

## Fact sheet

### House rules

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The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) allows providers to make house rules for use in rooming accommodation such as boarding houses, supported accommodation services, off-campus student accommodation and other rooming style accommodation covered by the Act in Queensland. This fact sheet gives a summary of the house rules used in rooming accommodation.

#### What are house rules?

House rules are rules about the use, enjoyment, control or management of rooming accommodation. There are two types of house rules – prescribed rules and rules made by the provider.

Prescribed rules are rules listed in the Act's regulation. They apply to all rooming accommodation premises in Queensland.

Rules made by the provider are rules that apply to the particular rooming accommodation that the provider runs. These can only be made about matters outlined in the Act and are in addition to the prescribed rules.

House rules form part of the *Rooming accommodation agreement* (Form R18) and the provider/agent must give a copy of these rules to the resident when an agreement is signed. A full list of the rules must also be posted in a place where residents are likely to see them, such as a notice board in a common area. A breach of a house rule is considered a breach of the agreement.

#### What are the prescribed house rules?

The following is a summary of the prescribed house rules. Providers should refer to the Act's regulation for exact wording.

**Resident and guest behaviour:** Residents and their guests must not interfere with the reasonable peace, comfort and privacy of other residents.

**Maintenance of rooms:** Residents must maintain their rooms in a way that does not interfere with the reasonable comfort of other residents, and in a way that does not create a fire or health hazard. Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility in their rooms.

**Common areas:** Common areas are areas shared by different residents. They may include a television room, bathroom, kitchen, hallway or yard. The provider/agent must take reasonable steps to make sure the common areas and the facilities in them, are kept safe, clean and in good repair. The residents must make sure they and their guests leave common areas neat, clean and tidy after using them.

**Guests:** Residents must make sure their guests are aware of, and follow, the house rules.  
**Access to residents' rooms:** The provider/agent must not enter the residents' rooms other than as allowed under the Act. The provider/agent must also take reasonable steps to ensure residents have quiet enjoyment of their room/s.

**Door locks and keys:** Residents must not tamper with (or change) a door lock on the premises, or make copies of keys without the permission of the provider/agent.

**Animals:** Residents must not keep an animal on the premises without the permission of the provider/agent.

### **What can a provider make house rules about?**

In addition to the prescribed rules, the provider can make house rules about:

- guests
- smoking
- using shared facilities
- parking motor vehicles
- drinking alcohol or illegally consuming drugs
- making noise, or
- keeping pets.

The provider can make house rules to meet the needs of their type of rooming accommodation. For example, rooming accommodation that caters to shift workers may leave the kitchen open 24 hours a day, and have a rule that says residents must keep noise to a minimum between 11pm and 6am.

As long as the rule is about one of the headings listed and is not in conflict with the prescribed rules, it can be a house rule.

### **How are house rules changed?**

If a provider wants to change a house rule, or make a new one, there are steps they must follow.

- The provider/agent must give each resident a notice stating the proposed change and when the change will commence. The notice must state that the resident can object to the change and tell them how they can do this. At least seven days notice must be given of a rule change.
- Objections to rule changes must be made by a resident in the form of a written notice and can only be made because the resident believes the change is unreasonable.
- The rule change will go ahead unless the required number of residents has objected to the rule change. This means that either 10 residents (or half the total number of residents if there are fewer than 20 residents) have to object to stop the rule being changed.
- If the required number of residents has objected, the provider/agent must give a notice to each resident to tell them about the objections and that the rule change will not go ahead.
- The provider/agent may make an application to the Tribunal seeking a ruling that the new rule or rule change is reasonable. An application to the Tribunal must include copies of the objections.
- The Tribunal will consider whether the change is reasonable or not and may change the rule to make it reasonable if this is required. If declared to be reasonable, the rule will take effect on a day decided by the Tribunal.

### **Can residents object to existing rules?**

A resident can apply to the Tribunal for an order saying an existing house rule is unreasonable. The resident must tell the Tribunal why they think the rule is unreasonable, and demonstrate that other residents also think the rule is unreasonable. The Tribunal will consider how other residents will be affected if the rule is changed, before making a decision.

### **Further information**

For more information contact the Residential Tenancies Authority on 1300 366 311.

