

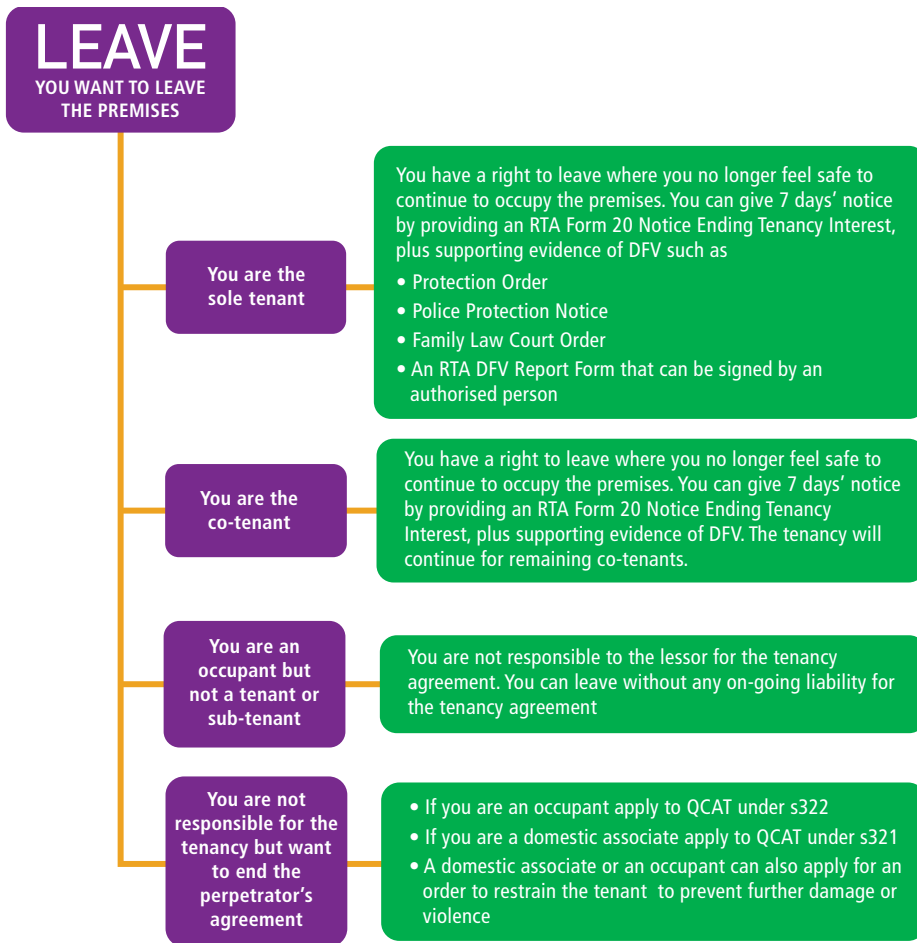
Domestic and Family Violence (DFV) - You want to Leave



This factsheet explains the process under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) (the Act) if you want to leave a rental premises where you do not feel safe due to domestic and family violence (DFV).

You can end the tenancy/residency if you are a sole tenant/resident or end your interests in the tenancy/rooming accommodation agreement where the co-tenant/co-resident is using violence.

You have options to LEAVE and are not responsible for break lease costs.



You must pay rent until the end of the 7-day notice ending tenancy period. You are not responsible for paying any additional costs to the lessor for ending the agreement early, re-letting fees or costs relating to goods left on the premises.

What's inside

- Ending the tenancy or rooming agreement
- What evidence can be used to end the tenancy or rooming agreement?
- Is this evidence confidential?
- I am a co-tenant or resident and want to leave
- What happens to the remaining co-tenants?
- What if my lessor disputes?
- What are my obligations?
- Damage
- Can I get my bond refunded?

Who's who?

A **lessor** is the person who gives a tenant the 'right to occupy' a residential premises. Lessors often employ real estate agents to manage premises on their behalf.

A **provider** is a person who provides rooming accommodation to residents.

Tenants Queensland (TQ) is a specialist community and legal service which has been providing services to and representing the interests of residential renters in Queensland since 1986.

QSTARS is a program providing specialist advice and support to renters, funded by the Qld Government, delivered by TQ

The **RTA** is the government authority that manages rental bonds, provides forms and information, conducts dispute resolution and investigates complaints of unlawful conduct under tenancy laws.

The Tribunal or **QCAT**, hears and makes binding decisions about residential tenancy disputes.



Domestic and Family Violence (DFV) - You want to Leave

I want to leave

You have a right to leave and end your interest in the tenancy if you believe you can no longer safely continue to occupy the premises because of DFV committed against you.

Ending the tenancy or rooming agreement

You can end your interest in the tenancy/rooming agreement by giving the lessor/provider a minimum of 7 days' notice using the correct Residential Tenancies Authority (RTA) form

- a Notice ending tenancy interest (domestic and family violence) (Form 20) to your lessor/agent (NET)*
- a Notice ending residency interest (domestic and family violence) (Form R20) to your rooming accommodation provider (NER)*

A tenant or resident may choose to leave immediately after providing the notice and paying the 7 days rent.

You will need to provide documents as evidence of the DFV. You can choose to provide a copy or allow your lessor or provider to inspect copies of documents.

Alternatively, you may make an urgent application to the Queensland Civil and Administrative Tribunal (QCAT) for a termination order or an order ending your interest in the agreement because of DFV committed against you.

What evidence can be used to end the tenancy or rooming agreement?

To end your tenancy/rooming agreement, you will need to provide evidence with the NET or NER. The following are considered acceptable forms of evidence:

- A Protection Order or Temporary Protection Order
- A Police Protection Notice
- An interstate order or injunction for personal protection under the Family Law Act 1975 (Cth)
- An injunction for personal protection under the Family Law Act 1975 (Cth)
- An RTA Form Domestic and Family Violence Report* signed by one of the following:
 - A health practitioner including medical, midwifery, nursing, occupational therapy, psychology
 - A social worker, eligible for membership of the Australian Association of Social Workers
 - A refuge or crisis worker
 - A DFV support worker or case manager
 - An Aboriginal and Torres Strait Islander medical service
 - A solicitor

Note*: All forms can be found on the RTA website

Is this evidence confidential?

To ensure your safety and privacy, the lessor/agent/provider must keep all your evidence confidential. You can allow them to inspect copies of documents, but you're not obliged to give them a copy.

- Your lessor/agent or provider must not copy your evidence unless you agree
- Your NET/NER form and any other information relating to the DFV must be kept securely
- Your lessor/agent/provider must not provide any information to anyone about the DFV – unless it's between the agent/lessor/provider or an employee or for obtaining legal advice or for a tribunal hearing or required by a law. Penalties apply for breaching these confidentiality requirements.

I am a co-tenant or resident and want to leave

As a co-tenant/resident you can also give a NET/NER with supporting evidence of the DFV with 7 days' notice.

Or

You can apply to the Tribunal to terminate your tenancy because of DFV committed against you by another person, including a co-tenant or co-resident.

What happens to the remaining co-tenants?

The lessor/agent/provider must give written notice to each remaining tenant/resident informing them that you are no longer on the agreement. This 'Continuing interest notice'* must be given 7-14 days' notice after your tenancy ends. The agreement continues for all remaining tenants and residents under the same terms.

The lessor/agent/provider will also advise the remaining tenants and residents that they have at least one month to top up the bond.

What if my lessor disputes?

The lessor/agent/provider cannot dispute that you are in circumstances of DFV. If the lessor/agent/provider believe that your NET/NER and supporting evidence does not comply with the requirements under the Act, they can dispute it at the Tribunal. They must tell you that they intend to apply to the Tribunal to have the notice set aside and file their application within 7 days of receiving the NET/NER.

The Tribunal will consider whether the NET/NER and supporting evidence complies with requirements under the Act. The Tribunal will not consider whether or not you have experienced DFV or whether you believe that you could no longer safely continue to occupy the premises.

What are my obligations?

You must pay rent until the end of the 7-day NET/NER period, or until you have handed over vacant possession of the premises to the lessor/agent/provider, whichever is the later of the two dates.

You are not responsible for paying any additional costs to the lessor/agent/provider for ending the agreement and breaking the lease, re-letting fees or costs relating to goods left on the premises.

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Damage

When you are a tenant/resident who has experienced DFV, you are not responsible for repairing the damage or compensating the lessor/provider for damage caused to the property by an act of DFV.

Collecting evidence at the time of the DFV is important, including:

- police reports (keep a record to the police report number)
- any documentation relating to DFV – Police Protection Notice, Temporary Protection Order, Domestic Violence Protection Order
- photographs
- witness statements
- DFV case worker statements

You can give your lessor/provider details of the damage and copies of the evidence to show that the damage was caused by DFV and state that it is not your responsibility.

Can I get my bond refunded?

You can apply for your bond refund after you have vacated the premises using a Form 4a Bond refund for persons experiencing domestic and family violence. If your claim is made jointly with the lessor/agent/provider, the bond will be refunded in the way directed on the refund form.

If you make a claim for the bond for yourself, the RTA will notify the lessor/agent/provider about your claim. They will not inform any of the co-contributors to the bond such as remaining co-tenant/s.

The lessor/agent/provider can put in a Notice of Claim on your bond, and this will trigger a dispute. You will be invited by the RTA to participate in a conciliation with the lessor/agent/provider to reach a resolution of the dispute. Ensure that you send the Form 16 Dispute Resolution Request to the RTA within 14 days of receiving a Notice of Claim.

If the dispute proceeds to the Tribunal because the dispute cannot be resolved, the Tribunal order must not penalise you for any damage caused by DFV against you. You will need to provide evidence that the damage was caused by DFV and your efforts to fulfill your obligations as a tenant/resident.

Tenancy Facts

Tenancy facts information for renters are available at www.qstars.org.au

Tenancy Facts include:

- Renting in Queensland
- Starting a tenancy
- Rental bonds
- Rent and other charges
- Entry and privacy
- Repairs and maintenance
- You want to leave
- Lessor ends the tenancy
- Resolving tenancy disputes
- Tenancy databases

Other DFV Factsheets include:

- Domestic and Family Violence and tenancy databases
- Domestic and Family Violence - You want to leave

Further help

Tenants Queensland

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

For administration issues contact TQ on 07 3832 9447 or visit www.tenantsqld.org.au

Queensland Statewide Tenant Advice and Referral Services (QSTARS)

QSTARS provides specialist tenancy aDFVice, aDFVocacy support and referral for Queensland renters.

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

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

Visit www.qstars.org.au for more information and to access tenancy fact sheets and videos.

Women's Legal Service

(07) 3392 0670 or **1800 677 278** outside Brisbane
www.wlsq.org.au

DV Connect

1800 811 811
<https://www.dvconnect.org/>

Legal Aid

"How do I get a Domestic Violence Order?" fact sheet and sample Form DFV1, Application for a Protection Order

1300 651 188
www.legalaid.qld.gov.au

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