

Step by step guide for tenants affected by the 2022 floods

If your rental property is damaged by flooding, it can be difficult to know where to start. Emotions can run high for everyone involved, so it's important that everyone communicates openly and treats each other with compassion and respect. Be mindful of the fact that your property manager/owner may be dealing with flood damage to their own home or managing numerous flood damaged rentals.

This guide provides step-by-step instructions on what to do if you're a Queensland tenant and your rental property was affected by the 2022 floods. If you're a property manager/owner, please see our [Step by step guide for Queensland property managers/owners affected by the 2022 floods](#).



Step 1 - Safety first

If your rental property is impacted by flooding, safety must be your highest priority. Do not attempt to return to the property until it is safe to do so and follow any active public safety directives. If you do enter a flood damaged property, ensure the electricity is off until it's been assessed by a professional and deemed safe to turn back on.

Step 2 - Contact the property manager/owner

Once you're out of any danger, you should notify your property manager/owner as soon as possible to let them know the situation. Be aware that power and service outages may affect your ability to get in contact immediately. If you can safely access the property, taking photos of any damage and sharing these with the property manager/owner will help both of you work out next steps.



Step 3 - Assess the property

The property will then need to be assessed to determine if it's liveable or not. A property is deemed unliveable when it is either fully or partially destroyed, or it can no longer be used lawfully as a residence because it doesn't meet health and safety standards.

Either you or the property owner/manager can assess the property, or you may choose to assess it together. In some instances, a qualified tradesperson may also attend to provide professional advice. If the property manager/owner or a third party is assessing the property, they should give you notice before they enter.



Step 4 - Determine next steps

Once the property has been assessed, you and the property manager/owner will need to work through your options.



Option 1 - Ending the tenancy because the property is unliveable

A tenancy does not automatically end when a property becomes unliveable after flooding. Until a notice is given to end the tenancy, you need to continue paying the rent - even if you have evacuated from the property. The tenancy will only end if one of the following occurs:

- the property manager/owner and you mutually agree to end the tenancy in writing
- you give Notice of intention to leave on the grounds of non-liveability
- the property manager/owner gives you Notice to leave on the grounds of non-liveability or
- the Queensland Civil and Administrative Tribunal (QCAT) makes an order for the tenancy to end.

The tenancy agreement ends on the day the Notice to leave or Notice of intention to leave due to unliveability is given, unless the person issuing it chooses to give a longer notice period. Notice to end the tenancy on the grounds of non-liveability must be given within one month of a natural disaster occurring.

It's your responsibility to find alternative accommodation, but it may be a good idea to speak with the property manager/owner to see if they know about any other accommodation options.

What if I don't agree that the property is unliveable?

If you have been given a Notice to leave and you think the property is liveable and meets the health and safety requirements, talk to the property manager/owner and see if you can come to a solution. If you are unable to reach agreement, you can request free [RTA dispute resolution](#). Remember, safety must be the highest priority.

Option 2 - Stay in the property while it's repaired

You may want to stay in the property even if it is damaged. Speak to the property manager/owner and see if you can come to an arrangement. The property must be safe and liveable and health and safety requirements will need to be considered.

You may be able to negotiate a rent reduction with the property manager/owner while it's being repaired. Rent reductions may occur if:

- the property is significantly damaged, to the extent where its standard has decreased substantially and/or
- services or facilities provided under the agreement, such as car parks, pools or a laundry, are not available.

Any agreed rent reduction must be documented in writing.



Option 3 - Leave the rental property temporarily and return later

If the property is unliveable or needs extensive repairs, you may choose to continue the tenancy and live in alternative accommodation while it's being fixed. In this case, you may negotiate with the property manager/owner to continue the tenancy at reduced rent or no rent while the repairs are made. Any agreement to reduce or waive the rent during that period should be put in writing.

Alternatively, you and the property manager/owner may decide to end the tenancy on grounds of non-liveability and sign a new agreement to restart the tenancy after repairs are completed. The terms of the new agreement will need to be negotiated, including the rent amount.

Step 5 - Repairs and insurance

You are responsible for removing or cleaning your own possessions. If you have contents insurance and want to make a claim, you should contact your insurance provider as soon as possible. Take photos or videos of any damaged items, as these may be needed for evidence. It's important to note that while the property manager/owner may have insurance, this won't likely cover damage to your possessions.

The property manager/owner is responsible for any maintenance and repairs needed to bring the property back to a liveable condition – this includes repairs to fixtures, fences, windows, doors and roofs. These repairs need to comply with relevant health and safety laws. It is also the property manager/owner's responsibility to organise the repairs. You should negotiate with them to find a suitable time for the repairs to be done (entry rules apply).

After a flood, demands on insurers, tradespeople and services can be high. You and the property manager/owner should discuss the timelines for any necessary repairs and keep lines of communication open. Remember that the property manager/owner may also be in discussions with their insurance company which could delay the start of repairs.

If you and the property manager/owner can't come to an agreement on repairs, you can contact the RTA and [request free dispute resolution](#).



Resources and support

More RTA resources and information on State and Federal Government flood support is available on the RTA Natural Disasters webpage: rta.qld.gov.au/natural-disasters.

Further information

For more information contact the Residential Tenancies Authority.



rta.qld.gov.au



1300 366 311

Interpreter



An interpreter service is available, contact Translationz on (07) 2000 4600 during RTA business hours and they will phone the RTA for you free of charge.

Accessing RTA forms

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

- rta.qld.gov.au
- 1300 366 311
- Level 11, Midtown Centre, 150 Mary Street, Brisbane

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Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 (the Act) 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.

