



Tenants Queensland

Tenants and resident affected by fires in Queensland

When you rent a property to live in Queensland your tenancy agreement or rooming accommodation agreement is covered by the *Residential Tenancies and Rooming Accommodation Act 2008*.

If you want to leave

Where the premises have been destroyed, or made completely or partially unfit to live in because of the fires, you can end your tenancy agreement using a [Form 13 \(general tenancies\)](#) or [Form R13](#) (rooming accommodation) *Notice of Intention to Leave*, available from the Residential Tenancies Authority (RTA).

The grounds for the notice are 'non-liveability' and must be given to the real estate agent/lessor/provider within one (1) month of the event. There is no minimum notice period, and you can leave on the same day or you choose to give a longer notice period.

If you live in a caravan park and the park is unliveable you can give this notice.

Keep evidence (e.g. photos) of the fire damage to the property to support the reasons you've ended your agreement for non-liveability (in case there is a dispute).

If the agent lessor or provider wants you to leave

The agent, lessor or provider can give you a Form 12 or Form R12 (rooming accommodation) *Notice to Leave* where the premises is destroyed or made completely or partly unfit to live in due to fire damage. They can give this notice within one (1) month of the fire event and ask you to leave the same day.

If you want to stay

If the agent, lessor or provider has given you a Form 12 or R12, and you want to stay or disagree the property is 'unliveable', you can dispute the notice by using the RTA's dispute resolution process. Write a letter/email to the agent, lessor or provider setting out the reasons you want to stay and send

to the RTA with a [Form 16 Dispute Resolution Request](#)

If you have a QGov account you can make this application [online](#)

Make a follow up call to the RTA after submitting the Form 16 to ensure they are aware you have been impacted by fire on **1300 366 311**.

See the [Resolving Tenancy Dispute fact sheet](#)

Rent

If you intend to stay in the fire damaged property and you have not been given a Form 12, you can try to negotiate reduced rent with your agent, lessor or provider. Any agreement made must be put in writing. Keep a copy.

HINT – photograph or scan any documents with your phone so you have a copy for your records.

If an agreement cannot be reached, you can apply to the RTA for dispute resolution following the process above.

If the dispute resolution is unsuccessful, you will receive a Notice of Unresolved Dispute (NURD), and you can then apply to the Queensland Civil and Administrative Tribunal (QCAT) for an order about the rent decrease. Even if you are not living at the property while repairs are being done, you are required to continue paying rent until the dispute is resolved unless you have come to an agreement in writing with the agent, lessor or provider.

Repairs

If the premises are damaged you must notify the agent, lessor or provider as soon as possible.

If a repair issue is defined an "emergency repair" under the tenancy legislation you can seek an urgent repair order at [QCAT](#).

You can also arrange for emergency repairs to be carried out, up to the value of four weeks' rent. An "emergency repair" includes serious fire damage. **This does not apply to rooming accommodation.**

Cleaning due to fire damage

If the premises have been made dirty due to the fires, the agent, lessor or provider is responsible for cleaning the property and inclusions. You are responsible for cleaning your goods and possessions. However, Councils and community groups may help out, and an agreement can often be reached.

If you are moving out, ensure that you clean and remove your possessions. You are not responsible for cleaning fire damage. If there are parts of the property that are not fire damaged and which you can safely access, you are responsible to return these to the condition you received them in, except for fair wear and tear.

Damage to your property

If your possessions have been damaged by fire, the agent, lessor or provider is **NOT** responsible.

Tenants and residents are encouraged to take out an appropriate policy for contents insurance.

If you have an insurance policy, contact your insurance provider about making a claim.

Bond

As soon as your tenancy ends, you should claim your bond. The quickest method is via the [RTA Web Services](#) website with a QGov account. Alternatively

you can complete the RTA [Form 4 Refund of Rental Bond](#) and lodge at the RTA head office or send in the post. If all parties agree with how the bond is to be distributed, the RTA will pay the bond according to these instructions.

Make sure the RTA always has your up-to-date contact details.

If there is a dispute about part of or all of the bond, the RTA will hold the bond while the parties go through the bond dispute process.

See the fact sheet [Rental Bonds](#)

Compensation

Generally, compensation is not available for losses caused solely by fire damage.

However, if the agent/lessor/provider:

- was notified of a repair issue prior to a fire event occurring; and
- failed to repair within the permitted time stated in any written notice given (or, if no time is stated in the notice, within a reasonable time); and
- the failure to repair caused the tenant to suffer a loss/make further losses - you may be able to claim compensation against the agent/lessor/provider.

Other help available

[Current bushfire warnings and incidents](#)

[Bushfire Safety Guide](#)

[Emergency Apps During a Disaster](#)

[Legal Aid Queensland](#)

[Community Legal Centres Queensland](#)

Further help

Tenants Queensland (TQ)

Tenants Queensland is a specialist Community Legal Centre that provides a free advice service for tenants in Qld. TQ aims to improve and protect the rights of all people who rent their home.

TQ telephone advice service: 1300 744 263

www.tenantsqld.org.au

Statewide: 9am – 5pm Monday to Friday and extended hours Tuesday and Wednesday until 7pm

TQ also delivers the Qld Statewide Tenant Advice and Referral Service (QSTARS)

Residential Tenancies Authority (RTA)

The RTA is the government authority that oversees renting laws in Queensland. The RTA provides information and services for tenants, lessor and agents. RTA forms are available from Australia Post Offices, online at www.rta.qld.gov.au or phone **1300 366 311**

Translating and Interpreting Service (TIS)

If you need an interpreter to speak with a tenant advice service call TIS on 131 450