

12

TERMINATION NOTICE CHALLENGE

QLD — QCAT

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) —
Notice to Leave (Form 12)

A Notice to Leave is a document, not an eviction — here is how to test it

WHEN TO USE THIS BUNDLE

Use this bundle the day any Notice to Leave arrives. Most renters assume a notice means they must leave — it does not. It means a document has been served that may or may not survive scrutiny.

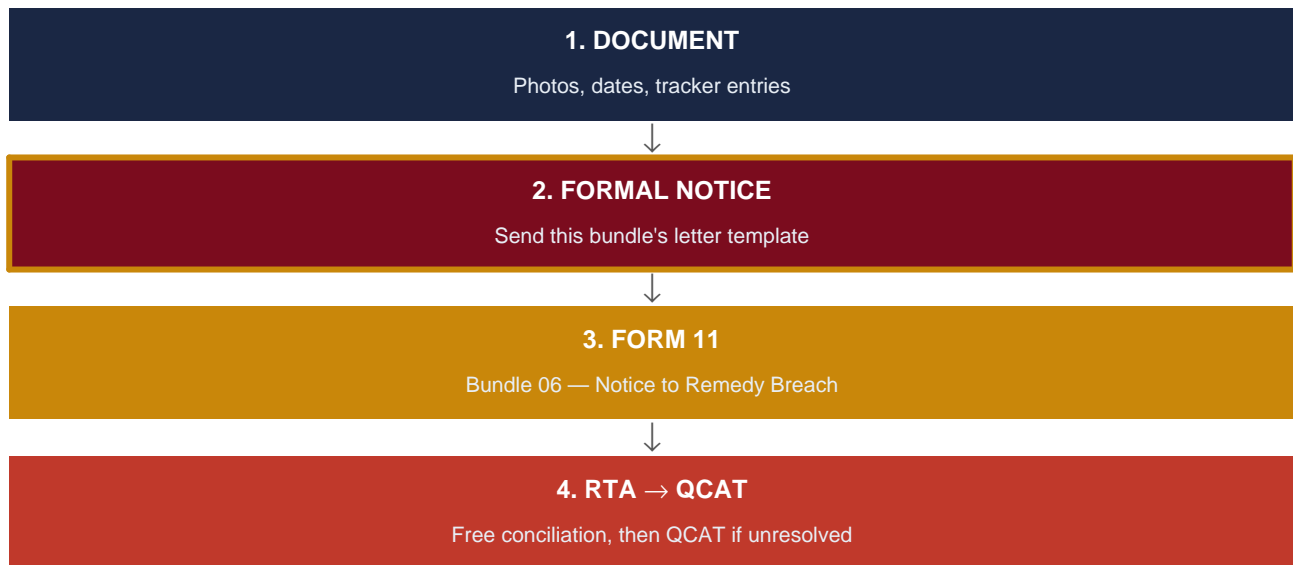
KNOW THE LAW — NOTICE TO LEAVE VALIDITY AND CHALLENGE

A Notice to Leave (Form 12) must use the official form, state a valid ground, and give the correct minimum notice period for that ground. For a rent arrears ground, a valid prior Notice to Remedy Breach (Form 11) must have been served and not remedied within its 7-clear-day window before a Notice to Leave can validly follow. A notice that fails any requirement may be invalid. Only QCAT can make a warrant of possession — a notice alone never requires you to leave immediately.

THE VALIDITY CHECKS

CHECK	WHAT TO LOOK FOR
Official form	Is it the current RTA Form 12, fully completed?
Valid ground	Is a specific lawful ground stated? Check the ground against current rules.
Notice period	Does the period meet the minimum for that ground?
Prior Form 11	For arrears: was a valid Form 11 served and not remedied within 7 clear days?

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



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

01 Log the notice the day it arrives

Record the date received, the ground stated, the period given, and the vacate date. Deadlines run from receipt — capture it precisely.

02 Run the validity checks

Official form, valid ground, correct minimum period, and — for arrears — a valid prior Form 11. Any failure is a potential challenge.

03 If it's an arrears notice, check the Form 11 first

A Notice to Leave for arrears is invalid without a prior Form 11 that was not remedied within its 7-clear-day window. Paying the arrears within that window stops the process entirely.

04 Get advice and challenge if needed

Tenants Queensland and Legal Aid Queensland handle these matters daily and are free. Lodge free RTA dispute resolution or apply to QCAT depending on the ground and urgency.

05 Keep paying rent and never self-evict

Only QCAT can make a warrant of possession. Stay, pay rent in full, and let any challenge run. Moving out on a defective notice surrenders rights you still hold.

IF YOU NEED TO ESCALATE — WHAT QCAT CAN ORDER

QCAT can find a Notice to Leave invalid and refuse to make a warrant of possession. For arrears notices, QCAT will also consider whether a valid Form 11 preceded it and whether it was properly remedied. The renter's evidence timeline is the decisive exhibit.

★ GOOD TO KNOW — A NOTICE TO LEAVE NEEDS A VALID FORM 11 FIRST (ARREARS)

For a rent arrears Notice to Leave, the lessor must have served a valid Notice to Remedy Breach (Form 11) that you failed to remedy within its 7-clear-day window. No valid Form 11, or paying within that window, means the Notice to Leave has no legal foundation.

■ CRITICAL — A NOTICE IS NOT AN EVICTION — ONLY QCAT CAN MAKE A WARRANT

No matter what the notice says or how the agent frames it, you are not required to leave immediately. Possession requires a QCAT order and a warrant of possession. Never hand back keys on the strength of a notice without having it checked — defective notices are common.

■ CRITICAL — ARREARS NOTICES NEED A VALID FORM 11 FIRST

If the ground is rent arrears, check that a proper Notice to Remedy Breach preceded it and was not remedied within 7 clear days. Missing that step, or paying within the window, can invalidate the Notice to Leave entirely.

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TEMPLATE — RESPONSE TO NOTICE TO LEAVE

QLD — QCAT

Residential Tenancies and Rooming Accommodation Act 2008 (Qld) —
Notice to Leave (Form 12)

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

*Use this to put the lessor on notice that the Notice to Leave is disputed. Fill in every **[bracketed]** field, then send via email — request a read receipt. Seek advice immediately.*

SUBJECT:

FORMAL RESPONSE — NOTICE TO LEAVE DISPUTED: [Insert Property Address]

I acknowledge receipt on **[Insert Date Received]** of your Notice to Leave dated **[Insert Notice Date]**, citing **[Insert Stated Ground]** with a vacate date of **[Insert Vacate Date]**. I dispute the validity of this notice.

1. DEFICIENCIES IDENTIFIED — APPLICABLE ITEMS

- The notice does not use the prescribed Form 12 / is incomplete.
- The ground stated is not valid, or is not made out.
- The notice period given (**[X days]**) is less than the minimum required for this ground (**[Y days]**).
- For a rent arrears ground: no valid Notice to Remedy Breach (Form 11) was served, or the arrears were remedied within the 7-clear-day window.

2. MY POSITION

- Based on the above, I don't believe this notice meets the requirements of the Act, and I won't be treating it as valid until this is resolved.
- I am obtaining advice and reserve the right to lodge RTA dispute resolution and apply to QCAT to challenge this notice.
- I will continue to meet all obligations of my tenancy, including payment of rent in full, while this matter is resolved.

3. EVIDENCE ON RECORD

- The notice, its date of service, and the complete timeline of this tenancy are logged in a chronological evidence index for QCAT proceedings.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]