

Landlord and tenants: be prepared for natural disasters

Prepared by the Residential Tenancies Authority (RTA)

When faced with the prospect of a natural disaster, it's important for landlord and tenants to keep in contact. Taking time to communicate and prepare before a major event minimises the chance of tenancy disputes later on.

Tenants and landlords should talk to each other about the rental property and decide what preparations will be done and who will do them.

Keeping on top of general property maintenance will make it easier to prepare for a natural disaster.

Landlords

It is the landlord's responsibility to make sure a rental property is maintained and kept in good working order. The landlord is responsible for repairing or replacing fixtures which have deteriorated due to fair wear and tear.

Doing regular inspections is an important part of managing a tenancy and planning for storm season.

Before summer, landlord should:

- trim trees
- unblock drains
- clear gutters and downpipes
- fix any broken windows and replace missing louvers
- on acreage properties ensure clear access to the property, remove fallen trees etc.

The landlord is responsible for house/building insurance. If it is a furnished property, the landlord is also responsible for contents insurance, but not for insuring the tenant's personal possessions.

Tenants

Tenants should be aware of general wear and tear to the property, and should report any fixtures which need replacing or repairing as soon as they notice the problem.

If the tenant causes any damage they are responsible for covering the cost of any repairs, such as clearing drains blocked as a result of putting objects down them.

Before storm season, tenants should:

- clear the yard of any loose materials which may become wind-blown hazards
- secure outdoor furniture and any children's play equipment
- report ceiling leaks or signs of roof damage
- report any windows and doors which don't close properly or are not secure.

Tenants are responsible for insuring their personal possessions. Keep copies of any insurance policies in a safe place.

After a natural disaster

Landlord and tenants should **talk to each other** as soon as possible to discuss the state of the rental property, and determine if any action needs to be taken.

If repairs are required, it is usually the landlord's responsibility to organise and pay for repairs. They should negotiate with the tenant to find a suitable time for the repairs to be done.

If the property has been affected but it is agreed the tenant can continue to live there, in some cases the tenant and landlord may choose to **negotiate a rent reduction**.

If the property is deemed **unliveable** and the **tenant has to live elsewhere** for a short period while the property is being fixed, the landlord and tenant can negotiate amendments to their agreement regarding rent payments for that period.

The landlord is not allowed to evict the tenant in favour of another tenant who will pay higher rent. Heavy penalties apply.

If the property becomes unsafe to live in, either the tenant or the landlord has to officially end the tenancy agreement by issuing the relevant form.

If the landlord asks the tenant to leave but the tenant wants to stay, the tenant can dispute the request to leave. But if the property is deemed unliveable and the tenant refuses to leave the landlord can apply to the **Queensland Civil and Administrative Tribunal (QCAT)** for a termination order due to failure to leave.

In all the above cases, if direct negotiations between the tenant and landlord are not successful, the RTA offers a **free dispute resolution service**. If cases still cannot be resolved, matters can be decided by QCAT.

Call 1300 366 311 for tenancy information or dispute resolution services or visit www.rta.qld.gov.au for more information.