

Scope

This policy outlines the circumstances when Pacific Link Housing Limited (PLH) will seek to enter a tenant's property, the type of access and the frequency of access. The policy applies to all PLH tenancies.

Purpose

The policy is intended to ensure that, in relation to access to a property:

- tenants understand their legal rights and responsibilities and are aware of PLH's policies, and
- PLH meets our legal and policy requirements in relation to ensuring properties are maintained to an appropriate standard.

Policy Overview

PLH respects the right of tenants to enjoy reasonable peace, comfort and privacy in their property. Home visits are beneficial to both tenants and PLH as they assist in identifying the following:

- the condition of the property and any safety concerns
- repairs and maintenance issues
- any support needs of the tenant or residents
- any tenancy or neighbourhood concerns.

The Residential Tenancies Act 2010 (RTA) requires that tenants must allow PLH, as landlord, and/or its agents access to their property in certain circumstances, as summarised below:

- PLH and/or its agents may enter a tenant's property at any time if the tenant has given consent. Consent can be given either verbally or in writing.
- PLH and/or its agents can access a tenant's property in accordance with the conditions of the RTA.

Reasons for Access

The RTA allows PLH and/or its agents access to a property for the following reasons:

- To complete a property inspection
- To allow a property owner or their agent to inspect a leasehold property
- To complete a repair/maintenance or undertake a pre or post repair inspection
- To value the property, or
- To show the property to a prospective buyer.

PLH will conduct a minimum of one property inspection every 12 months and will conduct up to a maximum of four inspections per year where there are concerns for property care and/or maintenance. Inspections to assess the condition of a property owned by PLH or NSW Land and Housing Corporation (LAHC) are undertaken at least once every three years may be conducted by PLH and/or LAHC inspectors.

PLH will also access the property in the following situations:

- An emergency
- If PLH has good reason for serious concern about the health or safety of the tenant or other household members
- If there are serious concerns about property care
- To comply with health and safety obligations
- In accordance with an order from NSW Civil and Administrative Tribunal (NCAT)
- To repossess the property when it suspects the property has been abandoned or
- When the tenant has requested a visit.

Notice

PLH will provide notice of, and conduct all inspections in accordance with, the requirements of the RTA. Visits may be made at any time, with the consent of the tenant which can be either verbal or in writing. Visits may be made without consent as permitted by the RTA.

Conducting Visits

Tenants can expect that PLH staff arranging and conducting inspections will:

- Tell them the purpose of the visit.
- Coordinate visits to ensure minimum disruption to tenants.
- Treat tenants with courtesy and respect, in line with PLH’s Code of Conduct.
- Enable tenants to arrange to have a support person with them during the visit if they wish.
- Arrive well prepared for the visit by bringing any necessary information or paperwork with them.
- When conducting the visit, carry a business card to leave with the tenant if requested.
- Confirm clearly the outcomes of the visit and the broad timeframes for any actions agreed during the visit.
- Keep a written record of any agreements made with the tenant during the visit.
- Will not inspect the contents of cupboards or drawers, without the tenant’s permission to inspect.
- Will immediately report any suspected illegal activities including drug manufacture or dealing to the Police.
- Photograph the property condition and items requiring maintenance, as permitted by the RTA.

Access in an Emergency

If PLH has any reason to believe that the tenant’s wellbeing is at risk, and the tenant cannot be contacted, PLH will contact the next of kin, if known. Where the next of kin cannot be contacted, PLH will contact the police and request that they immediately enter the property.

Actions taken if access denied

Under the conditions set out in the RTA, if proper notice has been given, a tenant must not deny or hinder PLH’s right of access. If access is refused the tenant will be in breach of their Residential Tenancy Agreement and PLH can then make an application to the NCAT requesting an order allowing entry. Where there is evidence and good reason to suspect that the property has been abandoned, PLH will arrange to enter and take possession of the property.

Complaints and Appeals

If a tenant is not satisfied with a service provided by PLH or does not agree with a decision it has made, they should first discuss their concerns with their Housing Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

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