

Residential tenancy disputes

The Queensland Civil and Administrative Tribunal (QCAT) decides residential tenancy disputes.

These disputes may be between:

- tenants and landlords (lessors) or agents, or
- residents and providers of, or agents for, rooming accommodation.

How do I resolve my dispute?

First, determine if your dispute is classed as an urgent or non-urgent tenancy dispute (see the list over). **If your dispute is not listed as an urgent dispute type it will be decided as a non-urgent dispute.**

Resolving urgent disputes

If your dispute is classed as urgent you can apply directly to QCAT to resolve your dispute – see **Step 3**. You may still use the Residential Tenancies Authority's Dispute Resolution Service to try to resolve your dispute before going to QCAT or to assist you prior to the hearing.

Resolving non-urgent residential tenancy disputes

Step 1

If your dispute is non-urgent you must try to resolve your dispute directly with the other party **before** you apply to QCAT. You can do this by calling them, holding a face-to-face meeting or writing to them.

To help you find out your rights and responsibilities, visit the Residential Tenancies Authority's website to access a range of helpful tenancy publications and tenancy support organisations.

Step 2

If your dispute is still unresolved you need to contact the Residential Tenancies Authority to try to resolve your dispute through their Dispute Resolution Service. This service uses conciliation to find an agreement which suits all parties.

The Residential Tenancies Authority successfully resolves more than 65% of all disputes using conciliation.

In a conciliation, the Residential Tenancies Authority conciliator will try to get all parties to reach an agreement.

They will provide a written record of any agreements that are reached and these then become part of your tenancy or rooming accommodation agreement.

If the matter is still not resolved after conciliation **only then** may you apply to QCAT. The Residential Tenancies Authority will give you a Notice of Unresolved Dispute (NURD) which you must give to QCAT when proceeding to Step 3.

Step 3 – Making an application in relation to a residential tenancy dispute

Complete and lodge Form 2 – Application for minor civil dispute – residential tenancy dispute and other supporting documents.

Complete and lodge Minor Civil Dispute - request for compensation - Residential Tenancy Dispute if QCAT has terminated the lease, the tenants have left the property and you wish to claim compensation.

You can find application forms at QCAT's Brisbane office or at your local Magistrates Court (excluding the Brisbane Magistrates Court). These forms are also available on QCAT's website.

Applications must be lodged at QCAT's Brisbane office or the local Magistrates Court closest to the rental property (excluding the Brisbane Magistrates Court).

If your dispute is a non-urgent dispute you must also:

- provide a copy of the Notice of Unresolved Dispute with your application. This is provided to you by the Residential Tenancies Authority if you were unable to reach an agreement during conciliation.

- advise the Residential Tenancies Authority that you have applied to QCAT within seven days or within the time period nominated by the Residential Tenancies Authority in the Notice of Unresolved Dispute. You need to do this to make sure the Residential Tenancies Authority does not pay the bond out.
- give the Residential Tenancies Authority a copy of the receipt from QCAT confirming you have lodged your application. QCAT will give a copy of the application to the other party.

Time limits

Generally you have six months after becoming aware of a breach of a tenancy agreement or a proposed or existing tenancy database listing to lodge an application with QCAT. Exceptions to this time limit exist. Visit QCAT's website or contact the QCAT registry for further information.

Joining applications and counter applications

Both parties involved in the residential tenancy dispute can make an application against the other party for the same agreement. For example, a tenant may claim the bond and the landlord may make a claim for compensation.

Where this occurs applications may be joined. This means the claims may be heard and decided together.

To make a counter application against the original application, complete and lodge Form 8 – Minor civil dispute - counter-application.

What happens next?

Once your application and forms have been received QCAT will review the information you provided. All parties will receive a notice to attend a hearing including the date, time and location of the hearing.

Getting your bond money back

If QCAT's decision involves the distribution of bond money, QCAT will give the Residential Tenancies Authority the details of the decision. The Residential Tenancies Authority will then distribute the money according to the decision.

Enforcing QCAT's decision

Even if QCAT makes a decision in your favour you may need to enforce the order, for instance if the other party ignores QCAT's decision.

You can seek an enforcement at any Magistrates Court. Enforcement action might mean you get an order to sell the other party's property to satisfy the debt.

Before starting an enforcement action you should consider if the other party has any income or assets to pay the debt. If they do not you may not be successful in enforcing your order.

Contact information

QCAT

Address: Level 9, Bank of Queensland Centre, 259 Queen Street, Brisbane, 4000
 Post: GPO Box 1639, Brisbane Qld 4001
 Phone: 1300 753 228
 Email: enquiries@qcat.qld.gov.au
 Website: www.qcat.qld.gov.au

The contact details of your **local Magistrates Court**, are available in the phone book or at www.courts.qld.gov.au.

Residential Tenancies Authority

Phone: 1300 366 311
 Website: www.rta.qld.gov.au

Most disputes are non-urgent including a:

- dispute about a rental bond
- general dispute between parties
- breach of a conciliation agreement
- general dispute between sub-tenants and head tenants.

The following are considered urgent tenancy dispute types:

- ending a residential tenancy or rooming accommodation agreement for reasons such as:
 - repeated breaches
 - excessive hardship
 - objectionable behaviour
 - damage or injury
 - abandoned premises
- handling of abandoned goods or documents
- emergency repairs
- proposed or existing tenancy database listings
- entry to the premises
- caravan park issues such as:
 - excluding a person
 - changing park rules
 - relocation within the park
- rooming accommodation issues such as:
 - house rules
 - ending of agreements
 - abandoned goods
 - entry to the premises
- domestic violent issues
- determining if an agreement is covered under the *Residential Rooming and Accommodation Act 2008*
- compensation
- warrants of possession.