



Fact sheet



Residential Services (Accommodation) Act 2002

Residential Service Agreements

A residential service agreement is the agreement between the resident and the service provider which sets out the terms that apply to the resident's stay in the accommodation. Both residents and service providers must abide by the terms of the agreement. The *Residential Services (Accommodation) Act 2002* (the Act) states what must be included in every residential service agreement in private boarding houses, supported accommodation services, aged rental accommodation and rooming style accommodation in Queensland.

A residential service agreement includes standard terms stated in the Act and Regulation covering the rights and responsibilities of residents and service providers and can also include special terms as agreed between the resident and service provider. A copy of the house rules must also be given to the resident, as these form part of the terms of the agreement.

A *Standard Residential Service Agreement* (Form R18) is available from the Residential Tenancies Authority.

Types of residential service agreements

A residential service agreement can be for a:

- fixed term which means an agreement for a set period, such as six months, or
- periodic arrangement which means an agreement which has no set ending date and which operates on, for example, a fortnight to fortnight basis.

Does the agreement have to be in writing?

Under the *Residential Services (Accommodation) Act 2002*, residential service agreements must be in writing. They must:

- be written clearly
- give the service provider/agent's name, address and any phone number
- give the resident's name and any phone number

- fully describe the services to be provided
- say how much rent is to be paid and how and when it is to be paid
- state how much of rent paid is for accommodation and for any food, personal care and other services provided
- for fixed term agreements, state the term which applies, and
- be signed by all parties.

What is the service provider responsible for?

The service provider is responsible for:

- meeting all the costs of preparing the residential service agreement
- ensuring the proposed agreement contains all the terms of the agreement
- giving a copy of the proposed agreement to the resident before the service provider signs it
- once the resident has signed the agreement, the service provider should sign it and return a copy to the resident within 3 days. The agreement must be signed by all parties
- making sure the room is available for the resident to occupy.

There are penalties in place if the service provider fails to provide a written service agreement.

What if the resident or service provider doesn't abide by the terms of the residential service agreement?

If either party to the agreement doesn't act in accordance with the terms of the agreement, or the Act, it may be considered a breach. The Act outlines processes to follow when a breach has occurred, including possible termination of the agreement. For more information, refer to the *Dispute Resolution and Ending a Residential Service Agreement* Fact Sheets.



How can residential service agreements be ended?

Residential service agreements can only be ended in a way approved by the Act. Eviction of residents by service providers without following the steps in the Act is unlawful and can result in penalties. See the *Ending a Residential Service Agreement* Fact Sheet for more information.

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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