

**Question on Notice**  
**No. 2143**  
**Asked on Thursday 10 November 2016**

**MR WEIR** ASKED THE MINISTER FOR HOUSING AND PUBLIC WORKS (HON M DE BRENNI) —

Will the Minister advise what avenues does a private landlord have despite following the correct processes through the Residential Tenancy Authority if wishing to evict a tenant who is (a) in arrears in their rental payments, (b) has extensively damaged property and (c) refused to vacate the residence after police intervention?

**ANSWER**

The Residential Tenancies Authority (the RTA) regulates the rights and obligations of tenants, landlords, agents and providers of residential tenancies and rooming accommodation agreements in Queensland under the *Residential Tenancies and Rooming Accommodation Act 2008* (RTRA Act).

Private landlords, agents and tenants have specific contractual responsibilities at the start of an agreement, during an agreement and at the end of an agreement. For tenants, this includes paying the rent on time and not causing intentional or reckless damage to the property, with the exception of fair wear and tear.

Under the RTRA Act, falling behind in the rental payments during a tenancy or causing serious intentional or reckless damage to a rental premises are both considered a breach of the agreement made between a private landlord or agent and a tenant.

The RTA encourages tenants and landlords to resolve tenancy disputes quickly without the need for legal action where possible by using the RTA's free dispute resolution service, however if dispute resolution is not an option or has not resolved a matter, there are clear processes under the RTRA Act that are available to landlords and agents to action a breach of a tenancy.

The action that can be taken will vary depending on the type of rental accommodation, the type of agreement, the number of days the rent is behind, the type of damage and any previous actions that may have already occurred in relation to the situation including if there have been previous breaches for the same problem.

These processes can include issuing a Notice to Remedy Breach, issuing a Notice to Leave, or making a direct application to the Queensland Civil and Administrative Tribunal (QCAT) to terminate the tenancy or make a decision about compensation for damage or payment of rent arrears.

When a QCAT order terminates a tenancy, QCAT will issue a Warrant of possession which will be forwarded to the local police station. The Warrant of possession allows the landlord or agent to regain possession of the property if the tenant won't voluntarily leave. The police do not automatically execute a warrant, however they do assist if the landlord or agent asks them to do so, and obstructing a person executing a warrant, including failure of a tenant to vacate is an offence and a matter for the police.