

Fact sheet

Important renting information for natural disaster victims

If a rental property becomes unliveable after a natural disaster

After a natural disaster (e.g. cyclone, severe storms, flooding, bushfires) property managers/owners and tenants should talk to each other as soon as possible to discuss the state of the property. If the property is unliveable or damaged, they will need to work out if any action needs to be taken.

What is an unliveable property?

A property becomes unliveable when it:

- is fully or partially destroyed
- can no longer be used lawfully as a residence (e.g. building is condemned due to health and safety risks, such as exposed asbestos fibres).

Ending a tenancy after a natural disaster

A tenancy does not automatically end when a property becomes unliveable after a natural disaster. A tenancy agreement will only end if one of the following occurs:

- property manager/owner and tenant agree in writing
- tenant gives the property manager/owner a *Notice of intention to leave* (Form 13), or *Resident leaving form* (Form R13) for rooming accommodation, on the grounds of non-liveability
- property manager/owner gives the tenant a *Notice to leave* (Form 12) or *Notice to leave* (Form R12) for rooming accommodation on the grounds of non-liveability, or
- QCAT makes an order.

The *Notice to leave* or *Notice of intention to leave*, on the grounds of non-liveability, must be given within 1 month of the natural disaster.

The agreement ends the date the notice is given, however, the person giving the notice may choose a longer notice period.

If the tenant refuses to leave, the property manager/owner can apply to the Queensland Civil and Administrative Tribunal (QCAT) for a termination order.

Tenant wants to stay

Sometimes the tenant may feel it is better to stay in the property even if it is partially destroyed. This should be negotiated with the property manager/owner. Health and safety laws should be considered when making this decision.

If the tenant has been given a *Notice to leave* by the property manager/owner, and they believe the property is liveable, they may lodge a *Dispute resolution request* (Form 16) with the RTA.

Fixing damage to a property after a natural disaster

The property manager/owner and tenant should talk to each other as soon as possible to discuss the state of the property and work out what action needs to be taken.

The property manager/owner is responsible for any maintenance and repairs needed to bring the property back to a liveable condition (including fences, windows, doors, roofs and gardens). These repairs need to comply with relevant health and safety laws.

The tenant is responsible for removing or cleaning their own possessions.

It is usually the property manager/owner's responsibility to organise and pay for property repairs. They should negotiate with the tenant to find a suitable time for the repairs to be done (entry rules apply). The tenant should be aware that the property manager/owner may be in discussions with their insurance company about repairs.

Paying rent

Until a notice is given, the tenant is responsible for paying the rent in full (even if they have been evacuated from the property).

Rent reductions

The rent may be reduced if the property is damaged or if some of the facilities (e.g. car park, pool, laundry) are unavailable.

Rent reductions may occur when:

- services, facilities or goods to be provided under the agreement are no longer available, or
- the amenity or standard of the property decreases substantially.

The decrease can be negotiated and should be put in writing.

The tenant may want to leave the property and return after the damage has been repaired. Any agreement about rent should be put in writing.

The property manager/owner and tenant can also decide to terminate the agreement and sign a new agreement after repairs are completed. The terms of the new agreement would need to be negotiated and would not necessarily be the same as the old agreement, including the rent amount.

Eviction

The rental market can become competitive after a natural disaster, but the rent cannot be increased outside the normal rules for rent increases (visit our website for more details). The property manager/owner is not allowed to evict the tenant in favour of another tenant who will pay higher rent (penalties apply).

Bond refunds

Bond processing with the RTA could be affected if postal or internet services are disrupted by natural disasters. Contact us for information on extended processing times.

Accessing RTA forms

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

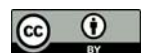
- rta.qld.gov.au
- 1300 366 311
- Level 23, 179 Turbot St Brisbane

If you would like additional advice around rental matters, you can also contact QSTARS on 1300 744 263 – they offer free independent advice and referral services for all Queensland tenants.



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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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.