

## Minimum housing standards – rooming accommodation

Minimum housing standards came into effect for new tenancies from 1 September 2023, meaning if a tenancy agreement is signed or renewed from this date, the room and premises must meet minimum housing standards. Minimum housing standards will come into effect for all remaining tenancies from 1 September 2024. These new standards will apply to all types of tenancies, including general tenancies, moveable dwellings, and rooming accommodation agreements.

This fact sheet will help providers, agents and residents understand and prepare for the upcoming changes around minimum housing standards for rooming accommodation in Queensland.

### Overview of minimum housing standards

Minimum housing standards aim to ensure all Queensland rental properties are safe, secure and reasonably functional. The new standards complement existing legislation which states that a property must be fit to live in, in good repair and compliant with health and safety laws. To meet minimum housing standards, the rental property will need to meet the criteria outlined below.

### Safety and security

The property must:

- be weatherproof and structurally sound:
  - the roofing or windows must prevent water entering the premises when it rains
  - the floor, walls, ceiling, roof and any decks or stairs must not be likely to collapse because of a rot, defect, or significant dampness
- be in good repair, with fixtures and fittings (such as electrical appliances) that are not likely to cause injury through normal use
- have functioning locks or latches on all external doors and windows that can be reached from outside the premises without a ladder
- be free from vermin, damp, and mould (this does not include cases where vermin, damp or mould has been caused by the resident)
- have privacy coverings for windows in all rooms where the resident could reasonably expect privacy, such as bedrooms. Privacy coverings:
  - for windows include blinds curtains, tinting and glass frosting
  - do not apply if the line of sight of someone outside the property and someone inside the property is blocked, for example if the window is obstructed by a fence, a hedge, tree, or other feature of the property.

### Reasonable functionality

The property must:

- have adequate plumbing and drainage for the number of people occupying the premises
- be connected to a water supply service or other infrastructure that supplies hot and cold water suitable for drinking
- provide privacy in bathroom areas
- have toilets that are all flushable and refillable, and connected to a sewer, septic tank or other waste disposal system
- have a functioning cooktop, if a kitchen is provided
- include the necessary fixtures for a functional laundry, such as tap fixtures and adequate plumbing, if laundry facilities are provided. The laundry does not have to include a washing machine or other white goods as these may be provided by the resident.

## Options when a property does not meet minimum housing standards

There are different options available to the resident depending on if the property fails to meet minimum housing standards when they first move into the property or during the tenancy.

The provider/agent needs to ensure the premises and inclusions comply with prescribed minimum standards at the start of the tenancy and throughout the agreement. The provider/agent is responsible for paying for repairs unless the issue has been caused by the actions of the resident.

The resident is responsible for contacting the provider/agent as soon as they become aware of any repairs which need to be made to the rental property.

The provider/agent and the resident should speak with one another and try to resolve any issues which occur during a tenancy. Self-resolution is often the quickest and easiest way to resolve tenancy issues.

### Option 1: Resident moves out of the property within the first seven days of occupancy

New residents with a rooming accommodation agreement will have the option to end a tenancy within the first seven days of occupying a room if they believe it does not meet minimum housing standards. This builds on legislation, which allows residents to end a tenancy within the first seven days of living at the property if it is not fit to live in, unsafe, or not in good repair.

If the resident chooses this option, they will need to issue the provider/agent with a [Notice of intention to leave](#) (Form R13) on the grounds that the rental does not meet minimum housing standards, giving at least two days notice to end the tenancy for rooming accommodation agreement.

If the provider/agent believes the property is in good repair and meets minimum housing standards, they may treat this as breaking the lease and seek compensation. If this occurs and the provider/agent and the resident cannot reach an agreement around compensation, either party can request [free RTA dispute resolution](#).

If the resident and the provider/agent still cannot reach an agreement, the party who requested dispute resolution can take the matter to Queensland Civil and Administrative Tribunal (QCAT), which has the authority to issue legally binding orders.

### Option 2: Resident applies for a QCAT termination order on the grounds of misrepresentation within the first three months of occupancy

The resident can apply to QCAT to request a termination order on the grounds that the provider/agent gave false or misleading information about the condition of the premises or its inclusions. This is classified as a non-urgent tenancy dispute by QCAT, which means the matter must go [free RTA dispute resolution](#) before it goes to QCAT.

To do this, **the resident must apply for RTA dispute resolution within the first three months of living at the rental property**. If dispute resolution is unsuccessful, the RTA will issue the resident with a *Notice of unresolved dispute* and the resident can make an application to QCAT for an order to terminate the tenancy.

QCAT will give both the resident and the provider/agent an opportunity to present evidence before deciding if they will issue an order to terminate the tenancy. The resident must continue to pay rent while the matter is under dispute.

### Option 3: Resident requests routine repairs to the property

The resident should speak to the provider/agent and try to come to an arrangement to organise repairs to ensure the property meets minimum housing standards.

Under the *Residential and Rooming Accommodation Act 2008*, repairs to rooming accommodation are classified as routine repairs. If the provider/agent does not make repairs within a reasonable timeframe the resident can issue them with a [Notice to remedy breach](#) (Form R11) giving a minimum of five days to fix the issue.

If the provider/agent fails to rectify the issue within the timeframe, the resident can lodge a request for free RTA dispute resolution via the [Dispute Resolution Web Service](#) or the [Dispute resolution request](#) (Form 16).

If agreement cannot be reached, the resident can take the matter to QCAT and request for them to make an order. Repair orders do not apply to rooming accommodation. Instead, QCAT may make an order about a breach of the tenancy agreement. Outcomes may include ordering the provider or the resident to organise and pay for the repairs or compensate the other party.

Find out more about the routine repairs process on the [routine repairs webpage](#).

## If actions of a resident cause the property to fail to meet minimum housing standards

Throughout the tenancy, the resident is responsible for keeping the rental property clean and for not intentionally damaging it. If the rental property fails to meet minimum housing standards because of issues caused by the actions of the resident, the provider/agent can issue the resident with a [Notice to remedy breach](#) (Form R11) and the resident may have to pay for the repairs.

See the [breach of the agreement webpage](#) on the RTA website for more information.

## 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



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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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