

Fact sheet

Goods and documents left behind

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) contains provisions dealing with goods and documents that are left behind by tenants when they leave or abandon premises.

Goods and documents may only be dealt with in the manner described in this fact sheet once the tenancy agreement has ended and the lessor/agent reasonably believes that the goods and documents have been abandoned.

Failure to deal with goods and documents in the way described can be reported to the Investigations Unit of the Residential Tenancies Authority (RTA) and may incur penalties.

The tenancy agreement must be ended

The tenancy agreement must be ended before the lessor/agent can remove any goods and documents that are left by the tenant.

See the *Ending a tenancy agreement* fact sheet and *Abandoned premises* fact sheet for more information about ending agreements.

Personal documents left behind

Documents are defined in the Act to mean personal documents and money.

Personal documents such as passports, birth certificates, photographs and money found on the premises must be given to the tenant or the Public Trustee within seven days from the date the tenancy agreement was ended, or the documents were found.

Disposal of goods

After the tenancy agreement has ended, the lessor/agent may dispose of the goods left behind by the tenant where:

- the total market value of the goods is less than \$1500, or
- storage of the goods would be unhealthy or unsafe, or
- storage of the goods would cause their market value to be completely or substantially reduced, or
- the cost of removing, storing and selling the goods would be greater than the amount raised in the sale of the goods.

If the goods do not fall into one of the above categories, the lessor/agent must store the goods for one month. If the goods are a moveable dwelling, the contents of a moveable dwelling, or other goods used in the occupation of a moveable dwelling, they must be stored for three months.

Sale of goods left behind

After the storage period has expired, the goods must be disposed of by auction unless the Tribunal orders their disposal by another method. The lessor/agent may apply to the Tribunal for an order about the disposal of the goods.

A notice of the auction must be placed in a newspaper circulating in the area where the goods were abandoned. The notice must describe the goods and state the day, time and place of the auction, which must be at least seven days after the notice is published.

The lessor/agent may deduct costs for the removal, storage and sale of the goods from the money raised through the sale. Any money remaining from the proceeds of the sale must be paid to the Public Trustee within 10 days of the sale.

The lessor/agent may apply to the Tribunal to claim money from the sale proceeds for costs such as rent arrears, cleaning or damage to the premises caused by the tenant.

Tenants claiming goods

A lessor/agent must not refuse a tenant, or another owner of goods, access to their goods and must not withhold their goods. However, the tenant may be asked to pay the storage and removal costs before their goods are released.

Seizure of a tenant's goods and documents in exchange for rent owing or other damages (e.g. repairs or cleaning) is not permitted by the Act. A lessor/agent may be subject to a penalty if they unlawfully seize or withhold the tenant's property.

Theft of goods and documents can be treated as a criminal matter and can be reported to the Police.

People dissatisfied with the process

If the tenant (or a person other than the tenant, who is the owner of goods) is dissatisfied with the way in which a lessor/agent has dealt with goods, they can make an urgent application to the Tribunal for the matter to be considered. The Tribunal may make orders for compensation or other orders which may be appropriate. The RTA's information sheet *Handling tenancy disputes in the Tribunal* may assist tenants or lessor/agents in applying to the Tribunal. It is available from the RTA website or by contacting the RTA.

Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

Accessing RTA forms

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

- rta.qld.gov.au
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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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.