



# Residential Tenancies Fact Sheet 7

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## INSPECTIONS (SECTION 72)

### Guide for inspections - sale of rented premises

For the purpose of showing prospective purchasers through rented premises, Section 72(g) of the *Residential Tenancies Act 1995* states: -

“72. (1) It is a term of a residential tenancy agreement that the landlord may enter the premises if (and only if)—

... (g) the entry is made for the purpose of showing the premises to prospective purchasers, at a reasonable time and on a reasonable number of occasions, after giving the tenant reasonable notice; or

(h) the entry is made with the consent of the tenant given at, or immediately before, the time of entry.”

What is reasonable is a matter of balancing the needs of the landlord with the needs of the tenant, and that will depend upon the circumstances of the case, eg: where the premises are located, the nature of the premises, the working hours and personal circumstances of the tenant, etc. Accordingly, there can be no definite statement of what is reasonable without reference to the circumstances.

Experience in the Tenancies Branch would suggest the following as reasonable:

- One open inspection per fortnight, giving at least 4 days' notice.
- Two inspections per week, **by appointment only**, giving at least 24 hours' notice.
- In respect to auctions, during the auction marketing plan (approx. 4-5 weeks), five open inspections plus the auction could be regarded as “a reasonable number of occasions”.

The tenant has the right to remain on the premises during all inspections - including the open inspections and the auction day.

Open inspections should last for a reasonable amount of time. One hour would usually be reasonable but, depending upon the tenant's circumstances and the needs of the vendor, a greater length of time could be reasonable.

For valuation of a property, 7 to 14 days' written notice is required.

The tenant is entitled to quiet enjoyment of the premises.

The tenant has an obligation to maintain the premises in a reasonable state of cleanliness.

### Tips for consideration

Provide the tenant with a schedule of the dates of the forthcoming open inspections as soon as possible.

Discuss any contentious issues openly with the tenant.

After six open inspections it may be reasonable to take several months break before re-advertising.

**If you have any questions or doubts about this fact sheet, contact the advice section of the Tenancies Branch at Level 1, 91-97 Grenfell Street, Adelaide. Ph: (08) 8204 9544; Fax (08) 8204 9570**