

Article Information

Authors: Maria Capati, Kara Pennisi, Peter Dwyer

Service: Leasing, Property & Development, Strata & Community Title

Sector: Real Estate

Queensland's Rental Law Reform: New Obligations for Landlords

From 1 October 2022, numerous changes to residential tenancy law will begin to be implemented under Stage 1 of the Housing Legislation Amendment Act 2021 in order to better regulate Queensland's leased properties, increasing the obligations of landlords. Body corporates will need to ensure the new regulations are complied with in their schemes.

Key takeaways

- Commencing from 1 October 2022, landlords will have **increased** repair and maintenance obligations in line with the staggered introduction of Minimum Housing Standards from 1 September 2023;
- From 1 October 2022, there will be **increased** protections for renters in ending tenancies;
- From 1 October 2022, reforms will make it **easier** for renters to **keep pets**.

Minimum Housing Standards

The Minimum Housing Standards will apply to new leases entered into from 1 September 2023 and all tenancies from 1 September 2024. They will require rental premises to be weatherproof and structurally sound, fixtures and fittings to be in good repair, and free from pests, damp and mould, to name a few.

Other changes are coming into effect before the Housing Standards are implemented in 2023. From 1 October 2022, tenants will need to return the entry condition report within 7 days of occupying the premises (instead of 3 days) and can authorise emergency repairs up to the equivalent of four weeks' rent (instead of two weeks' rent).

Rental property owners should take note of the new Housing Standards and plan ahead for any work that may be needed to comply with the legislation by 1 September 2023. The new regulations may lead to disputes in body corporate schemes as to who is responsible for what - the owner or the body corporate. Property owners should aim to clarify their personal obligations with the body corporate prior to the Housing Standards being enforced in September 2023.

Ending tenancies

Under the amendments, landlords will no longer be able to end tenancies 'without grounds', while tenants will continue to be able to. Tenants will also be able to end tenancies in situations where the property is not in good repair or fails to meet the Minimum Housing Standards. This may lead to disputes with tenants over whether the property is compliant with the Housing Standards.

There will nonetheless be new grounds for landlords to end tenancies, such as the end of a fixed term agreement, to undertake significant repair or renovation, or in preparation for sale of the property. However, where there has been a serious breach of a lease by a tenant, landlords will have to seek an order from QCAT to **terminate** the tenancy.

Pets

The changes will make it easier for tenants to keep pets. Property owners can only refuse a request to keep a pet on identified reasonable grounds, such as it if would breach by-laws. Consent may be subject to conditions such as only keeping the pet outside. If property owners do not respond to requests within 14 days, consent will be implied.