

## Preparing for minimum housing standards – general tenancies

Minimum housing standards will come into effect for new tenancies from 1 September 2023 and for all tenancies from 1 September 2024. These new standards will apply to all types of tenancies, including general tenancies, moveable dwellings, and rooming accommodation agreements.

This fact sheet will help property managers and owners understand and prepare for the upcoming changes around minimum housing standards for general tenancies in Queensland.

### Overview of minimum housing standards

Minimum housing standards aim to ensure all Queensland rental properties are safe, secure and reasonably functional. The new standards will complement existing legislation, which states that a property must be fit to live in, in good repair and compliant with health and safety laws. To meet minimum housing standards, the rental property will need to meet the criteria outlined below.

### Safety and security

The property must:

- be weatherproof and structurally sound
  - the roofing or windows must prevent water entering the premises when it rains
  - the floor, walls, ceiling, roof and any decks or stairs must not be likely to collapse because of a rot, defect, or significant dampness
- be in good repair, with fixtures and fittings (such as electrical appliances) that are not likely to cause injury through normal use
- have functioning locks or latches on all external doors and windows that can be reached from outside the premises without a ladder
- be free from vermin, damp, and mould (this does not include cases where vermin, damp or mould has been caused by the tenant)
- have privacy coverings for windows in all rooms where the tenant could reasonably expect privacy, such as bedrooms. Privacy coverings for windows:
  - include blinds curtains, tinting and glass frosting
  - do not apply if the line of sight of someone outside the property and someone inside the property is blocked, for example if the window is obstructed by a fence, a hedge, tree, or other feature of the property.

### Reasonable functionality

The property must:

- have adequate plumbing and drainage for the number of people occupying the premises
- be connected to a water supply service or other infrastructure that supplies hot and cold water suitable for drinking
- provide privacy in bathroom areas
- have toilets that are all flushable and refillable, and connected to a sewer, septic tank or other waste disposal system
- have a functioning cooktop, if a kitchen is provided
- include the necessary fixtures for a functional laundry, such as tap fixtures and adequate plumbing, if laundry facilities are provided. The laundry does not have to include a washing machine or other white goods as these may be provided by the tenant.

## Options when a property does not meet minimum housing standards

There are different options available to tenants depending on if the property fails to meet minimum housing standards when they first move into the property or during the tenancy.

The property manager/owner is responsible for ensuring the premises and inclusions comply with prescribed minimum housing standards at the start and throughout the tenancy. The tenant is responsible for contacting the property manager/owner as soon as they become aware of any repairs that need to be made to the rental property.

The property manager/owner and the tenant should speak with one another and try to resolve any issues which occur during a tenancy. Self-resolution is often the quickest and easiest way to resolve tenancy issues.

### Option 1: Tenant moves out of the property within the first seven days of occupancy

From 1 September 2023, new tenants will have the option to end a tenancy within the first seven days of occupying the rental property if they believe it does not meet minimum housing standards. This builds on existing legislation, which allows tenants to end a tenancy within the first seven days of living at the property if it is not fit to live in, unsafe, or not in good repair.

If the tenant chooses this option, they will need to issue the property manager/owner with a [Notice of intention to leave](#) (Form 13) on the grounds that the property does not meet minimum housing standards, giving at least 14 days' notice to end the tenancy for a general tenancy agreement.

If the property manager/owner believes the property is in good repair and meets minimum housing standards, they may treat this as breaking the lease and seek compensation. If this occurs and the property manager/owner and the tenant cannot come to an agreement around compensation, either party can request [free RTA dispute resolution](#).

If the tenant and the property manager/owner still cannot come to an agreement, the party who requested dispute resolution can take the matter to Queensland Civil and Administrative Tribunal (QCAT), which has the authority to issue legally binding orders.

### Option 2: Tenant applies for a QCAT termination order on the grounds of misrepresentation within the first three months of occupancy

As is the case under current legislation, the tenant can apply to QCAT to request a termination order on the grounds that the property manager/owner gave false or misleading information about the condition of the premises or its inclusions. This is classified as a non-urgent tenancy dispute by QCAT, which means the matter must go through [free RTA dispute resolution](#) before it goes to QCAT.

To do this, **the tenant must apply for RTA dispute resolution within the first three months of living at the rental property**. If dispute resolution is unsuccessful, the RTA will issue the tenant with a *Notice of unresolved dispute* and the tenant can make an application to QCAT for an order to terminate the tenancy.

QCAT will give both the tenant and the property manager/owner an opportunity to present evidence before deciding if they will issue an order to terminate the tenancy. The tenant must continue to pay rent while the matter is under dispute.

### Option 3: Tenant requests emergency repairs to the property

Once minimum housing standards come into effect, repairs that are required to make the rental property comply with minimum housing standards will be classified as emergency repairs. This means tenants can follow the process for emergency repairs if they believe that the property does not comply with the prescribed minimum housing standards.

The full process is outlined on the [emergency repairs webpage](#).

### Option 4: Tenant makes an urgent application to QCAT for a repair order

A repair order is an order made by QCAT addressing any repairs which are needed to the rental property or its inclusions.

The tenant will be able to make an urgent application directly to QCAT for a repair order if a rental property does not comply with minimum housing standards and either:

- have not been able to notify the nominated repairer or the managing party about the need for repairs and have been unable to arrange for a suitably qualified person to carry out emergency repairs themselves
- the emergency repair was not made within a reasonable time after the tenant notified the managing party or nominated repairer.

QCAT will provide a copy of the repair order and any time extensions granted to the RTA.

Find out more in the [Repair orders fact sheet](#).

## Option 5: Tenant applies for free RTA dispute resolution about making repairs

The tenant can go directly to QCAT for a repair order. However, a tenant may choose to use the RTA's free and impartial dispute resolution service before going to QCAT, even if they are attempting to address the emergency repairs.

If the tenant would like to request RTA dispute resolution, they need to issue the property manager/owner with a [Notice to remedy breach](#) (Form 11) and provide them with a timeframe for the repairs to be fixed (minimum of seven days). If the property manager/owner fails to rectify the issue within the timeframe, the tenant can lodge a dispute resolution request with the RTA via the [Dispute Resolution Web Service](#) or the [Dispute resolution request](#) (Form 16).

If the tenant and the property manager/owner cannot come to an agreement through dispute resolution, the party who requested dispute resolution can apply to QCAT for a decision.

**Important:** Applications to QCAT must be made within 6 months of the property manager/owner or tenant becoming aware of a breach of an agreement. Tenants should consider this when deciding if they want to go through RTA dispute resolution to ensure their application does not fall outside of this time limit.

Find out more on the [dispute resolution webpage](#).

## If the actions of the tenant cause the property to fail to meet minimum housing standards

Throughout the tenancy, the tenant is responsible for keeping the rental property clean and for not intentionally damaging the property. If the rental property fails to meet minimum housing standards because of issues caused by the actions of the tenant, the property manager/owner can issue the tenant with a [Notice to remedy breach](#) (Form 11) and the tenant may have to pay for the repairs.

See the [tenant breaches the of agreement webpage](#) on the RTA website for more information.

## Accessing RTA forms

The RTA's forms can be obtained electronically or in person via:

• [rta.qld.gov.au](http://rta.qld.gov.au) • 1300 366 311 (Mon – Fri: 8.30am – 5.00pm) • Level 11, Midtown Centre, 150 Mary Street, Brisbane



**Other languages:** You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8.30am to 5.00pm).

### Further information

For more information contact the Residential Tenancies Authority.



[rta.qld.gov.au](http://rta.qld.gov.au)



1300 366 311



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### Disclaimer:

*This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.*

v2 Aug23

