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## **Rental Tenancies Authority - QLD**

### **New laws - general tenancies**

A new Act that changes some of the rules for renting houses, units, townhouses, caravans and other moveable dwellings will start on 1 July 2009. The *Residential Tenancies and Rooming Accommodation Act 2008* combines and updates the existing laws that cover renting your home.

### **Key changes**

The new Act is similar to the existing rental laws, but there are important changes that may affect you. This information covers how the new laws affect:

- Before a tenancy
- Tenancy agreements
- Rent and rent increases
- Entry to the property

#### **Before a tenancy**

##### **Rental properties must be advertised at a fixed price**

It is a requirement that lessors and agents must state a fixed price when advertising rental properties. This means that 'rent ranges' (such as 'from \$250-\$270 per week') and auction-style bidding for rental properties are not allowed.

##### **Deposits from prospective tenants**

The only deposits that can be taken from prospective tenants before a tenancy agreement commences are a holding deposit or key deposit. There are rules around holding deposits that must be followed.

#### **Tenancy agreements**

##### **New tenancy agreement forms**

There are new tenancy agreement forms which need to be used for tenancies started from 1 July 2009: General Tenancy Agreement (Form 18a) for houses and units and Moveable Dwelling Tenancy Agreement (Form 18b) for caravans and other moveable dwellings. These forms have new standard terms. People with existing agreements do not need to enter a new agreement because the Act automatically applies to all existing agreements.



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## **Changes in notice periods**

Lessors must give tenants 2 months notice to leave without grounds, whether the agreement is for a fixed term or periodic.

Tenants living in a caravan or other type of moveable dwelling must be given 3 months notice to leave if there is a voluntary park closure.

## **Disputing significant changes between agreements**

Tenants can dispute significant changes between agreements for the same property with the lessor/agent, such as excessive rent increases or whether pets are allowed. Tenants can dispute a significant change in their tenancy agreement by lodging a Dispute Resolution Request (Form 16) with the RTA after signing the new agreement.

## **Rent and rent increases**

### **New requirements if rent is to be paid in a way not listed in the Act (e.g. rent card)**

If a lessor/agent wants rent to be paid in a way that is not listed in the Act, they must give the tenant the option to pay in at least two other ways that are listed (e.g. cash, cheque or direct deposit into the lessor/agent's bank account).

They must also tell the tenant of any extra charges (such as a 'joining fee' or a service fee that is not the rent) that may be payable by the tenant.

### **Rent increases limited**

Under the new laws rent can not be increased unless there has been at least 6 months since the last increase, no matter what type of agreement tenants are on.

### **Change to notice period for rent increases**

There is now a requirement for lessors and agents to give tenants 2 months written notice of a rent increase during an agreement.

## **Entry to the property**

### **Entry during a 2 hour period**

The lessor/agent must now specify on the Entry Notice (Form 9) a 2 hour time period during which they intend to enter the premises, for example, to inspect the premises. The lessor/agent must enter the property during that particular 2 hour period. They can then stay in the property past the end of the 2 hour period to complete the job. This does not apply to entry by tradespeople.

### **Entry times**

The lessor/agent can only enter the premises on a Sunday, public holiday or between 6:00pm and 8:00am with the tenant's agreement.



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## Privacy for tenants

Where premises are to be sold or re-rented, the lessor/agent can only hold an open house or onsite auction with the tenant's agreement. Photos showing tenant possessions can only be used if the tenant agrees.

## New grounds for entry

If a lessor/agent has asked a tenant to fix a significant breach (such as using the property for an illegal purpose) with a Notice to Remedy Breach (Form 11), the lessor/agent is allowed to enter within a 2 week period of the expiry of the Form 11 to check that the breach has been fixed.

If the lessor/agent has organised repairs to be done on the property, they are also able to enter the property (after giving the correct notice) to make sure the tradesperson has fixed the problem as requested.

If the lessor/agent wishes to enter for either of these reasons, they must still give an Entry Notice (Form 9) to the tenant with 24 hours notice.

## Places that can help

If you are having trouble understanding the rules for renting in Queensland, there are places that can help you:

- Rental tenancies Authority → <http://www.rta.qld.gov.au>
- call the Rental Tenancies Authority Client Contact Centre on 1300 366 311
- contact your local Tenant Advice and Advocacy Service of Qld (TAASQ). Look under 'Tenant' in the White Pages for your closest office
- contact the Tenants' Union of Queensland (TUQ) on 3257 1108 (Brisbane) or 1800 177 761 (outside Brisbane only).

## Further Information

This fact sheet provides a general overview of the changes, however is not exhaustive. For more information on the *Residential Tenancies and Rooming Accommodation Act 2008* and the transitional arrangements in place, contact the RTA.

(Source: Rental Tenancies Authority Queensland)