



Fact Sheet 7: Neighbourhood Disputes

I don't get along with my neighbour. What can I do?

Unfortunately, we usually do not get to choose our neighbours. People can have a wide variety of lifestyles, 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 (6162 4050) 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 ACT 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 feeling 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 ACT Civil and Administrative Tribunal (ACAT). You could seek an order that Housing ACT perform the residential tenancy agreement by carrying out their obligation not to permit any interference with your quiet enjoyment. You would need to provide evidence to ACAT:

- 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 he or she is 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 Magistrate's Court. You can contact Legal Aid's Domestic Violence and Personal Protection Order Unit (6207 1874) 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 ACT believes you have interfered with the quiet enjoyment of your neighbour, they have an obligation not to permit this.

Housing ACT can decide to seek your eviction if they believe you are in breach of your tenancy agreement.

Usually Housing ACT must first give you a Notice to Remedy, telling you what the breach is and giving you 14 days to remedy—that is, to fix the problem or to stop the activities that are causing offence. After the 14 days have passed, if Housing ACT believes the breach has not been

remedied and the problem has continued, they can give you a 14 day Notice to Vacate. If you do not vacate, Housing ACT can then apply to the Tribunal for eviction orders.

The Tribunal may make eviction orders if Housing ACT can show:

- that you have breached the tenancy agreement, and
- that you have not remedied the breach, and
- that the breach justifies the termination of the tenancy.

Sometimes, instead of seeking your eviction, Housing ACT may decide to apply for orders under section 83 of the *Residential Tenancies Act* 1997 ('the Act') either stopping an action in breach of your tenancy agreement or requiring that you perform an obligation under your tenancy agreement. It is important to get legal advice before agreeing to any proposed orders because a breach of the Tribunal orders may lead to your eviction.

See Fact Sheet 15: *Eviction from your Home* and Fact Sheet 16: *Defending an Eviction* for further information.

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 Canberra Community Law's advice line on 02 6218 7977.

Canberra Community Law is entirely independent of Housing ACT. All assistance is free.

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