

TENANCY DATABASES - WHAT ARE THEY? HOW DO THEY WORK?

Tenancy databases are often used by real estate agents and lessors to screen for suitable tenants. If you have rented a property and the agent or lessor claims that you owe money, or your tenancy was terminated for a serious reason, the agent may list you on a tenancy database and you may find it difficult to rent another property.

Many Queensland real estate agents use tenancy databases such as TICA, however there are other databases used throughout Australia.

The Queensland Residential Tenancies and Rooming Accommodation Act 2008 (the Act) has rules about the use of tenancy databases by agents, lessors and tenancy database operators.

Tenants can challenge a listing where it is due to Domestic and Family Violence (DFV).

QUICK FACTS

- ❖ Tenants can only be listed for a lawful reason
- ❖ Tenants must be informed about proposed listings and can challenge it within 14 days
- ❖ Tenants can only be listed after the tenancy has ended
- ❖ Only tenants named on the agreement can be listed
- ❖ Listings should be removed after a maximum of 3 years
- ❖ Tenants can take action to have the listing removed

- ❖ If the dispute has been to the Queensland Civil and Administrative Tribunal (QCAT) and there is an order to pay money and you did not pay.
- ❖ If you have abandoned or fled from the tenancy and did not give notice. The lessor or agent may allege that you owe money for things like rent, cleaning and damage and you did not pay.

NOTE: Generally maximum bond is equivalent to 4 weeks rent but if you did not pay a bond and owe money more than 1 week's rent, you can be listed for the above reasons.

Your tenancy has been terminated by QCAT

You can be listed if the lessor or agent has applied to QCAT to terminate your tenancy due to your objectionable behaviour or repeated breaches and QCAT has made an order to terminate your tenancy.

REASONS YOU CAN BE LISTED

You left a tenancy and owe money more than the bond

- ❖ If the lessor or agent alleges that you owe rent and you received a Form 11 Notice to Remedy Breach about rent owing and you did not pay.
- ❖ If there has been a dispute about money and you have agreed during conciliation with the Residential Tenancies Authority (RTA) to pay money and you did not pay.

PREVENTING A TENANCY DATABASE LISTING

You can prevent a listing by

- ❖ Ending your tenancy according to the Act, give notice and return keys.
- ❖ Applying for a refund of your bond from the RTA – if you receive all, some or even a small portion of your bond refund, it can prevent a listing.

- ❖ Giving your contact details to the agent or lessor; an email address is suitable. Before listing your details, the agent or lessor must notify you that they intend to list you and give you 14 days to object. If you receive a notice, write and object to the proposed listing because it is unjust due to DFV.

HOW LONG CAN YOU BE LISTED?

Your personal information should be removed from the tenancy database after 3 years. If the listing is not automatically removed, you can write to the listing agent and/or database operator to advise the listing is out of date and must be removed.

FIND OUT IF YOU ARE LISTED ON A TENANCY DATABASE

When you apply for a rental property, if the agent or lessor finds that your details are on a tenancy database, they should inform you of the listing. If your tenancy applications are refused, ask the agent whether you are listed and to give you details of who listed you and the database that you are listed on. They should give you this information within 7 days.

Or

Write to the agent, lessor, or database operator, to request a copy of your listing. They must give you a copy within 14 days. They can charge a fee for this information; the fee should not be excessive.

NOTE: Local Housing and Homelessness Services may be able to access a copy of the listing for their clients.

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

Further help

Queensland Statewide Tenant Advice and Referral Services (QSTARS)

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

1300 744 263

Open Mon – Friday 9am – 5pm
(extended hours to 7pm on Tuesdays and Wednesdays)

Fact Sheets on Tenancy Databases, Solving Disputes <https://qstars.org.au/>

GET THE LISTING REMOVED

You can get a listing removed where it is unjust e.g.

- ❖ a domestic associate caused damage to the premises
- ❖ you escaped from a domestic violence situation
- ❖ it was not safe to return to the premises to clean
- ❖ and because of the listing, you are at risk of homelessness.

Write to the agent and/or tenancy database operator to request that they remove the listing. Provide details of the tenancy, your ID and evidence of DFV.

If this is not successful, you can apply to QCAT to have the listing removed because it is unjust under the circumstances.

You will need evidence to support your case such as:

- ❖ A copy of the listing
- ❖ Legal documents, Protection Order or verification from another person about the DFV
- ❖ Your statement or a letter from a community service showing the difficulties you are experiencing obtaining a rental property.
- ❖ Anything else that is relevant, particularly regarding children and family.

Residential Tenancies Authority (RTA)

The RTA is the government authority. RTA tenancy forms are available online at

www.rta.qld.gov.au or call 1300 366 311

Queensland Civil and Administrative Tribunal (QCAT)

Resolves disputes under the *Residential Tenancies and Rooming Accommodation Act 2008*

131 450 <https://www.qcat.qld.gov.au/>