For immediate release
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VCAT shuts the door on ‘open for inspection’

The Victorian Civil and Administrative Tribunal (VCAT) has ordered that a real estate agent cannot conduct an ‘open for inspection’ in a rented house without the tenant’s consent.

“The law states that tenants are entitled to ‘quiet enjoyment’ of their rental property. The Tenants Union of Victoria (TUV) has long believed that forcing tenants to endure ‘open for inspections’ is not consistent with their right to quiet enjoyment. VCAT has now confirmed our view” said James Bennett, TUV Policy & Liaison Officer.

“Having dozens of strangers looking through your home without your consent can be a massive infringement of privacy, security and quiet enjoyment. VCAT has clarified that only genuine prospective buyers can be shown a property by appointment – not just anyone who is wandering past and wants to stickybeak, check for valuables or assess the security system.”

“This decision will not prevent houses from being marketed, inspected and sold – it simply upholds and clarifies the tenant’s right to quiet enjoyment, privacy and security during the process.”

Owners are entitled to sell and tenants are entitled to ‘quiet enjoyment’ – these rights are not mutually exclusive and VCAT has sensibly upheld both.

Good real estate agents have nothing to fear from this decision. Inspections by appointment can provide a tailored and personalised service which many buyers appreciate.

Industry sources have previously acknowledged the hazards involved in open for inspections, noting there is a risk that a person posing as a prospective purchaser may come into the house and steal items.

James Bennett concluded that “a person who is selling their own home is perfectly entitled to conduct ‘open for inspections’; however it is unfair for tenants to have this imposed on them.”

NOTE: This VCAT decision occurred after the TUV assisted a tenant who did not consent to ‘open for inspections’ of their rented premises which are being sold. The tenant took this action due to concerns regarding their security and privacy. For the exact same reasons the tenant wishes to remain anonymous.