



residential
tenancies
authority



Moving out

information for tenants in houses and units

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information for tenants

Please take a few minutes to read this guide which explains some of the things you need to know when you move out of a rental house or unit. More detailed information is available on the RTA's website (rta.qld.gov.au).

The Residential Tenancies Authority (RTA) is the Queensland Government statutory body that administers the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act). The RTA makes a positive difference to the residential rental sector by providing tenancy information, bond management, dispute resolution, investigation, policy and education services.

When renting...

You must

- » pay the rent on time
- » keep the property clean and undamaged and leave it in the same condition it was in when you moved in (fair wear and tear excepted)
- » abide by the terms of the tenancy agreement
- » respect your neighbours' right to peace and quiet

The lessor/agent must

- » ensure the property is vacant, clean and in good repair at the start of the tenancy
- » respect your privacy and comply with entry requirements
- » carry out repairs and maintenance
- » meet all health and safety laws
- » lodge your bond with the RTA

Ending your periodic agreement

A periodic agreement is when you agree to rent the property for an unspecified amount of time (there will be a start date but no end date).

If you want to end a periodic agreement you must give your lessor/agent at least 2 weeks notice. If the lessor/agent wants you to leave they must give you at least 2 months notice. Different timeframes apply if you or the lessor/agent want to end the agreement because of breaches to the agreement. Visit our website for more details.

Ending your fixed term agreement

A fixed term agreement has a start date and an end date and you agree to rent the property for a fixed amount of time (e.g. 12 months).

You cannot move out at the end of a fixed term agreement without giving notice.

You or the lessor/agent can end a fixed term agreement at the end of the specified period without giving a reason. If you wish to leave you must give 14 days notice in writing. If the lessor/agent wants you to leave they must give you 2 months notice.

If you leave before the end date on your agreement you are breaking the tenancy agreement and you may be liable for costs.

You cannot be asked to leave before the end of a fixed term agreement unless there has been an unremedied breach.

Breaking your tenancy agreement

If you break the tenancy agreement (e.g. you decide to leave early) you are still responsible for compensating the lessor/agent for lost rent until another tenant can be found or until the tenancy ends. You may also be liable for other costs such as the cost of re-letting the property and advertising. The lessor/agent is obliged to minimise these costs.

If you decide to leave during a fixed term agreement, you should contact the lessor/agent immediately to discuss the matter. You must also give the lessor/agent a *Notice of intention to leave* (Form 13).

You may be able to leave your fixed term agreement early if:

- » you and the lessor/agent agree (in writing) to end the agreement, or
- » your circumstances allow you to apply directly to Queensland Civil and Administrative Tribunal (QCAT) for an order to end your agreement.

Cleaning

You must leave the property in the same condition it was in before you moved in, fair wear and tear excepted. You may have to pay for carpet cleaning or pest control if they were included as special terms in your agreement.

Exit condition report

The *Exit condition report* (Form 14a) should be completed by you. It shows the condition of the property when you leave and will be compared with the entry condition report.

On the form you will need to indicate if items are clean, undamaged and working. You can take photos or a video of the property if you need to. If you are responsible for water consumption you should record the water meter reading.

If possible you should try to arrange a final inspection with your lessor/agent. If this is not possible, you must give a copy of the report to the lessor/agent as soon as possible (at the end of the agreement). The lessor/agent must complete their side of the report, sign it and return a copy to you within 3 business days of receiving it. You also need to arrange to return the keys to the lessor/agent.

When you move out, you must give your new address to the lessor/agent if they ask you in writing so they can send you a copy of the completed exit condition report and contact you about the bond.

Getting your bond back

You get your bond back at the end of the tenancy as long as no money is owed to the lessor/agent for rent, damages or other costs. You can apply on or after handover day to have your bond money returned. The RTA will need your forwarding address to process your bond refund.

If you and the lessor/agent agree at the end of the tenancy

You and the lessor/agent must sign the *Refund of rental bond* (Form 4) and submit it to the RTA. The RTA will refund the bond as directed within a few days. The fastest way to get your bond back is to provide the RTA with your bank details so it can be deposited into the correct account.

If you and the lessor/agent disagree

You or the lessor/agent can submit a *Refund of rental bond* (Form 4). The RTA will send the other person a *Notice of claim* and a *Dispute resolution request* (Form 16). If the RTA does not receive a response within 14 days, the bond will be paid out, as directed by whoever first lodged the bond refund form.

If they do respond, the RTA's dispute resolution service will try to help resolve the disagreement.

If agreement is reached, you and the lessor/agent sign the bond refund form and the bond is paid out as agreed.

If agreement is not reached, the person who lodged the dispute resolution form will receive a *Notice of unresolved dispute* and can apply to QCAT for a decision. They must do so within 7 days and notify the RTA in writing of the QCAT application within the correct timeframe.

If no QCAT application is lodged within 7 days, the RTA will pay the bond as directed by the person who first lodged the bond refund form.

Resolving problems

Good communication is the key to resolving most problems. Find out your rights and responsibilities and try to resolve disputes with the lessor/agent directly. If this does not work the RTA's dispute resolution service may be able to help. If the matter remains unresolved you may be able to take the matter to QCAT.

Urgent applications to QCAT

Unless the matter is considered 'urgent' by law you must have been through the RTA's dispute resolution service before applying to QCAT. Visit our website to see if your problem is defined as urgent.

The term 'urgent' does not mean your application will be fast-tracked, just that you don't need to lodge a dispute resolution form with the RTA.

Checklist

- » continue to pay rent until the date shown on the *Notice to leave* (Form 12) or the *Notice of intention to leave* (Form 13)
- » the property should be in the same condition as when you moved in (fair wear and tear excepted)
- » complete a copy of the *Exit condition report* (Form 14a) – photos or video are the best way to support what you have written on the report
- » if possible, do a joint inspection of the property with the lessor/agent
- » give a copy of the exit condition report to the lessor/agent and get a signed copy of the report for your records
- » give your forwarding address to the lessor/agent and to the RTA so you can be contacted about your bond if necessary
- » cancel any services you have connected to the property (e.g. electricity, gas, telephone, internet)
- » arrange with the lessor/agent for the *Refund of rental bond* (Form 4) to be completed and signed
- » keep all your documents in a safe place.

Contact us

Level 23, 179 Turbot Street
Brisbane Q 4000
GPO Box 390
Brisbane Q 4001
t 1300 366 311
w rta.qld.gov.au
Mon–Fri: 8.30am–5pm

Hearing or speech impaired clients

Deaf, hearing or speech impaired clients can contact the National Relay Service for assistance with contacting the RTA by phone.

TTY or computer modem
t 133 677

Interpreter services

If you require an interpreter, please contact the Translating and Interpreting Service (TIS) (for the cost of a local call) during RTA hours of business. TIS will telephone the RTA for you at no extra cost.

t 131 450

Tenants' Union of Queensland

t 1300 744 263
w tuq.org.au

This information is for general guidance only. It is not legal advice. The RTA cannot guarantee the accuracy or completeness of the information provided. For more information refer to *Residential Tenancies and Rooming Accommodation Act 2008*.

