

## Fact sheet

### Entry and privacy

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) is the law that protects a resident's right to privacy while living in rooming accommodation in Queensland. It outlines the steps providers and their representatives must follow when entering the rooms of residents.

The provider can enter a room at any time if:

- the resident agrees, or
- entry is reasonably necessary for the provider to deliver services agreed to under the *Rooming accommodation agreement* (Form R18), such as personal care or cleaning.

The agreement should say the times that regular entry will take place, and how the resident is to be told of any changes to the entry times.

Otherwise, the provider can enter the resident's room only for reasons allowed under the Act.

Before entering a resident's room, the provider must give the resident an *Entry notice – Rooming accommodation* (Form R9) stating that entry will take place. The length of notice the provider must give depends on the reason they want to enter the room.

Reason for entry	Notice required
To inspect the room (general inspection)	48 hours
To clean the room	24 hours
To carry out pest control	24 hours
To make routine repairs or carry out maintenance	24 hours
To show the room to a prospective purchaser or resident	24 hours
To allow a valuation of the premises	24 hours

When the provider wants to either:

- enter more than one room (for any reason other than for a general inspection), or
- enter the room on more than one occasion

the notice can be put on a notice board or other prominent place in the premises for all the residents' attention.

#### Time of entry

Entry should be made at a time that is reasonable to both parties.

The resident cannot stop the provider from entering the room if:

- the correct notice has been given, and
- the entry is at a reasonable time.

The resident does not have a right to be present when the provider enters. However, the resident and provider can work out a new time so the resident can be present, or if the proposed time is not reasonable.

If an agreement cannot be reached, read 'Disputes about entry' on the next page.

## Limits to entry

The provider must not enter to carry out a general inspection more than once a month unless the resident agrees to more frequent general inspections. The resident and provider can agree to less frequent inspections, such as every six months.

There is no limit in the Act about how often the provider may enter a resident's room for any other reason. However, the provider has a responsibility not to interfere with the resident's peace and privacy.

## Entry without notice

A provider can enter a room without notice:

- in an emergency
- if the provider believes the room has been abandoned (signs that the room has been abandoned include the resident's failure to pay rent, uncollected mail on the premises, other residents reporting the resident has left, the lack of household goods in the room, the resident's failure to respond to a notice), or
- to carry out urgent repairs, such as to repair a gas, electrical or water facility, emergency roof repairs or to secure the premises.

## Entry by an agent of the provider

The entry rules in the Act apply to any agent of the provider, including managers or people engaged to make repairs. If an agent, other than a person who normally receives rent from the resident, is not accompanied by the provider, then the resident is entitled to ask the agent for written evidence the provider has appointed the agent. If the agent cannot produce the written evidence when asked, the agent must not enter or stay in the room. The provider is permitted to enter or remain in a room with an agent to achieve the purpose of entry.

## General conditions about entry

If the provider is about to enter a resident's room, and the resident is in or near their room, the provider must tell the resident that they are about to enter.

When a provider enters a resident's room, they must respect the resident's privacy as much as possible and not stay in the room any longer than necessary.

## Unlawful entry

If a resident believes a provider has entered the room unlawfully, they can give the provider a *Notice to remedy breach – Rooming accommodation* (Form R11), or make a complaint to the RTA.

## Disputes about entry

If the provider and the resident cannot agree about entry arrangements, the RTA's dispute resolution service may be able to help. The RTA offers both parties the opportunity to discuss and resolve disputes. Either party may send or fax a *Dispute resolution request* (Form 16) to the RTA. If unsuccessful, an application may be made to the Tribunal for a court order. See also – *Dispute Resolution Services for rooming accommodation* fact sheet

### Further information

For more information contact the Residential Tenancies Authority on 1300 366 311.

### Accessing RTA forms

The RTA's forms can be obtained electronically or in person by:

- [rta.qld.gov.au](http://rta.qld.gov.au)
- 1300 366 311
- Level 23, 179 Turbot St Brisbane



If you need interpreting assistance to help you understand this information, contact TIS on 13 14 50 (for the cost of a local call) and ask to speak to the Residential Tenancies Authority (RTA).

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#### Disclaimer

*This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.*