

PURPOSE

This document outlines our Policy when and how the Company is able to assist our Residents in dealing with Neighbour Disputes, including issues relating to nuisance and annoyance.

POLICY REFERENCE	HS006
POLICY OWNER	Group General Manager Resident Services
APPROVED BY	Group Executive Team
APPROVAL DATE	September 2025
REVIEW DATE	September 2028

1. SCOPE

This Policy applies to all Evolve Housing Limited and its controlled entities described in clause 3 of this policy (referred to as the Company)'s Tenants, Residents and Visitors and relates to issues between neighbouring Residents. This Policy does not apply to Complaints or Appeals which have different definitions and are covered under separate policies.

2. POLICY STATEMENT

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

The Company will only take action under this Policy if the dispute involves a breach or possible breach of a Residential Tenancy Agreement by a Company Resident. (The Company 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 Company responsibilities

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

2.3 Early intervention and mediation

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

The Company will encourage Residents to try to resolve any problems with neighbours themselves, through discussion with their neighbour or with the assistance of mediation services. Residents are 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.
- If your issue is **not family-related**, **Legal Aid NSW** may help in these ways:
 - **Legal advice:** You can call **LawAccess NSW (1300 888 529)** for free legal information and referrals.
 - **Referral to private or community mediators:** They may guide you to affordable alternatives.

Community Legal Centres (CLCs) in NSW are independent, non-profit organisations that provide free and confidential legal help to people who may not otherwise be able to afford it. They play a vital role in supporting individuals with everyday legal issues, including neighbourhood disputes, especially in the wake of the closure of Community Justice Centres (CJs)

- **Free Legal Advice**
- CLCs offer face-to-face or phone consultations with solicitors.
- **Assistance with Mediation & Negotiation**
 - While they don't typically run formal mediation sessions like CJs did, many CLCs:
 - Help draft letters to neighbours
 - Provide negotiation strategies
 - Refer you to affordable private mediators or court-connected mediation service
- **Support with Tribunal or Court Applications**

If informal resolution fails, CLCs can help you:

 - Prepare applications to NCAT or Local Court
 - Gather evidence (photos, arborist reports, etc.)
 - Understand procedural steps and timelines
- **Referrals and Advocacy**
- CLCs often work with other services like Legal Aid NSW, tenancy advocacy groups, and local councils.
- They may also advocate for law reform and improved access to justice for vulnerable communities.
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- **How to Find a CLC Near You**

You can use the [Community Legal Centres NSW website](#) to:

 - Find a centre by location
 - Access self-help resources
 - Learn about your legal rights and options

2.4 Neighbour Disputes

The Company can only investigate a dispute if it involves a possible breach of a Residential Tenancy Agreement by a Company 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 the Company.

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.

The Company will acknowledge receipt of all 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. The Company will begin the process of reviewing any evidence provided. Where appropriate, the Company 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 the Company is able to substantiate that the Neighbour Dispute involves a breach of the Residential Tenancy Agreement by a Company 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, The Company may consider making an application to the NSW Civil & Administrative Tribunal (NCAT) if there is sufficient evidence to establish a breach of a residential tenancy agreement, in an attempt to remedy the dispute under the Nuisance and Annoyance provisions.

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-Company neighbours

The Company cannot usually investigate reports about neighbours who are not also Company residents. However, a Company Resident has the option to submit a written complaint, and the Company will determine 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. APPLICABILITY

This policy applies to :

Company
Evolve Housing Limited
EchoRealty NSW & ACT Limited
Evolve Arncliffe Limited
Evolve Blacktown Limited
Evolve Penrith Limited
Evolve Melrose Park Limited

Evolve Merrylands Limited
Evolve Granville Limited
Evolve Edgecliff Limited
Evolve Carinya Limited

4. DEFINITIONS

- Appeal – a **disagreement** by a Resident or Applicant **with a decision** made by the Company 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 The Company, 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 Company 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 the Company and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by the Company under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between the Company 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 The Company 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
- **LawAccess NSW (1300 888 529)**
- [Community Legal Centres NSW website https://clcnsw.org.au/](https://clcnsw.org.au/)

This Policy is subject to change from time to time at the discretion of the Company.

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.

6. VERSION CONTROL

Date Reviewed	Policy Reviewer	Key Changes
1/08/2017		Policy adopted
31/10/2022	Raylee Golding, GM GAL/ Co Sec	Application of policy extended to controlled entities
11/08/2025	Greg Locke EMSH	Application of policy extended to controlled entities – amendments to 2.5 for clarity. Community Justice Centres closed from 1 July 2025 and have been replaced with Community Legal Centres.