



Fact sheet



Residential Services (Accommodation) Act 2002

Goods and documents left behind

The *Residential Services (Accommodation) Act 2002* (the Act) has rules for the storage and disposal of goods and documents left behind by a resident when they leave boarding houses, hostels, aged care rental complexes and rooming style student accommodation in Queensland.

Ending the residential service agreement

The residential service agreement must have ended before the service provider can remove any goods and documents left behind by the resident. Service providers must deal with goods and documents left behind in accordance with the Act, and cannot use the goods for rent owing, or for damage.

See the *Ending a Residential Service Agreement* Fact Sheet for more information about termination.

Personal documents and money left behind

The service provider must make reasonable efforts to contact the resident to return money or personal documents such as passports, birth certificates, photographs left on the premises. The service provider must store these items safely during this period. The service provider is required to give personal documents and money to the Public Trustee if it is not claimed within 28 days. If the property includes money, the service provider may keep money owed under the residential service agreement before passing the remaining money and property to the Public Trustee.

Goods left behind

The service provider may dispose of the goods left behind by the resident where:

- the total market value of the goods is less than \$100, or
- the goods are perishable.

If the goods are worth more than \$100 or are not perishable, the service provider must store the goods for 28 days and make reasonable efforts to contact the resident.

After 28 days the service provider must continue to store the property that has not been reclaimed. The service provider may then choose to either:

- sell the property but only after advertising the sale in a newspaper that circulates in the area the rental premises are situated, or
- where the goods are valued at less than \$500.00 – donate the property to charity.

Sale of goods left behind

Where the service provider decides to sell the goods, they must be advertised for sale in a newspaper circulating in the area where the goods were left behind.

The service provider may use the money raised from the sale of the goods to:

- cover the reasonable costs for the storage, advertising and sale of the goods, and
- pay any outstanding amount owed by the resident under the residential service agreement.

Any remaining money must be paid to the person entitled to the property (if located by the time of sale) or to the Public Trustee.

Resident claiming goods

If the resident reclaims the property before it is disposed of, and pays the service provider any reasonable costs, of, for example storage and advertising, then the service provider must give the property to the resident.

Requirement to deal with the property only as provided under Act

Goods and documents may only be dealt with under the Act after the residential service agreement has ended and if the service provider reasonably believes the goods and documents have been left behind.



Failure to deal with the goods and documents in the way described can be reported to the Residential Tenancies Authority and can incur penalties.

For example, taking the resident's goods and documents in exchange for rent owing, or other damages (repairs or cleaning), is not permitted by the *Residential Services (Accommodation) Act 2002*. A service provider may be subject to a penalty if they unlawfully withhold the resident'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

A person entitled to the property who is the owner of the goods and who is dissatisfied with the way the service provider has dealt with the goods, can apply to the Tribunal for compensation, or other orders which may be appropriate.

Before making an application to the Tribunal the person must lodge a *Dispute Resolution Request* (Form R16) with the RTA (see also the *Dispute Resolution* Fact Sheet).

Further information

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

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 call centre on 1300 366 311
- Visiting the RTA offices at 33 Herschel St, Brisbane
- Fax a *Request for Forms* to 3216 2258
- Call the Forms Distribution Service on 1300 136 939
- Post a *Request for Forms* to the Forms Distributor:
Post Logistics, 52-54 Qantas Drive,
Eagle Farm 4009

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

Disclaimer

This Fact Sheet is prepared for information only. The Residential Services (Accommodation) Act 2002 and the Residential Services (Accreditation) Act 2002 are the primary sources on the law and take precedence over this Fact Sheet should there be any inconsistency between the Acts and this Fact Sheet.

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