

Residential tenancy disputes

The Queensland Civil and Administrative Tribunal (QCAT) is committed to actively resolving disputes in a way that is fair, just, accessible, quick and inexpensive.

QCAT decides residential tenancy disputes between:

- tenants and landlords (lessors) or agents
- residents and providers of/ 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.**

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 (RTA's) [Dispute Resolution Service](#) to try to resolve your dispute before applying to QCAT.

Resolving non-urgent residential tenancy disputes

Step 1 – Trying to resolve a dispute

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, contact the RTA.

Step 2 – RTA's Dispute Resolution Service

If your dispute is still unresolved you need to contact the RTA's [Dispute Resolution Service](#) which provides conciliation to resolve disputes. In conciliation, the RTA conciliator will assist all parties to reach an agreement.

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

The RTA successfully resolves more than 70 per cent of all disputes using conciliation.

If the matter is still not resolved after conciliation you may apply to QCAT. The RTA will give you a Notice of Unresolved Dispute (NURD) which you must give to QCAT when you make an application to QCAT.

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

QCAT has jurisdiction to hear claims up to the prescribed amount of \$25,000. If your claim exceeds this amount you should get independent [legal advice](#).

Complete and lodge [Form 2 – Application for minor civil dispute – residential tenancy dispute](#) and any supporting documents.

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 (NURD) with your application. This is provided to you by the RTA if you were unable to reach an agreement during conciliation

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- advise the RTA that you have applied to QCAT within seven days or within the time period nominated by the RTA in the NURD. You need to do this to make sure the RTA does not pay the bond out
- give the RTA 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.

Urgent and non-urgent disputes

Most disputes are non-urgent:

- dispute about a rental bond
- general dispute between parties
- breach of a conciliation agreement
- dispute between co-tenants and co-residents about rental bonds.

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 violence issues
- determining if an agreement is covered under the *Residential Rooming and Accommodation Act 2008*
- compensation
- warrants of possession.

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](#).

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What happens next?

After QCAT have reviewed your application, 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 RTA the details of the decision. The RTA will then distribute the money according to the decision.

Contact information

Brisbane

Address: Level 9, BOQ 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

Outside of Brisbane

Your local Magistrates Court (excluding Brisbane Magistrates Court) can supply and accept all QCAT application forms. To find your nearest Magistrates Court, look under "Justice and Attorney-General" in the phone book or visit www.courts.qld.gov.au.

Residential Tenancies Authority (RTA)

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

Resources

Available from www.qcat.qld.gov.au:

- QCAT fact sheet – [Using QCAT](#)
- [Legal advice and representation](#)
- [Form 2 – Application for minor civil dispute – residential tenancy dispute](#)
- [Form 8 – Minor civil dispute - counter-application-](#)

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