

# Rental bonds



When you rent a place to live, you will usually be asked to pay a rental bond. In Queensland the Residential Tenancies Authority (RTA) holds bond money until you move out. The rules about the payment and refund of your rental bond are set out in the *Residential Tenancies and Rooming Accommodation Act 2008* (The Act). This fact sheet applies to general tenancies and rooming accommodation.

## What is a rental bond?

A rental bond is money you may be asked to pay as financial security when you rent a place. It is not compulsory for a lessor, agent, or provider to charge a bond. The Act sets out maximum bond amounts you can be asked to pay.

In Queensland all rental bonds must be lodged with the RTA during the tenancy. This applies to all residential bonds. It also includes bonds paid by boarders or lodgers. Even though on-campus university accommodation is not covered under the Act, bonds paid for this accommodation must be lodged with the RTA.

When the RTA receives your bond, they will send you a bond lodgement number by post or email. You can ring the RTA to check your bond is lodged. If the person you pay bond to fails to lodge your bond with the RTA, this is a serious offence. You can report this to the RTA. You will need to provide the RTA with a receipt, or other evidence that you paid a rental bond.

In residential tenancies you must be given a copy of the proposed tenancy agreement, before you can be asked to pay a bond, or other money for the tenancy (other than a key deposit). This does not apply in rooming accommodation.

## Bond Receipts

The person you pay bond to must give you a receipt when you pay your bond. The receipt must record:

- The name and signature of the person receiving the bond
- Your name, and the name of the lessor or provider
- The address of the rental premises
- The date you paid the bond
- The amount of bond you paid
- If there are co-tenants, the amount paid by each tenant.

Keep your bond receipt in a safe place, along with your other tenancy documents. This receipt may be your only evidence you paid the bond. The person receiving your bond must keep their copy of the receipt for at least one year after your agreement ends.

Take a photo of your bond receipt so there is an electronic copy.



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### 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.

# Rental bonds

## How to avoid bond problems

- Read all documents carefully and never sign a blank or incomplete form
- Check your bond is lodged with the RTA during your tenancy.
- When moving in, take photos and fill in the Entry Condition Report (RTA Form 1a) to record the condition of the premises. Keep a copy or scan/photograph the document.
- Use a Change of Bond Contributor form (RTA Form 6) if people on the bond change, or update bond details online.
- When moving out leave the premises clean, in a similar condition to when you moved in.
- Keep copies of cleaning receipts and take photos to show you have met your obligations.
- Use an Exit Condition Report (RTA Form 14a) to record the condition of the premises. Give a copy to the agent or lessor.
- Return all keys when you leave.
- Notify the RTA of your new address.
- On the day you move out apply to the RTA for your bond refund. You can either apply online (see details below), or use the Refund of Rental Bond Form (RTA Form 4). The RTA will act on the first bond refund claim they receive.

## Lodging the bond

The person you pay bond to must lodge your bond money with the RTA within 10 days of receiving it from you. They must complete and sign a Bond Lodgement form with you and send the RTA your bond money and the bond lodgement form.

The Bond Lodgement form records the signatures for you, and your lessor, agent or provider. The RTA will check the signatures before refunding the bond at the end of the tenancy. If parties to the bond change during the tenancy, you should contact the RTA to update the signature record.

When the RTA receives your bond, they will send you an official receipt that includes your rental bond number. If you do not receive an official receipt, you should contact the RTA to check your bond has been lodged. You can contact the RTA at any time to enquire about the status of your bond.

### RTA Web Services

The RTA has an online web service that allows tenants, residents, lessors, agents, or providers, to lodge rental bonds directly with the RTA, update contact details, update shared bond details, or apply for a bond refund at the end of the tenancy.

To register to use RTA web services you will need a QGov account. Instructions are on the RTA website:

<https://www.rta.qld.gov.au/rta-web-services/understanding-qgov>

You must lodge the full bond amount with the RTA in one payment via BPAY or credit card. If there are multiple tenants, they need to pay their share to one tenant, or the lessor/agent, who can then lodge the full bond online with the RTA.

If you don't have a QGov account, your bond can be lodged by completing the Bond Lodgement Form (RTA Form 2) and sending by post to the RTA.

When the RTA receives your bond, they will send you an official receipt that includes your bond lodgement number.

## Maximum bond

The maximum bond you can be asked to pay is set out in the Act.

TYPE OF TENANCY	Maximum bond amount
<b>General Tenancies</b>	<b>4 weeks rent</b> Unless rent is over \$700
<b>Rooming Accommodation</b>	<b>4 weeks rent</b> Unless rent is over \$500
<b>Movable Dwellings</b>	<b>2 weeks rent</b> If no electricity is included
	<b>3 weeks rent</b> If electricity is in lessor's name & individually metered
<b>Lessor is Employer and subsidises rent</b>	Bond is the greater of \$400 or the maximum bond that applies (see above)

It is an offence for the lessor, agent, or provider to charge more than the maximum bond amount. If they do this, they could be fined. If you pay bond more than the maximum amount, the RTA will return any extra amount to you when negotiating a reasonable time for entry.

## Bond increases

If your rent goes up, your lessor or agent may increase your bond. However, this can only happen once in a 12 month period. You must be given at least one (1) month written notice of the proposed increase. The bond cannot be increased during a fixed term tenancy, unless a term in the agreement allows for this.

## Bond instalments

If you face financial hardship, you could ask the lessor, agent or provider to let you pay your bond in instalments.

In general tenancies the lessor or agent must lodge each bond instalment with the RTA within 10 days of receiving it.

In rooming accommodation your provider must lodge bond instalments with the RTA within 10 days of all instalments being received, or at the end of a three (3) month period. Further bond instalments must be lodged within 10 days.

If you rent in community housing your lessor can wait and lodge the bond when you have paid all the instalments, or when your agreement ends.

## Bond loans

If you do not have enough money to pay a bond and you meet eligibility requirements, you can apply to the Queensland government for an interest free bond loan. Your bond loan application must be approved before you sign a tenancy agreement. If your application is approved, bond is paid directly to the RTA. To apply online visit [www.qld.gov.au/housing/renting](http://www.qld.gov.au/housing/renting) or contact your local Housing Service Centre.

## Change of rental property

If you change rental premises, but still rent from the same lessor, agent, or provider, you can transfer your bond from one premises to another. All parties must agree and sign a Change of Rental Property form (RTA Form 3), to notify the RTA of the new address for the rental bond.

## Co-tenancies

If you share the tenancy with at least one other person, and you all sign the tenancy agreement, you are co-tenants. This means that you are individually and jointly responsible for the tenancy.

In shared tenancies, the RTA cannot release bond money until the end of the tenancy, unless everyone agrees. However special provisions apply if someone ends their part of a shared tenancy due to domestic violence and wants to claim their share of the bond. See further information below under "If you are leaving because of domestic violence".

## Changes to shared bonds when tenants move

If you move into a shared rental property, you may be asked to contribute to an existing shared bond. You may pay your bond to a head-tenant, or the tenant who is leaving. The person you pay bond to must give you a receipt. Making this payment electronically provides you with a record of payment. An existing tenant can use RTA web services via their QGov account to notify the RTA of the changed names on the bond. The RTA will email the other parties, who must respond and agree to the change within 14 days, or the change will lapse. Or use a Change of Bond Contributor form (RTA Form 6) and send to the RTA by post. When the RTA confirms this change, the bond records will be updated with the tenants who can claim the bond at the end of the tenancy.

## Bonds paid for sub-tenancies

If you are a sub-tenant and rent from the head-tenant, the head-tenant can charge you a bond for your tenancy agreement with them. The Act applies to agreements between head-tenants and subtenants. This means your head-tenant has the same responsibilities as a lessor or agent; they must provide receipts for rent and bond payments, lodge your bond with the RTA within 10 days, and give you a written tenancy agreement.

## Bonds paid by boarders and lodgers

If you are a boarder or lodger (you rent a room in someone's place), you may be charged a bond. While the Act does not apply to a boarding agreement, any bond money you pay must be treated in the same way as all other bonds. The person you pay bond money to must give you a receipt, and lodge your bond with the RTA within 10 days of receiving it from you.

## Bond refunds

When your tenancy ends, you can apply to the RTA for your bond refund. If you have a QGov account, you can submit an online bond refund claim <https://www.rta.qld.gov.au/rta-web-services/onlinebond-refund>. Alternatively you can post the signed Refund of Rental Bond (RTA Form 4).

The RTA can release the bond if all parties sign a Form 4 and it is lodged with the RTA. If an agent or lessor asks you to sign a Form 4 make sure the refund amounts are filled in.

The RTA can also release any undisputed bond money, if one party lodges a Form 4 that directs the RTA pay bond money to the other party.

**Never sign a blank form as amounts may be claimed from your bond without your knowledge.**

## Applying for your bond refund

You can apply to the RTA for your bond refund on the day your tenancy ends.

If there is a dispute over the bond refund, the RTA will act on the first Refund of Rental Bond claim they received. How and when the RTA releases the bond will depend on whether everyone agrees with the bond refund claim.

After receiving a bond refund claim, the RTA will notify all parties to the bond. If you receive a Notice of Claim, and you wish to dispute it, you have 14 days to respond and lodge a Dispute Resolution Request (RTA Form 16).

If parties do not dispute the bond claim within the 14 day time limit, the RTA will release the bond according to the first claim they received.

## Online bond claims

To apply online for a bond refund you will need your QGov login details, your bond number, and your bank account details. Your online claim also needs to include email addresses for all parties.

You can apply online if you are seeking a full bond refund. This includes if you are allocating part of the bond to several bond contributors, and/or the agent/lessor/provider. You cannot apply online for a part refund of the bond (for example if one person moves out and wants to apply for their share of the bond).

When the RTA receives an online bond claim they will email "fast track" notifications to all other parties listed on the bond. The other parties have 48 hrs to either agree with the claim or dispute the claim. If you submit an online bond claim, it is useful to let other parties know they need to check their emails and respond within 48 hours.

RTA web services only allows one online bond refund claim, so it is useful to discuss bond refund arrangements with other parties before submitting an online claim. If one party applies online and parties later agree on different bond refund amounts, you cannot submit a new online claim.

All parties will need to fill in and sign a Form 4 reflecting this new agreement and post the form to the RTA.

If you end a tenancy due to domestic violence you cannot apply online for your bond refund. See "If you are leaving because of domestic violence".

## If you are leaving because of Domestic and Family Violence

If you terminate your tenancy due to domestic and family violence (DFV) you can apply to the RTA for a bond refund.

This applies if you end your tenancy after giving your lessor or agent relevant evidence with a RTA Form 20 Notice ending tenancy interest (domestic and family violence). If you live in rooming accommodation you must have ended your agreement with RTA Form R20 Notice ending residency interest (domestic and family violence) and by providing relevant evidence.

There is a specific form for tenants and residents to claim the bond. RTA Form 4a Bond Refund for persons experiencing domestic and family violence is completed, signed, scanned, or photographed and emailed to the RTA, instructions are on the form.

Upon receipt of the form, RTA notifies the lessor/agent/provider of your bond claim.

You are not liable for break lease costs or ongoing rent after the date you end your interest in the tenancy. However, you may be responsible for general costs, such as cleaning, or rent owed when you ended your interest in the tenancy.

If the property was damaged by another person during an incident of DFV, you are not responsible for repairing this damage. Evidence, such as police reports, or photos, is useful to show damage is related to domestic violence.

You are also not responsible for goods left on the property, such as goods you are unable to remove, or goods belonging to the person using violence.

## Ending a co-tenancy because of DFV

If a co-tenant or resident issues a Form 20 or Form R20, and leaves due to DFV, the lessor, agent or provider must issue the remaining tenants or residents an RTA Continuing interest notice. This must be given between 7-14 days after the vacating tenant or resident ends their interest in the agreement. The lessor, agent or provider can also ask the remaining tenants to top up the rental bond within one month.

If a co-tenant or resident is the person using violence, and you wish to remain in the rental property, you may have a different action you can take. For further information contact QSTARS.

Any change to bond contributors should be provided to the RTA by an existing tenant or resident with a QGov account or by completing a Form 6.

For more information see the [If violence affects your tenancy fact sheet](#).

## Bond disputes

### Dispute Resolution

When the RTA receives a Dispute Resolution Request, a time is allocated for telephone mediation (conciliation) to assist parties to exchange information and try to reach an agreement about the bond refund.

If the RTA assists the parties to reach an agreement, the RTA will refund the bond in accordance with this written agreement. If there is no agreement, the RTA will issue a Notice of Unresolved Dispute. Parties then have 7 days to apply to the Queensland Civil & Administrative Tribunal (QCAT) for a hearing and a final decision.

### Agreed bond refunds

At any time during the bond dispute process, parties can decide how the bond is to be refunded. Any agreement must be put in writing as "full settlement of all claims", this confirms there will be no further claims in relation to the tenancy. This agreement is sent to the RTA with a Form 4 to immediately release the bond.

## Evidence

Your lessor, agent or provider may claim money from your bond if they incur financial costs, or suffer a loss, because you failed to meet your obligations; for example, failed to pay rent or service charges, left the place dirty, or caused damage to the premises.

When you move out it is important to keep evidence to show you met your obligations by leaving the property clean and in a similar condition to the start of your tenancy, except for fair wear and tear which arises from living in the property. Wear and tear is not damage to the property.

If the lessor, agent, or provider, disputes your bond refund you should communicate by email and request to seek details of their claim eg copies of receipts or other evidence to justify the claim.

If you believe the lessor or provider does not have a good reason to claim your bond, and the matter proceeds to RTA Dispute Resolution, you will need evidence to dispute their claims. If no agreement is made during Dispute Resolution you will need to make an application to QCAT to resolve the matter.

Your evidence may include:

- Copies of your Entry Condition Report and Exit Condition Report.
- Photos to show you left the property clean and undamaged and removed your goods.
- Evidence you did cleaning or gardening.
- Copies of rent receipts or rent records to show rent was paid.
- Affidavits or statements from witnesses or experts, or emails to the agent regarding maintenance requests.
- Copies of quotes or receipts for work to evidence costs.

## Going to the Tribunal

QCAT has the power to hear tenancy disputes. An application must be made within 6 months after the lessor, agent or provider becomes aware of the breach. An application begins with QCAT Form 2 Application for Minor Civil Dispute – residential tenancy dispute. This form is available from your local courthouse or online at <https://www.qcat.qld.gov.au>.

Tribunal hearings for bond refunds or compensation claims, are nonurgent applications. This means the applicant must have a Notice of Unresolved Dispute (NURD) from the RTA before applying to QCAT. The applicant must include the RTA conciliation number from the NURD on the QCAT Application for Minor Civil Dispute.

If you make the application, you are called the 'applicant'. If the other party made the application, you are the 'respondent'.

If you are the applicant, you need to clearly state your claim/s. Focus on the facts of the case. You should attach a summary statement and copies of relevant evidence.

If you are the respondent, QCAT will send you a copy of the claim lodged by the other party, and a Notice of Hearing providing the date and time of the hearing. It is important to attend the hearing so you can tell your side of the story. Use the time before the hearing to get advice, gather your evidence and prepare a statement to respond to the claims being made against you. It is a good idea to prepare an affidavit, which is a sworn written statement of your evidence that is witnessed by a JP or solicitor. Provide this to the other party and QCAT before the hearing. See the QCAT website for up-to-date information about lodgement of documents.

You may be requested by QCAT registry to complete and lodge a QCAT form 36 Response when providing a response to an application. Enquire with your local registry for further guidance.

At the hearing the Magistrate or adjudicator will look at the application and the evidence presented by each side. Each party may be asked questions about their evidence.

When the Tribunal makes a decision about the bond refund, the RTA can immediately release the bond according to the Tribunal final order. When making a decision, the Tribunal may have regard to:

- Efforts made by the tenant/resident to comply with their obligations under the agreement such as at the end of the tenancy to return in the same condition as it was at the start of the tenancy, except fair wear and tear; and
- The Lessor, provider, tenants and residents' compliance with the Act for the agreement; and
- Evidence supporting any bond claims (such as entry, exit reports, photographs, and quotes)

Tenants or residents you need help to fill in a QCAT form, or prepare for a tribunal hearing, can contact QSTARS.

## If your bond is not lodged

If your bond money is not lodged with the RTA this is a serious offence under the Act. You can write to the person you paid the bond to and advise them to immediately lodge the bond with the RTA or return it to you.

Failure to lodge a rental bond with the RTA may be subject of an investigation and a penalty fine. You can contact the RTA Investigations Unit and make a written complaint about this offence. You will need to provide evidence you paid a rental bond, such as a receipt, and contact details for the person you paid your bond money to.

If parties cannot agree, you can also use the RTA Dispute Resolution Service. If the dispute is not resolved you can apply to QCAT to seek an order that the person you paid your bond to, return your money. You will need the name and contact details of this person, and evidence that you paid bond money to that person. QSTARS can provide advice about non-lodgement of a rental bond.

**At the end of a tenancy your Entry and Exit condition reports, cleaning receipts and photos can provide important evidence if you have a bond dispute.**

## Tenancy Facts

Tenancy fact sheets for renters are available at [www.qstars.org.au](http://www.qstars.org.au)

### Tenancy fact sheets 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
- Pets in Rental Properties

## Further help

For free tenancy advice call:

**1300 744 263**

Open Mon – Friday 9am – 5pm

(extended hours to 7pm on Tuesdays and Wednesdays)

### 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. Queensland Statewide Tenant Advice and Referral Services (QSTARS) is managed by TQ to provide specialist tenancy advice, advocacy support and referral for Queensland renters and delivered in collaboration with partner organisations.

For more information and to access tenancy factsheets and videos visit [www.tenantsqld.org.au](http://www.tenantsqld.org.au) or [www.qstars.org.au](http://www.qstars.org.au).

For administration issues contact TQ on 07 3832 9447.

### Residential Tenancies Authority (RTA)

The RTA is the government authority. RTA tenancy forms are available online at [www.rta.qld.gov.au](http://www.rta.qld.gov.au) or call 1300 366 311

### The Queensland Civil and Administrative Tribunal (QCAT or the Tribunal)

To find your local Tribunal (except for Brisbane QCAT sits in the local Magistrates Court) or get QCAT forms visit [www.qcat.qld.gov.au](http://www.qcat.qld.gov.au) or call QCAT on 1300 753 228

### Translating and Interpreting Service (TIS National)

If you need an interpreter let us know when you call, or call the TIS National translating and interpreting service on 131 450 so they can help you contact our service.

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