

## Repair guidelines – tenants

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

These guidelines also provide tenants with information about what to consider if they choose to apply to the Queensland Civil and Administrative Tribunal (QCAT) for a repair order.

### Responsibilities around repairs

If there is a maintenance issue during the tenancy, it is the tenant's responsibility to tell the property manager/owner as soon as possible. The property manager/owner is responsible for making sure 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 property manager/owner 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.

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.

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.

For example, the property manager/owner and the tenant may agree to reduce the rent until the repair has been made.

## 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. If approved, the order requires the property manager/owner to complete the repairs within a specified timeframe. It is important to note that pursuing a repair order may involve time and costs.

Tenants should consider if a repair order is the right approach for their situation before applying to QCAT. There may be alternative options for resolving a tenancy dispute, and tenants should evaluate their situation before deciding on the best course of action.

### Before applying for a repair order

Tenants who are applying for a repair order should ensure they understand the process and the documentation they can provide to support their application.

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. This 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.

In addition to reading the repair order factsheets, tenants can:

- familiarise themselves with QCAT processes by visiting their [residential tenancy disputes webpage](#). This page includes information about:
  - how to make a QCAT application
  - how to prepare evidence for a QCAT hearing
  - QCAT proceedings, and
  - post-hearing details
- access QCAT's [published reasons for decisions](#) on their website
- consider attaching relevant quotes to their application and anticipate any potential issues that may arise to ensure the repair order is clear. By providing quotes from a suitable and qualified tradesperson, tenants can demonstrate the cost and scope of the repairs. This allows tenants to anticipate potential issues and address any concerns proactively.

### Preparing for the QCAT hearing

Before the hearing, the tenant should think about what they want the repair order to include and communicate this with the adjudicator. For example, it can be a good idea to ask the adjudicator to include information in the order about who is responsible for organising the repairs, and a date by which the repairs must be completed. It can also be a good idea to take a copy of any relevant evidence to the hearing.

### Repair order extension

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.

## Failure to comply with a repair order

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, tenants 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](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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