



What happens

if someone doesn't do what the rental agreement says they have to

Notice to remedy breach by tenant

The things in the rental agreement that you and the landlord have to do are called **conditions** or **terms**. Not following a term is called 'breaching' the term.

If you haven't paid rent in 7 days, or the landlord thinks you've breached a term in your rental agreement, they might give you a form called a **notice to remedy breach**, this is a Form 11 (available on the RTA's website).

For all breaches, including not paying rent, the landlord must give you at least 7 days to fix the breach (e.g. pay the rent).

If you don't fix the breach within the time the landlord gave you, the landlord can give you a notice to leave form. You then have 7 days (if the breach was not paying rent) or 14 days (for all other breaches) to move out of the property.

The landlord may apply to the Queensland Civil and Administrative Tribunal (**QCAT**) for an order where you will be required to leave immediately.

This can happen where there has been a serious breach, which includes:

- using the property for illegal activities
- destroying or seriously damaging the property
- endangering someone else on the property.

WHERE TO GET HELP



YFS Legal

Phone: (07) 3826 1599

Email: legal@yfs.org.au

Website: www.yfs.org.au/yfs-legal

The Residential Tenancies Authority Queensland

Phone: 1300 366 311

Website: <https://www.rta.qld.gov.au/>

The Queensland Statewide Tenant Advice and Referral Service (QSTARS)

Phone: 1300 744 263

Website: <https://qstars.org.au/>

This Centre is accredited by



- This is general information only.
- It is not intended to give individual legal advice.
- Each person should seek independent legal advice relating to their special circumstances.
- We do not accept responsibility for any loss or damage caused to anyone who relies on the information in this info sheet.

Notice to remedy breach by landlord

If you think the landlord has breached your rental agreement, you can also give them a Form 11 - notice to remedy breach.

If the problem isn't fixed, there are different options. You can apply to QCAT to make the landlord fix the problem or give you money as compensation, or the lease can be ended early.

Contact your local tenancy advice service for more information. Even if you think the landlord has breached the rental agreement, you should keep paying rent. If you stop paying rent, the landlord could evict you. (Eviction means being required to move out).

Tenancy databases

There are "Tenancy Databases" which are essentially a "black list" for tenants who have repeatedly breached their rental agreement. Being listed on this database will make it very difficult to get another lease in the future.

A tenant can only be listed on these databases after their lease has ended and only for the following reasons:

- unpaid rent owed (after being issued with a Form 11 and failing to pay rent)
- where QCAT has made an order terminating the rental agreement for "objectionable behaviour" and/or repeated breaches.

If you think you have been unfairly listed on a tenancy database, you can use the RTA's dispute resolution service and/or apply to QCAT to get your name removed. You must start these processes within 6 months of becoming aware that you are listed on the databases.

QCAT can also make an order to remove a tenant's name where their breach was a result of a domestic violence perpetrator's actions.



YFS Legal acknowledges Aboriginal and Torres Strait Islander people as Australia's first peoples and the traditional owners and custodians of the land on which we meet and work.

