

RESIDENTIAL TENANCIES MATERIAL

THIS MATERIAL IS A GUIDE ONLY.

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

References: Prepared by Residential Tenancies Authority

Entry to resident's rooms - Residential Services (Accommodation) Act 2002 (Qld)

A service provider must not enter a resident's room other than under these conditions s65

Reason for Entry	Minimum Notice	Conditions about entry	When can service provider enter	Who can enter	General qualifications about entry
Resident agrees s66(1)			When resident agrees orally	s71 Service provider or agent	s70 Immediately before entering the room, the service provider must tell the resident, unless the resident is not around
To provide a service s66(2)		Generally agreed to on Residential Services Agreement	At a reasonable time to provide a service	Where agent - not accompanied by service provider and - not person resident pays rent to and - resident asks for proof of agent's appointment	After entering the room, the service provider must - Preserve the resident's privacy
Inspect room s67	Service provider must give Entry Notice* to resident 48 hours before entry	Not more than once a month	At a reasonable time for inspection	the agent must produce evidence that they have been appointed by the service provider.	- Not remain in the room any longer that is necessary to carry out their purpose
Clean a room s68(1)(a)	Service provider must give Entry Notice* to resident 24 hours before entry	May relate to more than one entry or more than one room	At a reasonable time	Someone else may enter the room with the service provider to achieve the purpose of entry	
Carry out pest control s68(1)(b)		If service provider entering more than one residents' room, notice can be posted on a notice board where residents will see it			
Routine repairs or maintenance of the room or another part of premises s68(1)(c)					
Show room to prospective purchaser or resident s68(1)(d)					
Allow for a valuation s68(1)(e)					
In an emergency s69(a)	No notice required				
If service provider reasonably believes room is abandoned s69(b)					

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

Reason for Entry	Minimum Notice	Conditions about entry	When can service provider enter	Who can enter	General qualifications about entry
To carry out urgent repairs s69(c)	No notice required	Examples – repairs to facilities for gas, electricity, water Prevent flooding Roof, where unsafe or insecure			
To remove resident s82	No notice required		When due day for leaving has passed	Service provider or other person while a police officer is present	If resident refuses to leave, service provider can use reasonable force but not cause bodily harm or damage resident's property

*Entry Notice – RTA strongly advises using Form R9 otherwise use their own forms provided they are substantially the same

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

GROUNDNS

ENDING A RESIDENTIAL SERVICES AGREEMENT

NOTICE PERIODS

	Notice Period Resident entitled to under Act	Notice Period Service Provider entitled to
Where rent initially unpaid		
- Resident less than 28 days	No notice period	No notice period
- Resident more than 28 days	Service provider must wait 2 days before can issue Notice to remedy breach s.77(6)	Service provider must wait 2 days before can issue Notice to remedy breach s.77(6)
Remedy Period for rent arrears where rent unpaid		
- Resident less than 28 days	2 days s. 77(5)(a)	
- Resident more than 28 days	4 days but only where rent overdue more than 2 days s.77(5)(b)	
Notice period for termination for rent arrears		
- Resident less than 28 days	No notice period s78(3)	
- Resident more than 28 days	4 days s78(4)(a)	
General Breaches		
General Breach remedy period	5 days s77(5)(c)	5 days s. 83(3)
s77(4) NTRB may state the steps service provider requires to remedy the breach		
General breach termination (whether a fixed term or periodic residential services agreement)	2 days s78(4)(b)	7 days s.84(2)(c)
Other Breaches		
Repeated breach s78(d)(ii)	2 days s78(4)(b)	
after 1 NTRB resident repeats the breach		
Serious breach	Immediately s79	

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

GROUNDNS

NOTICE PERIODS

Premises destroyed		
- premises destroyed, unfit to live in	Immediate notice may be given within 1 month after event	Immediate notice may be given within 1 month after event happened
- no longer able to be used lawfully as a residence	happened s80	s85
- Acquired compulsorily by a law	2 months must be given within 1 month of event s80	
Without grounds		
Without ground Periodic Agreement	30days s81(1)	7 days s86
Ending fixed term agreement	Within 14 days before agreement ends s81(2)	Time period not in act
Excessive Hardship (Fixed Term Agr)	Either party can apply to RTA for conciliation then to SCT s118	
Mutual Agreement	Written agreement negotiated between parties s75(2)	

Power to remove resident s82

If service provider has given resident NTL and agreement has ended, if resident refuses to leave, service provider may use necessary & reasonable force to remove resident and their property while a police officer is present. However they may not cause bodily harm or damage the resident's property.

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

Residential Services (Accommodation) Act 2002

Time Periods

TOPIC	TIME PERIOD	SECTION
Residential services Written Agreement The service provider must prepare written agreement	Within 3 days of receiving it the resident must sign and return a copy of the written agreement	s16 & s17
Rent Receipts Person receiving rent must give a receipt	Where paid personally in cash receipt – immediately Otherwise within 5 days	s18
Keeping rent records Service provider must keep copies of rent receipts or rent record	Service provider must keep copies for at least 2 years after the end of the agreement	s19
Rent increases Service provider must give resident a notice of rent increase	At least 4 weeks notice. For a fixed term agreement rent does not increase unless written agreement states terms	s21
Rent in advance	Service provider must not require resident to pay more than 2 weeks in advance	s26
Duty to pay rental bond A person receiving a bond must pay it to the Residential Tenancies Authority	A person receiving a rental bond must within 10days of receiving it pay it to the RTA	s30
Duty to pay rental bond instalments A person receiving a bond in instalments must pay it to the Residential Tenancies Authority	Within 10days after receiving last instalment pay it to the RTA. If agreement ends before all instalments received must pay it to RTA within 10days of the agreement ending. 3 months after 1 st bond instalment if agreement has not ended and service provider has not received all bond must pay instalments received within 10days to RTA, for each instalment after within 10days of receiving the instalment.	s31
Duty to pay rental bond if financial protection given	Within 10days of financial protection given service provider must pay to RTA equal amount to bond	s32
Bond payments If RTA receives Bond Return Form not signed by 1 or some interested person, RTA sends notice to other person/s.	If interested person does not make a dispute resolution request within 14 days the RTA will pay bond as per Bond Return Form	s44E(3)(a) & s44E(4)(a)
Small Claims Tribunal bond claims If interested person/s does not apply to SCT where RTA has given a notice of unresolved dispute	Interested person/s have 7 days to make an application to SCT and give RTA a notice about the application otherwise RTA will pay bond as per Bond Return Form	s44E(3)(c)(iv)(A) & s44E(4)(c)(iv)(A)
Bond Receipts The person receiving the bond must give the person paying the bond a receipt	When the bond is received	s50(2)(a)

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

TOPIC	TIME PERIOD	SECTION
Keeping bond receipts The person giving the receipt must keep a copy	For at least 1 year after the residential services agreement ends	s50(4)
Bond increase Where rent increases	Service provider can give a notice to resident to increase the bond 11 months after the agreement has started with 1 months notice about the increase	s53
Rental bond where rent decreases	In the first 6 months if there is a rent decrease, amount payable as bond should be lowest amount of rent	s54(1) &(2)
Service provider disputes bond decrease	Service provider has 7 days after the end of the 6 month period to apply to SCT to dispute amount of bond	s54(4)
House Rule changes Service provider must give a notice to each resident if they propose to change House Rules	The notice must be given to the residents at least 7 days before the proposed commencement day. For new residents when they become a resident	s59
Objection to proposed rule change Residents may object to rule changes if they believe it is unreasonable	Residents must give notice before 7days. Where at least half the residents object, the proposed rule does not take effect	s61
Service provider may apply to SCT about proposed rule change Where residents object to the rule change	Service provider must apply to SCT within 7 days after proposed commencement day for change	s62
Proposed resident to be given a copy of house rules	Service provider must give a person a copy of house rules before they enter into residential services agreement	s63
Condition report at start of residency	Before providing accommodation, the service provider must prepare an Entry Condition Reports	s73(1)
Only if bond is payable s72		
Entry Condition report Resident must mark copies, sign and return	Within 3 days after starting to reside or within 3 days of receiving copies from the service provider.	s73(2) & (3)
Keeping Entry Condition Report copies	Service provider must keep copies for at least 2 years after residential service agreement ends	s73(4)
Service provider can give resident a Notice to Remedy Breach for unpaid rent	Where person is a resident for at least 28 days and rent unpaid for 2 days, service provider can give NTRB with 4days notice. Where person is a resident for less than 28 days and rent unpaid when due, service provider can give NTRB with 2days notice	s77(6) s77(5)(b) s77(5)(a)
Service provider can give resident a Notice to Remedy Breach for a general breach	Service provider can give NTRB with 5 days notice	s77(5)(c)
Personal document or money left behind in premises	The service provider must store property safely for at least 28 days	s90

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)

TOPIC	TIME PERIOD	SECTION
Other items left behind in premises	If goods are not perishable or its value is more than \$100, the service provider must store the property safely for 28 days	s91
Personal document given to public trustee	If service provider gives personal document to the public trustee under s90, the public trustee must keep it for at least 6 months	s92
Breach of agreement Either the service provider or a resident who claims there has been a breach of agreement may apply for dispute resolution	Must apply within 6 months of becoming aware of the breach.	s113
Dispute about entry to a resident's room or removal of a resident	Resident can apply for dispute resolution within 6 months after the event occurred	s117

PEOPLE REFERRING TO THIS GUIDE ARE WARNED AND ADVISED TO REFER TO THE RELEVANT LEGISLATION TO CHECK AND VERIFY THE LIMITATION PERIODS AND REQUIREMENTS APPLICABLE IN ANY PARTICULAR CASE. (GUIDE UPDATED APRIL/MAY 2005)