

NEIGHBOUR DISPUTES

POLICY

1. PURPOSE

This document outlines Evolve Housing's Policy as to when and how Evolve Housing (Evolve) is able to assist their Residents in dealing with Neighbour Disputes, including issues relating to nuisance and annoyance.

2. SCOPE

This Policy applies to all Evolve Housing Tenants, Residents and Visitors and relates to issues between neighbouring Evolve Housing Residents. This Policy does not apply to Complaints or Appeals which have different definitions and are covered under separate policies.

3. POLICY STATEMENT

Evolve Housing Residents and their neighbours have a right to the peaceful and conflict-free enjoyment of their Property. Evolve Housing is committed to a fair and discrimination free living environment for all Residents and will not tolerate harassment or discrimination towards any Resident or resident group. This includes verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural, personal or other differences.

When disputes with neighbours occur and are brought to Evolve Housing's attention, Evolve will encourage Residents to resolve their problems through discussion with their neighbours or through mediation.

Evolve Housing will only take action under this Policy if the dispute involves a breach or possible breach of a Residential Tenancy Agreement by an Evolve Housing Resident. (Evolve Housing does not carry out criminal investigations.)

3.1 Tenant responsibilities

Tenants have an obligation to abide by each of the conditions of their Residential Tenancy Agreement. These conditions include that Tenants must not cause a nuisance or do anything to stop their neighbours from enjoying the peace, comfort and privacy of their homes.

Under the Tenancy Agreement, Tenants are responsible for their own conduct, as well as being responsible for the behaviour of other Residents in their home and any visitors.

3.2 Evolve Housing responsibilities

Under the *Residential Tenancies Act 2010*, Evolve Housing has an obligation to take reasonable steps to ensure that an Evolve Housing Resident does not do anything to stop their neighbouring Evolve Housing Residents from enjoying the peace, comfort and privacy of their homes.

3.3 Early intervention and mediation

Evolve Housing believes that early intervention practices and referral to support services (where appropriate) can minimise the escalation of disputes between neighbours.

Evolve will encourage Residents to try to resolve any problems with neighbours themselves, for example through discussion with their neighbour or with the assistance of mediation services. When appropriate, and if both parties agree to attend, Evolve Housing can refer Residents to Community Justice Centres for assistance. (Evolve Housing will not act as an advocate or third party in this process.)

Residents will also be advised to:

- consider contacting their local council if they believe their neighbour has breached council by-laws, which include those relating to loud music, barking dogs, overgrown trees and parking issues; or
- consider contacting the police if the Resident feels unsafe and at risk, or they think their neighbour may have broken the law.

3.4 Neighbour Disputes

Evolve Housing can only investigate a dispute if it involves a possible breach of a Residential Tenancy Agreement by an Evolve Housing Resident, and only after an attempt has been made to resolve the problem through discussion or mediation. This is described as a **Neighbour Dispute**.

If the problem represents a serious nuisance or annoyance, or continues without any improvement after discussion and/or mediation with the neighbour, the Resident raising the Neighbour Dispute should put details of the problem in writing to Evolve Housing.

Details should include:

- The name and address of the Resident raising the Neighbour Dispute;
- Details of the person the Neighbour Dispute is with;
- An explanation or description of the problem including what has been done to try to resolve the problem; and
- The date(s) or period(s) over which the incident occurred.

Any supporting documentation should also be provided.

Evolve Housing will acknowledge receipt of all of the information received within two working days.

3.5 Investigation process

Acknowledgement of receipt of the written details of the Neighbour Dispute will be provided within two days. Evolve will then begin the process of substantiating any claims made. Where appropriate, Evolve may seek information from other agencies such as the NSW Police. If the Resident raising the Neighbour Dispute is at risk, they will be advised to make a formal report to the police.

If Evolve is able to substantiate that the Neighbour Dispute involves a breach of the Residential Tenancy Agreement by an Evolve Housing Resident, the Resident may first be given the opportunity (if appropriate) to change their behaviour.

If it is not appropriate to offer an opportunity to the Resident to change their behaviour, or after being given that opportunity the problem continues, Evolve Housing will then consider taking any legal action allowed through the NSW Civil & Administrative Tribunal (NCAT), to remedy the dispute under the Nuisance and Annoyance provisions of the Residential Tenancy Agreement.

The individual raising the Neighbour Dispute will be advised of the outcome of the investigation within 20 working days or if the investigation is not complete, will be kept informed of progress.

3.6 Complaints about non-Evolve Housing neighbours

Evolve Housing cannot usually investigate reports about neighbours who are not Evolve Housing residents. However, an Evolve Housing Resident has the option to submit a written complaint and Evolve will seek to establish whether it has any responsibility as a landlord to intervene.

3.7 Confidentiality

During the course of the investigation, and unless they have provided written permission to do so, the identity of the Resident raising the Neighbour Dispute will not be divulged to the individual who is the subject of the dispute.

4. DEFINITIONS

- Appeal – a **disagreement** by a Resident or Applicant **with a decision** made by Evolve Housing that affects their application for housing, or their tenancy, and which the Resident or Applicant has requested be reviewed.
- Complaint – an expression of **dissatisfaction with the standard or type of service** provided by Evolve Housing, which is made by an external person or organisation (Complainant), and where the Complainant had expected or is requesting a different outcome or result.
- Neighbour Dispute – a **dispute between two Evolve Housing Residents**, which involves a possible breach by one Resident of their Residential Tenancy Agreement, and where an unsuccessful attempt has been made by the two parties to resolve their problem through either discussion or mediation.
- NCAT – NSW Civil & Administrative Tribunal is an independent NSW statutory body which resolves a wide range of disputes including tenancy and other residential property issues. NCAT decisions must be followed and are enforceable.
- Property – the Property or residential premises as described in the Residential Tenancy Agreement between Evolve Housing and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by Evolve Housing under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between Evolve Housing and a Tenant, which governs the terms on which that Tenant occupies the Property described in the Agreement.
- Tenant – a person who signs the Residential Tenancy Agreement with Evolve Housing and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)

5. RELATED RESOURCES

- *Residential Tenancies Act 2010 (NSW)*
- NSW Fair Trading Residential Tenancy Agreement
- Evolve Housing Zero Tolerance to Violence Policy
- Evolve Housing Privacy Policy
- Evolve Housing Complaints Management Policy

This Policy is subject to change from time to time at the discretion of Evolve Housing. Further information on this Policy and other topics, is available on the Evolve Housing website www.evolvehousing.com.au. If you have any specific questions regarding this Policy, please contact Evolve Housing on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.