

Fact sheet

Allowing time when serving notices – moveable dwellings

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) sets clear time lines for serving notices. In some instances the Act states the amount of time a notice must be given before any action is taken. In others, the Act sets limits on the amount of time in which an action must occur. To ensure your rights are protected, it is important to follow the set notice periods. This fact sheet relates to fixed term and periodic agreements for tenancies in caravans and other moveable dwellings.

Notice	Time allowed
Notice of rent increase <i>* There must be at least six months between rent increases</i>	Owners/managers must give at least two months notice of a rent increase for both periodic and fixed term tenancies. Rent can only be increased during a fixed tenancy if the tenancy agreement allows.
Application to Tribunal to review rent increase	Tenant to make application within 30 days after the notice of rent increase has been received.
<i>Notice to remedy breach</i> (Form 11) for general breaches of the agreement	Notice must give at least seven days to remedy the breach.
<i>Notice to remedy breach</i> for rent arrears	Rent must be unpaid for at least seven days before an owner/manager can give a <i>Notice to remedy breach</i> to the tenant. The tenant is then allowed at least five days to remedy the breach.
Notice of damage	The tenant must advise owner/manager as soon as the tenant becomes aware of any damage.
Notice of bond increase	At least one month. The notice can only be given by owner/manager at least 11 months after a previous notice for bond increase. Total bond must not exceed maximum amount under the Act.
Notice to RTA's dispute resolution service about a bond dispute after receiving a <i>Notice of claim</i> from the RTA	Notice to the RTA must be given within 14 days after service of the <i>Notice of Claim</i> by the RTA. The RTA includes the due date in the notice that it sends out.
Advise the RTA of an application to the Tribunal about a bond dispute after the RTA has issued a <i>Notice of unresolved dispute</i>	Within seven days after service of <i>Notice of unresolved dispute</i> by the RTA.

Example: Parties may agree to vacation of the premises and handover by close of business on the 19th of June or 9am on the 20th of June rather than at midnight.

Counting hours in notice periods

When the notice period is 24 hours, such as in some grounds for entry to premises, a minimum of 24 hours must be allowed from the time the notice is served at the premises until the next action, such as the entry.

This can be calculated to the hour when a notice is served in person. Where service of the notice is by post, the 24 hour period starts from the time the post arrives at the premises.

Serving a notice

A notice can be given by delivering it to the recipient at the address of the place or business last known to the person serving the notice. Ways of delivering notices include by hand, post, email (if allowed under the agreement) or fax. The rules for serving notices are outlined in the *Acts Interpretation Act 1954* and the *Electronic Transactions (Queensland) Act 2001*.

The method used to serve a notice which has a longer time period might not be the appropriate method to choose for serving a notice with a short time period such as a 24 hour entry notice.

To reduce the risk of a dispute later on, select more than one method to serve a notice or allow an extra day to ensure adequate notice is given. For example, email the notice and fax it as well.

Serving notices by post

Where notices are served by post, the sender must allow time for the mail to arrive when counting the days and working out the date for the notice period to end.

This means that the first day counted in the notice period is the day after the notice arrives at the address.

For metropolitan and regional areas, refer to Australia Post to determine delivery time.

Serving notices in person or electronically

When serving notices in person, the server does not count the day of service in the notice period. The first day of the notice period should be the day after the notice is served.

The same rule applies if notice is served electronically by email or fax. The fax transmission report or email delivery receipt may be used as proof of the time and date of service.

Further information

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

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 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.