

NEIGHBOURHOOD DISPUTES

I DON'T GET ALONG WITH MY NEIGHBOUR, WHAT CAN I DO?

Unfortunately, we usually do not get to choose the people we live 'next door' to. People can have a wide variety of lifestyle choices, and it may be that you feel your neighbour's lifestyle is incompatible with your own. Be that as it may, it is important that you try to resolve your differences with your neighbours in a way that means you can both enjoy living in your homes.

The Conflict Resolution Service on 6295 5998 can help you and your neighbours to understand your differences and resolve your conflicts peacefully. Contact the Conflict Resolution Service for assistance if you are unable to resolve your differences with your neighbours.

If the problem continues, it may be helpful to keep a written record of how your neighbour's behaviour affects you. Your record should be quite specific about what your neighbour does, on what dates and at what times.

If you have attempted to resolve your problems with your neighbour and they continue to behave in a manner that is offensive and annoying, you should contact Housing ACT. As your landlord (or lessor), Housing must not cause or permit any interference with what is called your "quiet enjoyment" — that is, your reasonable peace, comfort or privacy in using your home.

If you feel Housing ACT is failing to carry out their obligation not to permit any interference with your quiet enjoyment, you

could make an application to the Residential Tenancies Tribunal ('RTT'). You could seek an order that Housing perform the residential tenancy agreement by carrying out their obligation not to permit any interference with your quiet enjoyment. You would need to show the RTT:

- ▶ that your quiet enjoyment has been interfered with, and
- ▶ that the lessor has permitted this interference by failing to act on your complaints.

All tenants have an obligation not to interfere or permit interference with the quiet enjoyment of their neighbours. If your neighbour is also a public housing tenant, Housing ACT might take action against your neighbour on the basis that they are in breach of that obligation. For Housing ACT to decide to take this action, they will need very strong evidence that the neighbour has been acting in a manner that interferes with your quiet enjoyment.

WHAT CAN I DO IF MY NEIGHBOUR IS THREATENING MY SAFETY?

If your neighbour has threatened your safety, you should call the police. If you have an ongoing problem with your neighbour threatening your safety, you may be able to apply for a protection order from the Magistrates Court. You can contact the Legal Aid Protection Order Unit on 6217 4299 for legal advice about protection orders and what you need to do to get one.

WHAT IF MY NEIGHBOUR SAYS I AM THE PROBLEM?

If Housing believes you have interfered with the quiet enjoyment of your neighbour, they have an obligation not to permit this.

Housing can decide to seek the eviction of a tenant if they believe the tenant is in breach of the tenancy agreement.

Housing must first give a Notice to Remedy to the tenant, telling the tenant what the breach is and giving them 14 days to remedy — that is, to fix the problem or to stop the activities that are causing

Welfare Rights & Legal Centre

Advice line
6247 2177



offence. After the 14 days, if Housing believes the breach has not been remedied and the problem has continued, they can give the tenant a 14 day Notice to Vacate. If the tenant does not vacate, Housing can then apply to the Tribunal for eviction orders.

The Tribunal may make eviction orders if Housing can show:

- (a) that the tenant breached the tenancy agreement, and
- (b) that the tenant has not remedied the breach, and
- (c) that the breach justifies the termination of the tenancy.

See also **Eviction From Your Home** (Housing fact sheet number 15) and **Defending An Eviction** (Housing fact sheet number 16).



Disclaimer

This fact sheet contains general information available at the time of printing. It does not constitute legal advice. If you have a specific legal problem, please contact the Welfare Rights and Legal Centre's advice line on 6247 2177. The Welfare Rights and Legal Centre is entirely independent of Housing ACT. All assistance is free.

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