

# Neighbour disputes & complaints

Centacare Evolve Housing aims to manage tenancies in a way that balances rights of property use with rights to privacy and quiet enjoyment. This fact sheet provides information about the actions we can take regarding neighbour disputes. It explains how we respond to disputes that involve a breach of a Tenancy Agreement (lease), and outlines what matters we are unable to respond to.

## Disputes with neighbours who are not Centacare Evolve Housing tenants

Centacare Evolve Housing is unable to assist with neighbour disputes, nuisances or unlawful behaviour enacted by people who are not our tenants. Matters like these should be addressed to Tasmania Police if they involve criminal activity or threat, or to local council and other services as appropriate.

## Behaviour that is not a breach of a Tenancy Agreement

We are unable to intervene in matters that are classified as *annoying behaviour* – i.e. behaviour that causes discomfort or bother to a person in a way that slightly displeases, troubles or irritates them. We are also unable to intervene with matters that relate to personal difference.

## Behaviour that is a breach of a Tenancy Agreement

- **Nuisance behaviour:** Behaviour that seriously interferes with other residents' quiet enjoyment of their homes and/or their ability to go about their normal business. Nuisance behaviour includes: failure to maintain premises (including abandoned cars), failure to supervise and control visitors and children, excessive noise, hoarding and squalor, poorly controlled pets, the spreading of rubbish and activities that are incompatible with the residential nature of the property.
- **Unlawful behaviour:** Behaviour in or around a property that is unlawful and relates to the tenancy, property and/or the immediate surrounding community. Unlawful behaviours include: excessive and unwarranted intrusions on a neighbour's property, health and safety violations, ongoing and frequent excessive noise, abusive and threatening language, harassment and intimidation and using a property for unlawful purposes.

## Criminal activity

Centacare Evolve Housing does not have the authority to formally investigate accusations of criminal activity - whether or not they relate to our Tenancy Agreements. Tasmania Police or Crime Stoppers have the appropriate authority and should be notified.

Centacare Evolve Housing cannot get involved in complaints that involve unlawful behaviour that does not relate directly to a Tenancy Agreement (e.g. hooning, noisy motorbikes in public areas, etc.). These are matters that should be raised with police or council.

## Dealing with complaints

When we receive a complaint about a breach of a Centacare Evolve Housing Tenancy Agreement, we will:

- Provide a confidential avenue for making the complaint.
- Advise the complainant to contact Tasmania Police or local council if the behaviour is unlawful or in breach of council bylaws.
- Attempt to establish sufficient evidence about the matter raised and ascertain whether it involves a breach of the Tenancy Agreement.
- Inform the tenant responsible for the alleged breach that a complaint has been raised and provide them with a right of reply to the accusations.
- Treat all people involved fairly and reasonably and try to work collaboratively with all parties to find ways to resolve the complaint.
- Respond appropriately once the matter has been investigated.

Note: We can only take legal action to terminate a Tenancy Agreement based on formal evidence and in accordance with the Residential Tenancy Act 1997.

## Responding to a Tenancy Agreement breach

There are a number of ways in which Centacare Evolve Housing can respond to a Tenancy Agreement breach. These are based on the severity or repetitive nature of the behaviour.

- A verbal warning may be used for nuisance behaviour and minor breaches of the Tenancy Agreement.
- A breach letter may be sent to the offending tenant warning them that their tenancy is at risk if behaviour is not rectified.
- Ongoing monitoring of the tenancy to ensure an appropriate response is being made.
- A Notice to Vacate (NTV) can be issued to end a tenancy for serious offences or repeated occurrences of breaches. A tenancy can be ended by legal means if there is a confirmed breach of the Tenancy Agreement in accordance with the Residential Tenancy Act 1997.

## Related resources

- Centacare Evolve Housing Fixed Term Lease Agreement
- Residential Tenancy Act (1997)
- Complaints & Appeals Policy