Housing Rights

https://www.housingrights.org.uk/landlords/tenancy-issues/accessing-property

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Accessing the property

This information is for private landlords of properties in Northern Ireland.

If you are a tenant, you can find advice here.

If you are a landlord or letting agent in Northern Ireland seeking advice, you can:

- send a message to Landlord Advice, or
- call 028 90 245 640 (Option 1)

During a tenancy, you may need to enter the property, for example:

- to carry out repairs
- to make an inspection

Although you're the owner, your rights to enter the property are limited. The property is your tenant's home, and they have a right to privacy.

Your rights to enter the property

You cannot enter the property without your tenant's permission.

To arrange access, you should contact your tenant and:

- explain the reason you need to access the property
- propose a suitable time and date
- give your tenant at least 24 hours' notice
- wait for your tenant to confirm that you can enter at that time and date

It's not enough to call the tenant on your way to the property.

Your tenancy agreement should also state when you can enter the property. Be aware that tenancy agreements can sometimes contain unfair terms.

You do not have to give your tenant written notice. But keeping a record of your attempts to arrange access will help if a dispute arises later.

If your tenant does not respond, you should contact them again.

You cannot enter the property if the tenant refuses access unless there is an emergency. If you enter without the tenant's permission, this can be investigated as harassment.

Our mediation service can help you reach an agreement with your tenant.

Video: How to access your rented property

Video transcript

With any tenancy, you'll need to visit your rental property, to inspect it, carry out repairs or do a viewing. Let's talk about how to arrange access and what to do if you're finding it hard.

The property is your tenant's home and they have a right to privacy. First, check your contract to see what it says about accessing the property.

You need to give your tenant at least 24 hours' notice if you, or a contractor, are planning on calling to the property.

You can only go inside if your tenant gives you permission. If your tenant doesn't respond, you'll have to contact them to arrange another time.

The only time you can enter the property without your tenant's permission is in an emergency, where there's an immediate risk of serious damage or injury, like a gas leak, fire or flood.

If you've tried many times and your tenant won't let you access the property, they could be breaking the contract.

You can write to them and try once more to arrange access, letting them know that if they won't cooperate, this could lead to eviction.

Remember to keep a record of your attempts, especially if you're trying to get access to carry out repairs. This shows that you've tried to get access to address the issue.

Contact Landlord Advice if you're having problems getting access to your property. You can call or email for advice.

Dealing with a tenant who refuses access

Your tenants are allowed to refuse anyone access to their home.

However, tenants should not refuse access unreasonably.

If your tenants refuse access, it could be because, for example:

- the time you suggest is not convenient, or
- they don't want anyone in the property unless they are there, or
- they have difficult circumstances, such as an illness, currently

Ask the tenants if there is a reason why they are refusing access. It may be possible to arrange an alternative date and time. Our mediation service might be able to help with this.

Accessing the property without the tenants' permission could be seen as harassment.

If a tenant continues to refuse access, this may be a breach of their tenancy agreement. You may wish to inform them of this.

Explain that if they do not allow access, you:

- will not be able to carry out repairs
- may go to court for an order allowing access
- may consider ending the tenancy

The Housing Mediation Service may be able to help resolve a dispute with a tenant who refuses access.

You can apply for a court order to access the property to carry out an inspection or repairs. A solicitor can help with this.

Entering the property in an emergency

In an emergency, always call 999 and follow instructions.

If you smell gas, call the Northern Ireland Gas Emergency Service on 0800 002 001.

NI Direct has information on what to do if there is severe weather or flooding.

You can enter the property in an emergency. You should consider carefully whether it is safe for you to do so. An emergency is where there is an immediate risk of:

- serious damage to the building or
- serious injury to your tenants or neighbours

For example, a fire, flood or gas leak.

Try to contact the tenants before entering. You can:

- try to phone the tenants, and
- knock loudly and ring the doorbell, and
- call through the letterbox, before using your own key to go inside

Frozen pipes

You may be concerned about frozen pipes if:

- there is cold weather, and
- you believe the tenants may be away from the property

You will still need to contact the tenant and obtain their permission to enter the property. If you enter the property without the tenant's permission, this may be harassment.

It is a good idea to talk about this situation in advance of it happening. You can:

- ask your tenants to tell you if they'll be away from the property during the winter, and
- get permission to enter the property to check pipes or turn off the water if needed

It is best to get this permission in writing.

It may also be possible for a tenant to arrange for a family member or friend to check the property while they are away.

Arranging viewings of an occupied property

If your tenants are due to move out, you may want to arrange viewings during the last few weeks of the tenancy. This may be because:

- you want to find new tenants to move in immediately after the current tenants leave, or
- you are selling the property

Be aware that this can be risky. The tenants may not be able to leave at the end of the notice to quit. For example, they may not be able to find somewhere else to live or plans may change. If this happens:

- your tenants can stay in the property while you follow the correct process to end the tenancy
- any new tenants will not be able to move in, if applicable
- the sale of the property may not be able to go ahead, if applicable

It may be best to wait until the tenants move out to arrange viewings of the property.

If you do decide to arrange viewings during the tenancy:

- check your tenancy agreement to see if this is permitted
- ask the tenants to allow limited viewings
- check if they have a preferred time for viewings
- give the tenants at least 24 hours' notice of a viewing (or longer if required in the tenancy agreement)
- obtain their permission to enter the property for the viewing

If the tenants do not give permission, you cannot proceed with viewings. This is the case even if the tenancy agreement permits them.

Our mediation service may be able to assist with disputes over access.

Your tenants do not have to:

- leave the property during viewings if they don't want to, or
- clean the property before the viewing

If you or an agent enters the property without the tenants' consent:

- this may be harassment
- the local council can investigate this

Agreeing rights of access in your contract

Your **tenancy agreement** should be clear about when you or an agent can enter the property. This can help to prevent problems later on.

These include:

1. to inspect or carry out repairs, and that
2. they must give the tenant a minimum of 24 hours’ notice, and
3. they can only enter if the tenant gives permission

A term that interferes with the tenant’s basic right to peacefully occupy the property is an unfair term.

This would include terms such as:

- allowing the landlord or agent to access the property without giving notice
- allowing the landlord or agent to enter the property without the tenant’s permission
- obliging the tenant to agree to viewings throughout the entire tenancy

Taking photographs of the property

Be cautious if you need to take photographs or videos of an occupied property. Tenants might find this intrusive.

Try to use another way to record the condition of the property. For example, a written description.

Sometimes it may be necessary to take a photograph:

- an example of this would be to get a quote for proposed work
- ask the tenant first if you can take a photograph

- you could limit the photograph only to the area which requires work
- you can avoid including the tenant’s personal items in the photo

There is the risk that personal data could be included in photographs or video. GDPR laws protect personal data. The Information Commissioner’s Office have an advice service about GDPR:

- you may contact the Information Commissioner’s Office (ICO)

More advice

- Tenancy agreement
- Illegal eviction and harassment
- Carrying out repairs