

COVID-19 AND ENDING A TENANCY DUE TO DOMESTIC VIOLENCE

Recent changes to tenancy law as part of the Queensland Government's response to the COVID-19 Public Health Emergency has made it quicker and easier for anyone experiencing domestic violence to end their tenancy.

If you are experiencing domestic violence and you and/or your children are not safe and you need to leave your home, you can end your tenancy by giving your real estate agent (or landlord if there is no agent involved) a *Domestic and Family Violence Notice Ending Tenancy*. This form is available on the Residential Tenancies Authority (RTA) website. You must also provide approved evidence of domestic violence at the time you submit your Notice.

WHAT EVIDENCE DO I NEED?

Approved evidence means a copy of:

- a domestic violence protection order (including a temporary order or interstate order);
- a Police Protection Notice; or
- a family law personal protection injunction.

WHAT IF I DO NOT HAVE AN ORDER?

If you do not have an order, you can provide a *Domestic and Family Violence Report* by an authorised professional. This form is available on the RTA website. An 'authorised professional' can be any of the following people you may be working with:

- a doctor;
- a social worker;
- a refuge, crisis or domestic violence worker;
- a support worker or case manager;
- a solicitor; or
- an Aboriginal and Torres Strait Islander medical service.

You do not need to give your agent/landlord a copy of your order or the *Domestic and Family Violence Report*, but you must show them a copy. You do not need to provide details of the domestic violence and your agent/landlord cannot ask you for the details.

WHEN DOES MY TENANCY END?

Your tenancy will end seven (7) days after you give the Notice and approved evidence to your agent/landlord. Although you can leave before then, you must continue to pay rent until the end of this period. To work out this date, count seven days from the day the Notice and evidence is given to the agent/landlord. (i.e. if given on 1 May 2020, you must pay up to and including 8 May 2020).

CAN THEY REFUSE MY NOTICE?

Your agent/landlord can only refuse your Notice if it is not in the approved form and/or not accompanied by approved evidence. If your landlord refuses to accept your Notice, you should get legal advice.

WHAT ABOUT MY BOND?

After the seven (7) day period has expired, you should lodge a *Refund of Rental Bond* (Form 4), to reclaim your portion. Your agent/landlord cannot charge you any reletting costs or make you pay for any damage caused by the violence you experienced. If there is a dispute about your bond, get legal advice.

WHAT IF I NEED FURTHER HELP?

The following Services may be able to provide you with free tenancy information and/or legal advice:

- North Queensland Women's Legal Service: 4033 5825 (Cairns) or 4772 5400 (Townsville).
- Aboriginal and Torres Strait Island Women's Legal Service (Townsville): 1800 082 600.
- Aboriginal and Torres Strait Islander Legal Service (ATSILS): 1800 012 255.
- Legal Aid Queensland: 1300 65 11 88.
- Queensland Indigenous Family Violence Legal Service (QIFVLS): 1800 887 700.
- Queensland Statewide Tenant Advice & Referral Service (QSTARS): 1300 744 263.
- Residential Tenancies Authority: 1300 366 311.

Alternatively, you can contact a private lawyer. The Queensland Law Society's 'Find a Solicitor' tool may assist in this regard: <http://www.qls.com.au>.

There are many Services that specialise in providing non-legal help or support. Please ask us for their contact details if this would be beneficial to you.