

Do you rent a room?

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.

Rooming accommodation

You may live in rooming accommodation and be a resident if you rent a room and share facilities with other residents.

There are some common types of rooming accommodation, these include (but are not limited to):

- boarding houses;
- supported accommodation; or
- student accommodation.

The Act defines “**rooming accommodation**” as accommodation occupied or available for occupation by residents in return for the payment of rent, where each of the residents:

- has the right to occupy 1 or more rooms;
- does not have the right to occupy the whole premises;
- does not occupy a self-contained unit; and
- shares other rooms or facilities outside their room with other resident/s.

Opting into a general tenancy

If you live in rooming accommodation but your agreement states it is a Residential Tenancy Agreement, or you have signed a Form 18a General Tenancy Agreement, then you will be covered by the residential tenancies provisions of the Act.

The residential tenancy laws generally provide greater protection and renting rights than the rooming accommodation sections of the Act.

Are you a resident?

You are a resident if:

- you pay rent for a room (or rooms) in a rental premises; and you occupy the room/s as your main or only residence; and
- you share other rooms or facilities (like a bathroom, kitchen, lounge) with other resident/s; and
- the provider doesn't live on the premises; or
- if the provider does live on the premises there are 4 or more rooms for rent.

Some accommodation is not covered by the Act, including holiday accommodation or hospitals, crisis accommodation, nursing homes or retirement villages. However, your rooming accommodation in these places may be covered by the Act if you:

- rent a room in holiday accommodation (e.g. motel or backpacker hostel) but are not on holiday. If you are there for six weeks or more your stay is not taken to be a holiday unless proved otherwise; or
- rent a room as part of your employment in a hospital, nursing home or retirement village.

You are not a resident if:

- you are a provider of rooming accommodation; or
- you are a relative of the person who provides you rooming accommodation.

Rooming accommodation not covered by the Act

The Act does not apply to rooming accommodation if:

- the provider lives on the premises; and
- there are 3 or less rooms occupied, or available for occupation, in the premises.

What's inside

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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.

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The Act does not apply to the following types of room-only accommodation:

- a room that is self-contained e.g. studio apartment;
- accommodation within a university campus provided by the university, or where the accommodation is provided for a non-profit purpose;
- approved aged care accommodation provided under the *Aged Care Act 1997 (Cth)*;
- accommodation provided at the forensic disability service under the *Forensic Disability Act 2011*;
- accommodation provided at an authorised mental health service under the *Mental Health Act 2016*;
- accommodation in a private hospital under the *Private Health Facilities Act 1999*;
- some types of accommodation provided for school students;
- holiday rooming accommodation, where occupation of the premises is for holiday purposes e.g., motel, bed and breakfast, backpackers' hostel;
- accommodation provided under the Supported Accommodation Assistance Program (SAAP);
- accommodation owned or funded by Aboriginal Hostels Limited; or
- in some instances, premises at a retirement village.

Boarders and lodgers

If you rent a room but are not a tenant or a rooming resident, you may be a boarder or lodger, and will not be covered by the Act.

However, if you pay a bond, the bond provisions of the Act apply and your bond money must be lodged with the Residential Tenancies Authority (RTA).

You should put any agreements about your renting situation in writing and keep a copy.

If you aren't sure if you are covered by the Act you can call us for advice. The next step may be an urgent application in the Queensland Civil and Administrative Tribunal (QCAT) for a decision about whether or not you are a resident, or a boarder or lodger.

In making a decision, QCAT must consider:

- the extent to which you have control over the premises;
- the extent another person you pay rent to has control over the premises;
- whether the person you pay rent to also lives in the premises;
- any services provided to you;
- whether you share facilities, including bathroom and kitchen facilities; and
- anything else QCAT considers relevant.

If you are a boarder or lodger, you are covered by the common law rather than the Act.

Under common law, your room and the shared areas of the premises should be in good condition. You also have the right to reasonable privacy and quiet enjoyment of your own room and space. You should be given reasonable notice to leave. What is "reasonable notice" varies in each circumstance. For example, if you are a boarder paying rent fortnightly, then 2 weeks' notice to leave may be reasonable, however if you have lived in the premises for many years then a longer notice to leave might be reasonable.

Boarder and lodger disputes are not heard in QCAT but require an application to the Magistrates Court.

Still not sure what type of renter you are?

For more information see **Share Housing – Your legal status fact sheet** for more information.

Further help

Queensland Statewide Tenant Advice and Referral Services (QSTARS)

QSTARS provides specialist tenancy advice, advocacy support and referral for Queensland renters. Contact QSTARS for tenancy advice on:

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. QSTARS is managed by TQ and delivered in collaboration with partner organisations.

For administration issues contact TQ on 07 3832 9447 or visit www.tenantsqld.org.au

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 translating and interpreting service on 131 450 so they can help you contact our service.

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