

Form 2 (version 3)

Queensland Civil and Administrative Tribunal Act 2009 (section 33)

For office use only	
Case number:	
Date filed:	
Registry:	
Fee paid:	
Receipt number:	

Application for minor civil dispute – residential tenancy dispute

Please refer to the attached guide before completing this form.

PART A APPLICANT'S DETAILS		
Applicant type: <i>(please tick one)</i>		
<input type="checkbox"/> Tenant	<input type="checkbox"/> Lessor (landlord)	<input type="checkbox"/> Agent for lessor or provider*
<input type="checkbox"/> Resident	<input type="checkbox"/> Provider (rooming accommodation)	
Applicant details: <i>(for multiple applicants attach details on a separate sheet)</i>		
Name		
<input type="text"/>		
Address		
<input type="text"/>		
<input type="text"/>		
Postcode		
<input type="text"/>		
Contacts		
<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Preferred phone number</i>	<i>Alternative number</i>	<i>Email</i>
<p>* An agent can only make this application if the agent is authorised in writing in a separate letter or in the residential tenancy agreement to stand in the lessor or provider's place in a proceeding under s 206 or s 248 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p>		

PART A RENTAL PROPERTY

Address of rental property

Postcode

Type of agreement: Fixed term (e.g. 6 months) Periodic (e.g. week to week)

Rental bond number

Rental bond amount

	\$
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Is rental bond currently held by the Residential Tenancies Authority (RTA)?

Yes No

The RTA can only pay funds to the value of the rental bond held.

PART A RESPONDENT'S DETAILS

Respondent type (please tick one)

Tenant Lessor (landlord) Agent for lessor or provider*
 Resident Provider (rooming accommodation)

Respondent details: (for multiple respondents attach details on a separate sheet)

Name

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Address

Postcode

Contacts

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Preferred phone number

Alternative number

Email

* An agent can only be nominated as the respondent if the applicant is a tenant or resident, and the agent is authorised in writing by a separate letter or in the residential tenancy agreement to stand in the lessor or provider's place in a proceeding under s 206 or s 248 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

PART B URGENT OR NON-URGENT

Is this an urgent or non-urgent application under the *Residential Tenancies and Rooming Accommodation Act 2008*? (refer to Appendix 1 of the attached guide for a list of urgent and non-urgent applications under the Act)

Urgent application **Go to Part C**

Non-urgent application **You can only make a non-urgent application if you have a Notice of Unresolved Dispute from the Residential Tenancies Authority.**

Conciliation number on Notice of Unresolved Dispute

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PART C ORDER AND REASONS DETAILS

What order/s do you want the tribunal to make? (Refer to Appendix 1 of the attached guide for the sections of the Residential Tenancies and Rooming Accommodation Act 2008 and the type of orders that can be made)

(If the space below is insufficient, please attach additional pages)

Section of Act:

What order do you want the tribunal to make?

Total amount of claim:

List of claims

If you are claiming for compensation (which includes rent) or the rental bond, you must also complete the following list of claims and **attach** any relevant documents.

Claim numbers 1 and 2 are examples only.

CLAIM NUMBER	APPLICANT		
	Description of claim	Amount	What evidence supports claim?
1	<i>Carpet cleaning</i>	<i>\$100</i>	<i>Receipt 1/1/12</i>
2	<i>Rent arrears</i>	<i>\$500</i>	<i>Rental ledger Oct 2012</i>
		\$	
		\$	
		\$	
		\$	

List of notices

If you are seeking orders other than compensation or the rental bond, you must also complete the following list of notices and **attach** any relevant notices.

NOTICE	Date issued/ received	Reason for notice (e.g. rent arrears, repairs, damage etc)	Expiry date
Notice/s to remedy breach (RTA form 11)			
Notice/s to leave (RTA form 12)			
Notice of intention to leave (RTA form 13)			
Abandonment termination notice (RTA form 15)			
Dispute resolution request (RTA form 16)			N/A
Other (specify)			

What are your reasons for seeking the above order/s?

You must explain why you are asking for the orders by providing as much detail as possible. If you do not provide this information your application may be dismissed or may not be able to be heard the first time it is listed for hearing.

PART D INTERPRETER	
Is an interpreter required? <i>The assistance of an interpreter is subject to approval by the Tribunal.</i>	
<input type="checkbox"/> Yes <i>(please specify language)</i>	<input type="checkbox"/> No
<input type="text"/>	

SIGN AND DATE HERE	
The information in this application is true to the best of my knowledge.	
<input type="text"/>	<input type="text"/>
<i>Applicant/s sign here</i>	<i>Date</i>
If more than one applicant is named all must sign the application.	

Your guide to completing Form 2

Application for minor civil dispute – *residential tenancy dispute*

Before you complete this application

If your application is not classed as an urgent matter (see Part B on page 2 of these instructions), contact the Residential Tenancies Authority (RTA) to resolve your dispute through their Dispute Resolution Service. If the matter is not resolved through the RTA, it will issue a Notice of Unresolved Dispute and then you may lodge an application with QCAT.

General instructions

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Applicant: The person who has submitted an application to QCAT.

Respondent: The person who the QCAT application has been made against.

- More than one applicant or respondent can be named in an application. For instance, applicants may be joint owners or in partnership.
- If there is not sufficient space for the names of all applicants or respondents, you may attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered on the *Business Names Register*
 - a State agency name, for example a Queensland Government department.

Any change in your address must be filed in the Tribunal and served on all other parties.

If you want someone else to represent you in the proceeding

A child or person with impaired capacity does not need permission from the tribunal to be represented.

Otherwise, the tribunal expects people to represent themselves. You can ask for permission for another person to represent you by completing *Form 56 Application for leave to be represented*. The tribunal may or may not grant your request.

Rental property

This refers to the premises which are the subject of your application.

Instructions for completing *(continued)*

PART B URGENT OR NON-URGENT APPLICATION

Appendix 1 of the attached guide lists urgent and non-urgent applications under the *Residential Tenancies and Rooming Accommodation Act 2008*.

If an application is urgent as defined in the Act, this means that a person may apply directly to the tribunal. The application will be given priority and listed promptly but not urgently in the ordinary sense of the word.

If an application is non-urgent as defined in the Act, this means that a person can't apply directly to the tribunal. Instead they must have made a dispute resolution request to the Residential Tenancies Authority and received a Notice of Unresolved Dispute they can make an application to the tribunal.

PART C WHAT ORDER/S DO YOU WANT?

Go to Appendix 1 to identify the order you would like the tribunal to make.

What are the reasons for requesting the above orders?

You must give a reason for each order you ask for. Your reasons must be detailed enough so that the respondent can understand what the dispute is about. If you do not provide this information your application may be dismissed. If there is insufficient space, you may attach additional information on a separate sheet.

PART D INTERPRETER

QCAT provides interpreters at the hearing upon request free of charge. If you require language assistance during the hearing, please specify the language. The assistance of an interpreter is subject to approval by the tribunal.

SIGNATURE

Check that you have provided all copies and relevant documents that form part of your application. Please sign and date your application.

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – \$10,000.

OTHER INFORMATION

Copies of the application and providing copies to other parties

When lodging your original application and any attachments, you must also provide **two copies** of all of the documentation being lodged (3 copies in total). If there is more than one respondent, an extra copy of the application form and attachments must also be included for each additional respondent.

You must print out all electronic evidence

Sometimes evidence (such as photos or receipts) may be stored in an electronic device, such as a mobile phone, tablet or computer. Sometimes evidence may be stored on a CD or DVD. You must provide a printed copy of this evidence with your application if you wish to rely on it at the hearing. The Tribunal will not accept a CD or DVD for filing and will not consider evidence provided only in an electronic format.

Instructions for completing *(continued)*

Lodging an application

Please note that the matter will be heard at the registry where the application is lodged.

In person: At the Magistrates Court nearest to the rental property or QCAT, Level 9, 259 Queen Street, Brisbane, 4000.

By post: At the Magistrates Court nearest to the rental property or QCAT, GPO Box 1639, Brisbane QLD 4001.

To find your nearest Magistrates Court, look under 'Justice and Attorney-General' in the phone book or visit www.courts.qld.gov.au.

Applications must be accompanied by the prescribed application fee

For more information on QCAT fees visit www.qcat.qld.gov.au.

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see Credit card payment authorisation form – MasterCard and Visa accepted).

Have you included a copy of all the relevant documents and evidence?

You should include a printed copy of any of the following documents that are relevant to your application:

- Notice of unresolved dispute from the Residential Tenancies Authority
- Written residential tenancy agreement (including any expired agreement) or any document that shows there is a residential tenancy agreement
- Letter authorising an agent to stand in the place of a lessor or a provider, if agent not otherwise included in written residential tenancy agreement
- Any notice under the *Residential Tenancies and Rooming Accommodation Act 2008* (such as a Form 11 Notice to remedy breach or Form 12 Notice to leave)
- If you are claiming for compensation or the rental bond, any document referred to in the list of claims
- If you are seeking orders other than compensation or the rental bond, any document referred to in the list of notices
- Rent ledger / rent receipts / bank statements showing rent
- Quotes, invoices and receipts
- Photos
- Any statutory declarations and affidavits from applicant or witnesses
- Letters, emails or other correspondence
- Any other document relevant to your claim

If you do not include these documents with your application, the tribunal may not allow you to refer to them at the hearing unless you can explain why they were not included with your application.

Appendix 1

Orders under the *Residential Tenancies and Rooming Accommodation Act 2008*

Please read this information before completing the application form.

An application should request at least one of the orders listed below. Refer to the section of the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) for more details.

Electronic versions of the Act are available from the Office of the Queensland Parliamentary Counsel website at www.legislation.qld.gov.au. Printed copies of the Act are available from the Queensland Government Bookshop - phone 1800 801 123.

URGENT APPLICATIONS AND ORDERS		
Residential tenancy agreements		
Section	Orders that QCAT can make	Who can apply?
359	Compensation for abandonment of a property	lessor
363	The sale or disposal of goods abandoned on premises	lessor
357	Order to declare premises were abandoned	lessor
363	Entitlement to funds from sale of goods left in premises	lessor
358	Compensation after tenant remains in possession	lessor
277	Determine day agreement ends after death of sole tenant	lessor
293	Termination for failure to leave	lessor
298	Termination of short tenancy (moveable dwelling) due to incompatibility	lessor
294	Termination for failure to leave as intended	lessor
356	Dispute on a abandonment termination notice	tenant
361	Review of an abandonment order	tenant
221	The carrying out of emergency repairs	tenant
60	Order about lessor not providing agreement or taking amounts from prospective tenants	tenant
191	Order about failure to comply with maintenance obligation	tenant
292	Application to set aside notice to leave without ground	tenant
460	Breach of listing on tenancy database	tenant
461	Incorrect or unjust listing on tenancy database	tenant
462	Proposed listing on tenancy database	tenant
309	Application for termination for failure of lessor to remedy breach	tenant
227	Relocation because of emergency or for health or safety reasons	tenant, lessor
220	Payment for emergency repairs	tenant, lessor
300, 316, 323	Application for interim order about damage or injury	tenant, lessor, domestic associate, occupier

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URGENT APPLICATIONS AND ORDERS *(continued)*

Residential tenancy agreements

Section	Orders that QCAT can make	Who can apply?
201	Order about rules of entry	tenant, lessor
295, 310	Termination for excessive hardship	tenant, lessor
296, 311, 312, 321, 322	Termination for damage or injury	tenant, lessor, domestic associate, occupier
297, 313	Termination for objectionable behaviour	tenant, lessor
299, 315	Terminated for repeated breaches	tenant, lessor
365	Application about goods left on premises	interested person
245, 246	Be recognised as tenant	domestic associate, occupier
233	Park – proposal to change park rules	objector, park owner
455	Park – exclude person from park	park owner
418	Declaration that the Act does or does not apply to an agreement	tenant, lessor

NON-URGENT APPLICATIONS AND ORDERS

Residential tenancy agreements

Section	Orders that QCAT can make	Who can apply?
155	Declaration amount is not rental bond	lessor
239	Allow tenant to transfer or sublet	tenant
430	Dispute between co-tenants about rental bond	tenant
94	Rent decrease – premises are partly unfit to live	tenant
92	Rent increase is excessive	tenant
49	Set aside short tenancy extension statement	tenant
71	Significant change in subsequent agreement	tenant
314	Termination for incompatibility	tenant
419	About breach of agreement	tenant, lessor
213	About lock or key	tenant, lessor
227	About relocation	tenant, lessor
424, 426	Dispute ground in notice	tenant, lessor
429	General dispute	tenant, lessor
64	Have written agreement given and signed	tenant, lessor
169	Loss of amenity, a service or facility	
97	Payment of apportionment on the ending of agreement	tenant, lessor
169	Service charge	tenant, lessor
137	Tribunal order for payment of bond	tenant, lessor
162	About holding deposit	payee, payer
243	Be recognised as tenant because tenant left	occupant

URGENT APPLICATIONS AND ORDERS

Rooming accommodation agreements

Section	Orders that QCAT can make	Who can apply?
395	Abandonment – entitlement to receive money given to public trustee	provider
273	Declare proposed house rule is reasonable	provider
366	Determine day agreement ends after death of sole tenant/resident	provider
373	Set aside notice to leave/notice terminating agreement without ground	resident
264	Order about rules of entry	resident, provider
377, 383	Termination – excessive hardship	resident, provider
376, 382	Termination – repeated breaches	resident, provider
418	Declaration that the Act does or does not apply to an agreement	resident, provider

NON-URGENT APPLICATIONS AND ORDERS

Rooming accommodation agreements

Section	Orders that QCAT can make	Who can apply?
274	Declaration house rule is unreasonable	resident
428	Dispute about entry to resident's room or removal of resident	resident
430	Dispute between co-residents about rental bond	resident
107	Residents absence	resident
419	About breach of agreement	resident, provider
252	About lock or key	resident, provider
425,427	Dispute ground in notice	resident, provider
429	General dispute	resident, provider
109	Payment of apportionment on the ending of agreement	resident, provider
106	Rent decrease – loss of amenity, a service or facility	resident, provider

Form 2 – Your application checklist:***Application for minor civil dispute –
residential tenancy dispute***

You can use this checklist to help ensure your application to QCAT regarding a residential tenancy dispute is correct and processed without delay. You do not need to submit this checklist as part of your application.

- If you are making a non-urgent application – you must attach a Notice of Unresolved Dispute from the Residential Tenancies Authority (RTA)
- If you are making a non-urgent application regarding a bond dispute have you advised the RTA that you have applied to QCAT (either within seven days or the specific period nominated by the RTA) to ensure the bond is not paid out?
- Have you included with your application a printed copy of all forms and documentation (e.g. affidavits, statutory declarations, witness statements, breaches, notices, copy of tenancy documentation) which you intend to rely on at a hearing?

Remember: You must print out all electronic evidence

Sometimes evidence (such as photos or receipts) may be stored in an electronic device, such as a mobile phone, tablet or computer. Sometimes evidence may be stored on a CD or DVD. You must provide a printed copy of this evidence with your application if you wish to rely on it at the hearing. The Tribunal will not accept a CD or DVD for filing and will not consider evidence provided only in an electronic format.

- Have you selected at least one kind of order in part C of the form?
- Have you answered all the questions on the application form that relate to your dispute?
- Are all details about the parties (applicant and respondent) and about the dispute included on the application form?
- Have you provided all pages of the application form? You must lodge all the pages of the application form, even if they are blank.
- Do you have the correct application fee ready, based on the amount of your claim?
- Have you provided the correct number of copies of your application and supporting material?
(The original for QCAT, plus a copy for each respondent, and a copy for yourself – all need to be stamped with a QCAT stamp)
- Have you signed and dated your application?
- Are you lodging your application at the QCAT registry located at a Magistrates Court that is closest to the residential property, or at QCAT Brisbane?