

# Your renting rights and responsibilities

## Beginning of your tenancy

When you rent a place to live you have rights and responsibilities, and so does the person you rent from. In Queensland the renting rules are set out in the Residential Tenancies and Rooming Accommodation Act (Qld) 2008.

The renting rules apply whether you rent from a private lessor, a real estate agent, a community housing provider, or the Department of Housing. The person or organisation you rent from is called your lessor.

Your Residential Tenancy Agreement will state what both you, the tenant, and the lessor agree to. This agreement must reflect what is in the renting rules. Your tenancy agreement will usually say if you are allowed to have a pet or not and how many people can live in the property. Even if you and your lessor do not have a written tenancy agreement the renting rules still apply.

When you move in to your rental property, your lessor or agent must give you a written Residential Tenancy Agreement (Form 18A). Your tenancy may be a fixed term tenancy, with an end date, or a periodic tenancy, without an end date. The lessor must give you a rent receipt if you pay in cash, or keep a record of your rent payments. By the day your agreement starts the lessor must give you an Entry Condition Report (Form 1A) setting out what the place is like when you move in. Within three days of your agreement starting you must return the form to the lessor. Check carefully what the form says, review or add things to it and keep a copy before giving it back.

This is an important step in protecting your rental bond. The lessor must give you a Residential Tenancy Authority rental information booklet. The lessor must make sure the place is clean and fit for you to live in before you move in.

If you pay a rental bond, the lessor or agent must give you a receipt. The maximum bond amount they can charge is equal to 4 weeks rent (but if your rent is over \$700 a week there is no maximum bond amount). The lessor must fill in a Bond Lodgement (Form 2) which you both sign. The lessor or agent has 10 days to send your bond money to the Residential Tenancy Authority.

Make sure you inspect the place first, before you sign the tenancy agreement. After you sign the agreement keep a copy for your records. A tenancy agreement is a legal contract. You can be held responsible if you end the agreement early, or do not meet your renting responsibilities. If you pay money for rent or bond make sure you ask for a receipt. Take photos and make a record of what the place is like when you move in.

## Who QSTARS can help

- ★ Residential tenants, rooming residents, boarders and prospective renters.

## How QSTARS can help

- ★ Advice about renting
- ★ Advice if you are having a tenancy dispute with your lessor, agent or provider.
- ★ Advice if you are renting in private rental (from an agent or private lessor), in social housing (in public or community housing) or renting in a caravan park or boarding house.



**Tenants Queensland Inc**

The QSTARS program is managed by Tenants Queensland and delivered in collaboration with partner organisations across Queensland.

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## During your tenancy

When you rent a place your lessor must, maintain the place so it is fit for you to live in, keep the place, and things that are included, in good repair, do the repairs in a reasonable time if you ask for repairs to be done. Your lessor must comply with health or safety laws, make sure the locks work and the place is reasonably secure, and give you a written notice if they want to enter the place. Your lessor must take reasonable steps to ensure you have quiet enjoyment of the property and your lessor or agent must not interfere with your reasonable peace, comfort or privacy in using the place.

When you rent a place you must:

- look after the place and keep it clean
- let the lessor or agent know if repairs are needed
- not damage, or allow someone else to damage the place
- not cause a disturbance or nuisance for your neighbours
- not use the place for unlawful purposes
- get written permission from your lessor if you want to change anything about your place
- pay your rent on time according to the agreement.

## Ending your tenancy

To end your tenancy agreement you or the lessor must either give a written notice to end the agreement, or get an order from the Queensland Civil Administrative Tribunal to end the agreement.

You must give two weeks' notice of intention to leave (Form 13) to end your tenancy lawfully 'without grounds' on or after the end date of the fixed term or anytime when the agreement is periodic. If you end your tenancy before the end date of your fixed term, your lessor may seek compensation from you for ending the agreement early.

Your lessor must give you two months' notice to leave to lawfully end your tenancy 'without grounds' on or after the end date of the fixed term or anytime when the agreement is periodic.

An agreement can also be ended by mutual agreement, where everyone, including the lessor or agent signs a written statement to end the Residential Tenancy Agreement. This is called a Mutual Termination Agreement.

When you move out you must remove all your possessions from the place. You must leave the place clean, similar to when you moved in, but you are not responsible for everyday maintenance, or wear from usual use. You need to get evidence to show you have left the place clean. Just before you move out fill in an Exit Condition Report (Form 14A) to say what the place is like, take photos and keep a copy of the Report before you give a copy of it to the lessor or agent. Return all the keys to the lessor or agent when you move out.

To get your bond back after you move out you need to fill in and send a Refund of Rental Bond (form 4) to the RTA. Your lessor may claim money from your bond if you left the place dirty, owe rent, damaged the place, or broke the agreement. If you and the lessor do not agree on these claims the RTA has a free dispute process you can follow to solve the dispute. When you move out let the RTA know your new contact details. Keep copies of ALL paperwork between you and your lessor.

If you need advice or need help with renting problems call the Tenants Queensland free QSTARS advice service on

**1300 744 263**

or you can visit

**[www.qstars.org.au](http://www.qstars.org.au)**

for tenancy information.

We can arrange an interpreter if you need.  
Or, you can call the TIS Translating and Interpreting Service on

**131 450**

They can assist you to contact QSTARS.

QSTARS is available

**9am–5pm Monday to Friday**

and open for evening advice,

**5pm–7pm Tuesday & Wednesday.**

If you are calling from outside Queensland, or cannot call a 1300 number, you can call the local Brisbane QSTARS number.

**(07) 3832 9403**

If you are calling on a mobile and cost is an issue ask the advice worker to call you back.

This brochure provides information only and is not intended to provide legal advice.