

Repair guidelines – property managers/owners

These guidelines discuss different options for property managers/owners to ensure the timely resolution of maintenance issues and to maintain positive relationships. Clear communication between the tenant and the property manager/owner is usually the key to resolving any maintenance issues and maintaining good relationships.

These guidelines also provide information about what property managers/owners should consider if they are issued with a repair order.

Responsibilities around repairs

If there is a maintenance issue during the tenancy, it's the tenant's responsibility to tell the property manager/owner as soon as possible. The property manager/owner is responsible for ensuring the repair is made in a reasonable timeframe. The tenant should never stop paying rent because of a repair issue, as this may be a breach of the tenancy agreement.

If there is a delay with the repair process (for example, due to a shortage of tradespeople or delays with getting parts for a repair) the property manager/owner is responsible for communicating with the tenant and managing expectations around repair timelines. Tenants should allow the property manager/owner reasonable time to address repair issues, considering factors like severity of the issue and availability of tradespeople.

Repair and maintenance options

Self-resolution

Speaking to the other party and coming to a solution around maintenance issues is usually the quickest, cheapest, and easiest way to resolve the issue. Self-resolution gives tenants and property managers/owners the opportunity to work together to come to a mutually agreeable solution without the need for legal action.

For tips on how to work together to come to a solution, see the [How to resolve tenancy issues webpage](#).

Emergency repairs

Emergency repairs are defined in the legislation and a full list of them can be found on the [emergency repairs webpage](#). Any repairs which are not defined as emergency repairs under the legislation are routine repairs.

The tenant has the option to arrange emergency repairs themselves up to the value of four weeks' rent if:

- the emergency repairs are not promptly addressed or
- they are unable to reach the property manager/owner or the nominated repairer specified in the tenancy agreement.

Tenants can then provide any relevant documents and receipts and request reimbursement in writing from the property manager/owner. The property manager/owner then has seven days to repay the cost. If the property manager/owner refuses payment after the deadline, tenants can apply to QCAT for an order regarding reimbursement. To apply for reimbursement, tenants can contact QCAT directly – there is no requirement to contact the RTA.

If the tenant cannot afford emergency repairs, they can organise repairs up to the value of four weeks' rent and request for the owner to pay the tradesperson directly. Alternatively, the tenant can ask the property manager to arrange the repairs on behalf of the property owner. The property manager can then deduct the cost of repairs from rent payments, before transferring the remaining amount to the owner's account.

Note: There are different processes for making routine repairs. Learn more on the [routine repairs webpage](#).

Dispute resolution

If self-resolution is unsuccessful, and it is safe and practical to do so, either the tenant or the property manager/owner can seek free and impartial [dispute resolution](#) from the RTA. The RTA has an excellent record of assisting parties in disputes with amicable resolutions without having to go to QCAT.

For routine repairs, the tenant can issue the property manager/owner with a Notice to remedy breach, giving them at least seven days to fix the issue. If the property manager/owner fails to remedy a breach by the date specified in the notice, the tenant can request a free RTA dispute resolution. Learn more on the [routine repairs webpage](#).

For emergency repairs, there is no need for the tenant to issue a breach notice before applying for dispute resolution.

Compensation

If the repairs have had a significant impact on the tenant's living standards and resulted in a loss of amenity, the property manager/owner and the tenant can explore other amicable and reasonable solutions before considering QCAT. Both parties should work together to find a solution and any agreement should be recorded in writing.

Repair orders

A repair order is a legally binding order made by QCAT addressing routine or emergency repairs that are needed to the rental property or its inclusions. Repair orders apply to general tenancies and movable dwellings, but not to rooming accommodation.

Tenants can consider applying for a repair order if the property manager/owner fails to address necessary repairs. Once an application is made to QCAT, the Tribunal becomes the decision-maker and will make a legally binding order that must be upheld by both parties.

Property managers/owners should work with tenants to try to find a solution and prevent the need for the matter to go to QCAT. It's important to remember QCAT has significant decision-making power when issuing a repair order and these orders are attached to the property and continue to apply if the current tenancy ends.

For example, if the tenant wants to leave because the property is unsafe or in poor repair, QCAT may terminate the tenancy and order the property not to be rented again until the repairs are made.

There are different processes for applying for a repair order, depending on whether the issue is an emergency or a routine repair.

The RTA's [Repair orders factsheet](#) outlines these different processes. The repair order factsheet also explains what information may be included in a repair order and what factors QCAT will take into account when considering and granting an order.

Receiving a repair order

Property managers/owners can request an extension on a repair order for certain reasons. Examples could include if a shortage of tradespeople or materials means they are unlikely to be able to make the repairs by the deadline set in the order. It's important to apply for an extension as soon as possible and not to wait until the repair order expires.

Property managers/owners can [contact QCAT](#) directly to request a repair order extension – there is no requirement to contact the RTA.

Failure to comply with a repair order – property manager/owner

Under the Act, non-compliance with a repair order is considered an offence that carries 50 penalty units.

QCAT provides the RTA with a copy of all repair orders and any extensions granted. Tenants cannot lodge a request for the RTA to investigate issues around failures to make repairs. However, they may request an investigation for non-compliance with a repair order if:

- they have obtained a repair order from QCAT and
- the property manager/owner does not fix the issue by the deadline specified in the order (or in the order extension, if one has been granted by QCAT).

Tenants can request an RTA investigation for non-compliance with a repair order via the [Investigation Request Kit](#).

Accessing RTA forms

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

- 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



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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