

Fact sheet

Guide to Residential Tenancies Authority (RTA) investigations

The Residential Tenancies Authority (RTA) investigates alleged offences under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act).

The RTA's compliance function promotes compliance with the law and discourages future offending through education and enforcement action.

Offences

Some of the offences the RTA can investigate include:

- failure to lodge a bond with the RTA within 10 days of receiving the bond
- failure to provide a written tenancy agreement
- entry by a property manager/owner without proper notice or consent
- imposing special terms in tenancy agreements that contravene the Act
- providing false or misleading documents to the RTA
- failure to provide a forwarding address if asked in writing at the end of a tenancy
- ending a tenancy in an unauthorised way (e.g. forcefully evicting a tenant)

What happens in an investigation?

An investigation is an impartial fact-gathering process.

Anyone involved in an investigation should provide as much relevant information and documentation to the RTA as possible, allowing all evidence to be considered.

Responding to allegations

If an offence is identified, the parties involved will be given a chance to respond and provide information.

Anyone responding to allegations are encouraged to first seek independent legal advice. There is no obligation to participate in the investigation process. Any information provided will be considered when making a decision about what action to take, and may be used as evidence in court.

Enforcement action

If an offence is identified, action will be taken to stop the offence happening again. In most cases, engaging with the offender, and notifying them of their obligations, is enough to stop further offending. However, the RTA may consider issuing a penalty infringement notice or prosecution when:

- these strategies have failed or they do not address the serious nature of the complaint
- there is ongoing and systemic non-compliance
- significant detriment has been caused
- conduct involves deceit, dishonesty or was unconscionable
- it is in the public interest

For a prosecution to commence, there must be sufficient evidence, and it must be in the public interest to proceed. Each offence must be proven beyond reasonable doubt, which may require the person making the complaint to appear in court as a witness.

Once the investigation is finalised, the person who made the complaint, and the person who the complaint is about, will be advised of the decision, including any enforcement action to be taken.

Enforcement action may be published on the RTA's website.

RTA investigators

Investigators are 'authorised persons' and have powers under the legislation to enter and search a property, seize documents and require individuals and/or organisations to disclose information in certain circumstances. Obstruction of an authorised person, or providing false or misleading information, is an offence.

Timeframe

As the RTA receives a large number of investigation requests, it may take up to 21 days before an investigation into a complaint can begin.

Most investigations are finalised within 6 months.

The RTA cannot investigate an offence that occurred more than 2 years ago.

Recovering money

If you are trying to recover money owed, you will need to lodge a *Dispute resolution request* or call 1300 366 311 for help. If the dispute resolution process is unsuccessful, the matter may be taken to the Queensland Civil and Administrative Tribunal (QCAT).

Making a complaint

Contact us on 1300 366 311 to obtain an *Investigation request* form to submit your complaint to the RTA.

About the RTA

The RTA is the Queensland Government statutory body that administers the *Residential Tenancies and Rooming Accommodation Act 2008*.

The RTA provides tenancy information, bond management, dispute resolution, investigation, and policy and education services to the residential rental sector.

Visit rta.qld.gov.au

Call 1300 366 311

Mon–Fri 8.30am – 5pm



If you require an interpreter, please contact the Translating and Interpreting Service (TIS) on 131 450 during RTA hours of business. TIS will telephone the RTA for you at no cost.

101 –v3 Feb17



Disclaimer

This information is for general guidance only. It is not legal advice. The RTA cannot guarantee the accuracy or completeness of the information provided. For more information refer to Residential Tenancies and Rooming Accommodation Act 2008.