

Ending agreements

Steps to end a renting agreement

The Queensland renting laws set out the steps to end a renting agreement. Your renting agreement will end if:

- You or your lessor give a written notice and you move out.
- The QCAT tenancy tribunal makes an order to end the agreement.
- You both agree to end the renting agreement and put this in writing.

When can the lessor or agent ask me to move out?

Your lessor or agent can give you a **Notice to Leave (Form 12)** to end the renting agreement. The amount of notice (time) they must give you to move out will depend on the reason they are asking you to leave. Reasons they can end a tenancy and how much notice they must give are listed on the back of the form.

In some cases your lessor can apply to QCAT for a tenancy tribunal hearing and ask the tribunal for an order to end your agreement. If this happens QCAT will send you a letter about the hearing. If you get a letter from QCAT it is important to attend the tribunal hearing, so you can have your say.

Do they need a reason to ask me to move out?

Yes. Your lessor needs a reason to give you a **Notice to Leave (Form 12)**. The amount of notice they must give you will depend on the reason they are ending your tenancy. If you have a fixed term agreement, as long as you meet your obligations as a tenant, they cannot ask you to leave before the fixed term ends.

Your lessor must not give you a Notice to Leave for retaliatory reasons; because you asked for repairs or took steps to stand up for your rights. If you get a notice you think is retaliatory, you can apply to QCAT for an urgent tribunal hearing to disagree with the notice. You must do this within 1 month of getting the notice.

What if I am asked to move out for a reason?

If you do not meet your renting obligations your lessor can give you a **Notice to Remedy Breach** that gives you 7 days to fix the problem. If you don't fix the problem and "remedy the breach" by the due date on the notice, the lessor can then give you a **Notice to Leave** for an "**unremedied breach**" of the agreement.

The renting problem must be serious to justify giving you a Notice to Leave for an unremedied breach; for example if you fail to pay the rent, seriously damage the place, or repeatedly disturb neighbours, and fail to fix these problems.

If you do not agree with the reason you are being asked to leave, or if you think your lessor is acting unfairly, write and let them know you dispute the notice. Also fill in a **Dispute Resolution Request (Form 16)** and send it into the Residential Tenancies Authority (RTA). If the RTA cannot help you and the lessor reach an agreement, you can apply to QCAT for a hearing to dispute the notice.

What happens if I don't move out?

If you get a Notice to Leave, but do not move out and return the keys by the due date on the notice, your lessor or agent cannot come into your place to remove you. They must apply to QCAT for an urgent hearing and ask the tribunal to make an order to end your tenancy, this is called a "termination" order.

If you get a letter from QCAT it is important to attend the tribunal hearing, especially if you do not agree with the reason you are being asked to leave. At the QCAT hearing you can tell your side of the story. The QCAT adjudicator will look at the evidence and decide if the lessor is allowed to end the agreement.

If QCAT make a termination order they will also issue a warrant of possession to the local police. This warrant gives police powers to visit and make sure everyone leaves the place in a peaceful way so the lessor can take the place back.

What if I want to move out?

If you want to move out you must follow the steps in the renting rules to end your agreement. You must give the lessor a **Notice of Intention to Leave** (Form 13). You can get RTA Forms at www.rta.qld.gov.au or call the RTA on 1300 366 311.

On the Form 13 you can state the date you intend to move out and return the keys (this is called the **handover day**). The amount of notice you must give will depend on your reason for leaving and is listed on the back of the form.

In some cases you can apply to QCAT for an urgent tribunal hearing to end your renting agreement. You may need to do this if you have a fixed term agreement and something changes in your life and you have to move out. If you break your fixed term agreement early your lessor may ask you to pay some compensation.

What should I do when I move out?

- **Remove all your goods and leave the place clean.** You must leave the place in a similar condition to when you moved in.
- You must fix any damage you have done, but you are not responsible for everyday repairs, or reasonable wear and tear from daily use.
- **Gather evidence** to show you have left the place clean and undamaged.
- Take photos of the place and keep receipts for cleaning or lawn mowing.
- Use an **Exit Condition Report (RTA Form 14a)** to write down what each room is like when you move out. Give the lessor a copy. They have 3 days to inspect the place and give you back a signed copy with their comments.
- **Return all the keys** to the lessor or agent when you move out.
- **Keep copies of all paperwork**, this is evidence if you have a bond dispute.
- Apply to the RTA for a refund of your rental bond. You can use a **Refund of Rental Bond** (Form 4) or apply online to the RTA for your bond refund.

For tenancy advice call Tenants Queensland QSTARS 1300 744 263