

Viewings

The student rental market in Birmingham (especially for prime Selly Oak locations) is very competitive, with many landlords and their letting agents competing for students to rent their properties. This means they will often want to arrange for prospective tenants for the next year to view the property (often well before your tenancy is ending, with viewings sometimes even starting in the first semester).

Our guide will help you understand your rights and what landlords and their agents can and can't do when it comes to arranging viewings.

The basic legal position

- As a tenant you have the right to “quiet enjoyment” and “exclusive” use of the property. In practice, this means a landlord cannot legally enter the property without your permission, meaning you are within your rights to refuse viewings.
- The Protection from Eviction Act 1977 makes it an offence for landlords (or their agents) to do anything that would amount as harassment. Entering your home without permission would be a prime example of this.
- If you do give permission, you are entitled to 24 hours' notice and for this to be at a reasonable hour.
- If your landlord or their agent turns up unannounced or outside of the times agreed with you, you are within your rights to refuse entry.



What if my contract says I have to allow viewings?

- It is very common for student tenancies to include a provision that requires the tenants to allow viewings with a certain amount of notice. However, these do not give the landlord or their agent a free pass to turn up whenever they like, or breach your statutory rights.
- Forceful entry to the property without your consent is still not permitted.
- If the terms are considered reasonable, you would be in breach of your contract if you withhold permission. You are however, not expected to allow viewing at unreasonable times (such as very early in the morning or late at night) or with very limited notice, as such terms would likely be unenforceable as the court would see this as an unfair contract term.
- If the frequency of viewings is excessive, this could also be seen as a form of harassment as it interferes with your right to exclusive occupation of the property and your right to use it as you choose.
- Your landlord has an implied right of access under the tenancy, with 24 hours' notice to repair the property or to inspect it to see if repairs are required (in accordance with s.11 Landlord & Tenants Act 1985, however this cannot be relied upon to gain access to show new tenants round.
- In practice, problems can often be resolved with a polite conversation with your landlord or their letting agent and by offering times for viewings that fit around you and your housemates (remember how important viewing a house can be for finding a safe and suitable place to live) but don't be afraid to assert your rights if a letting agent is going too far.

A note on Covid

There are currently no restrictions on home viewings in the UK. Over the pandemic, many agents switched to virtual viewings or created the facility for virtual tours, to make viewings easier while lockdown restrictions were in place. You should discuss plans for these to continue with your landlord. If your agent wishes to arrange a virtual viewing, you should be particularly careful to make sure none of your personal information is on show.

While legal restrictions no longer apply, you may want to consider discussing precautions your letting agent will take; such as asking visitors to wear face coverings, and opening doors and windows to ensure ventilation.

If your household is self-isolating, you do not have to allow viewings.