

## Application to commence an investigation

The Residential Tenancies Authority Investigations Unit performs the function of enforcing offences committed under the *Residential Tenancies and Rooming Accommodation Act 2008* (the RTRA Act). The Investigations Unit is unable to resolve personal tenancy disputes or recover money on behalf of the tenant, agent or lessor. If your dispute relates to disagreement on tenancy matters or a bond dispute, please contact the RTA's Dispute Resolution team. The RTA's Investigations Unit does not investigate maintenance issues.

This self-assessment form will assist you in determining whether the RTA Investigations Unit has the authority to investigate your allegation. All questions are mandatory.

## Who can submit an investigation request?

A tenant, lessor or agent can submit this form if:

- the offence relates to a residential tenancy in Queensland;
- they believe an offence has been committed under the RTRA Act;
- they have satisfied the RTA identification requirements; and
- they consent to the use and disclosure of personal information provided in the application for the purpose of an RTA investigation.

## Can an investigation request be submitted if I am not a tenant, lessor or agent?

A person can submit an investigation request on behalf of a tenant, lessor or agent if prior written consent is provided by the tenant, lessor or agent to have someone act on their behalf.

All questions are mandatory – identification verification and sufficient evidence are still required if submitting an investigation request on behalf of another person.

## What the RTA cannot investigate

The RTRA Act does not apply to all tenancy agreements. Short term rental (less than 6 weeks), holiday and student accommodation may be exempt in some circumstances. If your tenancy agreement is not a 'general tenancy agreement' please refer to [Fact sheets](#) for more information.

## Exempt tenancy form

Please complete the *Exempt tenancy form* found at the back of this form to determine whether the RTA has the authority to proceed with your investigation request.

## Assistance in completing this form

### 1. Do you require assistance with completing this form?

- Yes  
 No (go to question 3)

### 2. What assistance do you require with completing this form?

- Writing/reading help  
 Auslan or signed English  
 Interpreter service. Language

### 3. Are you completing this form on behalf of someone else?

- Yes  
 No (go to question 5)

### 4. Details of person completing this form if assisting another person

Name   
Phone  Email

- \* You must attach a copy of the written consent with this application Identification and RTA Client ID requirements.

## Identification and RTA Client ID requirements

The RTA has a consistent approach to verifying your identity when collecting your personal information. An investigation request is to be supported by your RTA Client ID. It is your responsibility to provide your RTA Client ID when submitting an investigation request.

### 5. RTA Client ID

Your RTA Client ID is a unique customer number assigned by the RTA. If you have had no previous dealing with the RTA or you do not know your RTA ID please call our Contact Centre on 1300 366 311 (8.30am to 5pm, Monday to Friday) or visit [rta.qld.gov.au/contact](http://rta.qld.gov.au/contact).

RTA Client ID

## Supporting Evidence Guidelines

An allegation of an offence must be supported by adequate and relevant evidence in order to proceed to an investigation. An investigator may take into consideration all information provided in an investigation request, but the investigator must rely on evidence provided to prove beyond a reasonable doubt that an offence has occurred.

It is the responsibility of the person making the allegation to provide evidence that shows an offence has occurred. The RTA must review and assess all information provided during an investigation in a fair and transparent manner.

Documents submitted with an investigation request will be assessed to determine whether they are evidence that can be relied upon to prove an offence has occurred. Please consider the guidelines regarding the difference between evidence and information when attaching documentation. An investigation request will be assessed on the assumption that all supporting documents have been provided unless noted otherwise.

### Do not include original documents.

**Evidence** that may assist an investigator during an investigation may include:

- Lease agreement (General Tenancy Agreement or Rooming Accommodation Agreement)
- Entry and/or exit condition report
- Bank transactions that show when and where money has been paid or received
- Rental bond lodgement number or receipt
- RTA bond number (when a rental bond has been paid the bond number can be obtained by contacting RTA customer service)
- Copies of emails, SMS and CCTV images that identify the date and time of the potential offence
- Copies of communications between the parties relating to the attempts you have made to obtain formal documents
- Formal notices issued during the tenancy
- Formal documentation provided before, during and after the tenancy.

Information that may be useful to an investigator, but may not be considered evidence include:

- Personal opinions or views
- Assumptions that relate to the thoughts and actions of another person
- Verbal conversations and comments
- Copies of emails, SMS and CCTV images that do not identify the date and time.

## Details of the allegation

### 6. Are you the

- Tenant/resident
- Lessor/provider
- Agent

### 7. Your details

Name

Unit number

Street address

Town or Suburb  State  Postcode

Phone  Email

### 8. Address of rental premises relating to the allegation

- Same as above

Name

Unit number

Street address

Town or Suburb  State  Postcode

Phone  Email

### 9. Is the tenancy/rooming accommodation agreement current?

- Yes
- No

### 10. What date does/did the rental agreement (as above) end?

### 11. Who is the allegation about?

- Tenant/resident
- Lessor/provider
- Agent

## About the allegation

### 12. Details of the person/company you are making the allegation against

Name

Unit number

Street address

Town or Suburb  State  Postcode

Phone  Email

### 13. How many allegations are you making?

- 1
- 2
- 3
- 4 or more

### 14. When did the offence occur?

- I don't know the date
- less than 12 months ago
- more than 12 months ago
- more than 2 years ago \*The RTA cannot investigate offences that occurred more than 2 years ago

### 15. What does your allegation relate to? \*Select all that apply

- bond not lodged with the RTA
- unlawful entry to premises
- a condition or term in the agreement
- how rent is to be paid
- rental receipt
- using rent for another purpose
- entry or exit condition report
- disruption to the reasonable peace, comfort and privacy
- tenancy database listing
- unauthorised termination of agreement
- failure to provide written agreement
- other (please specify)

## Details about the allegation

### 16. Outline details of the allegation

## Attach supporting evidence

### General Tenancy Agreement

Your tenancy/rooming accommodation agreement **MUST** be included with your investigation request, unless the allegation relates to failing to provide an agreement.

- I have attached a copy of the General Tenancy/Rooming Accommodation agreement.
- My allegation relates to failing to provide a written General Tenancy/Rooming Accommodation agreement.

### Additional documents

Scan and attach up to five other documents that can be relied upon to support your allegation and provide a brief description of each document in the corresponding box below.

- I have more than five documents to support my allegation that I can provide upon request.

If your investigation request proceeds to an investigation an investigator will contact you and request you provide any additional documentation you may have.

Document 1	
Document 2	
Document 3	
Document 4	
Document 5	

## Supporting Evidence Guidelines

An investigation cannot commence if an application is incomplete or unsupported by evidence. It is the responsibility of the person making the allegation to provide evidence to support the allegation. An investigation request cannot be accepted if the following information is not attached.

- Name and address of the parties involved;
- RTA Client ID;
- Tenancy agreement \*unless allegation relates to failing to provide agreement;
- Exempt tenancy form

## Declaration of person submitting this form

- I agree that the information contained within and/or attached to this investigation request, or provided to the RTA during the course of any investigation, can be copied, used and disclosed by the RTA for the purpose of investigating offences alleged to have been committed against the *Residential Tenancies and Rooming Accommodation Act 2008* and for ancillary purposes related to any investigation the RTA may undertake on my behalf.
- I understand that each question in an Investigation Request is mandatory and my Investigation Request will not proceed when insufficient information is provided.
- I acknowledge that the RTA may contact and provide details of this investigation request to the tenants, agents or lessors named in this allegation.
- I acknowledge that it is an offence to provide the RTA with false or misleading documents.

Name

Signature

Date

## Send the form and attachments to:

**Warning:** You must not provide false or misleading information to the RTA.

Email            investigations@rta.qld.gov.au

By post            Investigations  
Residential Tenancies Authority  
Reply Paid 390  
Brisbane Q 4001

In person        Level 11, Midtown Centre, 150 Mary St, Brisbane Q 4000.  
Mon–Fri 8:30am – 5pm

## Your questions answered

Allegations of offences are taken very seriously by the RTA. It is important that a person who makes an allegation of an offence is aware that an allegation may result in the prosecution of an offender in the Magistrates Court. As required in offences under the RTRA Act, the RTA must prove 'beyond a reasonable doubt' that an offence has occurred in order to proceed.

## What happens now?

The RTA will provide an acknowledgment email upon receiving an investigation request. An investigation request will be assessed by an administrator to ensure all mandatory information has been provided.

## What if I have not answered every question?

The questions contained in the investigation request are designed to gather the mandatory information needed by the RTA to commence an investigation. When information is missing the RTA is unable to prove 'beyond a reasonable doubt' that an offence has occurred as required in offences under the RTRA Act. A notification will be sent via email if there is mandatory information missing from an investigation request and you will have 7 days to provide additional information.

## What if I don't provide the mandatory information within 7 days?

Your investigation request cannot proceed. Your request will be retained on your RTA file, but your request is unable to proceed to an investigation assessment.

## What if I don't have evidence because the other party refuses to provide them?

Before submitting an investigation request, contact the other party and request the required documents. It is advisable to conduct all communication via email or document any communication as it may be considered evidence if an investigation commences. If you are making an investigation request because requested documentation has not been provided, provide details of the steps you have taken to request the documents in 'details about the allegation' section of the investigation request.

## How will I know if my investigation request has proceeded to an investigation assessment?

An investigation request that includes all mandatory information will proceed to the initial assessment queue. The investigation request will be reviewed to identify whether an offence under the RTRA Act may have occurred. A notification will be sent via email to advise that the evidence provided:

- can support an investigation
- does not support an investigation
- does not identify an offence
- suggests an offence may have occurred but not enough evidence has been provided to prove an offence beyond a reasonable doubt
- identifies a personal dispute or QCAT matter that the RTA does not have the authority to investigate.

## How will I know if an investigation will commence?

An investigation request that has progressed through the administration assessment process and the initial assessment queue will be allocated to an RTA Investigator who will contact you regarding your investigation request.

## How long will it take?

An investigation request that contains all mandatory information will proceed to the initial assessment queue to determine whether the RTA is able to investigate. The RTA will take 28 days from the day it is received to conduct an initial assessment. Information that has not been provided in the request may delay the initial assessment. The investigation process can be complex and sometimes requires a lengthy assessment. An allegation that proceeds to an investigation will be assigned to an investigator who will discuss the investigation procedure and an expected time frame with the person who submitted the investigation request, depending on the complexity of your allegation.

# Exempt tenancy form

Residential Tenancies and Rooming Accommodation Act 2008



The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) does not apply to all tenancy agreements. This form is not an exhaustive list of all tenancy agreements however is designed to assist the RTA Investigations Unit in assessing whether the Act applies in your circumstance.

The RTA does not regulate commercial tenancies. If your matter relates to a commercial leasing dispute, advice can be sought from the *Queensland Government, Business Queensland* webpage

## Question 1: Is the rental premises within Queensland?

- Yes – Continue to question 2
- No – The RTA does not have authority to investigate tenancy matters outside of Queensland. Please contact the regulatory agency from the State the rental premises is located in for further assistance.

## Question 2: Is the rental premises either holiday or traveler accommodation rented for less than 6 weeks?

- Yes – This type of accommodation is exempt from the Act. The RTA Investigations Unit is unable to proceed with an investigation request. Please refer to [Agreements not covered by the Act](#).
- No – Continue to question 3.

## Question 3: The rental premises is best described as:

- A house/apartment/unit/granny flat I rented alone. *Investigation Request can be submitted.*
- A house/apartment/unit/granny flat I share with other people. All residents are named on the agreement and moved in at the same time. *Investigation Request can be submitted.*
- Other – Continue to question 4.

## Question 4: The rental premises is:

- Part of a house or structure that has been divided into separate self-contained units. I have my own kitchen and living space that other tenants cannot use. *Investigation Request can be submitted.*
- A bedroom in a house/apartment/unit/granny flat. Continue to question 5.
- Other – Continue to question 7.

## Question 5: Do you pay rent to a person (the accommodation provider) that resides at the rental address?

- Yes – Continue to question 6.
- No – *Investigation Request can be submitted.*

**Question 6: Other than the accommodation providers bedroom, how many other bedrooms does the premises have for rent or available for rent?**

- not more than 3 rooms. This tenancy agreement is exempt from the Act. The RTA Investigations Unit is unable to proceed with an investigation request. Please refer to [Agreements not covered by the Act](#).
- 4 or more. *Investigation Request can be submitted.*

**Question 7: My tenancy agreement was not covered in the above questions:**

If the above questions have not addressed your tenancy type, please read the following tenancy types below that are also exempt from the Act. If your tenancy type is listed below the RTA Investigations Unit is unable to proceed with an Investigation Request. Please refer to [Agreements not covered by the Act](#).

If your tenancy type is not listed below, please submit your Investigation Request for further assessment.

- aged care accommodation provided by an approved provider under the *Aged Care Act 1997* (Cwlth);
- accommodation provided at the forensic disability service under the *Forensic Disability Act 2011*;
- accommodation provided at an authorised mental health service under the *Mental Health Act 2016*;
- accommodation provided in a private hospital under a licence in force under the *Private Health Facilities Act 1999*;
- accommodation for school students:
  - provided as part of, or under an agreement with, a school; or
  - arranged by a school for students of another school; or
  - provided with financial assistance from the education department;
- accommodation for students within the external boundaries of a registered higher education provider's campus provided:
  - by the registered higher education provider; or
  - by an entity, other than the registered higher education provider, if the accommodation is provided other than for the purpose of making a profit;
- accommodation provided to holiday makers or travellers;
  - *Examples* — motel, bed and breakfast facility, backpackers' hostel
- accommodation provided under the program known as the Supported Accommodation Assistance Program;
- accommodation provided under funding given by, or in premises owned by, Aboriginal Hostels Limited ACN 008 504 587;
- accommodation for a person at a retirement village if the person resides in the accommodation under:
  - a residence contract under the *Retirement Villages Act 1999*; or
  - section 70B of the *Retirement Villages Act 1999*;
- other accommodation prescribed under a regulation not to be rooming accommodation.