

RTA blitz issues record infringement notices

The Residential Tenancies Authority (RTA) exists to ensure renting works for everyone. We do this in a number of ways, including administering the Residential Tenancies and Rooming Accommodation Act 2008 (the Act).

The Act clearly sets out rules for managing a rental property, as well as the rights and responsibilities of tenants, and property managers/owners.

Director for Policy and Stakeholder Engagement Meghan Hibbert said the RTA had significantly ramped up investigations and increased the number of prosecutions and Penalty Infringement Notices (PINs) issued

to property managers/owners.

Working to promote compliance with tenancy legislation alongside peak bodies, such as REIQ, rental sector stakeholders and government agencies, such as the Office of Fair Trading and the Queensland Police Service, the RTA expect a high level of compliance – ignorance of the law is not acceptable as an excuse.

“Over the past year, we have had cause to initiate more PINs and prosecutions than ever before due to a pattern of re-offending and disregard for compliance requirements,” Ms Hibbert said.

“Penalty notices have increased by 700 per cent compared to previous years, with more than 300 per cent resulting in legal proceedings.

“Lodging a bond, entering a premises lawfully, and exercising your obligations in relation to providing documentation are the basic rules of property management – yet we have no shortage of investigations where breaches have occurred.”

There are some 200 offences contained in the Act. Some of the more frequently prosecuted offences include failing to lodge rental bonds with the RTA within 10 days of receipt, providing false or misleading information to the RTA, unlawful entry to a rented property and contracting out of the Act’s requirements.

“It is unfortunate that one of the most serious breaches of the Act we are seeing all too often – is special terms included in the tenancy agreement, which are unlawful. Breaches that require ‘contracting out’ or the provision of a particular service as a condition of the tenancy are non-compliant,” Ms Hibbert said.

“We are even seeing special terms that have no relation to obligations under the Act, which are not

tenancy related, and grossly unfair. I urge anyone with special terms of this nature to seek legal advice to make sure they do not come to our attention.”

Ms Hibbert reiterated that agents must ensure they are completing forms and documentation correctly, and fully.

“Documentation is key, and the RTA will consider prosecuting individuals or companies found to have provided false and misleading information to the RTA,” she said.

“If found guilty a criminal conviction may be recorded by the court, and this could impact an agent personally, such as when renewing their licence or other areas of their life.

“These offences carry significant fines with penalties up to \$3,000 for individuals and \$10,000 for companies.”

This process is separate to any related QCAT matter. If a corporation is being prosecuted, the maximum penalty is five times what it is for an individual. Fines can amount to tens of thousands of dollars.

“There is a common misconception among some real estate agents that offences under the Act are civil matters,” Meghan said.

“The RTA would like to make it clear to all concerned that these matters are criminal offences that are prosecuted through the Magistrates Court to either a plea of guilty or a summary trial in which the rules of evidence apply.

“It is critical that anyone found to have been issued with a penalty notice or received notification of legal proceedings in relation to an offence under the Act seek legal advice from a criminal (not civil) lawyer.”

