

Inspections? Surprise Landlord/Agent Visits?



ACCESS & PRIVACY

Information for Tenants

Most residential tenancies in Tasmania are covered by the Residential Tenancy Act 1997 (the Act). The Act applies to both public and private tenancies, and sets out the rights and responsibilities of landlords, agents and tenants.

What is Quiet Enjoyment?

As a tenant you are entitled to quiet enjoyment of the property that you are renting. Quiet enjoyment means that the landlord/agent must not interfere with your peace, comfort or privacy in using the premises. If they do, they are breaking the law and could be fined up to \$6000.

The landlord/agent is not responsible for any disturbances by your neighbours unless they also rent from your landlord/agent. Your local council may be able to help if you have complaints regarding noise, barking dogs or a noisy building site.

When can a Landlord/ Agent Enter my Property?

The Act sets out a number of reasons for which a landlord/agent can enter your rental property, and states how much notice you must be given.

A landlord/agent may enter the residential premises between 8am and 6pm, by giving 24 hours notice:

- To meet commitments under the tenancy agreement.
- If it is reasonably suspected that the tenant has failed to comply with any provision of the tenancy agreement.
- To ensure repairs have been properly carried out.

- Except in the case of boarding houses, to carry out an inspection within 1 month of the commencement of the tenancy agreement.
- To carry out routine inspections; once a month in the case of boarding premises, or once every 3 months in any other case.

Where a tenancy agreement is due to **expire** within the next 28 days, or where a **notice to vacate** or **notice to terminate** has been given, a landlord/agent may enter the premises by giving **48** hours notice in writing, to show them to one prospective tenant (and anybody accompanying the prospective tenant). A landlord/agent can enter for this reason,

- not more than once each day,
- not more than 5 days in a week and
- only between 8 am and 6 pm.

Where the rental premises are **for sale** a landlord/agent may enter the premises by giving **48** hours notice in writing, to show them to one prospective purchaser (and anybody accompanying the prospective purchaser). A landlord/agent can enter for this reason,

- not more than once each day,
- not more than 5 days in a week
- and only between 8 am and 6 pm.

Does the Landlord/Agent Need My Permission before Entering My Property?

If a landlord/agent is entering the rental property for one of the reasons outlined above they do **not** have to get your permission, **but** they do have to give you the required amount of **notice**. However, if they wish to hold an open house (see below), or enter the property for another reason that is not mentioned in the Act they do need to get your permission.

Tenants' Union of Tasmania

The information in this fact sheet is not legal advice. It is intended as a guide only. It applies only to legislation current in the state of Tasmania, Australia as at 1 January 2011. For information regarding a specific tenancy problem, please phone the Tenants' Union on (03) 6223 2641 or 1300 652 641. The Tenants' Union of Tasmania Inc accepts no responsibility for actions based on this information, nor for actions based on electronic translations of this.

Can a Landlord/Agent Hold an Open House?

If a landlord/agent wants to hold an open house, (where members of the public are invited to view the property that is for lease or sale) they **must receive written permission from the tenant**. If you agree to the open house, the landlord/agent must be in attendance during it.

A landlord/agent cannot force you to give your permission for the open house and you should only give permission if you are comfortable with the idea. If you do give permission, it is a good idea to remove or make sure that valuable items are not visible, to minimise the potential for theft. (Photos are sometimes taken by the Landlord/Agent and displayed in advertising).

Can the Landlord/Agent Enter Without Notice?

The Act provides some circumstances when a landlord or agent may enter the rental premises without giving you notice. These are where it is reasonably believed that:

- The tenant is ill or injured and unable to give permission.
- A denial of immediate access is likely to result in damage to all or part of the premises.
- There is a risk to the tenant or another person present on the premises.
- Damage has occurred to the premises.
- The premises have been abandoned.

Can the Landlord/Agent Enter When I'm Not Home?

The Act does not require a tenant to be home when a landlord or agent enters. However, the landlord/agent should make a reasonable effort to make a suitable time with the tenant(s).

Can a Landlord/Agent force me to leave during an Inspection or Open House?

No. All tenants have a right to access their residence during open homes and inspections.

Can I make a Complaint about my Landlord's/ Agent's Actions?

If your landlord/agent unlawfully enters your property or does not give you quiet enjoyment of the property you should notify them that they are in breach of the Act, preferably in writing, and you should keep a copy.

If they continue to breach your quiet enjoyment and/or continue to unlawfully enter the property, you can report the matter to Consumer Affairs and Fair Trading. If found to be in breach they may be **fined up to \$6000**.

If you believe that your agent has acted in an unprofessional or incompetent way, you may also make a written complaint to:

Property Agents Board
Royal Engineers Building
2 Davey Street
Hobart TAS 7000
☎6234 2700

You could also send a copy of your complaint to the Real Estate Institute of Tasmania (REIT), if the agent is a member. The REIT represents member real estate agents throughout Tasmania. They will only deal with complaints about their members.

Real Estate Institute of Tasmania
33 Melville Street
Hobart TAS 7000
☎6223 4769

USEFUL CONTACTS

Tenants' Union of Tasmania Inc
166 Macquarie Street Hobart
☎6223 2641 or 1300 652 641
www.tutas.org.au

Private Rental Tenancy Support Service
☎1300 729 400

Residential Tenancy Commissioner
& MyBond
(Consumer Affairs & Fair Trading)
☎1300 654 499

Legal Aid Commission of Tasmania
☎1300 366 611

Anti Discrimination Commission
☎6224 4905 or 1300 305 062

Women's Legal Service
☎1800 682 468

Hobart Community Legal Service
☎6223 2500

Launceston Community Legal Service
☎1800 066 019

North West Community Legal Service
☎6424 8720