

NEIGHBOUR DISPUTES AND NUISANCE POLICY



Purpose

Affordable Community Housing Limited (ACHL) tenants have the right to the peaceful enjoyment of their property and to live in peace and harmony with their neighbours. When disputes with neighbours are brought to ACHL's attention, ACHL will firstly encourage tenants to sort out their own problems by discussion or through mediation; if the dispute concerns a breach of the tenancy agreement by another ACHL tenant, ACHL may take action. This document outlines ACHL's policy for assisting tenants and intervening in neighbour disputes.

ACHL's and tenant's obligations

ACHL is committed to a fair and discrimination-free living environment for all tenants and will not tolerate harassment or discrimination towards any tenant or tenant group. This includes verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural or personal differences.

However, while ACHL may advise tenants in dealing with disputes (see below), ACHL will only intervene in a neighbourhood dispute or investigate allegations that involve breaches of the tenancy agreement – that is, where the neighbour being complained about is an ACHL tenant. Additionally, it is not the role of ACHL to carry out criminal investigations.

Tenants have an obligation to abide by the Nuisance and Annoyance conditions of their Residential Tenancy Agreement, including being responsible for their own conduct as well as for the behaviour of other occupants of the household and visitors to their property.

Early intervention and mediation

Early intervention practices and referral to support services where appropriate can minimise the escalation of disputes between neighbours.

ACHL will encourage tenants to try to resolve problems with other tenants themselves, such as through discussion with their neighbour or with the assistance of mediation services. ACHL will refer tenants to Community Justice Centres for assistance when appropriate and if the parties agree to attend. ACHL will not act as an advocate or third party in such disputes.

In general, ACHL will make information available to all tenants about how to be a good neighbour and seek to build positive relationships through mutual understanding and acceptance. This may include providing information in the New Tenant Kit, in tenant fact sheets, on the ACHL website and in the ACHL tenant newsletter, as well as encouraging tenant outings, activities and gatherings to get to know and understand each other.

Written complaints

If a neighbour dispute is not resolved through discussion or mediation, ACHL will request the tenant to put their complaint in writing for further consideration and possible investigation. All complaints of nuisance and annoyance made against ACHL tenants must be in writing.

The complaint should include:

- The client's name and address
- Details of the complaint and supporting documentation
- The date of the incident complained about
- The date the complaint was lodged

Following the receipt of a written complaint, ACHL will investigate the matter promptly. As soon as possible after the complaint is lodged, ACHL will write to the client to acknowledge receipt and inform them of ACHL's intention to investigate and respond within 28 days. ACHL may also keep the client informed about the progress of their complaint during this period if necessary or advisable.

During the course of the investigation, there must be no identification of the complainant to the other ACHL tenant, unless with the written permission of the complainant.

Neighbour disputes involving ACHL tenants

Where the alleged perpetrator is an ACHL tenant and the complaint involves behaviour that is persistent or intentional, represents a serious nuisance and annoyance and causes interference with the peace, comfort, or privacy of others, the tenant may be in breach of their tenancy agreement with ACHL.

ACHL will initiate action to substantiate any claims. Where appropriate, ACHL may seek information from other agencies such as the NSW Police. If the complainant is at risk, they will be advised to make a formal complaint to the police.

If ACHL is able to substantiate that a complaint is a breach of the tenancy agreement, the tenant may, in the first instance, be given the opportunity to change their behaviour. ACHL may also take any relevant legal action required at the Consumer, Trader and Tenancy Tribunal (CTTT) to remedy the dispute under the Nuisance and Annoyance provisions of the Residential Tenancy Agreement.

Where it is considered the complainant and/or the alleged perpetrator may be inappropriately housed and that rehousing may alleviate further disputes or breaches of their tenancy agreement, ACHL may rehouse the tenant/s.

Neighbour disputes involving non ACHL tenants

Where a written complaint is received from an ACHL tenant in relation to problems being experienced with a non-ACHL tenant, ACHL will seek to establish its responsibility as a landlord to intervene in such disputes. If it is determined that ACHL is unable to or should not intervene, ACHL will further counsel and inform the tenant of the avenues available to them, such as:

- Communication with their neighbour
- Intervention by local authorities including bodies corporate, councils, etc
- Intervention by the police, particularly if the complainant may be at risk
- Available mediation processes, including Community Justice Centres.