

Moving out

Steps to end a renting agreement

The Queensland renting laws set out the steps to end a renting agreement. Your renting agreement will end if:

- You or your lessor give a written notice and you move out.
- The QCAT tenancy tribunal makes an order to end the agreement.
- You both agree to end the renting agreement and put this in writing.

When can the lessor or agent ask me to move out?

Your lessor or agent can give you a **Notice to Leave (Form 12)** to end the renting agreement. The amount of notice (time) they must give you to move out will depend on the reason they are asking you to leave.

In some cases your lessor can apply to QCAT for a tenancy tribunal hearing and ask the tribunal to make an order to end your agreement. If this happens QCAT will send you a letter about the hearing. If you get a letter from QCAT it is important to attend the tribunal hearing, so you can have your say.

Do they need a reason to ask me to move out?

No. Your lessor does not need a reason to give you a **Notice to Leave (Form 12)** “without grounds”. This notice must give you 2 months to move out. If you have a fixed term agreement they cannot ask you to leave before the fixed term ends.

Your lessor must not give you a Notice to Leave “without grounds” for retaliatory reasons, or because you took steps to stand up for your rights. If this happens, you can apply to QCAT for a tenancy tribunal hearing to disagree with the notice. You must do this within 4 weeks of getting the notice.

What if I am asked to move out for a reason?

If you do not meet your renting obligations your lessor can give you a **Notice to Remedy Breach** that gives you 7 days to fix the problem. If you don't fix the problem by the due date on the notice the lessor can then give you a **Notice to Leave “with grounds”** (for a reason).

The renting problem must be serious to justify giving you a Notice to Leave. For example, if you have not paid the rent, have seriously damaged the place, or have repeatedly disturbed neighbours.

If you do not agree with the reason you are being asked to leave, or if you think your lessor is acting unfairly, you can dispute the notice. Fill in a **Dispute Resolution Request (Form 16)** and send it into the Residential Tenancies Authority (RTA). If the RTA cannot help you and the lessor reach an agreement, you can then apply to QCAT for a tenancy tribunal hearing to dispute the notice.

What happens if I don't move out?

If you get a Notice to Leave, but do not move out and return the keys by the due date on the notice, your lessor or agent cannot come into your place to remove you. They must apply to QCAT for an urgent tenancy tribunal hearing and ask the tribunal to make an order to end your tenancy, called a "termination" order.

If you get a letter from QCAT it is important to attend the tribunal hearing, especially if you do not agree with the reason you are being asked to leave. At the QCAT hearing you can tell your side of the story. The QCAT adjudicator will look at the evidence and decide if the lessor is allowed to end the agreement.

If QCAT make a termination order they will also issue a warrant of possession to the local police. This gives police powers to visit and make sure everyone leaves the place a peaceful way so the lessor can take the place back.

What if I want to move out?

If you want to move out you must follow the steps in the renting rules to end your agreement. You must give the lessor a **Notice of Intention to Leave** (Form 13). You can get RTA Forms at www.rta.qld.gov.au or call the RTA on 1300 366311.

On this form you can state the date you intend to move out and return the keys (this is called the **handover day**). The amount of notice you must give will depend on your reason for leaving. Notice periods are listed on the back of the RTA forms.

In some cases you can apply to QCAT for an urgent tribunal hearing to end your renting agreement. You may need to do this if you have a fixed term agreement and something changes in your life and you have to move out. If you break your fixed term agreement early your lessor may ask you to pay some compensation.

What should I do when I move out?

- **Leave the place clean**, in a similar condition to when you moved in.
- You must fix any damage you have done, but you are not responsible for everyday repairs, or reasonable wear and tear from daily use.
- **Gather evidence** to show you have left the place clean and undamaged; take photos of the place and keep receipts for cleaning or lawn mowing.
- Use an **Exit Condition Report (RTA Form 14a)** to write down what each room is like when you move out. Give the lessor a copy. They have 3 days to inspect the place and give you back a signed copy with their comments.
- **Return all the keys** to the lessor or agent when you move out.
- **Keep copies of all paperwork** as this is useful evidence.
- Use a **Refund of Rental Bond** (Form 4) to apply to the RTA for your bond.

For advice and help with renting problems call the Tenants Queensland free QSTARS advice service on 1300 744 263