

## Inspections

### Policy

Date effective: 23 November 2016

#### 1. Purpose

The Department of Housing and Community Development ('the Department') conducts inspections to support accurate assessment of the condition of Department premises so that they can be maintained in a reasonable state of repair. This policy outlines how inspections will occur and the interaction between departmental officers and tenants.

#### 2. Scope

This policy applies to premises owned or leased by the Chief Executive Officer (Housing), for the purpose of residential accommodation.

#### 3. Policy

The Department will conduct inspections to assess the condition of premises, identify repairs and maintenance requirements and to ensure the premises are habitable, safe and secure.

Inspections will be conducted in accordance with section 70 of the *Residential Tenancies Act*.

##### 3.1. Definitions

<b>Premises</b>	Means a house and includes the land upon which a house is built.
<b>Inspection</b>	Refers to an inspection of the premises arranged with the tenant prior to entry being made. The purpose of an inspection is to assess the condition of premises before, during and after a tenancy.

##### 3.2. Types of inspections

The following types of inspections are likely to occur during the life of a tenancy.

- Ingoing – carried out as part of the process for a new tenant to take vacant possession of the premises or in the circumstance where there is a continuation of a tenancy. An ingoing condition report is prepared at this time and is an agreed document about the condition of the premises at the commencement of a tenancy.
- Routine – carried out no more than once every three months. Routine inspections are an opportunity for the Department to undertake a condition assessment to ensure that the premises remains safe, secure and habitable and to assess work that may be required to make good wear and tear or damage that may have occurred.
- Tenancy agreement extension – conducted six weeks prior to the end of a fixed term tenancy agreement.
- Pre-vacate – may be offered prior to a tenant vacating a premises.

- Outgoing – conducted when a tenant gives up vacant possession of the premises to Housing, including when the premises is abandoned. An outgoing condition report is completed during this inspection.

### 3.3. Repairs, maintenance and damage

Repairs, maintenance and damage identified during an inspection will be dealt with in accordance with the Property Management and Tenant Damage policies.

### 3.4. Tenant to be present and right of entry

Under section 76 of the *Residential Tenancies Act*, inspection of a premises or ancillary property must be carried out in the presence of the tenant.

The Department may conduct an inspection without the presence of the tenant if:

- the tenant has refused, other than on reasonable grounds, to be present at the time specified for the inspection;
- the tenant has, in writing, waived the right to appear or to be represented at the inspection;
- the tenant is not at the premises at the time specified for inspection; or
- in accordance with section 72 of the *Residential Tenancy Act*, in an emergency or if the landlord has reasonable grounds to suspect that significant damage has been, is being or is about to be, caused to the premises or ancillary property.

The Department may take photographs of the premises during an inspection.

If a tenant unreasonably impedes, or fails to permit, the lawful entry to the premises or ancillary property to a department officer or an agent, the Department may seek an order, from the Northern Territory Civil and Administrative Tribunal, permitting entry to the premises, in accordance with section 77 of the *Residential Tenancies Act*.

### 3.5. Compliance checks

During an inspection, the Department and/or the tenant may identify repairs and maintenance issues due to wear and tear, or as the result of damage. Unreasonably dirty areas of the premises may also be identified as issues for rectification.

A compliance check may be required at a later date to confirm whether issues identified at an inspection have been satisfactorily rectified. In cases where issues identified during an inspection are visible from outside the premises (i.e. unreasonably dirty external area) departmental officers are not required to enter the premises. The Department may check for compliance by making an external observation, including the use of photography for evidence gathering.

A compliance check is not an inspection, as the intent is to confirm that the identified issues from the previous inspection have been rectified. Departmental officers will not conduct an inspection during the course of a compliance check.

### **3.6. External appearance of a property**

An external observation is not an inspection (refer to section 3.9 of the Property Management policy).

## **4. Timeframes**

An inspection will not take place more than once every three months. A tenant will be given at least seven days written notice prior to an inspection taking place.

## **5. Discretionary decision making**

Discretion can be applied to this policy using the Discretionary Decision Making policy.

## **6. Complaints and/or appeals**

If a client is not satisfied with either a decision or action of the Department, they can access the Department's complaints and/or appeals processes. For further information, please refer to the Complaints and/or Appeals policies.

## **7. Review of the policy**

If at any time the legislative, operating or funding environment is so altered that the policy is no longer appropriate in its current form, the policy shall be reviewed and amended accordingly. This policy will be reviewed within two years of release.

## **8. Relevant legislation and documents**

### **Legislation**

*Care and Protection of Children Act*

*Domestic and Family Violence Act*

*Housing Act*

*Residential Tenancies Act*

### **Policies**

Appeals policy

Care and Protection of Children policy

Complaints policy

Discretionary Decision Making policy

Domestic and Family Violence policy

Property Management policy

Tenant Damage policy

## 9. Document change control table

Release Date	Version Number	Approved by (position)	Section amended	Category
23/11/2016	3.01	Director Policy	all	Editorial amendments
4/07/2016	3.00	Chief Executive Officer	all	Revised
23/12/2016	2.00	Director Policy	all	Editorial amendments
2/09/2013	1.00	Executive Director, Housing Operational Client Support	all	New separate policy derived from Housing Services Operational Policy Manual, Chapter 9