
INFORMATION FOR INTERNATIONAL STUDENTS

Seek advice

This fact sheet is for international students unable to enter Queensland or may have left and whose tenancies are affected by COVID-19.

If you need further advice, you can contact Tenants Queensland for free tenancy advice service on 1300 744 263

Tenants Queensland delivers the Queensland State-wide Tenancy, Advice and Referral Service (QSTARS).

I am an international student unable to enter Australia and have signed a lease

If you have previously signed a tenancy agreement for a house, unit or a room prior to arriving in Queensland and you are unable to enter Australia due to the COVID-19 travel restrictions it is recommended that you notify the lessor or agent as soon possible.

The first step is to attempt to negotiate with the lessor about your circumstances and impact it has on your tenancy due to the COVID-19 travel restrictions. It is best to contact the lessor, agent or provider, by writing them a letter or sending an email outlining your circumstances and request a solution such as a rent waiver or termination of tenancy as there is no clear date as to when the travel restrictions will be lifted.

Keep a copy as evidence for your records. Alternatively, you can take further steps to end the agreement if negotiations fail, see below.

I am an international student, and can't continue my studies, and want to leave my rental to return to my country?

If you decide you want to return to your country because your educational facility has been closed due to the impacts of COVID-19 restrictions, and you are unable to continue your studies, you must follow the proper steps to end your agreement.

How do I Give Notice?

If you want to end your tenancy agreement and return to your country because you are unable to complete your studies due to the impacts of COVID-19 you will need to give written notice using the [RTA form 13](#) and provide 14 days' Notice of Intention to Leave with the last day being the expiry date on the tenancy agreement. The notice must also state whether you are ending the agreement with grounds, or without grounds.

For those in Rooming Accommodation, you must use the [RTA Form R13](#) and provide 7 days notice.

I want to break a fixed term agreement will there be any charges.

When you sign a fixed term agreement, you are signing a legal contract that you agree to rent the premises for a minimum period. If you end your tenancy before the end of your fixed term agreement because you are unable to continue your studies and want to return to your country due to the impacts of COVID-19 you may be liable to pay compensation to the lessor or provider for breach of this contract unless you negotiate an alternative solution such as mutual termination agreement or rent waiver or apply for termination due to Excessive Hardship.

What is a Mutual agreement?

You and the lessor, agent or provider can agree to end the tenancy at any time by mutual agreement. This mutual termination agreement must be in writing and be signed by you the tenant and the lessor, agent or provider.

This agreement should clearly state the day the tenancy will end and include any agreement about financial liabilities, such as what will happen with the bond and whether you will pay compensation for ending the tenancy. If a tenancy is terminated by mutual agreement you will not have to provide the lessor, agent or provider with a Notice of Intention to Leave.

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Ending through Excessive Hardship

If an agreement cannot be reached between you and the lessor, agent or provider and you believe you will face excessive financial or health related hardship due to your obligations under the tenancy agreement, you can apply directly to the Queensland Civil and Administrative Tribunal (QCAT) for an urgent hearing to terminate your agreement.

The application to terminate is under the Excessive Hardship provisions of our Act and it applies to both general tenancies and rooming accommodation agreements. In order to apply to the Tribunal you will need evidence of your health circumstances, financial hardship or any other information that would show you will suffer excessive hardship should the tenancy remain on foot.

To apply for a termination due to Excessive Hardship complete the QCAT [Minor Civil Dispute form 2](#), refer to section 310, which allows for an urgent hearing and pay the filing fee or apply for a [waiver of fees due to financial hardship](#). Read the forms carefully regarding the number of copies you will need to lodge with QCAT.

It is important to note that you can still apply to the Tribunal if you are not in Australia or no longer reside in Queensland. Hearings can occur by teleconference upon request due to the COVID-19 or a decision can be made based on your application and evidence alone. However it is important to seek advice before applying to get the most comprehensive and recent directions from the Tribunal.

Getting your bond back

A rental bond is paid at the start of the tenancy and is lodged with the Residential Tenancies Authority (RTA) and remains there until the end of the tenancy. You should apply for your bond refund as soon as possible after you and your lessor agree that your tenancy is over or you hand over the keys to the premises.

You can either complete a RTA [Form 4](#) Refund of Rental Bond Form or apply for your bond refund through the RTA Online Web Services,

information on how to complete this bond refund online can be found here: <https://www.rta.qld.gov.au/Forms-and-publications/Forms/Online-Bond-Refund.html>

It is important to note that the RTA can only refund your bond into Australian bank accounts. International students should keep their Australian bank account open until they have received their bond refund.

What if you and the lessor don't agree about the bond

If you and the lessor are unable to agree about the bond it is important to still apply to RTA for a refund of your bond. If there is a dispute over the bond the RTA will act on the first Form 4 they receive.

If the lessor has already made a claim on your bond the RTA can assist through the RTA Dispute Resolution Service. You can use a Dispute Resolution Request ([Form 16](#)) to apply to the RTA for conciliation to resolve the dispute. An RTA conciliator will contact you to help you resolve the dispute.

The RTA will hold the bond amount while you and your lessor go through a bond dispute process.

More information about bond refunds and dispute resolution can be found here:

<https://qstars.org.au/tenancies/rental-bonds/>

<https://qstars.org.au/tenancies/resolving-tenancy-disputes/>

Prior to you making any decision relating to any information within this fact sheet, contact Tenants QLD who delivers the Queensland State-wide Tenancy, Advice and Referral Service on 1300 744 263 to discuss. For those students outside of Australia that need tenancy advice, you can contact Tenants QLD by email – mail@tenantsqld.org.au.

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