



ENDING A TENANCY AGREEMENT EARLY - 'BREAK LEASE'

Your tenancy agreement - or 'Lease' - is a legally binding contract with clearly defined start and end dates. However, sometimes things don't go to plan and tenants need to end their leases early, with reasons varying from relationship break-ups to financial hardship to work transfers.

Commonly referred to as 'Break Lease', the legislation provides for tenants to be allowed to end their lease agreements early, and outlines responsibilities on both sides (see insert).

Tenant's Responsibilities

Ending a lease early is regarded as a 'breach' of your agreement, and as such you are required to compensate the owner for loss of rent until the end of the lease or a new tenant is placed, whichever is sooner. It is advisable to continue your regular rent payments after you move out to help with your budgeting. You are also required to compensate the owner for all 'reasonable' costs incurred for finding a new tenant, for example the letting fee and advertising costs.

Owner's Responsibilities

The owner and agent must use reasonable efforts to re-let the premises quickly, including keeping the rent at fair market value and being reasonable in approving a replacement tenant. If you believe that the owner/agent is not making enough effort to find a replacement tenant, you may have grounds to apply to QCAT (Queensland Civil and Administrative Tribunal) for an early termination of lease. Note that you will need to provide evidence to support your claim.

RTRA ACT 2008

Section 362 - Duty to mitigate loss or expense

(3) The Lessor or Tenant-

(a) must take all reasonable steps to mitigate the loss or expense; and

(b) is not entitled to receive compensation for any loss or expense that could have been avoided by taking the steps.

Finalising the Tenancy

Once a replacement tenant is found, any money owing to the owner can either be taken from the bond money, or paid directly by you so you can receive your full bond back. If there is a dispute about the amount of compensation, the parties must attempt conciliation through the RTA (Residential Tenancies Authority) If the matter cannot be resolved through this process, it then progresses through to QCAT for a decision.

Termination with Grounds

If you have grounds to terminate (for example excessive hardship), you can apply directly to QCAT for a termination order. Note that QCAT will require evidence of hardship and won't award a termination simply because you have decided to move elsewhere or bought a property.

Help Us to Help You!

Your assistance in helping find replacement tenants is vital. Here are some useful tips:

1. Keep the property well presented at all times
2. Be flexible with our Leasing staff when we want to take prospects through the property
3. Offer to show prospects through yourself if our leasing staff are unavailable
4. Keep the yard looking neat & tidy - even after you have vacated
5. Offer to rebate the rent to the end of the lease. A lower rent will attract a new tenant quicker, and the compensation amount you pay will be far less than several weeks' worth of rent.
6. Keep the lines of communication open and work with your property manager.

The First Step

If you need to end your agreement early, email your property manager who will send you some documents to sign and begin the process.

For more information:

https://www.solutionsproperty.com.au/wp-content/uploads/2018/02/T_Break_Lease.pdf

<https://www.rta.qld.gov.au/>

TROUBLE-SHOOTING MAINTENANCE

When something goes wrong at your property, there are a few checks that you need to do before contacting us. This will avoid delays in getting the problem fixed. It may also save you having to pay the tradie's call-out fee if we send someone out unnecessarily! Here are some helpful tips.

NO HOT WATER?

Electric system - try topping up the water by pulling up the overflow valve.

This needs to be done every few months.

Gas system - check if your gas cylinder is empty.



NO POWER?

Check the safety switch and try switching back on. Test all your appliances one by one to see if any of them is tripping the switch.

If your neighbour also has no power, contact Energex.

NO WATER or MAJOR WATER LEAK?

Check the water tap at the mains at the front of the house - someone may have turned it off.

If your neighbour also has no water, call the local Council as they may have turned it off to do pipe maintenance in the area.

If there is a major leak, turn off the tap at the mains and contact us.

DRAIN OR TOILET BLOCKED?

Try to unblock them using a plunger or solvent such as 'Draino'.

Remember, if they are blocked because someone has dropped something down them, you will have to pay the plumber's bill.

For more information on reporting maintenance visit our website: <https://www.solutionsproperty.com.au/home/tenants/reporting-maintenance/>

CALENDAR DATES

AUSTRALIA DAY HOLIDAY

Monday
27th Jan 2020

ANZAC DAY

Saturday
25th Apr 2020



GOOD FRIDAY

Friday
10th April 2020

EASTER SATURDAY

Saturday
11th April 2020

EASTER SUNDAY

Sunday
12th April 2020

EASTER MONDAY

Monday
13th April 2020



REIQ

AWARDS

for excellence

We are excited to announce that we have once again been named Finalists in the REIQ Awards For Excellence for the categories:

Medium Residential Agency of the Year
Property Manager of the Year - Laura Valenti
Business Development Manager of the Year - Kellie Stewart

These awards recognise commitment to the highest standards of excellence in service to our owner and tenant clients, and we thank you for your support.

Winners will be announced at the Gala Event in March 2020. Fingers crossed we take out the winning trophies for a second time!