

PURPOSE

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

POLICY REFERENCE	VHS006.1
POLICY OWNER	General Manager, Resident Services
APPROVED BY	Evolve Housing Ltd CEO
APPROVAL DATE	1 Mar 2022
REVIEW DATE	1 Mar 2025

NEIGHBOUR DISPUTES POLICY

1. SCOPE

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

2. POLICY STATEMENT

EHVL Residents and their neighbours have a right to the peaceful and conflict-free enjoyment of their Property. EHVL 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 EHVL's attention, EHVL will encourage Residents to resolve their problems through discussion with their neighbours or through mediation.

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

2.1 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.

2.2 EHVL responsibilities

Under the *Residential Tenancies Act 1997*, EHVL has an obligation to take reasonable steps to ensure that an EHVL Resident does not do anything to stop their neighbouring EHVL Residents from enjoying the reasonable peace, comfort and privacy of their homes.

2.3 Early intervention and mediation

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

EHVL 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, EHVL can refer Residents to Justice Service Centres for assistance. (EHVL 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.

2.4 Neighbour Disputes

EHVL can only investigate a dispute if it involves a possible breach of a Residential Tenancy Agreement by an EHVL 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 EHVL.

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.

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

2.5 Investigation process

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

If EHVL is able to substantiate that the Neighbour Dispute involves a breach of the Residential Tenancy Agreement by an EHVL 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, EHVL will then consider taking any legal action allowed through the Victorian Civil & Administrative Tribunal (VCAT), 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.

2.6 Complaints about non-EHVL neighbours

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

2.7 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.

3. DEFINITIONS

- Appeal – a **disagreement** by a Resident or Applicant **with a decision** made by EHVL 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 EHVL, 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 EHVL 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.
- Property – the Property or residential premises as described in the Residential Tenancy Agreement between EHVL and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by EHVL under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between EHVL 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 EHVL and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)
- VCAT – The Victorian Civil & Administrative Tribunal is an independent Victorian statutory body which resolves a wide range of disputes including tenancy and other residential property issues. VCAT decisions must be followed and are enforceable.

4. RELATED RESOURCES

- *Residential Tenancies Act 1997* (Vic)
- EHVL Zero Tolerance to Violence Policy
- EHVL Privacy Policy
- EHVL Complaints Management Policy

This policy is subject to change from time to time at the discretion of EHVL.

If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted