

Tenancy: Access and Privacy

COVID-19 MEASURES CEASED

The *Residential Tenancies (COVID-19 Emergency Response) Declaration 2021 (No 3)* commenced on 2 September 2021 and significantly changed the responsibilities of tenants and landlords.

The post-moratorium transitional period was in effect between 26 November 2021 and 11 May 2022.

This transitional period and its measures expired on 11 May 2022. Changes under the COVID-19 Emergency Response have now ended, and the *Residential Tenancies Act 1997* is operating as normal.

Introduction

A tenant is entitled to 'quiet enjoyment' of the property. This means that you are entitled to use the property in reasonable peace and comfort, and free from any interference from the landlord.

A landlord or agent is not entitled to come onto the property unless they have arranged an inspection as required under the residential tenancy agreement.

Routine Inspections

A landlord may enter the property to carry out lawful routine inspections. A landlord is allowed to inspect a property twice in each 12 month period. The landlord can also carry out an inspection within the first month of the tenancy and within the last month of the tenancy.

For these inspections, the landlord must give a tenant 1 week's written notice and suggest a reasonable time for the inspection. You do not have to agree to a proposed inspection time and can negotiate another time. If you cannot agree, either party may apply to ACAT to determine the time.

Access for Purchasers and New Tenants

Tenants must permit the landlord reasonable access during the final three weeks of the tenancy to allow inspection of the property by prospective tenants. The landlord is only required to give you 24 hours notice of these inspections.

If the landlord has notified you of their intention to sell the property, you must also permit reasonable access for prospective purchasers upon receiving 48 hours' notice. The landlord must have a genuine intention to sell the property and must notify you of this intention in writing before requiring you to allow access.

Landlords are not permitted to conduct any more than two inspections per week (unless you agree to more) and the inspections must take place at time mutually agreed between you and your landlord (or their agent), having regard to the work and other commitments of both the landlord and tenant.

For further information in relation to sale of the property, please refer to our '**Ending a Tenancy**' Factsheet.

Access for Inspecting or Making Repairs

Additionally, the landlord may come onto the property to make or inspect the need for repairs. Generally one week's notice should be given for this, but this could vary depending on the nature of the repairs required. It is generally in your interest to have repairs carried out expeditiously.

If you have any questions arising out of the information provided in this fact sheet, contact the **Tenancy Advice Service** at:

1300 402 512 or TAS@legalaidact.org.au

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