

Privacy when renting

Information for tenants

You have a right to privacy and quiet enjoyment of the premises you are renting. Your landlord, agent or anybody else acting on their behalf must not interfere with your reasonable peace, comfort and privacy.

For this reason, the law restricts the access a landlord or agent can have to the rented property while you are living in it. They are only allowed to enter the premises at certain times for certain reasons and in most cases have to give you notice first.

Notice before entry

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

Reason	Notice required
To inspect the premises (up to 4 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 burst water pipes, dangerous electrical faults, gas leaks or blocked toilets	None
To comply with health and safety obligations, such as installing smoke alarms	At least 2 days notice
To obtain a property valuation (once in a 12 month period)	At least 7 days notice
To show a prospective tenant (in the last 14 days before your tenancy is due to end)	Reasonable notice on each occasion

In an emergency	None
If they have tried to contact you and been unable to do so and have reasonable cause for serious concern about your health or safety or other occupants	None
If they reasonably believe the premises have been abandoned by you	None
To show the premises to prospective buyers	As agreed with you, or no more than 2 inspections per week with 48 hours notice
In accordance with a Consumer, Trader and Tenancy Tribunal order	As ordered by the Tribunal

In addition to all of the above reasons you can consent to the landlord, agent, or any other person acting on their behalf to enter the property at any time for any reason.

Limits on access

In most circumstances, access is not permitted on Sundays, public holidays or outside the hours of 8am to 8pm. Where practical, you should be notified of the approximate time when access will be required.

If a person wishes to enter the property without the landlord or property manager (e.g. a selling agent, valuer or tradesperson) they must have written consent from the landlord or managing agent which they must show to you. The person who comes must not stay on the premises longer than is necessary to achieve the purpose.

These limits do not apply in an emergency, for urgent repairs, if the premises are abandoned, if the Tribunal so orders or if you agree.

Entry when you are not home

If correct notice has been given, you do not need to be at home for the landlord or agent or authorised person to enter. If the time does not suit you, you can try to negotiate a different time with the landlord or agent.

Unlawful entry

If these requirements have not been followed you do not have to allow access to your home. It is an offence for a landlord or someone on their behalf to enter the premises without following the correct procedures. If the problem is serious or persistent, you may apply for an order from the Tribunal.

If your goods are damaged or stolen during the access visit you can apply to the Tribunal for compensation.

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
Limits on reasons for accessing property	Same, plus new access rights for valuations and concerns over tenant's wellbeing
Reasonable access to show prospective buyers if reasonable notice given	Requirement for 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