- ★ Who is not covered?

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.

In rooming accommodation providers and residents can sign either a Rooming Accommodation Agreement (Form R18) or a General Tenancy Agreement (Form 18a).

If you rent rooming accommodation but sign a General Tenancy Agreement your rights will be covered by the parts of the Act that apply to general residential tenancies.

If you rent in a caravan park you will have a long tenancy moveable dwelling agreement to rent the site, or a caravan and the site. 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. You 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.

Tenancy Facts are published by Tenants Queensland (TQ) to assist tenants and residents. Tenancy Facts are available from your local QSTARS advice service or TQ at www.tenantsqld.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 call the RTA on 1300 366311

The Tribunal refers to the Queensland Civil and Administrative Tribunal (QCAT), which hears residential 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, fill in an RTA Bond Lodgement form 2 with you, and lodge your bond money and the signed form 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. Entry Condition Reports are not required for short tenancy moveable 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:

- Give you a receipt or keep a record of your rent payments.
- 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, – see *You Want to Leave Tenancy Facts*.
- Your lessor, agent or provider must give you written notice to end your agreement - see the *Lessor Ends Your Tenancy Tenancy Facts*.
- In certain circumstances, you or the lessor can apply directly to the Tribunal for an urgent order to terminate the tenancy.
- 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).
- When you move out, you must leave the premises clean and in a similar condition to when you moved in. But you are not responsible for general maintenance or fair wear and tear.
- You can take photos and fill in an RTA Exit Condition Report to record the state of the premises when you move out.
- Return all keys and provide a copy of your Exit Condition Report to the agent or lessor. They have 3 business days to inspect the premises and return a copy to you with their comments (not required in rooming accommodation).
- After 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 your agreement you can be given a Notice to Remedy Breach form. 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 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 which means you can apply directly to QCAT for an urgent tenancy hearing without having to first apply to the RTA for Dispute Resolution.
- Be aware that time limits may apply to your tenancy matter. It is therefore important to act promptly and seek advice. For example if you want to apply to the Tribunal for an order about your lessor's breach of the agreement, you must apply within six months of becoming aware of the breach.

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 Housing Queensland 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.

Make sure your tenancy agreement is in writing. Keep a copy of receipts and documents.

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

To access tenancy forms call the RTA on 1300 366 311 or access forms online at www.rta.qld.gov.au

Failure to comply with the Act

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. You can contact the RTA to lodge a complaint if your lessor, agent or provider fails to comply with offence provisions in the Act.

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

Tenancy Facts

Tenants Queensland fact sheets for tenants are available online at www.tenantsqld.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 Queensland

Tenants Queensland (TQ) is a specialist community and legal service that has been providing services to and representing the interests of residential renters in Queensland since 1986. The QSTARS advice service is managed by TQ and delivered in collaboration with partner organisations.

For more information visit www.tenantsqld.org.au

Queensland Statewide Tenant Advice and Referral Services (QSTARS)

QSTARS provides specialist tenancy advice, advocacy support and referral for Queensland renters.

Contact QSTARS for tenancy advice on: **1300 744 263**

Open Mon – Fri 9am – 5pm (extended hours to 7pm on Tues & Wed)

Visit www.qstars.org.au for fact sheets and information



Tenants Queensland is an independent community organisation. We gratefully acknowledge funding from the Commonwealth Government Community Legal Services program and the State Government Department of Housing and Public Works QSTARS program

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

Translating and Interpreting Service (TIS)

If you need an interpreter let us know when you call, or call the TIS translating and interpreting service on 131 450 and they can help you contact our service.

Queensland Civil Administrative Tribunal (QCAT)

QCAT hears tenancy matters at the QCAT registry in Brisbane or in your local Magistrates Court (except Brisbane). To get QCAT forms or find your local Tribunal visit www.qcat.qld.gov.au or call QCAT on 1300 753 228

Residential Tenancies Authority (RTA)

The RTA is the Queensland government authority. RTA tenancy forms are available at www.rta.qld.gov.au or call 1300 366 311