

<b>Date of Review</b>	<b>Authorised Signature</b>
See Version Tracking Table	

**TITLE:** **04.09 Housing Services Bond Policy**

**SCOPE:** RQ Housing Portfolio

**POLICY:** RQ requires all tenants to pay a Bond at the time of signing a tenancy agreement with RQ, in accordance with the RTRAA. Applicants will not be denied housing as a result of their inability to pay a Bond and RQ will work with the tenant to identify a solution which does not place an unreasonable financial burden on the applicant.

**PURPOSE:** To provide guidelines for the collection, lodgement and refund of rental bonds.

**DEFINITION/S:** RQ - Roseberry Qld  
 General Manager also refers to Acting General Manager  
 Staff refers to all paid and unpaid workers  
 LTCH – Long Term Community Housing  
 CMSU – Community Managed Studio Units  
 EEH – Employment and Education Housing  
 RTA – Residential Tenancies Authority  
 RTRAA – Residential Tenancy and Rooming Accommodation Act 2008  
 QCAT – Queensland Civil and Administrative Tribunal  
 RPM – Rental Property Management software

**PROCEDURES:** **04.09.01 Bonds and Housing Program Types**

1. RQ Housing Services charges Bond on all properties in the LTCH, CMSU, EEH programs.
2. A bond is not charged for CAP properties, as per Homelessness Program Guidelines, Specifications and requirements February 2017.
3. The Bond will be equivalent to four weeks rent. For general tenancies the law says if the rent is \$700 or less per week, the maximum bond amount is four weeks rent. If the weekly rent is higher than \$700, the amount of bond should be negotiated between the lessor/agent and tenant. The law gives no maximum amount where the weekly rent is higher than \$700.
4. The maximum amounts stated in the Act apply to all bonds, no matter what they are called (e.g. pet bond) or how many bonds are taken.

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#### **04.09.02 Bond Receipt**

1. If the bond is paid by cash the RQ Housing Officer will provide a receipt for the bond money, showing:
  - a) Date on which the bond was paid
  - b) Name/s of the tenant/s
  - c) Amount received
  - d) Address of the premises and
  - e) Signature of the RQ Housing Officer.

#### **04.09.03 Bond Loans**

1. Tenants will be advised that bond loans through the relevant State or Federal Government agency/ies are available for eligible persons. It is the tenant's responsibility to speak to the relevant State or Federal Government agency/ies and to apply for a Bond Loan, however RQ Housing Officers will assist if necessary or requested. Tenants will be advised that an application for the bond loan must be made 24 hours prior to moving in to the property.
2. The relevant State or Federal Government agency/ies will fax through and email, confirmation of the tenant's bond loan approval. They will provide the tenant with a bond lodgement form to sign and give to RQ.

#### **04.09.04 Bond Lodgement**

1. The RQ Housing Officer provides a Bond Lodgement Form to be completed and signed by both the Housing Officer and the tenant/s when the bond is paid.
2. The RQ Housing Officer gives the tenant the second copy of the Bond lodgement form and a third copy is kept on the tenant's file. The original copy goes to the RTA along with the payment. If the tenant has paid cash, payment will be made to the RTA by BPay and online systems.
3. The RQ Housing Officer lodges the form and requests payment to the RTA. Payment is made by the Business Team to the RTA within 10 days of receiving the bond payment.

#### **04.09.05 Payment of Rental Bonds by Instalment**

1. If a tenant is not eligible for the relevant State or Federal Government agency/ies bond loan and does not have the bond amount up front the tenant may enter into a Bond Payment by Instalment Agreement.
2. If a tenant agrees to make fortnightly instalments for the payment of their bond, the RQ Housing Officer will make part payments of rental bond to the RTA on a monthly basis. The Housing Officer will generate bond lodgement

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form and BPAY details for the Business Team to make payment to the RTA. The RTA Bond Lodgement Form is submitted electronically.

#### **04.09.06 Applying for a Bond Refund**

1. Once the tenancy is ended and the tenant has vacated the premises, the RQ Housing Officer will review the tenant's file and the results of the exit inspection of the premises. An Exit Condition Report is completed and checked against the original.
2. An itemised record is made of any costs to be recovered from the bond including:
  - rent arrears;
  - damage to property;
  - cleaning fees, including carpet clean
  - changing of locks
3. Where necessary, professional quotes are obtained in accordance with the property management procedures.
4. If there are no costs to be recovered by RQ, the RQ Housing Officer will complete and sign a Refund of Rental Bond and give it to the ex-tenant to lodge by posting to the RTA.

#### **04.09.07 Cost Recovery from the Bond**

1. If the Housing Officer and the Tenant agree to certain costs to be paid from the Bond, a Refund of Rental Bond form is completed by both parties after the premises are inspected.
2. If the Tenant and the RQ Housing Officer fail to reach an agreement about deductions from the Bond, the RQ Housing Officer will complete the lessor's portion of the form and post it with the relevant section of the Exit Condition Report directly to the RTA along with a Dispute Resolution Request.
3. Any necessary information regarding the termination of the tenancy and the reasons for claiming against the bond is kept in the tenant's file.
4. Because the RTA will process the first claim it receives, the Housing Officer should post this form as soon as possible.

#### **04.09.08 Notice of Claim**

1. If the RTA receives the tenant's form first, the RQ Housing Officer will receive a Notice of Claim from the Authority.
2. The RQ Housing Officer must notify the RTA within 7 days of their intention to contest the claim. If the RTA

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does not receive notification within 14 days the money will be paid to the tenant.

#### **04.09.09 The Mediation Notice**

1. If the allocation of the bond is disputed, the RTA will send both parties a Mediation Notice. The RQ Housing Officer must notify the RTA within 7 days of their intention to mediate the dispute. If the RTA does not receive notification within 14 days the claim will lapse and the money paid to the tenant.
2. If necessary, the RQ Housing Officer will pursue payment for damages to the point of mediation.

#### **04.09.10 Mediation**

1. The RTA will notify the RQ Housing Officer of mediation arrangements within 7 days.
2. If the mediation is successful the money will be paid immediately in the manner agreed upon.
3. If the mediation is not successful, the RTA will issue a Notice of Unsuccessful Mediation.

#### **04.09.11 Notice of Unsuccessful Mediation**

If the RQ Housing Officer receives a Notice of Unsuccessful Mediation, they will immediately:

- Contact QCAT to establish the likely costs of pursuing the matter;
- Speak with the RCS Housing Services Manager to assess the tenant's capacity to pay and
- Send copies of the relevant information to RQ Housing Services Manager who will make a decision to progress to the QCAT.

#### **04.09.12 QCAT**

If the decision is to proceed, the RQ Housing Officer has seven days to notify the RTA and make an application to QCAT for a hearing.

#### **04.09.13 Recording a Bond Payment**

1. If RQ receives money from a bond refund, the RQ Housing Officer records it in all of the following:
  - a) The ex-tenant's file on RPM
  - b) The relevant property file
  - c) The record of income according to the finance procedures in RPM, updating the Bond Held by RTA

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- balance in RPM, together with applying the bond refund against rent arrears and /or repairs charges.
- d) The RTA requires that information relating to bond refund be held for at least 12 months.

#### 04.09.14 Documentation

The RQ Housing Officer will keep a record of the information gathered and actions taken. This, and copies of any forms relating to the tenancy, will be kept in the tenant's file.

**ACCOUNTABILITY:** RQ Housing Officers  
RQ Housing Manager

**EVALUATION METHOD:** Annual Tenant Survey  
Review of Complaints Register

**OTHER RELATED POLICIES / DOCUMENTS:** Community Housing Rent Policy  
Housing Act 2003  
Housing Regulation 2017  
02.17 Complaints, Appeals and Disputes Policy  
RQ Housing Services Information Sheet – How to Make a Complaint or Appeal a Decision.  
RTA Form 2 Bond Lodgement Form  
RTA Form 1 Entry Condition Report  
RTA Form 14a Exit Condition Report  
RTA Form 4 Refund of Rental Bond  
RTA Form 16 Dispute Resolution Request

Policy Review and Version Tracking				
Review	Reviewed Date	Policy Amended: Yes/No	Approved By	Date Approved
1	22/05/2018	Yes	RCS Board	05/06/2018
2	November 2018	No	N/A	N/A
3	16/03/2020	Yes	RQ Board	27/06/2020
4	December 2020	No	N/A	N/A

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