

Access to Property Policy

1. Purpose

This policy defines the circumstances when HOME in PLACE will seek to enter a property, the type of access and the frequency of access.

2. Scope

This policy applies to all tenants of HOME in PLACE in New South Wales.

3. Policy Statement

HOME in PLACE respects the right of tenants to enjoy reasonable peace, comfort and privacy in their property. In accordance with the *Residential Tenancies Act 2010*, tenants must allow HOME in PLACE and/or its agents access to their property for specific reasons.

These visits are beneficial to both tenants and HOME in PLACE as they allow HOME in PLACE to inspect, maintain and repair its properties and provides the tenant with an opportunity to raise any concerns with HOME in PLACE workers.

The circumstances when HOME in PLACE will access a property are:

- HOME in PLACE and/or its agents may enter a property at any time with the consent of the tenant. Consent can be given verbally or in writing.
- HOME in PLACE and/or its agents can access a property in accordance with the requirements of the Residential Tenancies Act 2010.

Reasons for access

The *Residential Tenancies Act 2010* allows HOME in PLACE 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.
- To show the property to a prospective buyer.

HOME in PLACE will conduct a minimum of one (1) and maximum of four (4) property inspections in each twelve (12) month period.

HOME in PLACE will also access the property in the following situations:

- An emergency.
- If HOME in PLACE 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.
- To repossess the property when it suspects the property has been abandoned; or
- When the tenant has requested a visit.

Actions taken if access denied

HOME in PLACE will only access a property in accordance with the requirements of the *Residential Tenancies Act 2010* and will, where required, provide written notice to the tenant. If proper notice has been given, a tenant must not deny or hinder HOME in PLACE's right to access.

If access is refused HOME in PLACE will, in the first instance, discuss this directly with the tenant. If further access is denied, the tenant will be in breach of their Residential Tenancy Agreement and HOME in PLACE can make application to the NSW Civil & Administrative Tribunal (NCAT) requesting an order for access.

Where there is evidence and good reason to suspect the property has been abandoned, HOME in PLACE may arrange to enter and take possession of the property.

Disputes about access

If a tenant disputes HOME in PLACE requests for access they should first discuss this with a Tenancy Relations Officer. If a tenant is still dissatisfied and believe HOME in PLACE has breached the terms of the Residential Tenancy Agreement, the tenant may make application to the NCAT. HOME in PLACE would encourage tenants to seek independent advice prior to taking this action.

Review of decisions

If a tenant is dissatisfied with a decision or service provided by HOME in PLACE, they should first talk to a Tenancy Relations Officer. If they are still dissatisfied, they may seek a review of the decision or service or for disputes relating to access, a tenant may make application to the NCAT.

4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,

- inform HOME in PLACE's clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE's policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE's Policy and Procedures to be reported and managed.

5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to SharePoint for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

6. Resources and related documents

Related documents

- Property inspection reports
- POL-025-38 Ending Tenancy Policy
- POL-002-02 Asset Maintenance Policy

Related legislation/standards

- Housing Act 2001 Residential Tenancies Act 2010 (NSW)
- Residential Tenancies Regulations (NSW)

7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
Appeals	<p>A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’</p> <p>An application for a decision to be reversed or overturned. Includes but is not limited to: • Allocation decisions; • Level of rent or rent subsidy; • Eligibility for a housing transfer; • Permission to undertake modifications; • Permission to keep pets; • Calculation of water charges;</p>
Compass	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the Australian Charities and Not-for-profit Commission (ACNC) .
Complainant	Person with a Complaint ongoing with HOME in PLACE.
Complaints	<p>An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service.</p> <p>Types of Complaint include:</p> <ul style="list-style-type: none"> • Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service; • Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures. • Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information. • Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.
	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
	HOME IN PLACE (NEW ZEALAND) LIMITED (formerly Compass Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act
	The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.

Term	Definition
Independent contractor	means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.
Landlord	The person who grants the right to occupy a property under a Residential Tenancy Agreement.
NSW Civil & Administrative Tribunal (NCAT)	An independent statutory body that resolves disputes including tenancy disputes. Order made by the NCAT are enforceable.
Residential Tenancy Agreement	A legal agreement between a tenant and landlord.
Stakeholder	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
Tenant	A person who signs the Residential Tenancy Agreement with HOME in PLACE
Worker (HOME in PLACE)	has the same meaning as defined in the NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1) A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as: <ul style="list-style-type: none"> • an employee, or • an independent contractor or subcontractor, or • an employee of a contractor or subcontractor, or • an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or • an outworker, or • an apprentice or trainee, or • a student gaining work experience, or • a volunteer, or • a person of a prescribed class.

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