

SAMPLE

FORM 19
RESIDENTIAL TENANCIES ACT 1987
NOTICE OF INTENDED INSPECTION

SECTION 46

TO
(Name of tenant)

I hereby give you notice that I will enter the premises at:—

.....
.....
(Address of Premises)

On at a.m./p.m.
(Date required) (Time)

The reason for the entry to the premises is

.....
.....
.....

under paragraph of subsection 1 (see over).

The period of notice given in accordance with Section 46 is

DATE:

SIGNED:

ADDRESS:
.....

NOTE: See over for information regarding landlord's right of entry (sec 46).

This notice must be given to the tenant in a manner set out in Section 85 of the Residential Tenancies Act.

SECTION 46

- (1) It is a term of every residential tenancy agreement that the owner may enter the premises in the following circumstances but not otherwise.
- (a) in any case of **emergency**;
 - (b) for the purpose of inspecting the premises or any other purpose, on a day and at a reasonable hour, specified in a notice given to the tenant not less than seven nor more than fourteen days in advance;
 - (c) at any reasonable hour for the purpose of collecting rent under the agreement, where it is payable not more frequently than once every week and it is agreed that the rent be collected at the premises, and at the same time, but not more frequently than once every four weeks, for the purpose of inspecting the premises;
 - (d) for the purposes of inspecting the premises, on the occasion of a rent collection referred to in paragraph (c), but not more frequently than once every 4 weeks;
 - (e) for the purpose of **carrying out or inspecting necessary repairs** to or maintenance of the premises, at any reasonable hour, after giving the tenant not less than seventy-two hours notice;
 - (f) for the purpose of **showing the premises to prospective tenants**, at any reasonable hour and on a reasonable number of occasions during the period of twenty-one days preceding the termination of the agreement, after giving the tenant reasonable notice;
 - (g) for the purpose of **showing the premises to prospective purchasers**, at any reasonable hour and on a reasonable number of occasions, after giving the tenant reasonable notice; or,
 - (h) with the **consent of the tenant** given at, or immediately before, the time of entry,
- (2) In subsection (1) of this section “premises” does not include any part of the premises used by the tenant in common with the owner or any other tenant of the owner.

NOTE: If you have a written residential tenancy agreement you should check to see if it contains a provision to exclude, restrict or modify Section 46.

Notes on Section 85 (SERVICE)

If the matter goes to Court you will have to produce evidence of service. Service may be effected by various means e.g.

- (1) by personal delivery (you may seek the assistance of a bailiff or other process server)
- (2) by post
- (3) by delivery to a resident of the rented premises who is apparently over 16 years
- (4) by delivery to a person who ordinarily pays the rent.

Service may be on any one tenant if there are more than one.

For full particulars regarding the service of notices and documents see Section 85 of the Act.