

## Lease break, abandonment and goods left behind

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that governs renting a place to live in Queensland. This fact sheet contains information and a summary of how the Act applies but should not be relied on as legal advice for specific cases.

### Terms used in this fact sheet

- 'Abandoned' is when the tenant leaves the premises permanently without ending the tenancy agreement.
- 'Property managers/owners' are the people who give the tenants the right to live in the premises (e.g. the property owners), or their representatives (e.g. real estate agents/property managers).
- 'Premises' is the house, unit or caravan being rented.
- 'Tenants' are the people who have been given the right to live in the premises.
- QCAT is the Queensland Civil and Administrative Tribunal, which is a court that makes final, legally binding decisions on tenancy disputes.

A property manager/owner who believes on reasonable grounds that the premises is abandoned must formally end the agreement before they can take possession of the premises and deal with any property left behind by the tenant.

### Can property managers/owners go into premises they believe are abandoned?

Property managers/owners agents may serve an [Entry notice \(Form 9\)](#) giving 48 hours' notice to enter the premises for an inspection if they believe on reasonable grounds that the premises have been abandoned.

### What are reasonable grounds?

Many factors could be considered reasonable grounds including some or all of the following:

- rent has not been paid
- a build-up of mail or newspapers still in the mailbox
- observations of neighbours or others that suggest the tenants have abandoned the premises
- the absence of household goods
- gas, telephone and electricity services have been disconnected, or
- the tenant does not respond to attempts to contact them.

### How can the tenancy agreement be ended?

There are two ways to end a tenancy agreement for abandonment.

1. **The property manager/owner can apply to QCAT for an order saying the premises is abandoned.** This way is recommended if there is doubt about whether the premises is abandoned or not. A tenant who disagrees with the order declaring the premises abandoned may apply to the Tribunal within 28 days of the decision to have it reviewed.
2. **The property manager/owner can give the tenant an [Abandonment termination notice \(Form 15\)](#).** This notice should be served to the tenant in the usual way such as by mail or hand delivered to the premises. A notice can only be sent via email when the tenant has agreed to receive electronic notifications in the rental agreement. If the tenant does not apply to QCAT within seven days to have the notice set aside, then the tenancy agreement will be ended seven days after the date the notice was issued.

If the former tenant is dissatisfied with the *Abandonment termination order* issued by QCAT, they can apply to the Tribunal within 28 days after the date of the order for the decision to be reviewed. If the QCAT adjudicator is then satisfied the premises were not abandoned, an order for compensation for expenses incurred by the former tenant may be made.

### Can property managers/owners claim compensation?

The property manager/owner can apply to QCAT for compensation if they lose money, due to rent owing or costs for damages caused either during the tenancy or after abandonment.

There are requirements around the storage, disposal or sale of goods left behind, including that reasonable attempts be made to contact the owner of the goods. Refer to goods and documents left behind fact sheet.

## Can the rental bond be returned?

The rental bond can be returned, but if an Abandonment termination notice has been served, the RTA cannot process a Refund of rental bond (Form 4) until the Abandonment termination notice has expired.

## How are applications made to QCAT?

The RTA's website has information outlining the steps which need to be taken when applying to QCAT. Contact the QCAT registry or visit [qcat.qld.gov.au](http://qcat.qld.gov.au) for further information on the tribunal and applying for a hearing.

## Places that can help

There are organisations that can assist tenants when they need help with tenancy matters:

- Tenants Queensland – 1300 744 263
- Homeless Hotline – 1800 474 753
- Further information and support is available at [qld.gov.au/housing/renting/rent-assistance](http://qld.gov.au/housing/renting/rent-assistance).

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



1300 366 311



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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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