

| For office use only | |
|---------------------|--|
| Case number | |
| Date | |
| Registry | |
| Fee | |
| Date paid | |
| Receipt number | |

Application for minor civil dispute – residential tenancy dispute

Application fees apply – visit qcat.qld.gov.au/resources/fees-and-allowances for details

Part A TYPE OF APPLICATION

You must indicate on **Appendix 1** (at the back of this form) the type of application you are making.

Appendix 1 lists what are classed as urgent or non-urgent applications under the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

Urgent Applications

If your application is classed as urgent according to the tables in Appendix 1, you can apply directly to QCAT.

Non-Urgent Applications

If your application is classed as non-urgent according to the tables in Appendix 1, you need to make a dispute resolution request to the [Residential Tenancies Authority](#) (RTA) and receive a **Notice of Unresolved Dispute** before you can apply to QCAT. You **MUST** provide the conciliation number from your RTA **Notice of Unresolved Dispute**.

RTA conciliation number:

Is there an existing/related tenancy case before the Tribunal?

Yes – please fill out details below:

QCAT case number

Registry (*the QCAT registry or Magistrates Court where the original application was made*)

No – continue to Part B

Part B

APPLICANT'S DETAILS (full contact details must be supplied) (for multiple applicants please attach details on a separate sheet)

Applicant type: (please tick one)

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

Applicant details:

Name

Current Postal Address

| | | |
|---------------|------------------------|-----------------|
| Suburb | State/Territory | Postcode |
|---------------|------------------------|-----------------|

Contact details (MUST be provided)

| | | |
|---------------|---------------------------|--------------|
| <i>Mobile</i> | <i>Alternative number</i> | <i>Email</i> |
|---------------|---------------------------|--------------|

Do you identify as Aboriginal or Torres Strait Islander?

| | |
|-----------------|---|
| No | Yes, Torres Strait Islander |
| Yes, Aboriginal | Yes, both Aboriginal and Torres Strait Islander |

*An agent can only make this application if 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 s206 or s248 of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

Applicant type: (please tick one)

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

Applicant details:

Name

Current Postal Address

| | | |
|---------------|------------------------|-----------------|
| Suburb | State/Territory | Postcode |
|---------------|------------------------|-----------------|

Contact details (MUST be provided)

| | | |
|---------------|---------------------------|--------------|
| <i>Mobile</i> | <i>Alternative number</i> | <i>Email</i> |
|---------------|---------------------------|--------------|

Do you identify as Aboriginal or Torres Strait Islander?

| | |
|-----------------|---|
| No | Yes, Torres Strait Islander |
| Yes, Aboriginal | Yes, both Aboriginal and Torres Strait Islander |

*An agent can only make this application if 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 s206 or s248 of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

Part C

RESPONDENT'S DETAILS *(full contact details must be supplied) (for multiple respondents please attach details on a separate sheet)*

Respondent type: *(please tick one)*

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

Respondent details:

Name

Current Postal Address

Suburb

State/Territory

Postcode

Contact details *(MUST be provided)*

Mobile *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 s206 or s248 of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

Respondent type: *(please tick one)*

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

Respondent details:

Name

Current Postal Address

Suburb

State/Territory

Postcode

Contact details *(MUST be provided)*

Mobile *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 s206 or s248 of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld).

Part D

RENTAL PROPERTY

Address of the rental property

Suburb

State/Territory

Postcode

Type of agreement

Fixed term (e.g. 6 months). The date when fixed term expires/expired:

Periodic (e.g. week-to-week)

Rental bond number

Rental bond amount

\$

Real estate agency details

Agency name:

Agency address:

Is the rental bond currently held by the Residential Tenancy Authority (RTA)?

Yes

No

Part E

DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

1. What order/s do you want the Tribunal to make?

An order requires a party do a certain named thing.

Refer to **Appendix 1** of the attached guide for the sections of the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) and the type of orders that can be made. If there is insufficient space, please attach additional pages.

Section Order/s you are seeking

2. List of claims *(If there is insufficient space please attach additional pages)*

If you are claiming for compensation (which includes rent) or the rental bond, you must also complete the following list of claims and **attach all relevant documents (including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs)**.

| | Description of claim | Amount | Evidence to support claim <i>(e.g. receipt)</i> |
|---|----------------------|--------|---|
| 1 | | \$ | |
| 2 | | \$ | |
| 3 | | \$ | |
| 4 | | \$ | |
| 5 | | \$ | |
| 6 | | \$ | |

The total amount of my claim is: \$

3. List of notices

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

| Notice | Date issued/ received DD/MM/YY | Reason for notice <i>(e.g. rent arrears, repairs, damage etc.)</i> | Expiry date DD/MM/YY |
|---|--------------------------------------|--|-------------------------|
| Notice/s to remedy breach (RTA form 11) | | | |
| Notice/s to remedy breach (RTA form 11) | | | |
| Notice/s to leave (RTA form 12) | | | |
| Notice of intention to leave (RTA form 13) | | | |
| Other (specify): | | | |

4. What are the reasons the order/s should be made?

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. If there is insufficient space, please attach additional pages.

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Part F ASSISTANCE AT THE TRIBUNAL HEARING

Will you require an interpreter at the hearing?

Yes - please specify language or Auslan:

No

Do you have any of the following needs?

wheelchair/mobility access

speech impairment

hearing impairment/loss

vision impairment/loss

other

If you have ticked any of these boxes, please provide details below.

| |
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CHECKLIST

- I have completed all of the questions on this application.
- I have provided the correct number of copies of the application form and attachments (*that is, a copy for each party, plus one for the Tribunal*).
- I have attached a copy of the tenancy/rooming accommodation agreement including all special terms.
- I have attached copies all relevant documents, including but not limited to, any agreements, contracts, invoices, receipts and colour copies of photographs.
- I have listed every person named in the tenancy/rooming accommodation agreement that is part of this application.
- I am aware that the prescribed fee must be paid at time of lodgement.

- I am ready to proceed with this application.

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* (Qld) makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – 100 penalty units.

Sign and date here *(if more than one applicant is named, then all must sign)*

The information in this application is true to the best of my knowledge.

Applicant/s sign here

Date/s

Print your name/s here

Lodgement Details

Deliver to:

Queensland Civil and Administrative Tribunal
Floor 11, 259 Queen Street
Brisbane Qld 4000
OR
your local Magistrates Court.
To find your local courthouse visit:
courts.qld.gov.au/contacts/courthouses

Mail to:

Queensland Civil and Administrative Tribunal
GPO Box 1639
Brisbane Qld 4001
OR
your local Magistrates Court.
To find your local courthouse visit:
courts.qld.gov.au/contacts/courthouses

NOTE: If you want someone to represent you who is not an agent, then you must complete [Form 56 - Application for leave to be represented](#). You are not required to seek leave if you are a child or a person with impaired capacity. Visit the QCAT website for more information about [legal advice and representation](#).

INSTRUCTIONS FOR COMPLETING FORM 2

Application for minor civil dispute – residential tenancy dispute

QCAT decides residential tenancy disputes between:

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

Identify and naming parties

The applicant and respondent must be named correctly. If the party is not an individual then you must use the precise/exact company name, a business name (whether it is registered or not, including real estate agencies), or the name of a State agency or department. To ensure that you are taking action against the right organisation you **MUST** include the correct ABN/ACN for the company or business name. If you do not correctly name a party you may not be able to enforce any order made against them if you succeed in your claim.

Visit the QCAT website for information on [identifying and naming the parties](#) or contact the Australian Securities and Investment Commission (ASIC) for business name and company information. A search fee may be charged.

More than one applicant or respondent can be named in an application. If there is more than one, then everyone **MUST** be named. If there is not enough space to include additional parties, you can attach the contact details (name and address details) on a separate sheet of paper to the application.

Fees

You must pay the prescribed application fee when lodging your application. Visit the [QCAT website](#) for application fees.

Cash payments can be made in person at the QCAT Brisbane registry or your local Magistrates Court.

Cheque or money order payments are to be made out to 'Department of Justice and Attorney-General'.

Credit card payments can be made by submitting a [Credit card payment authorisation form](#) with your application and can only be accepted by post or in person.

You may apply to QCAT for a waiver of the fee on the grounds of financial hardship. To apply, you **MUST** complete and lodge [Form 49 - Application for waiver of fees by reason of financial hardship](#). If you are eligible for a waiver you will not be required to pay the fee.

Lodging your application form

Before you lodge your application with QCAT you must make **two (2)** photocopies of the application and all attached supporting documents and lodge these together with your original application. An extra copy is required for each additional respondent. If you file your documents in person or by post, you must include a stamped self-addressed A4 envelope.

Delivering copies to the respondent

QCAT must give a copy of the application to the respondent/s.

Joining applications and counter applications

To make a counter application against the original application, complete and lodge [Form 8 - Minor civil dispute - counter application](#). Visit the [QCAT website](#) for more information about responding to an application.

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.

Legal advice and representation

QCAT staff cannot provide legal advice. All parties involved in a matter before QCAT must usually represent themselves unless leave to be represented has been given.

Information about where to seek legal advice is available at [Where to seek legal advice](#).

Parties experiencing domestic and family violence

Parties who are experiencing domestic and family violence can apply for a non-publication order. This means that if the order is granted by the Tribunal, your personal details such as your address and phone number/s will not be available to the public. If necessary, they will also not be available to any other party to the proceedings.

A non-publication order may also prevent publication of:

- the contents of a document or other material produced to the Tribunal;
- evidence given to the Tribunal;
- information that may enable a person who has appeared before the tribunal, or is affected by a proceeding, to be identified.

To apply for a non-publication order, please complete and lodge [Form 40 - Application for miscellaneous matters](#).

Witnesses

If you have a witness whose evidence you rely upon to support your claim, that person should complete an affidavit setting out their evidence and attach it to your claim. Your witness may be required to answer questions at the hearing. If the witness cannot attend the hearing in person, they **MUST** be available by telephone.

Withdrawing an application

An application can be withdrawn if you no longer wish to proceed to have the dispute decided by the Tribunal. An application can be withdrawn at any time prior to the final hearing and determination of the application by lodging a [Form 58 – Application for leave to withdraw an application or referral / Notice of withdrawal of application or referral](#) online. Visit the QCAT website for more information on how to [withdraw an application](#).

Protecting your privacy

We collect your contact details to ensure QCAT proceedings comply with the *Queensland Civil and Administrative Tribunal Act 2009* (Qld). We may contact you to help evaluate QCAT operations. You do not have to participate in feedback or surveys. If you do participate, no identifying information will be published. We will not disclose your contact details or any other personal information to a third party unless required by law.

Contact us

For information about the application process or going to the Tribunal visit the [QCAT website](#).

Appendix 1

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

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* (Qld) (the Act) for more details. Electronic and printed versions of the Act and Regulation are available from the Office of the Queensland Parliamentary Counsel website at legislation.qld.gov.au.

You **MUST** tick the box for each order you are seeking.

RESIDENTIAL TENANCY AGREEMENTS

URGENT APPLICATIONS AND ORDERS

| ✓ | Section | Orders that QCAT can make | Who can apply? |
|---|------------------------------|---|--|
| | 60 | Lessor not providing agreement or taking amounts from prospective tenants | tenant |
| | 191 | Failure to comply with maintenance obligation | tenant |
| | 201 | Rules of entry | tenant, lessor |
| | 220 | Payment for emergency repairs | tenant, lessor |
| | 221 | Application for emergency repair order | tenant |
| | 221B | Extension of time to comply with repair order | lessor |
| | 227 | Relocation because of emergency or for health or safety reasons | tenant, lessor |
| | 233 | Park – proposal to change park rules | objector, park owner |
| | 245, 246 | To be recognised as tenant | domestic associate, occupier |
| | 246A | Retaliatory action | tenant |
| | 277 | Determine day agreement ends after death of sole tenant | lessor |
| | 293 | Termination for failure to leave | lessor |
| | 294 | Termination for failure to leave as intended | lessor |
| | 295, 310 | Termination for excessive hardship | tenant, lessor |
| | 296, 311, 312, 321, 322, 344 | Termination for damage or injury | tenant, lessor, domestic associate, occupier |
| | 297, 313 | Termination for objectionable behaviour | tenant, lessor |
| | 298 | Termination of short tenancy (moveable dwelling) due to incompatibility | lessor |
| | 299, 315 | Termination for repeated breaches | tenant, lessor |
| | 300, 316, 323 | Application for interim order about damage or injury | tenant, lessor, domestic associate, occupier |
| | 308H | Application to set aside notice ending a tenancy interest issued where tenant affected by domestic violence | lessor |
| | 309 | Application for termination for failure of lessor to remedy breach | tenant |

RESIDENTIAL TENANCY AGREEMENTS

URGENT APPLICATIONS AND ORDERS *(continued)*

| ✓ | Section | Orders that QCAT can make | Who can apply? |
|---|---------|---|-------------------|
| | 324A | Termination of agreement after death of sole tenant | lessor |
| | 350 | Issue of warrant of possession | lessor |
| | 356 | Dispute on an abandonment termination notice | tenant |
| | 357 | Declaration that the tenant has abandoned the premises | lessor |
| | 358 | Compensation after tenant remains in possession | lessor |
| | 359 | Compensation for abandonment of a property | lessor |
| | 361 | Review of an abandonment order | tenant |
| | 363 | The sale or disposal of goods abandoned on premises | lessor |
| | 363 | Entitlement to funds from sale of goods left in premises | lessor |
| | 365 | Application about goods left on premises | interested person |
| | 418 | Declaration that the Act does or does not apply to an agreement | tenant, lessor |
| | 455 | Park – exclude person from park | park owner |
| | 460 | Breach of listing on tenancy database | tenant |
| | 461 | Incorrect or unjust listing on tenancy database | tenant |
| | 462 | Proposed listing on tenancy database | tenant |

NON-URGENT APPLICATIONS AND ORDERS

| ✓ | Section | Orders that QCAT can make | Who can apply? |
|---|---------|--|----------------|
| | 49 | Set aside short tenancy extension statement | tenant |
| | 64 | Have written agreement given and signed | tenant, lessor |
| | 71 | Significant change in subsequent agreement | tenant |
| | 92 | Rent increase is excessive | tenant |
| | 93B | Permission to increase rent within 12-months | lessor |
| | 94 | Rent decrease – premises are partly unfit to live | tenant |
| | 97 | Payment of apportionment on the ending of agreement | tenant, lessor |
| | 135A | Order for payment of bond if affected by domestic violence | tenant |
| | 137 | Payment of bond | tenant, lessor |
| | 155 | Declaration amount is not rental bond | lessor |
| | 162 | About holding deposit | payee, payer |
| | 169 | Loss of amenity, a service or facility | tenant, lessor |
| | 169 | Service charge | tenant, lessor |
| | 213 | About lock or key | tenant, lessor |
| | 221 | Application for routine repair order | tenant |
| | 227 | About relocation | tenant, lessor |
| | 239 | Allow tenant to transfer or sublet | tenant |
| | 243 | To be recognised as tenant because tenant left | occupant |
| | 297B | Application for termination due to serious breach | lessor |
| | 312A | Termination due to misrepresentation | tenant |
| | 314 | Termination for incompatibility | tenant |
| | 419 | About breach of agreement | tenant, lessor |

RESIDENTIAL TENANCY AGREEMENTS

NON-URGENT APPLICATIONS AND ORDERS *(continued)*

| ✓ | Section | Orders that QCAT can make | Who can apply? |
|---|---------|---|----------------|
| | 424 | Dispute about tenant's notice to remedy breach | lessor |
| | 424 | Dispute about tenant's notice of intention to leave | lessor |
| | 426 | Dispute about lessor's notice to remedy breach | tenant |
| | 426 | Dispute about lessor's notice to leave | tenant |
| | 426 | Dispute about lessor's notice to refuse keeping a pet | tenant |
| | 429 | General dispute | tenant, lessor |
| | 430 | Dispute between co-tenants about rental bond | tenant |

ROOMING ACCOMMODATION AGREEMENTS

URGENT APPLICATIONS AND ORDERS

| ✓ | Section | Orders that QCAT can make | Who can apply? |
|---|----------|--|--------------------|
| | 264 | Rules of entry | resident, provider |
| | 273 | Declare proposed house rule is reasonable | provider |
| | 276A | Retaliation by provider / provider's agent | resident |
| | 366 | Determine day agreement ends after death of sole tenant/resident | provider |
| | 376, 382 | Termination – repeated breaches | resident, provider |
| | 377, 383 | Termination – excessive hardship (fixed-term agreement) | resident, provider |
| | 381H | Ending a residency interest where resident affected by domestic violence | resident, provider |
| | 387A | Terminating agreement after death of sole resident | provider |
| | 388 | Termination without notice – excessive hardship and repeated breaches | resident, provider |
| | 395 | Abandonment – entitlement to receive money given to public trustee | provider |
| | 418 | Declaration that the Act does or does not apply to an agreement | resident, provider |

| NON-URGENT APPLICATIONS AND ORDERS | | | |
|---|----------------|---|-----------------------|
| ✓ | Section | Orders that QCAT can make | Who can apply? |
| | 105A | Rent increase | resident |
| | 105E | Permission to increase rent within 12-months | provider |
| | 106 | Rent decrease – loss of amenity, a service or facility | resident, provider |
| | 107 | Residents absence | resident |
| | 109 | Payment of apportionment on the ending of agreement | resident, provider |
| | 135A | Payment of bond if affected by domestic violence | resident |
| | 252 | About lock or key | resident, provider |
| | 274 | Declaration house rule is unreasonable | resident |
| | 381J | Termination due to misrepresentation | resident |
| | 419 | About breach of agreement | resident, provider |
| | 425 | Dispute about resident's notice to terminate the agreement | provider |
| | 425 | Dispute about resident's notice to remedy breach | provider |
| | 427 | Dispute about notice to refuse keeping a pet | resident |
| | 427 | Dispute about provider's notice to remedy breach | resident |
| | 427 | Dispute about provider's notice to leave | resident |
| | 428 | Dispute about entry to resident's room or removal of resident | resident |
| | 429 | General dispute | resident, provider |
| | 430 | Dispute between co-residents about rental bond | resident |