

FLOW CHARTS

To aid understanding of process to end a general tenancy agreement due to domestic violence in the Residential Tenancies and Rooming Accommodation Act 2008

DFV amendments commence 20 October 2021

Abbreviations

T – Tenant

L – Lessor

L/A – Lessor or Agent

DV – Domestic violence

Co-T - Co-Tenant

QCAT – Queensland Civil & Administrative Tribunal

s- section

Note: section numbers refer to Residentia
Tenancies and Rooming Accommodation
Act 2008 and Regulations

SOLE TENANT



T believes can no longer safely occupy premises because of DV committed against the T s308A

AND

T can give to the L/A

Notice ending tenancy (NET)

7 days' notice s308B

Supporting evidence and give L/A a copy or allow L/A to inspect evidence - new RTRA Regs s25A L/A is required to keep evidence confidential s308I

Agreement ends latter of 7 days' notice or the day T hands over vacant possession s308D L must inform T if
L intends to apply QCAT to have
notice set aside because the
notice does not comply s308C

The T is not liable for costs to end the tenancy, reletting fees or goods left at the premises s308G

The T is not liable for damage caused by DV s188(5) – T needs evidence that damage caused by DV

L may lodge an urgent application to QCAT within 7 days of receiving NET S308H(2)

The T can apply for bond refund s135A – s136E whether or not supporting evidence complies s308B(1)(b)

QCAT must consider

examine T's experience of DV or T's belief that not safe to occupy the premises s308H(4)

QCAT cannot

THE END

QCAT makes an order



CO-TENANT

Note: all processes the same as for Sole Tenant PLUS

T believes can no longer safely occupy premises because of DV committed against the T s308A

T can give to the L/A

Notice ending tenancy (NET)

7 days' notice s308B

Supporting evidence and give L/A a copy or allow L/A to inspect evidence
- new RTRA Regs s25A
L/A is required to keep evidence confidential s308I

L must inform T that remaining tenants will be notified and when they will be notified and that the agreement continues for remaining tenants s308C Agreement ends latter of 7 days' notice or the day T hands over vacant possession s308D

L must give written notice to remaining tenants 7 - 14 days after vacating T's agreement ends that tenancy continues for remaining tenants s308E and they must top up the bond within 1 month s308F The T is not liable for costs to end the tenancy, reletting fees or goods left at the premises s308G The T is not liable for damage caused by DV s188(5) – T needs evidence that damage caused by DV

NOTE: L could apply to QCAT

The T can apply for bond refund s135A – 136E

THE END