

03

NOISE AND QUIET ENJOYMENT

QLD — QCAT

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) —
Section 105

Your rights when persistent noise from a lessor-controlled source is destroying your peace

WHEN TO USE THIS BUNDLE

Use this bundle when persistent noise from a source the lessor controls — another of their tenants, a permitted occupant, or common areas — is unreasonably interfering with your peace, comfort or privacy. For an unrelated neighbour's dog or parties, use your council — with the same diary.

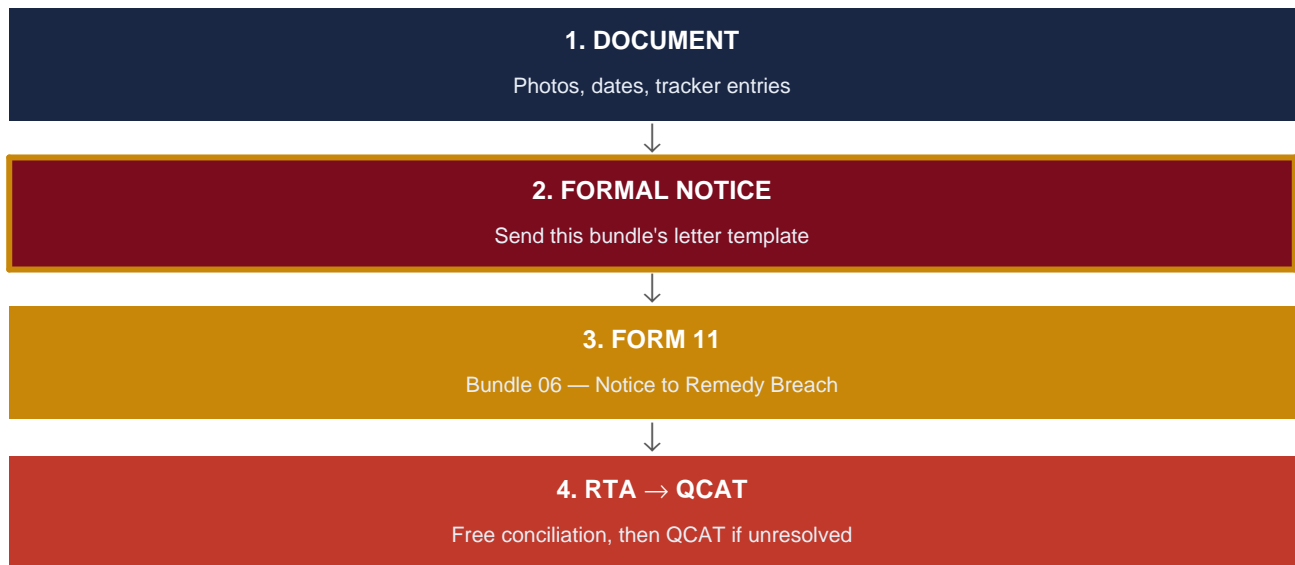
KNOW THE LAW — THE RIGHT TO QUIET ENJOYMENT (S.105)

Under s.105 the lessor must not cause or permit any interference with your reasonable peace, comfort or privacy. This covers interference by the lessor or agent directly, and by anyone they permit on the property — including other tenants of the same lessor, persons using shared facilities the lessor controls, and unauthorised occupants the lessor knows about. Noise from an unrelated neighbour under a different lessor is a council matter — but the same diary evidence works there too.

WHO IS THE LESSOR LIABLE FOR?

NOISE SOURCE	LESSOR LIABLE?
Adjacent tenant — same lessor	Yes — the lessor controls that tenancy
Person permitted by lessor (e.g. occupant)	Yes — the lessor is responsible
Common area noise (laundry, corridors)	Yes — the lessor controls common areas
Lessor or agent causing disturbance	Yes — direct breach of s.105
Neighbour under a different lessor	Limited — council or police action applies

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



The highlighted box shows where this bundle fits in the journey.

03

STEPS TO SUCCESS

QLD — QCAT

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) —
Section 105

01 Start your diary immediately

Log every incident the moment it happens: date, time, duration, type, source. Pattern evidence wins at RTA conciliation and QCAT — a contemporaneous diary, not a reconstruction.

02 Record audio or video where possible

Name the file with date and time and email it to yourself immediately — the timestamp is independent proof.

03 Send formal written notice citing s.105

After two or more documented incidents, send the bundle letter listing dates, times, and the action you require, with a 7-day response deadline.

04 Escalate with a Notice to Remedy Breach

If ignored, use Bundle 06 (Form 11) citing s.105 — the mandatory step before RTA conciliation and QCAT.

05 Lodge RTA dispute resolution if the breach continues

Bring your incident diary, recordings, and all correspondence. If unresolved, apply to QCAT with your NURD.

IF YOU NEED TO ESCALATE — WHAT QCAT CAN ORDER

QCAT can order the lessor to take steps to stop the interference, award compensation for the period of the breach, and reduce rent retroactively. A detailed, dated incident log is the most persuasive evidence a quiet-enjoyment hearing can see.

★ GOOD TO KNOW — PATTERN EVIDENCE IS WHAT DECISION-MAKERS REQUIRE

A single incident rarely establishes a breach of s.105. RTA conciliators and QCAT look for documented incidents over time demonstrating ongoing, unreasonable interference. Log every incident — even the minor ones. Cumulative records win cases.

■ CRITICAL — YOUR DIARY IS YOUR MOST IMPORTANT EVIDENCE

RTA conciliators and QCAT place significant weight on a contemporaneous diary — entries made at the time. Months of consistent documented entries showing regular, severe disturbance is compelling evidence. A letter written after the fact is not.

■ CRITICAL — THE LESSOR IS LIABLE FOR THOSE THEY PERMIT

Anyone the lessor allows to occupy or use the property falls within s.105. If someone lives at the property without being on any lease and the lessor knows, that person's conduct is the lessor's legal responsibility.

TEMPLATE — QUIET ENJOYMENT NOTICE (S.105)

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) —
Section 105

1. COPY

Copy the letter below into a new email

2. FILL

Replace every **[bracketed]** field with your details

3. SEND

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, then send via email — request a read receipt.

SUBJECT:

FORMAL NOTICE — BREACH OF QUIET ENJOYMENT (s.105): **[Insert Property Address]**

I am writing to formally notify you of ongoing and persistent interference with my reasonable peace, comfort and privacy at the above property, in breach of Section 105 of the Residential Tenancies and Rooming Accommodation Act 2008.

1. PARTICULARS OF THE INTERFERENCE

- Source: **[e.g., adjacent unit under your management / person residing on the premises without being on the lease / common area under your control]**
- Nature: **[e.g., loud music, voices, barking dog, machinery]**
- Key incidents on record: **[e.g., 'Tuesday 10/06/2026: 11:30pm–3:00am — loud music and voices. Thursday 12/06/2026: 1:00am–4:00am — repeat disturbance.']**
- Impact: **[sleep, health, work, enjoyment of the property]**

2. ACTION REQUIRED

- Under Section 105 you must not cause or permit interference with my reasonable peace, comfort or privacy.
- I formally request immediate and effective action to remedy this interference, and a written response confirming the steps you will take by **[Insert Date — e.g., 7 days]**.

3. EVIDENCE ON RECORD

- I maintain a contemporaneous incident diary with dates, times, durations and recordings.
- If this matter is not resolved, I will issue a Notice to Remedy Breach and, if necessary, lodge RTA dispute resolution and apply to QCAT for orders and compensation.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]