

# Transitional arrangements for the *Residential Tenancies and Rooming Accommodation Act 2008*



From 1 July 2009, the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) specifies the new laws in Queensland that govern renting a place to live. This new Act combines and replaces the *Residential Tenancies Act 1994* and the *Residential Services (Accommodation) Act 2002*.

## Changes at a glance

- The new Act applies to existing agreements from 1 July 2009. You do not need to fill in a new agreement for the Act to apply.
- New forms and paperwork are required for all new agreements and renewals starting on or after 1 July 2009.
- For existing agreements, the old Act's arrangements apply for processes (notices, forms, applications or requests) which commenced before 1 July 2009.
- Applications to the Tribunal should refer to the version of the Act the matter relates to. Seek advice from the Tribunal Registry when making the application.

## What happens after 1 July 2009?

General tenancy, moveable dwelling and rooming accommodation agreements made on or after 1 July 2009 are to be written on forms which comply with the new Act. The three agreements each have new Standard Terms:

- *General Tenancy Agreement* (Form 18a) – for houses and units,
- *Moveable Dwelling Tenancy Agreement* (Form 18b) – for caravans and other moveable dwellings, and
- *Rooming Accommodation Agreement* (Form R18) – for rooming accommodation such as boarding houses, hostels, off-campus student accommodation and other rooming accommodation.

## How does the new Act affect existing agreements?

The new Act automatically applies to any fixed term or periodic agreement which was entered into before 1 July 2009 and which continues after that date. This means that lessors/agents or providers/agents will not have to make new agreements; the existing agreement will continue to apply. A new agreement, with the new standard terms, will need to be completed when the agreement is renewed.

Any processes which begin by the giving or receiving of a form, or making or receiving an application or request, on or after 1 July 2009 need to use the new forms which comply with the new Act. Processes that might be involved include giving notices such as a *Notice to Remedy Breach* (Form 11/R11); submitting a *Dispute Resolution Request* (Form 16/R16) to the RTA; or applying to the RTA for a refund of bond using a *Refund of Rental Bond* (Form 4/R4).

## Will the old Acts apply after 1 July 2009?

The old laws only apply to processes started before 1 July 2009. Processes begin by the giving or receiving of a form, or notice, or making or receiving an application or request. If that occurred before 1 July 2009, then the provisions in the old Acts apply, such as for notice periods and for which forms to use.

If you are involved in a process covered by one of the old Acts, you will need to use the correct version of RTA forms.

Contact the RTA if you need to obtain a copy of an old form to use.

## When will the Act apply to the new types of accommodation not previously covered by tenancy legislation?

The new Act captures some types of tenancies not previously covered. The provider/agent can comply with all laws in the *Residential Tenancies and Rooming Accommodation Act 2008* at any time before the dates below. If providers/agents enter into accommodation agreements early, the laws in the new Act apply from the date of the new agreement. Bonds held for each agreement must be lodged within 10 days of the date on the agreement, or by the due dates below.

### By 1 January 2010

- On-campus student accommodation providers must lodge with the RTA, all bonds held within 10 days of that date using the *Bond Lodgement (Form 2)*. Only the rental bond provisions apply to this sector.

### By 1 July 2010

- Rooming accommodation in licensed premises (e.g. long term tenancies in hotels), and
- Government operated/funded rooming accommodation, and
- Employer provided rooming accommodation (e.g. mining and tourism areas), and
- Rental accommodation in retirement villages (but not retirement village agreements).

Providers must complete appropriate accommodation agreements; lodge any bonds held on this date with the RTA, and comply with all laws that apply to the signed agreements under the *Residential Tenancies and Rooming Accommodation Act 2008*.

## How do I apply to the Tribunal?

The grounds under which you apply to the Tribunal for a hearing depends on which Act applied when the process started. Contact your local Magistrates Court for information and advice to ensure you submit the right paperwork.

## Further information

For more information, contact the Residential Tenancies Authority.

## Accessing RTA forms

The RTA's approved forms can be obtained by:

- visiting the RTA website at [www.rta.qld.gov.au](http://www.rta.qld.gov.au)
- calling the RTA on 1300 366 311
- faxing a *Request for Forms* to 3216 2258
- visiting the RTA offices at 33 Herschel St, Brisbane
- calling the RTA's Forms Distribution Service on 1300 136 939
- posting a *Request for Forms* to the Forms Distributor: Post Logistics, 52-54 Qantas Dr, Eagle Farm 4009.

A selection of the most commonly used forms are also available at Australia Post outlets around Queensland.



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

## Disclaimer

*This Fact Sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this Fact Sheet.*

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