

## Power to remove a rooming accommodation resident

This fact sheet refers to residents living in rooming accommodation such as boarding houses, supported accommodation, or off-campus student accommodation who have signed a [Rooming accommodation agreement \(Form R18\)](#) with their provider and are covered under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act).

The Act sets out the rules for residents and providers in Queensland. Under these laws, the provider can remove a resident in certain circumstances, but only if they follow the rules.

### When can a provider remove a resident?

A provider can ask the resident to leave only when:

- the provider has given the resident a [Notice to leave – Rooming accommodation \(Form R12\)](#) that says why they're being asked to leave and what date they have to leave by, and
- the date for leaving has passed and the resident is still there, and
- the resident will not leave.

These are the only reasons when a provider can remove the resident. The provider doesn't need permission from the RTA or the police to do this. They need to follow the rules under the law.

### What does immediate mean?

In some cases, a provider may ask a resident to leave immediately. This is serious, and means the resident must leave right away. The reasons for asking someone to leave immediately are because the provider thinks:

- the resident has used their room, or a common area, in a way that breaks the law (like using or dealing drugs)
- the resident or their guest has (on purpose) damaged or destroyed a part (or all) of their room, or a facility like the kitchen, or bathroom
- the resident has put another person in danger, or
- the resident has seriously affected another resident's peace, comfort and privacy, or another resident's use of their room, or a common area.

The provider must give a Notice to leave – Rooming accommodation that says why the resident is being asked to leave, and they must sign it.

### Can a provider use force to remove a resident?

It is always best for the provider and the resident to talk about the problem and work out a way to resolve the issue. But when the provider has given a Notice to leave – Rooming accommodation, filled it out correctly and the resident still won't leave, they can use necessary and reasonable force to get the resident to leave. However, before they can use force, they must have a police officer present.

### How much force can be used?

The provider can use reasonable force in getting the resident to leave. This means they can't hurt the person or their health on purpose. They should use the least force necessary to get the resident to leave. This is why it is important for a police officer to be there.

### How do the police get involved?

The provider can call the police if they think the resident won't leave. They can call ahead and make a time for the police to be there. The police will attend as long as there isn't a more urgent call to attend.

### What will the police do?

The main job of the police is to make sure the resident leaves peacefully without anyone breaking the law. It is the job of the provider to ask the resident to leave. The police officer will not do the job of the provider. It is the job of the police to make sure both the resident and provider do the right thing (follow the rules) and don't break the law.

While present at the property the police:

- won't say who is right or wrong
- won't help the provider by asking the resident to leave
- can go into the room of the resident, to make sure both the resident and provider don't break the law
- will watch the actions of both parties and tell the provider if they are using too much force
- will take action if either person becomes violent.

## Can the police make arrests?

The police can make an arrest without a warrant:

- to stop someone breaking the law, or breaking it for a second time
- to make sure the person appears in court
- to keep someone safe
- to stop the person running away from the officer, or
- for other reasons listed under the *Police Powers and Responsibilities Act 2000*.

## What if a resident doesn't agree with the order to leave?

If the resident thinks the provider has broken the rules for renting in the Act, the resident can request free dispute resolution via [RTA Web Services](#) or complete a [Dispute resolution request \(Form 16\)](#). Conciliators at the RTA are impartial and do not advocate for either person. They guide the conciliation process but cannot make a decision on the outcome of the dispute. If they cannot reach agreement through conciliation, then the resident can apply to the Tribunal and ask them to make a decision. Residents can contact the organisations listed for help with their dispute.

## Other help

If a resident has been asked to leave and has nowhere to go, there are places that may be able to help:

Tenants Queensland	1300 744 263 <a href="http://tenantsqld.org.au">tenantsqld.org.au</a>
Homeless Hotline	Toll free: 1800 474 753 (available 24/7) <a href="http://qld.gov.au/housing/emergency-temporary-accommodation">qld.gov.au/housing/emergency-temporary-accommodation</a>
Ask Izzy	<a href="http://askizzy.org.au/housing">askizzy.org.au/housing</a>
Lifeline	13 11 14 (available 24/7) <a href="http://lifelineqld.org.au">lifelineqld.org.au</a>

## Accessing RTA forms

The RTA's forms can be obtained electronically or in person via:

- [rta.qld.gov.au](http://rta.qld.gov.au) • 1300 366 311 (Mon – Fri: 8:30am – 5:00pm) • Level 11, Midtown Centre, 150 Mary Street, Brisbane



**Other languages:** You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8:30am to 5:00pm).

### Further information

For more information contact the Residential Tenancies Authority.



[rta.qld.gov.au](http://rta.qld.gov.au)



[1300 366 311](tel:1300366311)



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### 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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