Getting your belongings back

Tenants Queensland

This fact sheet is for rooming accommodation residents. Rooming Accommodation generally covers residents who rent a room, but share facilities like a kitchen or bathroom. The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that covers residential tenants and lessors as well as rooming residents and providers in Queensland.

Have you left belongings behind?

If a rooming accommodation agreement ends and you move out leaving your belongings behind in your room (other than money or personal documents), the provider must safely store your goods for at least 28 days and during the storage period must make reasonable efforts to contact you about any belongings you left behind.

Reasonable efforts to contact you include attempting to contact you by:

- telephone, text message, email or private message via social media
- attempting to contact your emergency contact
- publishing a notice in an online newspaper.

If you request the return of your goods, the provider must return them to you. The provider can ask you to pay reasonable costs for storage.

The provider can immediately sell or throw out your goods if they reasonably believe any of the following:

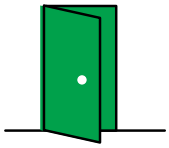
- the goods are perishable (likely to go off, rot or degrade)
- the total market value of the goods is less than $250
- storage of the goods is unhealthy or unsafe.

Your provider cannot refuse to return your belongings or withhold your belongings for payment of any rent or debt you may owe your provider.

What to do if you have to leave your belongings behind

If you have to leave some of your belongings behind, make an agreement with your provider about storing your things and when you will collect them. Include a list of any belongings you leave behind. Take photographs of all of your belongings.

If you make an agreement with the provider about leaving your things behind put this agreement in writing, give a copy to the provider and keep a copy.



Money or documents left behind

If you leave any money or personal documents (e.g. passport, birth certificate, marriage certificate, visa, photos) behind in your room the provider must store them for 28 days after you leave. During this time the provider must take reasonable steps to contact you about your items. If you ask the provider to return your documents or money, the provider must return them to you.

Personal Documents

If you don't claim your personal documents within 28 days your provider must give them to the Public Trustee. The Public Trustee will store your personal documents for six months and, if you haven't claimed them in this time, the Public Trustee can then dispose of the documents as they consider appropriate.

Money

If you left any money in your room and you don't ask for it back within 28 days, the provider should give your money to the Public Trustee. However, before they give your money to the Public Trustee the provider is allowed to take any money you owe them under your rooming accommodation agreement.

The Public Trustee will deposit the money into an "unclaimed moneys fund". You can claim your money from the Public Trustee at any time.

What's inside

- **Have you left belongings behind?**
- **Money or documents left behind**
- **If you don't collect your goods**
- **Solving disputes**

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**.

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

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.

Getting your belongings back

If you don't collect your goods

If you don't collect your belongings within 28 days of leaving your room, your provider may:

- continue to store your goods
- sell or dispose of them
- donate them to charity if they reasonably believe the market value of your goods is less than $900.

Selling belongings left behind

If the provider sells your goods, the money they receive can be used to pay any money you owe under your rooming accommodation agreement, or to pay any costs of storing and selling your belongings.

If there is any money left and the provider has been able to locate you by the time of sale, then they must give you the rest of the proceeds. If the provider cannot find you, then the provider must give the remainder of the money to the Public Trustee.

The Public Trustee will then deposit the money into an "unclaimed moneys fund". You can claim your money from the Public Trustee at any time.

However, the Public Trustee may pay the provider any money owed to them under the rooming accommodation agreement, as well as any reasonable expenses for storing and selling your belongings.

If the provider still has your belongings after 28 days have passed, then they must give them to you if you ask for them. You may still need to pay the provider's reasonable costs (e.g. storage) at this time.

Solving disputes

If you think the provider has not dealt with your belongings properly, or you are unhappy with how the provider is currently dealing with them, you can try to talk to your provider to solve the dispute.

You can write to the provider to formally request the return of your goods and arrange to collect them. You can attach a list of all the items you left behind and any photographs of your belongings.

Put any agreement in writing and you keep a copy. If you cannot come to an agreement to get your goods back, you can contact us for advice.

The Residential Tenancies Authority (RTA) runs a free dispute resolution service that can help you communicate with the provider to solve a dispute. To apply, fill out a Dispute Resolution Request (Form R16) online or email or post this form into the RTA.

You can get RTA forms online at www.rta.qld.gov.au or call the RTA and they can post forms to you. You can also call us for help to fill in forms.

If the RTA Dispute Resolution service cannot help you solve the dispute you can apply to the Queensland Civil and Administrative Tribunal (QCAT) for an order regarding your belongings. You will need evidence of your belongings to support your application.

In QCAT, you can seek an order for return of your goods or can claim compensation for your loss or expense due to your provider's actions dealing with your belongings.

For more information about disputes see the **Resolving Tenancy Disputes fact sheet**.

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 or 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 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 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.

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