



Freecall: 1800 812 953

Phone: 08 8982 1111

Web Site: www.dcls.org.au

Email: info@dcls.org.au

Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

ACCESS AND PRIVACY

The Residential Tenancies Act 1999 ('the Act') sets out when a landlord or real estate agent can enter a rental property.

Quiet enjoyment, peace and privacy

As a tenant, you are entitled to quiet enjoyment of the premises and reasonable peace and privacy. The landlord can only access the premises in certain situations and when the correct notice is given. In this factsheet, a reference to a landlord generally includes a real estate agent or another person acting on the instructions of the landlord.

Reason for access	Minimum notice required	How often	Other requirements
Collection of rent	At least 7 days	Every 7 days	At a time previously arranged with you, that is not before 7 am or after 9 pm
Inspection of premises	7 days	Every 3 months	At a time previously arranged with you, that is not before 7 am or after 9 pm
To repair the premises	24 hours oral or written notice	No limit	Not before 7 am or after 9pm
To complete an ingoing or outgoing property condition report	24 hours oral or written notice	No later than 3 business days after the start of the tenancy, and 3 days after the end of the tenancy	Not before 7 am or after 9 pm
To show the premises to prospective tenants	24 hours oral or written notice	No more than a reasonable number of occasions	Not before 7 am or after 9 pm and only during the last 28 days of your tenancy agreement
To show the premises to prospective buyers	24 hours oral or written notice	No more than a reasonable number of occasions	Not before 7 am or after 9 pm
In an emergency or if the landlord reasonably suspects that significant damage has occurred, is occurring or is about to occur	No notice required	No limit	
By agreement of the tenant and landlord at or immediately before the time of entry	No notice required	No limit	Not before 7 am or after 9 pm



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Right to be present when landlord accesses the premises

You are allowed to be present when the landlord accesses the rented premises. If you cannot be home at this time, you can arrange for a friend or family member to be at the premises on your behalf.

The landlord can enter the premises without you if:

- you have refused to be present;
- you have stated in writing that you do not want to be present;
- you are not at the premises at the agreed time; or
- it is an emergency.

If you do not grant entry when the proper notice is given, your landlord can apply to the Northern Territory Civil and Administrative Tribunal ('NTCAT') for an order allowing entry.

Where landlord does not give proper notice

You can refuse access if your landlord does not give you proper notice. If your landlord accesses the premises without giving the correct notice, the landlord may be breaching your right to peace and privacy, or quiet enjoyment of the premises. If this happens, you can write to your landlord and request that they provide you with proper notice. If your landlord continues to access the property without giving proper notice, you can:

- apply to the NTCAT* for an order to end your tenancy if the breach is serious enough to justify termination; or

give your landlord a notice to remedy the breach. See the DCLS 'Termination of tenancy by tenant' factsheet for more information.

Security of premises

The landlord must provide and maintain locks or other security devices so the rental property is reasonably secure. If the premises are unsafe because of broken or faulty locks, this may be treated as an emergency repair. See the DCLS 'Repairs and maintenance' factsheet for more information.

Unless you have a reasonable excuse, neither you nor the landlord can change or remove locks and other security devices without the permission of the other. If you do change the locks, you need to give the landlord a key to the lock as soon as possible, but no later than two business days after changing the locks.

If the landlord changes the locks, you are entitled to receive a copy of the keys as soon as practicable.

Contact Darwin Community Legal Service for further information.

*If you make an application to the NTCAT prior to approximately June 2015, you will need to use a Commissioner of Tenancies application form. Prior to making an application, contact the NTCAT for up to date information.