

Entry to your 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.

Entry by the provider or agent

The rules of entry are set out in the Act and summarised on page 2. It is important to note that when the provider enters your room they must respect your privacy and not stay in the room longer than necessary.

If an agent of the provider (i.e. real estate agent) wants to enter your room, and they are not the person to whom you normally pay rent, or they are not accompanied by the provider, you may ask for written evidence of the agent's appointment.

If you ask for evidence of the agent's appointment, they must not enter or stay in your room without producing written proof of this appointment.

Quiet enjoyment

Your provider must take reasonable steps to ensure you have quiet enjoyment of your room and common areas. The provider or providers' agent must not interfere with your reasonable comfort, peace or privacy in using these areas.

Your provider or their agents have a right to enter your room if:

- the reason for entry is permitted under the Act
- you are given written notice of the proposed entry (some exemptions, see table)
- they provide the required period of notice.

The provider may enter your room with someone else, if this is necessary to carry out the purpose of the entry.

Locks & keys

Your provider must give you any keys needed to access your room, the building and common areas. If you want to make a copy of your keys, you must first gain the providers' permission.

The provider must supply and maintain locks that are necessary to make sure your room is reasonably secure.

If you believe there is a risk to your safety, or your goods are at risk of theft or damage, you can request that the provider change or repair a lock that secures your room. The provider must not be unreasonable when considering your request.

The provider must also change or repair a lock if you make a request that they do so and specifically state that it is to protect you from domestic violence. In this situation, the provider must not give the new key to any other person without your agreement, unless they have a reasonable excuse.

If you have a disagreement with your provider about locks and keys, you can apply to the Queensland Civil and Administrative Tribunal (QCAT) for non-urgent order relating to the locks and keys in your premises. As it is a non-urgent application, you will need to participate in the RTA's free dispute resolution service first, before you can apply to QCAT. You can do this by sending a Dispute Resolution Request (Form 16) to the RTA.

The QCAT order (decision) may:

- require the provider to supply a lock or a lock of a particular kind
- require the provider to carry out maintenance of a lock
- authorise you or the provider to change a lock
- state that the provider or resident is not required to give the other party a key to a lock
- require the provider or resident to give the other party a key to a lock.

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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Notice requirements

The provider can only enter your room if they have a reason set out in the law. Before the provider can enter, they must give you notice in writing using an Entry Notice form (unless notice is not required under the Act).

The notice must state the reason for entry and give you the correct notice period. The reasons they can enter, and the required notice periods are set out in the table below.

Also, if the provider asks if they can come into your room and you agree or consent, then the provider is allowed to enter your room.

Reason for Entry – Rooming Accommodation	Minimum Notice Required	Is a Form R9 Entry Notice required?
To inspect a room (only once a month)	48 hours. If you are in or near your room at the time of entry, the provider must also tell you they are going to enter.	Yes
For the provider to: <ul style="list-style-type: none"> ● carry out pest control ● make routine repairs or carry out maintenance of the room or another part of the rental premises ● show the room to a prospective buyer or resident ● allow for a valuation of the premises ● to install, maintain or replace a smoke alarm 	48 hours. If you are in or near your room at the time of entry, the provider must also tell you they are going to enter. If the provider intends to enter more than one room on any of these grounds, the provider can post an entry notice on a notice board or another place likely to be seen by the residents affected by the proposed entry.	Yes, unless it is an agreed service (see below).

To clean your room	24 hours	Yes, unless it is an agreed service (see below).
To carry out urgent repairs, in an emergency or if the provider believes the room has been abandoned	Immediately before entry if you are in or near your room at the time of entry.	No
If you agree to the entry, or your rooming accommodation states times the provider may enter the room to provide a service, such as weekly cleaning	At the agreed time.	No

What if your provider doesn't follow the rules of entry?

If you believe the provider has entered your room in a way that interferes with your reasonable peace, comfort and privacy in using your room, you can try to resolve the dispute with your provider. You can talk to the provider and follow up in writing to ask them to respect your privacy and follow the rules of entry. You can also give them a Notice to Remedy Breach (Form R11).

If you cannot resolve the dispute with the provider, you can make an application to QCAT for a hearing. QCAT can make orders about entry and change the rules of entry if needed.

You can also apply to the RTA Dispute Resolution Service for mediation or make a formal complaint to the RTA if the provider unlawfully enters your room.

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.