

Goods and documents left behind – General tenancies

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) contains provisions dealing with goods and documents that are left behind by tenants when they leave or abandon premises.

Goods and documents may only be dealt with in the manner described in this fact sheet once the tenancy agreement has ended and the property manager/owner reasonably believes that the goods and documents have been abandoned.

Failure to deal with goods and documents in the way described below can be reported to the Compliance and Enforcement Unit of the Residential Tenancies Authority (RTA) and may incur penalties.

Important: When a tenant who is experiencing domestic and family violence ends their interest in an agreement using a Notice ending tenancy interest, they **are not responsible** for costs associated with ending their interest in the agreement, including goods left behind at the property.

The tenancy agreement must be ended

The tenancy agreement must be ended before the property manager/owner can remove any goods and documents that are left by the tenant.

See the [Ending a tenancy agreement for tenants/residents fact sheet](#), [Ending a tenancy agreement for managing parties fact sheet](#) and [Lease break, abandonment and goods left behind fact sheet](#) for more information about ending agreements.

Personal documents left behind

Documents are defined in the Act to mean personal documents and money.

Personal documents (e.g. money, birth certificates, photographs) must be given to the tenant. The property manager/owner must make a reasonable effort to contact the tenant about any found items.

If the tenant cannot be contacted, the personal documents must be given to the [Office of the Public Trustee](#), within seven days of the end of the tenancy.

The Public Trustee **does not take** passports, Medicare cards, driver licences or bank cards, they remain the property of the issuer (e.g. a Medicare card should be returned to the Department of Human Services).

The Act outlines requirements regarding the collection, storage, and destruction of personal information during the rental application process and after the end of a tenancy, see our [Personal information webpage](#) for more details.

Disposal of goods

After the tenancy agreement has ended, the property manager/owner may dispose of the goods left behind by the tenant where:

- the total market value of the goods is less than \$1500, or
- storage of the goods would be unhealthy or unsafe, or
- storage of the goods would cause their market value to be completely or substantially reduced, or
- the cost of removing, storing and selling the goods would be greater than the amount raised in the sale of the goods.

The property manager/owner can refer to external sources to determine and document whether the goods left behind meet the above categories, for example:

- online price listings for similar second-hand items
- quotes from second-hand dealers
- storage quotes.

If the goods do not fall into one of the above categories, the property manager/owner must store the goods for one month. If the goods are a moveable dwelling, the contents of a moveable dwelling, or other goods used in the occupation of a moveable dwelling, they must be stored for three months.

Sale of goods left behind

After the storage period has expired, the goods must be disposed of by auction unless the Queensland Civil and Administrative Tribunal (QCAT) orders their disposal by another method. The property manager/owner may apply to QCAT for an order about disposal of the goods.

Reasonable efforts must be made to contact the person entitled to the goods. Reasonable efforts include:

- attempting to contact the owner by telephone, including text message, email or private message on a social media platform
- attempting to contact an emergency contact listed on the owner of the goods' residential tenancy agreement
- publishing a notice in an online newspaper for the city or state in which the owner of the goods is, or was residing.

If, after making reasonable efforts, the property manager/owner is unable to contact the owner of the goods or they do not make a claim to possession of the goods, the property manager/owner may sell the goods by auction.

The property manager/owner may deduct costs for the removal, storage and sale of the goods from the money raised through the sale. Any money remaining from the proceeds of the sale must be paid to the Public Trustee within 10 days of the sale.

The property manager/owner may apply to QCAT to claim money from the sale proceeds for costs such as rent arrears, cleaning or damage to the premises caused by the tenant.

Tenants claiming goods

A property manager/owner must not refuse a tenant, or another owner of goods, access to their goods and must not withhold their goods. However, the tenant may be asked to pay the storage and removal costs before their goods are released.

Seizure of a tenant's goods and documents in exchange for rent owing or other damages (e.g. repairs or cleaning) is not permitted by the Act. A property manager/owner may be subject to a penalty if they unlawfully seize or withhold the tenant's property.

Theft of goods and documents can be treated as a criminal matter and can be reported to the police.

People dissatisfied with the process

If the tenant (or a person other than the tenant, who is the owner of goods) is dissatisfied with the way in which a property manager/owner has dealt with goods, they can make an urgent application to QCAT for the matter to be considered. QCAT may make orders for compensation or other orders which may be appropriate.

Accessing RTA forms

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

- rta.qld.gov.au • 1300 366 311 (Mon to Fri, 8:30am to 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



[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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