

Fixture and structural changes in rental properties

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that governs renting a residential property 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 residential tenancies.

For ease of reading, tenants and residents will be referred to as tenants in this fact sheet. The term tenancy refers to all tenancies including general tenancy, moveable dwelling and rooming accommodation agreements. The term property manager/owners includes managing parties, lessors, lessor's agents, and accommodation providers.

Overview

Fixtures are generally items permanently attached to land or a building that are intended to become part of the land or building. Attaching a fixture may include gluing, nailing, or screwing a fixture to a wall. The Act requires tenants to use the RTA's [Request for approval to attach fixtures or make structural changes \(Form 23\)](#) to request approval from the property owner to attach a fixture or make structural changes in their rental property. Tenants should complete a separate form for each request.

Approval process overview

Property manager/owner approval:

A tenant must ask the property manager/owner for permission to attach a fixture or make structural changes. The property manager/owner has 28 days to make a decision after receiving the request. If they approve the request, they may impose certain conditions and advise if their approval is subject to body corporate approval. They should inform the tenant as soon as practicable of the body corporate's decision regarding the request.

Examples of conditions of approval:

- That the tenant must maintain the fixture in a particular way.
- That the tenant may remove the fixture.
- That the tenant must repair any damage caused by removing the fixture.
- That the property manager/owner must compensate the tenant for the fixture if the tenant cannot remove it.

A property manager/owner is not required to use a specific form to respond to a tenant's request. However, they should respond to the tenant's request in writing. This form is designed to respond to the request, and additional information can be added once agreement is reached on the conditions of approval.

Body corporate approval (if applicable):

Body corporate rental premises refer to rental premises that are part of a body corporate scheme. Under body corporate law or body corporate by-laws, approval is required for the attachment of a fixture or the making of a structural change to the premises.

If the premises is part of a body corporate, and the by-laws require body corporate approval after the property manager/owner approves the request, they must send the tenant's request to the body corporate within 28 days of receiving it. This may take additional time outside of the 28-day timeframe.

Body corporate approval to attach fixtures or make structural changes

If a tenant lives in a property that is part of a body corporate, and their rules or by-laws require approval for adding fixtures or making structural changes, these steps should be followed:

1. A tenant should fill out the [Request for approval to attach fixtures or make structural changes \(Form 23\)](#) and give it to the property manager/owner.
2. The property manager/owner must respond within 28 days of receiving the request and inform the tenant of their decision and state that their approval is subject to the body corporate's approval.
3. If approved by the property manager/owner, they must submit the tenant's request to the body corporate within 28 days of receiving it.

4. The body corporate will review and decide on the tenant's request (the 28-day period does not apply to body corporate) and the property manager/owner must advise the tenant of the body corporate's decision as soon as reasonably practicable.
5. If both the property manager/owner and the body corporate agree, the tenant can proceed with the changes according to their conditions.
6. For more information about body corporates, or to understand what areas may fall under body corporate responsibilities, please visit Office of the Commissioner for Body Corporates website. [Office of the Commissioner for Body Corporate and Community Management | Your rights, crime and the law | Queensland Government](#).

Proceeding with work

If the tenant's request is approved by the property manager/owner (and body corporate where applicable), the tenant can proceed with the proposed work, subject to any conditions they may have set.

Considerations for requesting fixtures or structural changes

Not receiving a response to the request from the property manager/owner does not automatically grant the tenant permission to proceed with the requested fixtures or structural changes. The tenant may consider applying for free and impartial dispute resolution through the Residential Tenancies Authority (RTA) if the property manager/owner does not respond within 28 days.

If the issue remains unresolved after attempting dispute resolution through the RTA, the tenant may take the matter to the [Queensland Civil and Administrative Tribunal \(QCAT\)](#). QCAT can make a legally binding decision regarding the request to attach a fixture or make structural changes.

When deciding, QCAT will consider the following:

- **Safety, security, and accessibility:** consider whether the proposed fixture or structural change would improve the safety, security, and accessibility of the property for the tenant.
- **Removal and restoration:** evaluate whether the fixture or structural change can be removed at the end of the tenancy, and if the property can be restored to its original condition.
- **Impact on property value:** determine if the proposed change would add value to the property and whether the lessor may treat it as an improvement.
- **Building approvals:** check if any building approvals are required for the proposed fixture or structural change.
- **Qualified tradesperson:** assess whether the change needs to be installed by a qualified tradesperson.
- **Body corporate approval:** if the property is part of a body corporate scheme, confirm whether approval is needed for the fixture or structural change.
- **Extent of structural change:** for structural changes, consider how much the proposed change will alter the property.
- **Other relevant matters:** take into account any other factors the tribunal deems relevant.

Attaching fixtures or making structural changes without property owner agreement:

If a tenant installs fixtures or fittings or makes alterations to the premises without consent, the property manager/owner has three options:

- To treat it as a breach and try to resolve the dispute.
- To accept the changes as improvements.
- To remove the fixtures and charge the tenant for the costs of doing so.

Parties to a tenancy should ensure they follow the proper process when requesting permission to attach fixtures or make structural changes to their rental property to avoid potential disputes.

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



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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.

v1 May25

