



Fact sheet



Residential Services (Accommodation) Act 2002

House Rules

The *Residential Services (Accommodation) Act 2002* (the Act) allows service providers to make house rules about boarding houses, hostels, aged rental complexes and rooming style student accommodation in Queensland.

What are house rules?

House rules are rules about the use, enjoyment, control and management of rental premises in which residential services are provided. There are two types of house rules:

- prescribed house rules which apply to all residential service, and
- house rules that apply to individual premises.

A breach of a house rule is considered a breach of a term of a residential service agreement.

What are the prescribed house rules?

The prescribed house rules which follow are outlined in the *Residential Services (Accommodation) Regulation 2002*, section 4 and apply to all residential services:

1 Residents' and guests' behaviour

- (1) Residents must not interfere with the reasonable peace, comfort or privacy of other residents.
- (2) Residents must ensure their guests do not interfere with the reasonable peace, comfort or privacy of other residents.

2 Maintenance of rooms

- (1) Residents must maintain their rooms –
 - (a) in a way that does not interfere with the reasonable comfort of other residents, and
 - (b) in a condition that does not give rise to a fire or health hazard.
- (2) Residents must not intentionally or recklessly damage or destroy any part of their rooms or a facility in their rooms.

3 Common areas

- (1) The service provider must take reasonable steps to ensure the common areas, and facilities provided in the common areas, are kept safe, clean and in good repair.
- (2) Residents must leave common areas neat, clean and tidy after using them.
- (3) Residents must ensure their guests leave common areas neat, clean and tidy after using them.
- (4) Common areas may include lounge or television room, dining room, toilets and bathrooms, kitchen, hallway, patio or yard.

4 Guests

Residents must ensure their guests are aware of the house rules for these premises.

5 Access to residents' rooms

- (1) The service provider must take reasonable steps to ensure residents have quiet enjoyment of their rooms.
- (2) The service provider must not enter residents' rooms other than as provided under the *Residential Services (Accommodation) Act 2002*.

6 Door locks and keys

- (1) Residents must not tamper with, or change, a door lock in the premises.
- (2) Residents must not make copies of keys without the service provider's permission.

7 Animals

Residents must not keep an animal on the premises without the service provider's permission.

Can the service provider make additional house rules?

Yes. In addition to the prescribed house rules, a service provider may make house rules for the rental premises about:

- using shared facilities
- parking motor vehicles



- drinking alcohol or illegally consuming other drugs
- making noise, or
- keeping pets.

The service provider can make house rules to meet the special situations of their service. For example, one service may have a rule that the kitchen closes at 11pm and will re-open at 6am, while another that caters to shift workers might have the rule that the kitchen is open 24 hours a day but residents are asked to keep noise to a minimum between 11pm and 6am. Provided the rule is about one of the headings listed above and is not in conflict with the prescribed rules, it can be a house rule.

Some examples of house rules the service provider can make include:

- Motor vehicles must be parked in the bays provided.
- No alcohol may be consumed on premises.
- No pets allowed.

Can house rules be made about other matters?

House rules can only be made about those topics identified in s57 of the Act (refer to above section).

The service provider may include requirements outside of these rules as a special term of the residential services agreement, such as “smoking is not allowed in residents’ rooms” provided they are not inconsistent with the Act or prescribed house rules.

Making house rules available to residents

Service providers must give a copy of the house rules to all prospective residents before they enter a residential service agreement.

The house rules for a service must also be displayed at all times in a place where residents are likely to see them, such as a notice board in a common area.

Penalties may apply if they are not complied with.

How are house rules changed?

If a service provider wants to change a house rule, or make a new one, there are steps they must follow.

- The service provider must give each resident a notice stating the proposed change and when

the change will commence. The notice must state that the resident can object to the change and tell them how they can do this. At least 7 days notice must be given of a rule change.

- Objections to rule changes must be made by a resident in the form of a written notice and can only be made because the resident believes the change is unreasonable.
- If less than 50% of residents object to the rule change it can go ahead as proposed.
- If at least 50% of the residents object to the rule change, it does not go ahead as proposed. The service provider must give a notice to each resident advising that at least half of the residents have objected and that the change will not take effect.
- The service provider may make an application to the Small Claims Tribunal (SCT) seeking a ruling that the new rule or rule change is reasonable. An application to the SCT must include copies of the objections. Any application to the SCT must be preceded by completing a *Dispute Resolution Request* (Form R16) and submitting it to the RTA.
- The SCT will consider whether the change is reasonable or not and may change the rule to make it reasonable if this is required. If declared to be reasonable, the rule will take effect on a day decided by the SCT.

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

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.

July 2008

Version 409.02