

Fact sheet



Information on renting rooming accommodation

Renting law changes for rooming accommodation

NEW LAWS APPLY FROM 1 JULY 2009

A new Act that changes some of the rules for renting rooming accommodation will start on 1 July 2009. The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) combines and updates the existing laws that cover renting a room as your home – whether it is in a boarding house, hostel, off-campus student accommodation, Government-run accommodation or accommodation provided by your employer.

KEY CHANGES

The new Act is similar to the existing rental laws, but there are important changes that may affect you.

This information covers:

- changes in common terms
- who the new laws cover
- how the changes affect agreements, and
- changes in the handling of accommodation disputes.

CHANGES IN COMMON TERMS

With the introduction of the Act, some common terms are also changing. The key terms are:

Resident: The person renting rooming accommodation.

Provider: The person who provides the rooming accommodation. They may be the owner, manager or agent.

Rooming accommodation: 'Rooming' is the new name for the type of accommodation the Act applies to. It includes residential services as well as other room-only accommodation.

Rooming Accommodation Agreement: A *Rooming Accommodation Agreement* (Form R18) is the new name for a *Residential Service Agreement* (Form R18).

WHO THE NEW LAWS COVER

The new laws cover providers who own or manage the rooming accommodation, and residents who live in rooming accommodation.

Accommodation is considered rooming accommodation if:

- its main purpose is to provide accommodation in return for rent for one or more rooms, and
- residents have the right to occupy their room(s) but not the entire premises, and
- residents share facilities outside their room with one or more residents e.g. bathroom, common room or kitchen.

The Act does apply to students renting rooming accommodation, but not if it is on-campus and provided by the university or a non-profit organisation e.g. a college. If this is the case, only the rules around bond lodgements and refunds must be followed by the on-campus provider.

The Act does not apply to providers of rooming accommodation where the provider lives on the premises and there are fewer than four rooms available for rent. The Act does not apply to residents living in holiday lettings and other arrangements where the accommodation is not the resident's main place of living.

HOW THE CHANGES AFFECT AGREEMENTS

New agreement form

There is a new agreement form with new standard terms which needs to be used for tenancies started from 1 July 2009: *Rooming Accommodation Agreement* (Form R18).

New house rules

Under the new laws, providers are now able to make rules about smoking and guests. This means that smoking may not be allowed in the building, or the provider could ask that all smoking happen in the outdoor areas of the building. Additionally, guests may only be allowed to visit at certain times. Residents are able to dispute house rules if they consider them to be unreasonable.

New rules if rent is to be paid in a way not listed in the Act (e.g. rent card)

If a provider wants rent to be paid in a way that is not listed in the Act, they must give the resident

the option to pay in at least two other ways that are listed (e.g. cash, direct deposit or deduction from pay or pension).

The provider must also tell the resident of any extra charges (such as a 'joining fee' or service fee that is not the rent) that may be payable by the resident.

Maximum bond amounts have changed

If you pay \$500 a week or less in rent, the most bond money a resident can be charged as protection on the property is 4 weeks worth of rent. All bond money must still be given to the RTA for safe keeping during the agreement.

CHANGES IN HANDLING OF ACCOMMODATION DISPUTES

In certain circumstances, residents and providers now have the option of applying straight to the Small Claims Tribunal without using the RTA's Dispute Resolution Service first. This is called an 'urgent application'.

Some applications that are considered 'urgent' are:

- the resident has not left by the date written on a *Notice to Leave* (Form R12) or a *Resident Leaving Form* (Form R13)
- the resident is experiencing excessive hardship (like money problems or a job transfer) and wants to end the agreement before the end date
- the provider or the resident needs an order to stop a person from causing damage or injury to other people or the premises.

Disputes about a rental bond, rent arrears or a general disagreement are not considered urgent and the applicant must lodge a *Dispute Resolution Request* (Form R16) with the RTA before applying to the Tribunal for a decision.

Providers are still able to end a *Rooming Accommodation Agreement* (Form R18) immediately in the case of a serious breach.

Providers are still able to remove a resident from the premises for failure to leave where they have given the correct notice, but can only use reasonable force, and only if a police officer is present.

Places that can help

If you are having trouble understanding the rules for renting in Queensland, there are places that can help you:

- visit the RTA website www.rta.qld.gov.au or call the Client Contact Centre on 1300 366 311
- contact your local Tenant Advice and Advocacy Service of Qld (TAASQ). Look under 'Tenant' in the White Pages for your closest office
- contact the Tenants' Union of Queensland (TUQ) on 3257 1108 (Brisbane) or 1800 177 761 (outside Brisbane only).

Further Information

This Fact Sheet is a short version of the changes affecting rooming accommodation. For more information on the Residential Tenancies and Rooming Accommodation Act 2008 and the transitional arrangements in place, contact the RTA.

Accessing RTA forms

The RTA's approved forms can be obtained by:

- visiting the RTA website at www.rta.qld.gov.au
- calling the RTA on 1300 366 311
- visiting the RTA offices at 33 Herschel St, Brisbane
- faxing a *Request for Forms* to 3216 2258
- 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.

February 2009
Version 416.01