

## Fact sheet

### Power to remove a rooming accommodation resident

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This fact sheet refers to residents living in rooming accommodation such as boarding houses, supported accommodation, or off-campus student accommodation who have signed a *Rooming accommodation agreement* (Form18) with their provider/agent and are covered under the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act).

The Act sets out the rules for residents and providers/agents in Queensland. Under these laws, the provider/agent can remove a resident in certain circumstances, but only if they follow the rules.

#### When can a provider/agent remove a resident?

A provider/agent can ask the resident to leave only when:

- the provider/agent has given the resident a *Notice to leave – Rooming accommodation* (Form R12) that says why they're being asked to leave and what date they have to leave by, and
- the date for leaving has passed and the resident is still there, and
- the resident will not leave.

These are the only reasons when a provider/agent can remove the resident. The provider/agent doesn't need permission from the RTA or the police to do this. They need to follow the rules under the law.

#### What does immediate mean?

In some cases, a provider/agent may ask a resident to leave immediately. This is serious, and means the resident must leave right away. The reasons for asking someone to leave immediately are because the provider/agent thinks:

- the resident has used their room, or a common area, in a way that breaks the law (like using or dealing drugs)
- the resident or their guest has (on purpose) damaged or destroyed a part (or all) of their room, or a facility like the kitchen, or bathroom
- the resident has put another person in danger, or
- the resident has seriously affected another resident's peace, comfort and privacy, or another resident's use of their room, or a common area.

The provider/agent must give a *Notice to leave – Rooming accommodation* that says why the resident is being asked to leave, and they must sign it.

#### Can a provider/agent use force to remove a resident?

It is always best for the provider/agent and the resident to talk about the problem and work out a way to agree. But when the provider/agent has given a *Notice to leave – Rooming accommodation*, filled it out correctly and the resident still won't leave, they can use necessary and reasonable force to get the resident to leave. However, before they can use force, they must have a police officer present.

#### How much force can be used?

The provider/agent can use reasonable force in getting the resident to leave. This means they can't hurt the person or their health on purpose. They should use the least force necessary to get the resident to leave. This is why it is important for a police officer to be there.

### How do the police get involved?

The provider/agent can call the police if they think the resident won't leave. They can call ahead and make a time for the police to be there. The police will attend as long as there isn't a more urgent call to attend.

### What will the police do?

The main job of the police is to make sure the resident leaves peacefully without anyone breaking the law. It is the job of the provider/agent to ask the resident to leave. The police officer will not do the job of the provider/agent. It is the job of the police to make sure both the resident and provider/agent do the right thing (follow the rules) and don't break the law.

The police won't say who is right or wrong.

They won't help the provider/agent by asking the resident to leave.

They can go into the room of the resident, to make sure both the resident and provider/agent don't break the law.

They will watch the actions of both parties, and tell the provider/agent if they are using too much force.

They will take action if either person becomes violent.

### Can the police make arrests?

The police can make an arrest without a warrant:

- to stop someone breaking the law, or breaking it for a second time
- to make sure the person appears in court
- to keep someone safe
- to stop the person running away from the officer, or
- for other reasons listed under the *Police Powers and Responsibilities Act 2000*.

### What if a resident doesn't agree with the order to leave?

If the resident thinks the provider/agent has broken the rules for renting in the Act, the resident can fill out a *Dispute resolution request* (Form 16) and give it to the RTA. The RTA will talk to both sides and try to get them to agree on a way forward. If that doesn't work, then the resident can apply to the Tribunal and ask them to make a decision. Residents can contact the organisations listed for help with their dispute.

### Other help

If a resident has been asked to leave and has nowhere to go, there are places that may be able to help:

Tenants Queensland	1300 744 263
Homeless Persons Information Queensland (HPIQ) – 24 hour help	Toll free: 1800 474 753 TTY: 1800 010 222
Lifeline	13 11 14

### 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](http://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.*