

Commissioner Determinations

Negotiated Agreement for bond disputes in residential tenancies

The Negotiated Agreement service helps tenants and landlords resolve bond disputes without going to Court when the Commissioner for Consumer Protection (Commissioner) is unable to decide a Security Bond Release application because a person listed on the bond lives interstate.

The service is free, and you have been invited to participate because your bond dispute cannot be decided by the Commissioner.

The [‘Interstate parties to bond disputes’](#) factsheet has more information on who is considered as an interstate party and why the Commissioner can’t decide these bond disputes.

What is Negotiated Agreement?

The Negotiated Agreement service is a voluntary process where tenants and landlords involved in a bond dispute work together to reach a mutual agreement instead of having to go to the Magistrates Court.

We will assist by:

- reviewing claims made against the bond;
- reviewing evidence provided; and
- providing guidance on whether the claims are reasonable, based on the:
 - evidence;
 - [Commissioner’s Guidelines – Bond Disputes in a Rental](#); and
 - previous Commissioner’s Decisions.

Our role is to help you reach an agreement. While we may provide views on whether a claim is reasonable, we cannot make decisions or impose outcomes.

Benefits of Negotiated Agreement:

- **Saves money:** Avoids Court costs.
- **Saves time:** Can be quicker than going through the Court system.
- **Fairer outcomes:** Both sides get a say and work towards a reasonable solution they can accept.

Negotiated Agreement process:

- 1. Invitation:** You are invited to participate and provide evidence to support your views about the claims being made against the bond.
- 2. Initiation:** The process begins when everyone agrees to participate and will stop if anyone:
 - refuses to participate;
 - can’t participate because of a restraining order that prevents them from communicating with others on the bond;
 - does not respond within the given timeframe; or
 - is rude or disrespectful, or their behaviour is otherwise unacceptable.
- 3. Negotiation:** We will speak to you and your landlord or tenant via telephone and email. We will help you to explore possible solutions.
- 4. Outcome:**
 - **Agreement:** All parties will need to sign a new Security Bond Release Application form and lodge it with Bonds Administration.
 - **No agreement:** You or your landlord or tenant can apply to Court for a resolution.

When an agreement cannot be reached or participation is refused

Your dispute must be settled at the Magistrates Court if:

- an agreement cannot be reached; or
- you don't use the Negotiated Agreement service.

You will receive a **Notice that Commissioner declines to decide application**, which will include:

- the reason why no decision could be made; and
- instructions for applying to Court for a decision.

Applying to Court?

You can make an application online on the [eCourts Portal](#).

You will need to submit:

- evidence to support your case; and
- Notice that Commissioner declines to decide application.

For more information about going to Court, see the Consumer Protection's website:

- [Magistrates Court](#).
- [Going to court about rental property issues](#).

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