



SHARE HOUSE AGREEMENTS

IMPORTANT THINGS TO DO WHEN STARTING AN AGREEMENT

WRITTEN AGREEMENT

Residential tenancy and rooming accommodation agreements must be documented in writing. A lessor or provider who does not give the tenant or resident a written agreement breaches the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) (RTRA Act) and can be fined. If a residential tenancy or rooming accommodation agreement is not documented in writing, the agreement can still be valid and enforceable, but may be difficult to prove.

Boarding and lodging agreements are not covered by the RTRA Act, and do not legally have to be documented in writing. However, it is still recommended to document these agreements in writing.

If you are unsure about what type of agreement applies to your situation, you can refer to our factsheet “Share House Agreement - 3 Types of Residential Rental Agreements in Queensland”.

In a share house, the parties may wish to document agreements about how bills will be shared and paid, whether meals are to be provided, who is responsible for cleaning, and other household rules.



A basic agreement should include:

- The type of agreement;
- The names of the parties, their contact details and addresses for service;
- The address of the rental premises;
- The term of the agreement;
- The amount of rent payable, when the rent is payable, and the method of payment;
- Whether a rental bond is payable, and if so, the amount;
- Details about relevant services and utilities, including who is responsible for setting up the account/s, and how the services or utilities are to be paid;
- Whether the renter is allowed to have approved occupants;
- Whether the renter is allowed to keep pets, and if so, the type and number;
- Whether there are any body corporate by-laws;
- Details of any nominated repairers for emergency repairs;



- For boarders and lodgers, the ways the agreement can end, and the amount of notice to be given. For residential tenancy and rooming accommodation agreements, the RTRA Act specifies the grounds and the minimum notice periods;
- For boarder and lodger agreements, it would also be prudent to set out any obligations at the end of the agreement. For residential tenancy and rooming accommodation agreements, the RTRA Act requires the tenant or resident to return the premises/room in the same condition as entry, so far as possible and fair wear and tear is excepted.

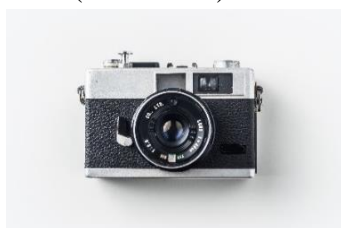
CONDITION REPORTS

The lessor or provider must prepare and give the tenant or resident an entry condition report on or before the day the tenant or resident occupies the rental premises/room. Lessors and providers who breach this requirement can be fined.

At the end of the agreement, it is the tenants' or residents' obligation to prepare and give the lessor or provider an exit condition report.

Condition reports are not legally required in boarder and lodger agreements, but are strongly recommended.

It is also advisable to take and keep photographs of the property before and after the agreement. Without condition reports and photographs, it may be very difficult for a party to prove what the property was (or was not) like.



Mackay Regional Community Legal Centre Inc.

BONDS

All residential rental bonds in Queensland are covered by the RTRA Act. This includes rental bonds paid by tenants, residents, boarders and lodgers.

A person who receives a rental bond must lodge the bond with the RTA within ten (10) days of receiving it. A person who does not lodge a bond with the RTA breaches the RTRA Act and can be fined.

At the end of the agreement, the bond can be claimed. The RTA has two (2) main[^] ways to lodge a claim for the bond:

1. By completing and posting an RTA Form 4 Return of Rental Bond to the RTA; or
2. By lodging a claim online using the RTA's web services.

[^] There are some other ways a bond can be claimed, including an assisted bond refund process available for eligible victims of domestic and family violence.

The RTA actions the first claim received and notifies the other party.

The RTA bond refund process is then as follows:

1. The other party will have an opportunity to either accept or dispute the claim. The time limit to dispute a bond claim is within fourteen (14) days after the RTA provides notice of the claim;
2. If the bond claim is disputed, the RTA will attempt to arrange a conciliation. If the dispute is resolved at conciliation, the bond can be paid out as agreed;



3. If no agreement is reached at conciliation, the RTA will issue a Notice of Unresolved Dispute giving the party who disputed the bond claim only seven (7) days to apply to QCAT for a decision about the payment of the bond; and
4. If the matter proceeds to QCAT, the Tribunal Member or a Magistrate will hear and decide the dispute based on the facts and evidence put before the Tribunal.



If you are involved in a bond dispute, or anticipate a bond dispute, we strongly recommend obtaining advice from a solicitor or relevant advice service as soon as possible.

The time limitation periods to dispute a bond claim are short and are applied strictly; if you miss any of the time limitation periods, the RTA will pay the bond to the party who claimed it first.

After the bond has been paid out, it sometimes can be very difficult to recover.

THREE (3) TIPS FOR SUCCESSFUL, SAFE AND SECURE SHARE HOUSE AGREEMENT

Some tips to ensure a smooth, safe and secure agreement include:

1. Try and choose your housemates wisely. Ideally, interview potential housemates before moving in together to ensure they are a good match for your home and lifestyle;
2. Document everything in writing and consider setting appropriate house rules from the start of the agreement; and
3. If things don't go to plan, or go wrong, get advice early.

Disclaimer: The content in this factsheet is intended only to provide a summary and general overview on matters and does not constitute legal advice. We attempt to ensure that the content is current, but we do not guarantee its currency. You should seek legal or other professional advice before acting or relying on any of the content in this publication.