

Guide to RTA Investigations

The RTA's Compliance and Enforcement team supports fairness in the rental sector by ensuring all parties to a tenancy comply with the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act). The Compliance and Enforcement team investigates cases where one party to a tenancy alleges the other has committed an offence against the Act.

The RTA encourages people to try to [resolve disagreements](#) by talking to each other. If a resolution to a disagreement is needed (e.g. for a bond refund dispute) our [free dispute resolution service](#) provides conciliation to help the parties reach an outcome.

Investigation outcomes are focused on providing future compliance, and do not recover money or provide monetary compensation.

Offences

Some of the offences the RTA can investigate include:

- failure to lodge a bond with the RTA within 10 days of receiving the bond
- failure to provide a written tenancy agreement
- entry by a property manager/owner without proper notice or consent
- ending a tenancy in an unauthorised way
- failure to comply with a repair order.

Matters unsuitable for investigation

The RTA can only investigate matters that are an offence under the Act and does not investigate:

- property maintenance disputes
- bond refund disputes
- agent/landlord conduct or behaviour.

Assistance with resolving the above matters can be provided through the RTA's free [Dispute resolution service](#).

The RTA cannot investigate incidents that happened over two years ago as the statutory timeframe has expired.

Recovering money

RTA investigators are unable to recover bond money. If you are trying to recover money owed, you will need to lodge a [Dispute resolution request](#) or call the RTA on 1300 366 311 for help. If the dispute resolution process is unsuccessful, the matter may be taken to the [Queensland Civil and Administrative Tribunal](#) (QCAT).

Timeframe

An investigation may take anywhere from a few weeks to several months, depending on the complexity and seriousness of the case. The investigator will discuss individual case length with the customer.

Investigations that proceed to prosecution may take over a year to finalise at court.

How to request an investigation

The RTA only investigates sections of the Act that are an offence to breach. For a section of the Act to be an offence, it must have penalty units attached. The RTA does not investigate breaches that do not attract a penalty.

To see if a matter may be suitable for investigation, customers can fill in the questionnaire on the [How to request an investigation webpage](#). If the customer's answers indicate the matter may be an offence which is suitable for investigation, they will be prompted to download a copy of the RTA Investigation Request Kit.

Customers can then request an investigation by completing the kit and submitting it to the RTA. It is important to carefully read and provide all the requested information and evidence when submitting the kit.

What happens in an investigation?

Once the RTA receives an Investigation Request Kit, it will be assigned to an investigator. Generally, this occurs within one week (but may be longer in peak periods). The investigator will assess the information and evidence provided in the kit.

The investigator will then contact the customer for further information and to discuss the case. For cases that are not suitable for further investigation, such as where no offences are identified, the investigator will advise the customer.

The RTA is impartial and will conduct the investigation in a fair and equitable way.

Responding to allegations

Where an offence is identified, the investigator will gather evidence from the customer and other witnesses. The party alleged to have committed the offence (the respondent) will then be notified of the allegation in writing. This will include the name of the customer and the relevant section/s of the Act that the respondent is alleged to have breached.

The respondent will then be given a chance to formally reply to the allegation and provide their own evidence. There is no obligation to participate in the investigation process and any information provided may be used as evidence in court.

Investigation outcomes

Once all the evidence has been assessed, the investigator determines if the alleged offence is substantiated. When an offence is proven, several factors are considered to decide on the appropriate outcome, including:

- the seriousness of the offence
- the level of harm to the customer
- the previous investigation history of the respondent
- whether the respondent was deliberate/dishonest in their actions.

The investigator then delivers an outcome for the offence of either:

- education
- caution notice
- penalty infringement notice
- prosecution
- no further action (where the alleged offence is not proven).

Often offences occur due to ignorance of the law. Educating parties, where appropriate, about their rights and responsibilities under the Act can significantly reduce the likelihood of the offence occurring again. Where education is not appropriate, the investigator may issue a caution notice.

In serious cases, the RTA may issue a penalty infringement notice or commence criminal proceedings through the Magistrates Court.

Accessing RTA forms

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

• rta.qld.gov.au • 1300 366 311 (Mon – Fri: 8.30am – 5.00pm) • Level 11, Midtown Centre, 150 Mary Street, Brisbane



Other languages: You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8.30am to 5.00pm).

Further information

For more information contact the Residential Tenancies Authority.



rta.qld.gov.au



1300 366 311



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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.

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