

09

ENTRY PRIVACY AND INSPECTIONS

Residential Tenancies Act 2010 (NSW) — Sections 55, 57, 61

Your rights when you receive a deficient entry notice — or when entry happens unlawfully

WHEN TO USE THIS BUNDLE

Use this bundle when you receive an entry or inspection notice that is deficient — insufficient notice, outside permitted hours, a Sunday or public holiday, no stated purpose, or over the 4-per-year inspection cap. Also use it to formally record every entry that occurs.

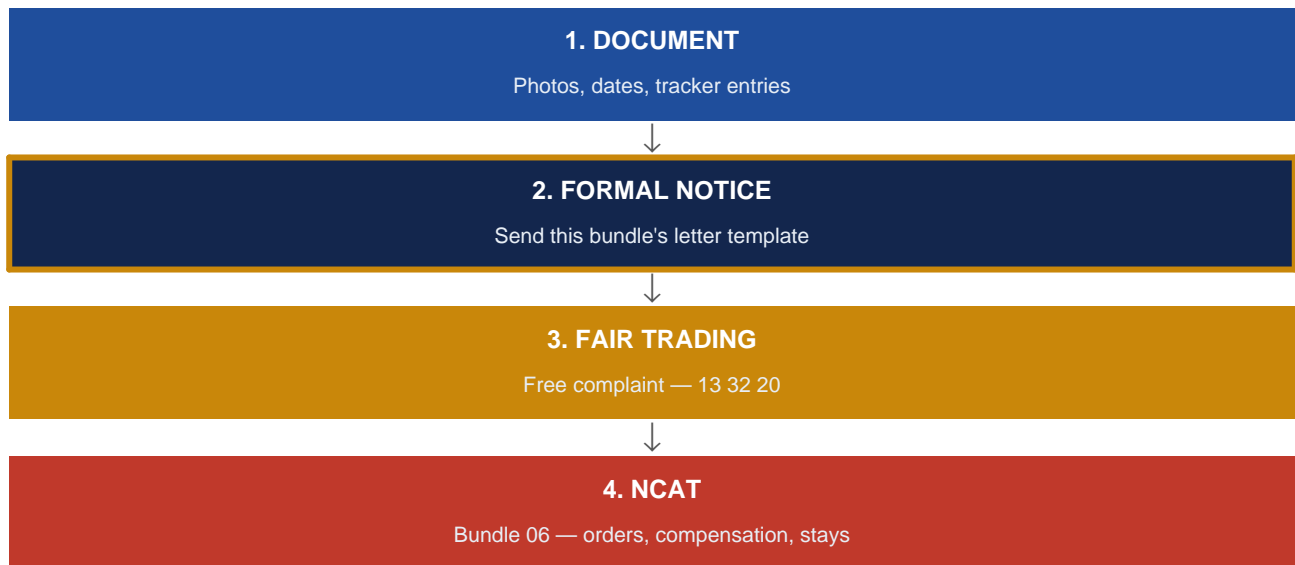
KNOW THE LAW — ENTRY RIGHTS AND LIMITS (SS.55, 57)

NSW entry rules are strict. Routine inspections: at least 7 days written notice, and no more than 4 in any 12-month period. Repairs: at least 2 days notice. All non-consensual entry must occur between 8am and 8pm, and never on a Sunday or public holiday. The purpose must be stated. A notice that fails any requirement does not authorise entry — and s.61 gives you NCAT remedies for unlawful entry, while repeated interference breaches your quiet enjoyment under s.50.

ENTRY RULES AT A GLANCE

ENTRY TYPE	MIN. NOTICE	PERMITTED HOURS	FREQUENCY LIMIT
Routine inspection	7 days written	8am–8pm, not Sun/public hols	Max 4 per 12 months
Repairs / tradesperson	2 days	8am–8pm, not Sun/public hols	No limit
Sale showing	Reasonable notice	8am–8pm, not Sun/public hols	Reasonable
Emergency	None	Any time	As required

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



The highlighted box shows where this bundle fits in the journey.

09

STEPS TO SUCCESS

Residential Tenancies Act 2010 (NSW) — Sections 55, 57, 61

- 01 Check every notice against the four requirements**
Notice period, permitted hours, stated purpose, and the 4-per-year inspection cap. Any failure is a deficiency.
- 02 Send the response the day a deficient notice arrives**
State which requirements are not met, that the entry cannot proceed on the deficient notice, and that a compliant notice must be reissued. A deficient notice does not authorise entry.
- 03 Track the annual inspection count**
The 4-per-year cap is real and enforceable — the tracker's count column is your evidence when an agent tries for a fifth.
- 04 Be present during entries where possible**
Take your own photos before and after — this protects against false damage claims.
- 05 Escalate unlawful entry**
Under s.61 NCAT can order the landlord to stop, and repeated violations breach s.50 quiet enjoyment — compensation territory. Use Bundle 06.

IF YOU NEED TO ESCALATE — WHAT NCAT CAN ORDER

For unlawful entry, s.61 gives NCAT the power to make orders against the landlord, and repeated or systematic interference grounds a quiet-enjoyment claim under s.50 with compensation. A documented log of every notice and every entry is what turns one incident into a provable pattern.

★ GOOD TO KNOW — YOU CANNOT REFUSE A VALID NOTICE

If a notice is valid — correct period, permitted hours, stated purpose, within the cap — you cannot unreasonably prevent entry. This bundle is for deficient notices; refusing a valid one puts you in breach.

■ CRITICAL — A DEFICIENT NOTICE DOES NOT AUTHORISE ENTRY

If the notice fails any requirement of ss.55 or 57, the proposed entry is not authorised and should not proceed. Say so in writing, request a compliant notice, and log everything. Entry without lawful notice is exactly what s.61 remedies exist for.

■ CRITICAL — FOUR INSPECTIONS PER YEAR — THAT'S THE CAP

Routine inspections are limited to 4 in any 12-month period. Track every one. A fifth 'inspection' is not something to accommodate — it is something to refuse in writing.

1. COPY

Copy the letter below into a new email

2. FILL

Replace every **[bracketed]** field with your details

3. SEND

Email it — request a read receipt, save a copy

Fill in every **[bracketed]** field, then send via email — request a read receipt.

SUBJECT:**RESPONSE TO ENTRY NOTICE — NOTICE DEFICIENCY: [Insert Property Address]**

I am writing in response to your entry notice dated **[Insert Date of Notice]** proposing entry on **[Insert Proposed Entry Date]** at **[Insert Proposed Time]**.

1. NOTICE DEFICIENCY — APPLICABLE ITEMS

- Insufficient notice: **[X days]** does not meet the minimum **[7 days inspection / 2 days repairs]** required by Section 55.
- Outside permitted hours: entry at **[time]** is outside 8am–8pm, or falls on a Sunday or public holiday (Section 57).
- Purpose not stated as required.
- Exceeds the inspection cap: this would be inspection **[X]** within 12 months — the maximum is 4.

2. ENTRY NOT AUTHORISED — COMPLIANT NOTICE REQUIRED

- As the notice does not comply with the Act, the proposed entry is not authorised and should not proceed. Entry without a valid notice would be unlawful, with remedies available to me under Section 61.
- Please reissue a compliant notice. I am happy to facilitate reasonable access for legitimate purposes once one is provided.

3. RECORD KEEPING

- This response and the original notice are logged in a chronological evidence record, together with a running count of inspections this year.
- Repeated deficient notices or unlawful entry will be raised with NSW Fair Trading and NCAT, including as interference with my quiet enjoyment under Section 50.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]