

Form 2 (version 3)

Queensland Civil and Administrative Tribunal Act 2009 (section 33)

| For office use only | |
|---------------------|--|
| Case number: | |
| Date filed: | |
| Registry: | |
| Fee paid: | |
| Receipt number: | |

Application for minor civil dispute – *residential tenancy dispute*

Please refer to the attached guide before completing this form.

| PART A APPLICANT'S DETAILS | | |
|---|---|--|
| Applicant type: <i>(please tick one)</i> | | |
| <input type="checkbox"/> Tenant | <input type="checkbox"/> Lessor (landlord) | <input type="checkbox"/> Agent for lessor or provider* |
| <input type="checkbox"/> Resident | <input type="checkbox"/> Provider (rooming accommodation) | |
| Applicant details: <i>(for multiple applicants attach details on a separate sheet)</i> | | |
| Name | | |
| <input type="text"/> | | |
| Address | | |
| <input type="text"/> | | |
| <input type="text"/> | | |
| Postcode | | |
| <input type="text"/> | | |
| Contacts | | |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |
| <i>Preferred phone number</i> | <i>Alternative number</i> | <i>Email</i> |
| <p>* An agent can only make this application if the agent is authorised in writing in a separate letter or in the residential tenancy agreement to stand in the lessor or provider's place in a proceeding under s 206 or s 248 of the <i>Residential Tenancies and Rooming Accommodation Act 2008</i>.</p> | | |

PART A RENTAL PROPERTY

Address of rental property

| |
|----------|
| |
| Postcode |

Type of agreement: Fixed term (e.g. 6 months) Periodic (e.g. week to week)

Rental bond number

Rental bond amount

| | |
|--|----|
| | \$ |
|--|----|

Is rental bond currently held by the Residential Tenancies Authority (RTA)?

Yes No

The RTA can only pay funds to the value of the rental bond held.

PART A RESPONDENT'S DETAILS

Respondent type (please tick one)

Tenant Lessor (landlord) Agent for lessor or provider*
 Resident Provider (rooming accommodation)

Respondent details: (for multiple respondents attach details on a separate sheet)

Name

| |
|--|
| |
|--|

Address

| |
|----------|
| |
| Postcode |

Contacts

| | | |
|--|--|--|
| | | |
|--|--|--|

Preferred phone number

Alternative number

Email

* An agent can only be nominated as the respondent if the applicant is a tenant or resident, and the agent is authorised in writing by a separate letter or in the residential tenancy agreement to stand in the lessor or provider's place in a proceeding under s 206 or s 248 of the *Residential Tenancies and Rooming Accommodation Act 2008*.

PART B URGENT OR NON-URGENT

Is this an urgent or non-urgent application under the *Residential Tenancies and Rooming Accommodation Act 2008*? (refer to Appendix 1 of the attached guide for a list of urgent and non-urgent applications under the Act)

Urgent application Go to Part C

Non-urgent application **You can only make a non-urgent application if you have a Notice of Unresolved Dispute from the Residential Tenancies Authority.**

Conciliation number on Notice of Unresolved Dispute

| |
|--|
| |
|--|

PART C ORDER AND REASONS DETAILS

What order/s do you want the tribunal to make? (Refer to Appendix 1 of the attached guide for the sections of the Residential Tenancies and Rooming Accommodation Act 2008 and the type of orders that can be made)

(If the space below is insufficient, please attach additional pages)

Section of Act:

What order do you want the tribunal to make?

| |
|--|
| |
| |
| |
| |
| |

Total amount of claim:

List of claims

If you are claiming for compensation (which includes rent) or the rental bond, you must also complete the following list of claims and **attach** any relevant documents.

Claim numbers 1 and 2 are examples only.

| CLAIM NUMBER | APPLICANT | | |
|--------------|------------------------|--------------|-------------------------------|
| | Description of claim | Amount | What evidence supports claim? |
| 1 | <i>Carpet cleaning</i> | <i>\$100</i> | <i>Receipt 1/1/12</i> |
| 2 | <i>Rent arrears</i> | <i>\$500</i> | <i>Rental ledger Oct 2012</i> |
| | | \$ | |
| | | \$ | |
| | | \$ | |
| | | \$ | |

List of notices

If you are seeking orders other than compensation or the rental bond, you must also complete the following list of notices and **attach** any relevant notices.

| NOTICE | Date issued/ received | Reason for notice (e.g. rent arrears, repairs, damage etc) | Expiry date |
|--|--------------------------|--|----------------|
| Notice/s to remedy breach (RTA form 11) | | | |
| Notice/s to leave (RTA form 12) | | | |
| Notice of intention to leave (RTA form 13) | | | |
| Abandonment termination notice (RTA form 15) | | | |
| Dispute resolution request (RTA form 16) | | | N/A |
| Other (specify) | | | |

Your guide to completing Form 2

Application for minor civil dispute – *residential tenancy dispute*

Before you complete this application

If your application is not classed as an urgent matter (see Part B on page 2 of these instructions), contact the Residential Tenancies Authority (RTA) to resolve your dispute through their Dispute Resolution Service. If the matter is not resolved through the RTA, it will issue a Notice of Unresolved Dispute and then you may lodge an application with QCAT.

General instructions

PART A APPLICANT'S AND RESPONDENT'S DETAILS

Applicant: The person who has submitted an application to QCAT.

Respondent: The person who the QCAT application has been made against.

- More than one applicant or respondent can be named in an application. For instance, applicants may be joint owners or in partnership.
- If there is not sufficient space for the names of all applicants or respondents, you may attach additional pages with similar details.
- If the applicant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered on the *Business Names Register*
 - a State agency name, for example a Queensland Government department.

Any change in your address must be filed in the Tribunal and served on all other parties.

If you want someone else to represent you in the proceeding

A child or person with impaired capacity does not need permission from the tribunal to be represented.

Otherwise, the tribunal expects people to represent themselves. You can ask for permission for another person to represent you by completing *Form 56 Application for leave to be represented*. The tribunal may or may not grant your request.

Rental property

This refers to the premises which are the subject of your application.

Instructions for completing *(continued)*

PART B URGENT OR NON-URGENT APPLICATION

Appendix 1 of the attached guide lists urgent and non-urgent applications under the *Residential Tenancies and Rooming Accommodation Act 2008*.

If an application is urgent as defined in the Act, this means that a person may apply directly to the tribunal. The application will be given priority and listed promptly but not urgently in the ordinary sense of the word.

If an application is non-urgent as defined in the Act, this means that a person can't apply directly to the tribunal. Instead they must have made a dispute resolution request to the Residential Tenancies Authority and received a Notice of Unresolved Dispute they can make an application to the tribunal.

PART C WHAT ORDER/S DO YOU WANT?

Go to Appendix 1 to identify the order you would like the tribunal to make.

What are the reasons for requesting the above orders?

You must give a reason for each order you ask for. Your reasons must be detailed enough so that the respondent can understand what the dispute is about. If you do not provide this information your application may be dismissed. If there is insufficient space, you may attach additional information on a separate sheet.

PART D INTERPRETER

QCAT provides interpreters at the hearing upon request free of charge. If you require language assistance during the hearing, please specify the language. The assistance of an interpreter is subject to approval by the tribunal.

SIGNATURE

Check that you have provided all copies and relevant documents that form part of your application. Please sign and date your application.

WARNING

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information. Maximum penalty for such an offence – \$10,000.

OTHER INFORMATION

Copies of the application and providing copies to other parties

When lodging your original application and any attachments, you must also provide **two copies** of all of the documentation being lodged (3 copies in total). If there is more than one respondent, an extra copy of the application form and attachments must also be included for each additional respondent.

You must print out all electronic evidence

Sometimes evidence (such as photos or receipts) may be stored in an electronic device, such as a mobile phone, tablet or computer. Sometimes evidence may be stored on a CD or DVD. You must provide a printed copy of this evidence with your application if you wish to rely on it at the hearing. The Tribunal will not accept a CD or DVD for filing and will not consider evidence provided only in an electronic format.

Instructions for completing *(continued)*

Lodging an application

Please note that the matter will be heard at the registry where the application is lodged.

In person: At the Magistrates Court nearest to the rental property or QCAT, Level 9, 259 Queen Street, Brisbane, 4000.

By post: At the Magistrates Court nearest to the rental property or QCAT, GPO Box 1639, Brisbane QLD 4001.

To find your nearest Magistrates Court, look under 'Justice and Attorney-General' in the phone book or visit www.courts.qld.gov.au.

Applications must be accompanied by the prescribed application fee

For more information on QCAT fees visit www.qcat.qld.gov.au.

Payment can be made by cash, cheque (payable to Department of Justice and Attorney-General), money order or credit card payment authorisation (see Credit card payment authorisation form – MasterCard and Visa accepted).

Have you included a copy of all the relevant documents and evidence?

You should include a printed copy of any of the following documents that are relevant to your application:

- Notice of unresolved dispute from the Residential Tenancies Authority
- Written residential tenancy agreement (including any expired agreement) or any document that shows there is a residential tenancy agreement
- Letter authorising an agent to stand in the place of a lessor or a provider, if agent not otherwise included in written residential tenancy agreement
- Any notice under the *Residential Tenancies and Rooming Accommodation Act 2008* (such as a Form 11 Notice to remedy breach or Form 12 Notice to leave)
- If you are claiming for compensation or the rental bond, any document referred to in the list of claims
- If you are seeking orders other than compensation or the rental bond, any document referred to in the list of notices
- Rent ledger / rent receipts / bank statements showing rent
- Quotes, invoices and receipts
- Photos
- Any statutory declarations and affidavits from applicant or witnesses
- Letters, emails or other correspondence
- Any other document relevant to your claim

If you do not include these documents with your application, the tribunal may not allow you to refer to them at the hearing unless you can explain why they were not included with your application.

Appendix 1

Orders under the *Residential Tenancies and Rooming Accommodation Act 2008*

Please read this information before completing the application form.

An application should request at least one of the orders listed below. Refer to the section of the *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) for more details.

Electronic versions of the Act are available from the Office of the Queensland Parliamentary Counsel website at www.legislation.qld.gov.au. Printed copies of the Act are available from the Queensland Government Bookshop - phone 1800 801 123.

| URGENT APPLICATIONS AND ORDERS | | |
|--------------------------------|---|--|
| Residential tenancy agreements | | |
| Section | Orders that QCAT can make | Who can apply? |
| 359 | Compensation for abandonment of a property | lessor |
| 363 | The sale or disposal of goods abandoned on premises | lessor |
| 357 | Order to declare premises were abandoned | lessor |
| 363 | Entitlement to funds from sale of goods left in premises | lessor |
| 358 | Compensation after tenant remains in possession | lessor |
| 277 | Determine day agreement ends after death of sole tenant | lessor |
| 293 | Termination for failure to leave | lessor |
| 298 | Termination of short tenancy (moveable dwelling) due to incompatibility | lessor |
| 294 | Termination for failure to leave as intended | lessor |
| 356 | Dispute on a abandonment termination notice | tenant |
| 361 | Review of an abandonment order | tenant |
| 221 | The carrying out of emergency repairs | tenant |
| 60 | Order about lessor not providing agreement or taking amounts from prospective tenants | tenant |
| 191 | Order about failure to comply with maintenance obligation | tenant |
| 292 | Application to set aside notice to leave without ground | tenant |
| 460 | Breach of listing on tenancy database | tenant |
| 461 | Incorrect or unjust listing on tenancy database | tenant |
| 462 | Proposed listing on tenancy database | tenant |
| 309 | Application for termination for failure of lessor to remedy breach | tenant |
| 227 | Relocation because of emergency or for health or safety reasons | tenant, lessor |
| 220 | Payment for emergency repairs | tenant, lessor |
| 300, 316, 323 | Application for interim order about damage or injury | tenant, lessor, domestic associate, occupier |

URGENT APPLICATIONS AND ORDERS *(continued)*

Residential tenancy agreements

| Section | Orders that QCAT can make | Who can apply? |
|-------------------------|---|--|
| 201 | Order about rules of entry | tenant, lessor |
| 295, 310 | Termination for excessive hardship | tenant, lessor |
| 296, 311, 312, 321, 322 | Termination for damage or injury | tenant, lessor, domestic associate, occupier |
| 297, 313 | Termination for objectionable behaviour | tenant, lessor |
| 299, 315 | Terminated for repeated breaches | tenant, lessor |
| 365 | Application about goods left on premises | interested person |
| 245, 246 | Be recognised as tenant | domestic associate, occupier |
| 233 | Park – proposal to change park rules | objector, park owner |
| 455 | Park – exclude person from park | park owner |
| 418 | Declaration that the Act does or does not apply to an agreement | tenant, lessor |

NON-URGENT APPLICATIONS AND ORDERS

Residential tenancy agreements

| Section | Orders that QCAT can make | Who can apply? |
|----------|---|----------------|
| 155 | Declaration amount is not rental bond | lessor |
| 239 | Allow tenant to transfer or sublet | tenant |
| 430 | Dispute between co-tenants about rental bond | tenant |
| 94 | Rent decrease – premises are partly unfit to live | tenant |
| 92 | Rent increase is excessive | tenant |
| 49 | Set aside short tenancy extension statement | tenant |
| 71 | Significant change in subsequent agreement | tenant |
| 314 | Termination for incompatibility | tenant |
| 419 | About breach of agreement | tenant, lessor |
| 213 | About lock or key | tenant, lessor |
| 227 | About relocation | tenant, lessor |
| 424, 426 | Dispute ground in notice | tenant, lessor |
| 429 | General dispute | tenant, lessor |
| 64 | Have written agreement given and signed | tenant, lessor |
| 169 | Loss of amenity, a service or facility | |
| 97 | Payment of apportionment on the ending of agreement | tenant, lessor |
| 169 | Service charge | tenant, lessor |
| 137 | Tribunal order for payment of bond | tenant, lessor |
| 162 | About holding deposit | payee, payer |
| 243 | Be recognised as tenant because tenant left | occupant |

URGENT APPLICATIONS AND ORDERS

Rooming accommodation agreements

| Section | Orders that QCAT can make | Who can apply? |
|----------|---|--------------------|
| 395 | Abandonment – entitlement to receive money given to public trustee | provider |
| 273 | Declare proposed house rule is reasonable | provider |
| 366 | Determine day agreement ends after death of sole tenant/resident | provider |
| 373 | Set aside notice to leave/notice terminating agreement without ground | resident |
| 264 | Order about rules of entry | resident, provider |
| 377, 383 | Termination – excessive hardship | resident, provider |
| 376, 382 | Termination – repeated breaches | resident, provider |
| 418 | Declaration that the Act does or does not apply to an agreement | resident, provider |

NON-URGENT APPLICATIONS AND ORDERS

Rooming accommodation agreements

| Section | Orders that QCAT can make | Who can apply? |
|---------|---|--------------------|
| 274 | Declaration house rule is unreasonable | resident |
| 428 | Dispute about entry to resident's room or removal of resident | resident |
| 430 | Dispute between co-residents about rental bond | resident |
| 107 | Residents absence | resident |
| 419 | About breach of agreement | resident, provider |
| 252 | About lock or key | resident, provider |
| 425,427 | Dispute ground in notice | resident, provider |
| 429 | General dispute | resident, provider |
| 109 | Payment of apportionment on the ending of agreement | resident, provider |
| 106 | Rent decrease – loss of amenity, a service or facility | resident, provider |

Form 2 – Your application checklist:***Application for minor civil dispute –
residential tenancy dispute***

You can use this checklist to help ensure your application to QCAT regarding a residential tenancy dispute is correct and processed without delay. You do not need to submit this checklist as part of your application.

- If you are making a non-urgent application – you must attach a Notice of Unresolved Dispute from the Residential Tenancies Authority (RTA)
- If you are making a non-urgent application regarding a bond dispute have you advised the RTA that you have applied to QCAT (either within seven days or the specific period nominated by the RTA) to ensure the bond is not paid out?
- Have you included with your application a printed copy of all forms and documentation (e.g. affidavits, statutory declarations, witness statements, breaches, notices, copy of tenancy documentation) which you intend to rely on at a hearing?

Remember: You must print out all electronic evidence

Sometimes evidence (such as photos or receipts) may be stored in an electronic device, such as a mobile phone, tablet or computer. Sometimes evidence may be stored on a CD or DVD. You must provide a printed copy of this evidence with your application if you wish to rely on it at the hearing. The Tribunal will not accept a CD or DVD for filing and will not consider evidence provided only in an electronic format.

- Have you selected at least one kind of order in part C of the form?
- Have you answered all the questions on the application form that relate to your dispute?
- Are all details about the parties (applicant and respondent) and about the dispute included on the application form?
- Have you provided all pages of the application form? You must lodge all the pages of the application form, even if they are blank.
- Do you have the correct application fee ready, based on the amount of your claim?
- Have you provided the correct number of copies of your application and supporting material?
(The original for QCAT, plus a copy for each respondent, and a copy for yourself – all need to stamped with a QCAT stamp)
- Have you signed and dated your application?
- Are you lodging your application at the QCAT registry located at a Magistrates Court that is closest to the residential property, or at QCAT Brisbane?