

Fact sheet

Goods and documents left behind

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) has rules for the storage and disposal of goods and documents left behind by a resident when they leave rooming accommodation. Rooming accommodation includes places such as boarding houses, hostels, and off-campus student accommodation in Queensland.

Ending a Rooming accommodation agreement (Form R18)

The *Rooming accommodation agreement* (Form R18) must have ended before the provider/agent can remove any goods and documents left behind by the resident. Providers/agents must deal with goods and documents left behind in accordance with the Act, and can not use the goods to cover the cost of rent owing, or damage.

See the *Ending a Rooming accommodation agreement* fact sheet for more information about ending an agreement.

Personal documents and money left behind

The provider/agent must make reasonable efforts to contact the resident to return money or personal documents such as passports, birth certificates or photographs left on the premises. The provider/agent must store these items safely during this period. The provider/agent is required to give personal documents and money to the Public Trustee if it is not claimed within 28 days. If the property includes money, the provider/agent may keep money owed under the agreement before passing the remaining money and property to the Public Trustee.

Goods left behind

The provider/agent may dispose of the goods left behind by the resident where:

- the total market value of the goods is less than \$150, or
- the goods are perishable.

If the goods are worth more than \$150 or are not perishable, the provider/agent must store the goods for 28 days and make reasonable efforts to contact the resident.

After 28 days the provider/agent must continue to store the property that has not been reclaimed, or they may then choose to either:

- sell the property (but only after advertising the sale in a newspaper that circulates in the area where the rental premises are situated), or
- where the goods are valued at less than \$600, donate the property to charity.

Sale of goods left behind

Where the provider/agent decides to sell the goods, they must be advertised for sale in a newspaper circulating in the area where the goods were left behind.

The provider/agent may use the money raised from the sale of the goods to:

- cover the reasonable costs for the storage, advertising and sale of the goods, and
- pay any outstanding amount owed by the resident under the agreement.

Any remaining money must be paid to the person entitled to the property (if located by the time of sale) or to the Public Trustee.

Resident claiming goods

If the resident reclaims the property before it is disposed of, and pays the provider/agent any reasonable costs of, for example, storage and advertising, then the provider/agent must give the property to the resident.

Requirement to deal with the property only as provided under Act

Goods and documents may only be dealt with under the Act after the agreement has ended and if the provider/agent reasonably believes the goods and documents have been left behind.

Failure to deal with the goods and documents in the way described can be reported to the Residential Tenancies Authority (RTA) and may incur penalties.

For example, taking the resident's goods and documents in exchange for rent owing or other damages (such as repairs or cleaning), is not permitted by the Act. A provider/agent may be subject to a penalty if they unlawfully withhold the resident's property.

Theft of goods and documents may be treated as a criminal matter and reported to the police.

People dissatisfied with the process

If the resident or person who is the owner of the goods (for example, a hire company) is dissatisfied with the way the provider/agent has dealt with the goods, they can apply to the Tribunal for compensation, or other orders as appropriate.

Before making an application to the Tribunal the person must lodge a *Dispute resolution request* (Form 16) with the RTA (see the *Dispute Resolution Services for rooming accommodation* fact sheet).

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.