

Speaker's notes

What's the law – Renting

How to use these notes

Topic: Tenancy rights and responsibilities, condition reports, landlord responsibilities.

Resources: *What's the law?* education kit 'Renting', which contains a photo story (on DVD), activity sheets and answer sheets.

These notes provide guidelines for a speaker's script and information on how to use the photo story on this topic when presenting to a community group. The notes contain a story summary, key questions and answers, key messages, areas for further discussion and referral information.

1. Preparing to present

It may be useful to read the activity and answer sheets to prepare for your presentation - they may give you ideas for additional questions and activities for your group. It is also a good idea to look at the websites and referral information given in section nine of these notes.

If you need assistance with presentation skills, engagement ideas or coordination support for the group you are preparing for you can contact communitylegaled@legalaid.qld.gov.au or 3238 3431.

2. Introduce yourself and *What's the law?*

Before you begin your presentation, introduce yourself, your role and your organisation.

For example, if you work at Legal Aid Queensland:

- Legal Aid Queensland helps the community in many different ways if they have problems with the law. We provide legal education to newly-arrived communities about their rights and responsibilities.

Refer to the *What's the law?* education kit and its purpose by mentioning these key points:

- We see many different newly-arrived communities get into trouble with the law and often it is the same legal problems that arise. These legal troubles can be avoided if you know some simple information about the law and where to go to for help before your problem becomes serious.
- The photo stories in *What's the law* have been made to help you learn about the law on ten different topics.

Begin with some introductory statements and general questions about the topic:

- Today we will show you a photo story about problems with the poor condition of a rental unit and other issues that can arise when renting.
- There are many rules about renting. There are obligations and rights for both the tenant and the owner of the property.
- Who rents a property? Do you rent it through a real estate agent or directly through the landlord?
- Did you pay a bond?

3. Summarise the photo story

- In this story, Saw Paw and Nan sign a lease agreement with the real estate agent, pay a bond and check the property for any existing problems or damage.
- After living in the unit for a few weeks, the oven stops working and the landlord does not come to fix it.

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- The lease ends and Saw Paw and Nan do not get their bond money back.

4. Ask key questions

To strengthen engagement with the photo story and develop the group's legal literacy, ask key questions before showing the story. This will encourage the group to watch actively and think about key messages.

While you are watching the photo story think about the next three questions:

- 1) **What is an Entry Condition Report?**
- 2) **What should you do if something needs fixing at the property?**
- 3) **What happens if you complain about the property or the landlord? Will your bond be taken off you or will you be kicked out?**

5 . Show the photo story



6. Answer the key questions

Ask the same key questions after you show the story and allow for discussion to tease out the right answers.

What is an Entry Condition Report?

- A report you complete when you sign a tenancy agreement and move into the property.
- It is your evidence (it shows the truth) of what is wrong with the property when you move in. Make sure you look in every room of the property for any damage and write comments on the form about any damage you see. We recommend you take photos inside and outside the property as evidence of the condition of the property when you moved in. Keep a copy of the report and the photos for your records.
- If there is something wrong with the property when you move in (like a broken window) and you don't include it in the Entry Condition Report, the landlord may take money out of your bond to fix it.

What should you do if something needs fixing at the property?

- The landlord has responsibility for keeping the property in a good condition and fixing things that are not working.
- You should write a letter to the landlord or real estate agent to request repairs. Keep copies of these letters.
- If you need help writing a letter call Legal Aid Queensland on 1300 65 11 88. They will advise you of your nearest community legal centre. You can also call the Tenants Union of Queensland on 1300 744 263.

What happens if you complain about the property or the landlord? Will your bond be taken off you or will you be kicked out?

- You and your lessor/agent both have rights and responsibilities. You have the right to ask the lessor to do repairs. It is good to put your request in writing.
- Your lessor/agent should not ask you to leave because you have requested repairs.
- If you complain you will not be kicked out or 'evicted'. The landlord must fill out paperwork and get the Queensland Civil and Administrative Tribunal's (QCAT) permission if they want to evict you.
- If your lessor/agent wants you to leave they must give you a Notice to Leave. You can dispute the notice if you don't agree it is fair. If you refuse to leave your lessor/agent cannot 'evict' or kick you out but must apply for a termination hearing in QCAT. You can go to the QCAT hearing and tell your side of the story.
- In Queensland all rental bond money must be lodged with the Residential Tenancies Authority (RTA) which means that it's still your money and doesn't belong to the landlord or agent. You can contact the RTA if you have any questions about your rental bond money.

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- At the end of your tenancy you can use a *Refund of Rental Bond Form 4* to apply directly to the RTA to get your bond back. However your lessor/agent may want to claim part or your entire bond if you damaged the property or have unpaid rent.

What is an Exit Condition Report? (this is not included in the video but is relevant in Queensland)

- When you move out you must leave the place in a similar condition to when you moved in. It is important to write down any damage you see at the start so you are not responsible for this damage.
- Similar to an Entry Condition Report, an Exit Condition Report allows you to record evidence of the property's condition when you move out. This evidence may be very important if you have a dispute over your bond refund.
- Your lessor or agent may claim money from your bond at the end of the tenancy. This may happen if you owe rent, fail to leave the property clean, or if you damaged the property during your tenancy. However as tenants you are not responsible for reasonable wear and tear during your tenancy, or outstanding repairs or maintenance that the lessor should have done.

7. Emphasise key messages

- Make sure you complete an Entry Condition Report when you sign the tenancy agreement and move into the property, and an Exit Condition Report when you move out of the property.
- Keep copies of any letters from and to the landlord.
- Make sure you understand all the details in the paperwork about the lease agreement and bond before signing or paying any money.
- Call **Legal Aid Queensland** or your **community legal centre** if you have legal problems or have to go to court.

8. Further questions and discussion

- Does anyone have any questions?

Remember, if you are not a lawyer you can provide referral information to the group. Individual legal issues which require legal assessment or advice should be referred to **Legal Aid Queensland** on **1300 65 11 88** or the closest **community legal centre**.

9. Possible discussion points and referral information

Should tenants keep records and receipts for their tenancy?

- Yes, tenants should keep copies of receipts for rent and bond payments, as well as copies of any tenancy forms, agreements, reports etc in case there is a dispute

What if I have questions about my bond?

- In Queensland all rental bond money must be lodged with the Residential Tenancies Authority (RTA). If your bond is not lodged with the RTA your bond receipt from the lessor or agent is your only the evidence of having paid a paid. If the lessor or agent does not lodge your bond with the RTA and you don't have a receipt as evidence of bond payment, there is a risk you will never see your bond again.
- Contact the RTA if you have questions about your bond:

Residential Tenancies Authority

<http://www.rta.qld.gov.au>

Phone: 1300 366 311

What if the landlord doesn't repair the damage?

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- Landlords have a duty to make sure that the properties they rent out are in reasonably clean condition at the start of a tenancy, and that they are kept in good repair.
 - The Tenants Union of Queensland have a range of tenancy factsheets on their website including a *Repairs and maintenance* factsheet: www.tuq.org.au
Phone: 1300 744 263

Eviction

- In order to evict you, the landlord must:
 - 1. Give you a valid Notice to Leave**
 - 2. Apply to QCAT for a Termination Order**
 - 3. Seek a Warrant of Possession from QCAT.**

If the tribunal issues a warrant of possession, the police will use the warrant to evict you. The landlord cannot evict you until they have taken all these steps. The landlord or agent cannot lock you out of the property or personally carry out an eviction. Only the police can evict you and only when they are acting on a Warrant of Possession.

- Call the Tenants Union of Queensland if you have questions about an eviction:
1300 744 263
www.tuq.org.au

Landlord increases rent

- A landlord or real estate agent cannot increase rent more than once every six months. This applies to periodic (month to month) tenancy agreements and fixed-term (eg 12 month) agreements.
- The landlord must give you 60 days' notice in writing of a rent increase and they must use the proper form.
- Call the Tenants Queensland if you have questions about an increase in your rent:
1300 744 263
www.tenantsqld.org.au