your step-by-step guide to 'rights of entry'

TENANTS UNION of Victoria Ltd

May 2019

START HERE

Does the landlord or agent want to enter your rented premises?

YES

If the landlord or agent wants to enter your home, they must:
> give you at least 24 hours' written notice, stating the reason they want to visit and the time they intend to visit
> deliver the notice by mail or give it to you in person between the hours of 8am and 6pm (if the notice is delivered by mail they must allow extra time for delivery)
> only visit between the hours of 8am and 6pm, and not on public holidays (unless you have agreed otherwise within the last 7 days)
> not stay longer than necessary

The landlord, agent or anyone else they need (eg tradesperson) to carry out the purpose of their visit may also enter your premises if you have agreed to the entry within the last 7 days.

Has the landlord or agent given you proper notice?

YES

If they have given you proper notice, you have a duty to permit the landlord or agent to enter the premises, even if the time doesn't suit you or you won't be home. However you may be able to negotiate a time that suits you better (see ***The landlord is selling*** fact sheet for more information).

Was any of your property damaged during their visit?

NO

You may be able to claim compensation. See the ***Compensation For Tenants*** fact sheet for more information.

NO

Unless the landlord or agent follows the correct procedures, it is an offence for them to enter your premises without a reasonable excuse and they can be prosecuted and fined by Consumer Affairs Victoria. See the ***Complaints about landlords and real estate agents*** fact sheet for more information.

The landlord or agent may only enter your premises when:
> they have given you a Notice to Vacate and it will expire in less than 14 days, and they want to show the premises to a prospective tenant
> you have given them a Notice of Intention to Vacate and it will expire in less than 14 days, and they want to show the premises to a prospective tenant
> the premises are being sold or used as security for a loan and they want to show a prospective buyer or lender through the premises
> they are having the property valued
> they need to carry out a duty under your tenancy agreement (lease), the RTA or another law
> they have reasonable grounds to believe that you have failed to meet your duties under your tenancy agreement or the RTA
> they want to inspect the premises (provided there has been no inspection within the last 6 months and it is not within the first 3 months of the tenancy)

The *Residential Tenancies Act* (RTA) *1997* states that you have a right to 'quiet enjoyment' of your premises.

The landlord and agent do have 'rights of entry' but they must meet the requirements. If they do not meet the entry requirements, you do not have to let them into your home.

See the *Privacy* fact sheet for more information.

Have the landlord or agent been making frequent or harassing visits or phone calls, or sending frequent or harassing mail?

YES

If the landlord or agent has not met with the notice requirements or has been making frequent or harassing visits, you can apply to the Tribunal for a restraining order. This can prohibit or restrict the landlord or agent from visiting the premises or contacting you, and it can be enforced by the police. It is a serious offence to breach a restraining order and they can be fined for doing so.

You may wish to end your tenancy and move out. Do you have a fixed-term tenancy agreement?

YES

See ***Breaking Your Lease*** for more information & contact Tenants Victoria, TAAP, Tenancy Plus or CLC for advice.

NO

You can simply give 28 days' written notice. Use registered mail and allow extra time for delivery. Keep a copy.

NO

This information is a guide only and should not be used as a substitute for professional legal advice.