
This fact sheet provides information for international students in Queensland and those who have left Australia because they were affected by COVID-19. *If you need advice contact Tenants Queensland's free tenancy advice service on 1300 744 263. If you are now outside of Australia you can email us at – mail@tenantsqld.org.au*

I am an international student, and have lost my income due to COVID 19 and cannot pay my rent

We recommend that you talk to your lessor or provider about how the COVID-19 emergency is affecting your tenancy as soon as possible and to negotiate financial challenges that are COVID-19 related.

If you have lost your job because your place of employment trade or business is closed or restricted because of a public health direction you may be **suffering excessive hardship** because of the COVID-19 emergency. Also you will need to show that you suffered an income loss of 25% or more or your rent payable under your agreement is 30% or more of your income of fit within the new definition of excessive hardship due to the COVID-19 emergency.

It is important that you tell your lessor or housing provider that you have lost your job and your income has decreased and by how much as soon as possible.

It is recommended that you provide your lessor or provider with information to show that your income has been reduced. You can also show your lessor or provider any official letters or notices from your employer that show you have been stood down or lost your job as a result of COVID-19.

If your rent is seven days late, and you have told your lessor you are suffering from COVID-19 excessive hardship and your rent remains unpaid, your landlord must not give you a notice to remedy breach. Your landlord instead should provide you with a 'show cause notice', with 14 days' notice.

If your landlord gives you show cause notice you must either pay the unpaid rent or you need to inform the lessor or provider that you cannot pay due to COVID related excessive hardship.

If you have let your lessor or provider know you cannot pay rent due to COVID-19, the lessor or provider can request you to enter into an

agreement regarding how you are going to pay the rent.

If you and your lessor or provider are able to reach an agreement, you may be able to enter into a *tenancy variation agreement* with your lessor or provider to reduce the rent or set up a repayment plan for any unpaid rent. The variation agreement can be recorded on the new Tenancy COVID-19 Variation Agreement Form ([RTA Form 18d](#) for tenancy or Form 18e for rooming accommodation).

If you cannot reach an agreement, you can request dispute resolution from the Residential Tenancies Authority (RTA) by using the new COVID-19 Dispute Resolution Request Form 16a. Conciliation between you and your lessor is a free and confidential service.

If the dispute is not resolved, the RTA will issue a Notice of Unresolved Dispute and you can then apply to the [Queensland Civil and Administrative Tribunal](#) (QCAT) for a decision on either the rent reduction or to end your agreement due to excessive hardship due to the COVID-19 emergency.

I have returned to my home and I want to break a fixed term agreement.

If you have left Australia and returned to your home country, we recommend that you seek advice immediately about your tenancy if you haven't already done so. We also suggest you email your lessor or provider and advise them that you had to leave Australia because of a restriction on travel imposed under a public health direction or you were prevented from working or returning to Australia because of a public health direction or some other law. You should also advise your lessor or provider that you no longer live at the premises and wish to end the tenancy agreement due to the COVID-19 emergency and its impacts.

To change the terms of your tenancy agreement there must be an agreement in writing between all

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parties to that agreement. All parties means you as the tenant/resident and the lessor or agent or provider.

Advise your lessor you have returned to your home country because you are suffering from **excessive hardship** due to COVID-19 and provide evidence.

A tenant or resident suffers excessive hardship because of the COVID-19 emergency if, from 29 March 2020, any of the following apply:

- You, or a person under your care, suffers from COVID-19;
- You are subject to a quarantine direction;
- Your place of employment, trade or business is closed or restricted, because of a public health direction
- You are self-isolating because you live with, are the primary carer for, or are a vulnerable person;
- A restriction on travel, imposed under a public health direction or other law, prevents you from working or returning home;
- The COVID-19 emergency prevents you leaving or returning to Australia

AND

- You suffer an income loss of 25% or more; or
- Your rent payable under your agreement is 30% or more of your income.

The new laws state that a person is considered a vulnerable person if they:

- Are over 70 years of age;
- Are over 65 years of age who has an existing health condition or comorbidities;
- Are an Aboriginal or Torres Strait Islander over the age of 50 who has an existing health condition or comorbidities;
- Have a compromised immune system.

We recommend that you inform your lessor that you are now unable to re-enter Australia due to travel restrictions, and provide them with evidence.

If you and your lessor cannot reach agreement about what happens with the tenancy, you can request dispute resolution from the Residential

Tenancies Authority (RTA) by using the new COVID-19 Dispute Resolution Request ([Form 16a](#)) for free conciliation between you and the lessor or provider.

If the dispute is not resolved, the RTA will issue a Notice of Unresolved Dispute and you can then apply to QCAT for a decision to end your agreement due to excessive hardship.

Also if you are suffering from excessive hardship due to the COVID-19 emergency and you choose to break the lease by giving your lessor or provider a Notice of Intention to Leave (RTA form 13) you may be eligible for capped break lease costs.

Will there be any charges to breaking the agreement?

Your break lease costs may be capped if you end your fixed term agreement and you have lost 75% of your income as a result of COVID-19 and you have less than \$5000 in savings. The capped break lease costs may be limited to reletting costs equivalent to one week's rent.

How do I end my agreement through excessive hardship?

If you are suffering from excessive hardship due to the COVID-19 emergency and you meet the above criteria and you want to end your tenancy due to excessive hardship, you first need to let your lessor or provider know your situation. Before you can terminate for excessive hardship you will need to apply first to the RTA for dispute resolution using the new Form 16a. You will need to provide evidence of your hardship to the RTA conciliators during conciliation so that they can help you negotiate with the lessor or provider. If the parties cannot reach agreement then the RTA will send you a Notice of Unresolved Dispute which you will allow you to apply to QCAT for a termination order due to excessive hardship because of the COVID-19 emergency.

The RTA have special arrangements so that you can contact them from overseas so please visit their [website](#).

Also during the COVID-19 emergency the Queensland Government have set up [The Residential Rental Hub](#) to inform you about the COVID-19 changes and how they affect you.

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Can I be listed on a Tenancy database?

You must not be listed on a tenancy database for these reasons if they happened during COVID- 19 emergency due to:

- suffering excessive hardship because of the COVID-19; or
- complying with a public health direction

If you did not inform your lessor or provider of your failure to pay your rent because you are suffering from excessive hardship due to COVID-19, or you left your tenancy and your name is on the lease, you are may be liable for the tenancy and tenancy database listing could occur. This may have an impact on your ability to secure another rental when you return to Queensland in the future. It's important for you to communicate with your lessor or provider and let them know your circumstances in writing.

If you need further information about this fact sheet, contact Tenants Queensland Inc who delivers the Queensland Statewide Tenancy, Advice and Referral Service on 1300 744 263 to discuss. For those students outside of Australia that need tenancy advice, you can contact Tenants Queensland by email – mail@tenantsqld.org.au.

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