



## SHARE HOUSE AGREEMENTS

### 3 TYPES OF RESIDENTIAL RENTAL AGREEMENTS IN QUEENSLAND

#### 1. RESIDENTIAL TENANCY AGREEMENTS

Residential tenancy agreements are covered by legislation called the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) (RTRA Act).

A tenant is the person who rents and has the right to occupy the residential premises. The person who rents their residential premises to the tenant is called a lessor. A lessor may appoint an agent.

Residential tenancy agreements include cotenancy agreements, which is where two (2) or more people sign a tenancy agreement together. Cotenants are jointly and severally liable for the rental premises; this means that each cotenant may be held responsible for the whole tenancy individually, or all the cotenants may be held responsible jointly. This includes liability for rent as well as any property damage.



Residential tenancy agreements also include subtenancy agreements. This arises when a tenant, referred to as the head-tenant, rents a property from the lessor, and then sublets the property or part of the property to another tenant, known as the subtenant. When there is a subtenancy, the head-tenant is usually liable to the lessor under the head-tenancy agreement, and the subtenant is liable to the head-tenant under the subtenancy agreement.

#### 2. ROOMING ACCOMMODATION AGREEMENTS

Rooming accommodation agreements are also covered by the RTRA Act.

A resident is the person who occupies a room in rooming accommodation. The person who provides rooming accommodation to residents is called the provider. Providers can appoint an agent to act on their behalf.



Rooming accommodation is a specific type of rental accommodation. Rooming accommodation is where:

- The resident occupies a room (or rooms) in a rental premises as their main or only residence;
- There are shared facilities (e.g. a bathroom, kitchen, lounge room etc); and
- The provider does not live on the premises and there are at least two (2) rooms for rent or if the provider lives on the premises, there are four (4) or more rooms for rent.

Some room-only accommodation, including university campus accommodation, approved aged care accommodation, approved mental health service accommodation etc is excluded by the RTRA Act.

### **3. BOARDING AND LODGING AGREEMENTS**

The RTRA Act does not apply to agreements for boarders and lodgers. Boarders and lodgers are covered by the common law.

Boarders and lodgers will usually rent a room from another person who also lives at the property. The boarder or lodger will have the use of shared facilities, e.g. kitchen, laundry and bathroom, within the property.

Sometimes, a boarder will also be provided with food as part of their agreement.



*If you do not know what type of agreement to enter into, or what type of agreement you have, we strongly recommend obtaining advice from a solicitor or advice service.*

*Sometimes it is not clear whether a rental agreement is a residential tenancy agreement, a rooming accommodation agreement or a boarding and lodging agreement.*

*In these situations, an application can be filed in the Queensland Civil and Administrative Tribunal (QCAT) to seek a declaration about whether the agreement is or is not an agreement covered by the RTRA Act.*

**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.