

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that covers tenants and lessors as well as residents and providers in Queensland.

This fact sheet provides information on changes introduced in the *Residential Tenancies and Rooming Accommodation (COVID-19 Emergency Response) Regulation 2020*. These changes apply from 24 April 2020 to 30 September 2021. It covers tenants and residents who want to change living arrangements because of domestic family violence (DFV) committed against them.

I am experiencing DFV, can I leave?

If you're a tenant or resident who believes you can no longer safely continue to occupy premises because of domestic family violence committed against you, you have a right to leave. You may end your interest in the tenancy/rooming agreement by giving the lessor or provider notice and evidence.

To terminate you can give seven days' notice in the correct form (Notice Ending Tenancy – 'NET' or Notice of Ending Residency - 'NER') to your lessor/agent or provider. These new forms are found on the Residential Tenancies Authority (RTA) website.

As a tenant or a resident you may choose to leave immediately after providing the notice and pay the 7 days rent.

You need to provide documents as evidence of DFV. You can choose to provide a copy or allow your lessor or provider to inspect copies of documents.

Alternatively, you may apply urgently to the tribunal for a termination order or an order ending or your interest in the agreement because of DFV committed against you.

What evidence can be used to end the tenancy?

To end your tenancy agreement, you'll need to provide evidence with the NET or NER. For example -

- ❖ A Protection Order or Temporary Protection Order.
- ❖ A Police Protection Notice.

- ❖ An interstate order or injunction for personal protection under the *Family Law Act 1975 (Cth)*.
- ❖ An injunction for personal protection under the *Family Law Act 1975 (Cth)*.
- ❖ An RTA DFV Report Form signed by one of the following:
 - A doctor
 - A social worker
 - A refuge or crisis worker
 - A DFV support worker or case manager
 - An Aboriginal and Torres Strait Islander medical service
 - A solicitor

Is this evidence confidential?

To ensure your safety and privacy, the lessor/agent or provider must keep all your evidence confidential. You can allow them to inspect copies of documents but you're not obliged to give them a copy.

- ❖ Your lessor/agent or provider must not copy your evidence unless you agree.
- ❖ Your NET/NER form and any other information relating to your DFV must be kept securely.
- ❖ Your lessor/agent or provider must not provide any information to anyone about the DFV - unless it's between the agent/lessor or provider or for a tribunal hearing.



WHEN VIOLENCE AFFECTS YOUR TENANCY

I am a co-tenant or resident and want to leave.

As a co-tenant/resident you can also give a NET/NER with supporting evidence of domestic and family violence with seven days' notice.

Or

You can apply to the tribunal to terminate your tenancy because of DFV committed against you by another person, including a co-tenant or co-resident.

What happens to the remaining co-tenants?

The lessor/agent or provider must give seven days' written notice after your tenancy ends, to each remaining tenant/resident informing them that you are no longer on the agreement. The agreement continues for the all remaining tenants and residents.

The lessor/agent or provider will also advise the remaining tenants and residents that they must top up the bond. They will have at least one month to top up the bond.

What are my obligations?

You must pay rent until the end of the 7-day NET/NER period.

You are not responsible for paying any additional costs to the lessor or provider for re-letting the premises.

You can apply for your bond refund after you have vacated the premises.

General obligations of tenants and residents apply. If you are the sole tenant, you will need to take all your goods with you, leave the place clean, in a similar condition to the start of the tenancy, reasonable fair wear and tear excepted, and return all keys.

It is useful to gather evidence to show you have met your obligations, such as photos, cleaning receipts

and a copy of your completed Exit Condition Report. This evidence is important if you have a dispute over the bond refund.

What if my lessor disputes?

If the lessor/agent or provider believes that your NET/NER and supporting evidence does not comply with the requirements, they can dispute it. They must tell you that they intend to apply to the tribunal to have the notice set aside and put in their application within seven days of receiving the NET/NER.

The tribunal will consider whether the NET or NER and supporting evidence complies with requirements. The tribunal will not consider any issues about the DFV or whether you believe that you could no longer safely continue to occupy the premises.

Damage

When you are a tenant who has experienced DFV, you are not responsible for damage caused to the premises by DFV.

I want to stay and improve safety.

If you believe it's necessary to protect yourself or another occupant from DFV, you can change the locks before getting the agreement of the lessor or agent.

You must engage a qualified tradesperson to change the lock and the tenant or resident must also give the agent or lessor a copy of the new keys.

If there are body corporate by-laws; such as in unit complexes, you need to comply with these by-laws. You should have been given a copy of the by-laws with your tenancy agreement when you moved in.

If you're a rooming accommodation resident, your provider must change or repair the lock that secures entry to a resident's room if you believe it is necessary to protect you from domestic family violence.

Further help

If you require any further advice relating to information within this fact sheet, contact Tenants Queensland who delivers the Queensland State-wide Tenancy, Advice and Referral Service on 1300 744 263 to discuss.

Disclaimer: This flyer provides information only and is not intended to provide legal advice.