

Fact sheet

Abandoned premises

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that governs renting a place to live in Queensland. This fact sheet contains information and a summary of how the Act applies but should not be relied upon as legal advice for specific cases.

Terms used in this fact sheet

- Abandoned is when the tenant leaves the premises permanently without ending the tenancy agreement.
- Lessors/agents are the people who give the tenants the right to live in the premises (e.g. the owners), or their representatives (e.g. real estate agents).
- Premises is the house, unit or caravan being rented.
- Tenants are the people who have been given the right to live in the premises.
- Tribunal is a court that makes final, legally binding decisions on tenancy disputes.

A lessor/agent who believes on reasonable grounds that the premises is abandoned must formally end the agreement before they can take possession of the premises and deal with any property left behind by the tenant.

Can lessors/agents go into premises they believe are abandoned?

Lessors/agents may serve an *Entry Notice* (Form 9) giving 24 hours notice to enter the premises for an inspection if they believe on reasonable grounds that the premises have been abandoned.

What are reasonable grounds?

Many factors could be considered reasonable grounds including some or all of the following:

- rent has not been paid
- a build-up of mail or newspapers still in the mailbox
- observations of neighbours or others that suggest the tenants have abandoned the premises
- the absence of household goods
- gas, telephone and electricity services have been disconnected, or
- the tenant does not respond to attempts to contact them.

How can the tenancy agreement be ended?

There are two ways to end a tenancy agreement for abandonment.

1. The lessor/agent can apply to the Tribunal for an order saying the premises is abandoned. This way is recommended if there is doubt about whether the premises is abandoned or not. A tenant who disagrees with the order declaring the premises abandoned may apply to the Tribunal within 28 days of the decision to have it reviewed.
2. The lessor/agent can give the tenant an *Abandonment Termination Notice* (Form 15). This notice should be served to the tenant in the usual way such as by mail or hand delivered to the premises. A notice can only be sent via email when the tenant has agreed to receive electronic notifications in the rental agreement. If the tenant does not apply to the Tribunal within seven days to have the notice set aside, then the tenancy agreement will be ended seven days after the date the notice was issued.

If the former tenant is dissatisfied with the *Abandonment Termination Order* issued by the Tribunal, they can apply to the Tribunal within 28 days after the date of the order for the decision to be

reviewed. If the Tribunal is then satisfied the premises were not abandoned, an order for compensation for expenses incurred by the former tenant may be made.

Can lessors/agents claim compensation?

The lessor/agent can apply to the Tribunal for compensation if they lose money, due to rent owing or costs for damages caused either during the tenancy or after abandonment.

Can the rental bond be returned?

The rental bond can be returned, but if an *Abandonment Termination Notice* has been served, the RTA cannot process a *Refund of Rental Bond* (Form 4) until the *Abandonment Termination Notice* has expired.

How are applications made to the Tribunal?

The RTA's website has information outlining the steps which need to be taken when applying to the Tribunal. Contact the QCAT registry, or visit www.qcat.qld.gov.au for further information on the Tribunal and applying for a hearing.

Places that can help

There are organisations that can assist tenants when they need help with tenancy matters:

- Tenants Queensland – 1300 744 263
- Homeless Persons Information Queensland – 1800 474 753 or TTY 1800 010 222

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

The RTA's forms can be obtained electronically or in person by:

- rta.qld.gov.au
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.