

FACT SHEET

Dispute Resolution Services

Residential tenancy agreements can sometimes become a source of disagreement, particularly if any of the parties do not meet the terms of the tenancy agreement. The Residential Tenancies Authority (RTA) encourages lessors, tenants, and agents to attempt to resolve disagreements themselves by talking to each other and by finding out about their rights and responsibilities. Information Statements about the Act are available from most Post Offices and the RTA.

If a dispute arises about a breach of a tenancy agreement, the concerned tenant, lessor or agent should contact the RTA for information about the Act and the procedures to follow. The RTA's Dispute Resolution Service provides tenancy conciliation to help the parties sort out the dispute in a way which suits everyone, if they are unable to do this themselves.

What do we do?

The RTA's Dispute Resolution Service offers a range of services free of charge to assist people to resolve disputes quickly and without the need for further legal action. Our aim is to assist the parties in resolving their dispute in a way which can mean a successful outcome for all.

The RTA's Conciliators may be able to help resolve the dispute with just a few telephone calls. We can provide information on the Act to the parties and can assess the best way of trying to resolve the dispute.

We can also arrange a meeting or a telephone hook-up between the parties to the dispute and an impartial conciliator. These meetings are referred to as conferences.

Under the *Residential Tenancies Act 1994* tenants, lessors and agents must attempt to resolve a dispute over bond refunds and other tenancy matters by lodging a *Dispute Resolution Request* (Form 16) with the RTA, before they can apply to the Small Claims Tribunal for a decision.

Participation in the service is voluntary. There are no penalties for not taking part in telephone negotiations or for not attending a conference with a conciliator.

Urgent applications

In an urgent situation (these are specified in the Act) lessors/agents and tenants can apply to the Small Claims Tribunal without first lodging a conciliation notice with the RTA. Urgent applications include:

- termination orders, including short tenancy (moveable dwelling)
- not leaving when a *Notice to Leave* or *Notice of Intention to Leave* has expired
- order to restrain a person from causing damage or injury
- excessive hardship
- proposed or existing tenancy database listings which don't comply with the listing criteria or are inaccurate or unjust.

Urgent applications can also be made under some other sections of the Act. For further information you can contact the RTA, visit our website, or contact the Brisbane Small Claims Tribunal or your local Magistrates Court.

How to use the service

Parties can use the RTA's Dispute Resolution Service simply by filling out and lodging by post or fax a *Dispute Resolution Request* (Form 16) with the RTA's Dispute Resolution Service.

A *Dispute Resolution Request* (Form 16) is available from Australia Post Offices in Queensland, from the RTA, or from our web site.

What happens if an agreement is reached?

We can assist the parties to enter into a written agreement in settlement of disputes. All tenancy related agreements reached must be consistent with the *Residential Tenancies Act 1994*. These agreements then become a term of the tenancy agreement.

If the parties reach an agreement about the distribution of a bond, the conciliator will get all the relevant parties to the bond to sign a *Refund of Rental Bond* (Form 4). The RTA can then pay out the bond money in accordance with the agreement.

What happens if an agreement is not reached?

If the parties are not able to resolve the dispute the RTA will issue a *Notice of Unresolved Dispute* which will allow the parties to apply to the Small Claims Tribunal for a decision.

Further information

The *Residential Tenancies Act 1994* is the primary source material on the law and takes precedence over this Fact Sheet should there be any inconsistency between the Act and this Fact Sheet.

For more information about the *Residential Tenancies Act 1994*, contact the Residential Tenancies Authority. Contact details are at the bottom of this Fact Sheet.

Accessing RTA forms

The RTA's approved forms can be obtained by:

- visiting the RTA's website at www.rta.qld.gov.au and following the links to "e-Forms"
- calling the RTA's forms distribution service on **1300 136 939**
- faxing a *Request for Forms* to (07) 3216 2258, or
- posting a *Request for Forms* to PO Box 517, Virginia Qld 4034.

A selection of the most commonly used forms is also available at Australia Post offices around Queensland.

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