

LANDLORD'S RIGHT OF ENTRY vs. TENANT'S RIGHT OF PRIVACY

Rented property is no longer the *exclusive domain* of the landlord. The landlord has given possession to the tenant for the duration of the tenancy. The tenant has a *reasonable right of privacy*; that is, the landlord does not have the right to enter the premises anytime and for any reason. If the landlord insists on doing so, he/she may be guilty of trespassing.

However, while the landlord has a *right of reasonable entry* – to make an inspection, to make repairs, to show the premises to a prospective new tenant – except in the case of an emergency, landlords are advised to notify the tenant and reach a mutually acceptable agreement about the specific time of entry.

Some county and municipal housing or livability codes provide that upon receiving *reasonable notice*, tenants must give the owner or operator access to the premises at reasonable times for making inspections, repairs, alterations, etc., as needed to comply with the provisions of the code.

The balance between tenants' right to privacy and landlord's right of entry can usually be reached by a fair and reasonable agreement between the tenant and the landlord. This is a situation to be governed more by courtesy and respect for others rather than by the law.

SOME POINTS TO CONSIDER

- Tenants should seek rentals that have leases giving them the right to be notified before a landlord before a landlord's entry (except in cases of emergency) and, if possible, restrict the right of a landlord or his/her agent to show the property while the tenant lives in the property.
- Unless there is an emergency or a surprise inspection necessary to uncover a breach of lease (such as a pet on the premises when the lease prohibits pets), the landlord should always contact the tenant ahead of time before entering the premises. The landlord should always knock loudly and give time for the tenant to answer.
- Landlords can and should make needed repairs. The landlord cannot renovate the premises while the tenant is still there, i.e., repaint the apartment for a new tenant before the old tenant has moved out. If repairs are being made, the landlord must take care to ensure that the tenant's property is treated with respect. There should be a proper clean-up afterwards, and the door should be locked when leaving.
- If a landlord wants to sell the property, he/she should realize that the tenant is paying full rent for privacy. People wanting to inspect the property assume that appointments will be made with the tenants.