

Right of entry

Information for landlords

One of your responsibilities as a landlord is to ensure that the tenant's reasonable peace, comfort and privacy are not interrupted by you or any other person under your control. Tenants have a basic right to quiet enjoyment of the premises they are renting.

For this reason, the law restricts the amount of access you, your agent or anyone acting on your behalf can have to the property while it is being rented out. You are only allowed to enter the premises at certain times for certain reasons. You must not 'drop by' unannounced, look over the fence or do anything else to disturb the tenant's privacy and quiet enjoyment.

Notice prior to entry

The amount of notice you or your agent must give to the tenant depends on the reason for entering the premises.

In addition to reasons below, you, your agent, or any other person acting on your behalf can access the property at any time for any reason if the tenant consents, which may also include agreeing to a shorter period of notice.

Reason	Notice required
To inspect the premises (no more than four times per year)	At least 7 days written notice
To do ordinary repairs or carry out maintenance	At least 2 days notice
To carry out urgent repairs, such as fixing a burst water pipe, a gas leak or a blocked toilet (see clause 19 of the lease for a full list of matters considered to be urgent repairs)	None

To comply with health and safety obligations, such as installing smoke alarms	At least 2 days notice
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To obtain a property valuation (no more than once in 12 month period)	At least 7 days notice
To show a prospective tenant (only permitted in the last 14 days before the existing tenancy is due to end)	Reasonable notice on each occasion
In an emergency	None
If you have tried to contact the tenant and been unable to do so and have reasonable cause for serious concern about the health or safety of the tenant or other occupants	None
If you reasonably believe the premises have been abandoned	None
To show the premises to prospective buyers	2 weeks written notice before first inspection. Subsequent inspections as agreed with the tenant or, if there is nothing agreed, no more than 2 inspections per week, with 48 hours notice each time
In accordance with a NSW Civil and Administrative Tribunal order	As determined by the Tribunal

Time limits on access

In most circumstances, access is not permitted on Sundays, public holidays or outside the hours of 8am to 8pm. You must not stay on the premises longer than is necessary to achieve the purpose given for access.

Where practical, the tenant should be notified of the time when access will be required. These limits do not apply in an emergency, to carry out urgent repairs, if the tenant agrees otherwise, if the premises are abandoned or if access is in accordance with a Tribunal order.

Presence of tenant

Your tenant does not have to be present at the time of entry so long as proper notice (if any is required) has been given. You can access the premises using your own set of keys. However, if a dispute is likely to arise it may be advisable not to enter the premises in the absence of the tenant and seek a Tribunal order instead. Likewise, it is best not to force entry if you do not have a set of keys or the locks have been changed by the tenant, unless it is absolutely necessary.

Problems gaining access

The law says that tenants must not deny or hinder your right to access if proper notice has been given. If your tenant refuses to allow you access to the premises, an application can be lodged with the Tribunal seeking an order allowing entry.

Penalties apply

If the access requirements are not followed, penalties can be imposed and the tenant could seek compensation through the Tribunal along with other orders.

At a glance

The table below lists the key differences between the old Act and the tenancy laws that began on 31 January 2011.

Old laws	New laws
Act limits reasons for gaining access	Same limits apply, plus new rights of access added for valuations and if there are concerns about the tenant's wellbeing

Reasonable access to show prospective buyers if reasonable notice given	Schedule of access to be agreed on, or no more than 2 inspections per week with 48 hours notice
7 days notice for general inspections	7 days written notice for general inspections