

Steps to solve renting problems

What can I do if I have a renting problem?

You and your lessor may have a renting problem if your lessor does not follow the tenancy laws, if you disagree with something your lessor has done, or if you do something wrong. This renting problem is called a “dispute”.

If possible, talk to your lessor first and see if you can sort out the problem. This is usually the quickest and easiest way to deal with a renting problem.

If you have a renting problem, you can also write a letter, or send an email to your lessor or agent, to suggest ways to solve the problem. If you make an agreement to solve the problem, write down what you both agree to.

It is good to know where you stand under the tenancy laws. You can get advice about your renting rights and responsibilities from a tenancy advice service. This information can help you feel more confident when you talk to your lessor, agent, or housing provider, and try to solve a renting problem.

What if someone does not meet their renting responsibilities?

If you or your lessor do not do the right thing according to the tenancy rules, and your Residential Tenancy Agreement, this is called a “breach” of the agreement. It means there is a problem that must be fixed.

Either the **tenant** (the person renting the place), or the **lessor**, can use a Notice to Remedy Breach (Form 11) to let someone know there is a problem. This notice must give the person at least 7 days to remedy the breach (fix the problem).

What should I do if I get a Notice to Remedy Breach form?

If you **receive** a Notice to Remedy Breach (Form 11), it means the lessor or agent is letting you know there is a problem, and you must take steps to fix the problem by the date on the notice.

- Don't ignore this notice!
- Read the notice and take action by the due date on the notice.
- If you don't agree with the notice let your lessor know.
- Seek tenancy advice if you are not sure what to do.

Always keep copies of all paperwork between you and your lessor.

For advice and help with renting problems call the Tenants Queensland free QSTARS advice service on 1300 744 263

What if I need help to solve a renting problem?

The Residential Tenancies Authority (RTA) is a government organisation that looks after the renting rules in Queensland. The RTA has a free problem solving service, called the Dispute Resolution Service.

Staff at the RTA Dispute Resolution Service can talk to you and your lessor over the phone. They will help you and your lessor share information and see if you can both agree on a way to solve the problem.

For RTA tenancy forms visit the RTA website or call the RTA on 1300 366 311.

For help with renting problems you can also contact the Tenants Queensland QSTARS advice service. This is a free advice service for renters. This service can help you work out the best steps you can take to solve your renting problem.

How do I apply to the RTA Dispute Service?

If you have a renting problem that you cannot solve by talking with the lessor, or if the lessor does not respond to your Form 11 breach notice, you can apply to the RTA Dispute Resolution Service.

To apply fill in a **Dispute Resolution Request** (Form 16) and send this form into the RTA. Put your contact details and phone number on the form so the RTA can ring you. Also include the name and phone number of the lessor.

When the RTA receive a Form 16, they will appoint an RTA conciliator who will contact you, and the lessor or agent, by phone, and help you share information and see if you can reach an agreement.

If you cannot agree on a way to solve the problem, the RTA will issue a Notice of Unresolved Dispute letter with a “conciliation” number on it. The person who gets this letter can then apply to QCAT for a tenancy tribunal hearing.

What if I need to go to QCAT for a tenancy hearing?

If the RTA cannot help you and your lessor solve a tenancy problem, or if you have an urgent tenancy matter (as set out in the tenancy laws), you can apply to the Queensland Civil Administrative Tribunal (QCAT) for a tenancy hearing.

If you apply to QCAT for a tenancy tribunal hearing you are the “Applicant”. Your QCAT application can explain the problem and say what decision you want QCAT to make. You can also attach evidence about the tenancy problem.

The QCAT tenancy tribunal aims to be fair and accessible. A QCAT member will hear the matter, listen to both sides and look at the evidence. They will then make a final decision, called an “order”.

If your lessor applies to QCAT for a tenancy hearing you are the Respondent. QCAT will send you a notice telling you the date and time of the hearing. You can attend the hearing to respond and tell your side of the story.

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