

NEIGHBOURHOOD DISPUTES

BEST PRACTICE GUIDE



This guide explains the approach landlords within the CEHL Co-op Housing program will take in resolving neighbourhood disputes.

The best approach for dealing with neighbourhood issues is communication. This can take many forms ranging from an informal chat to more formal approaches, such as a polite letter. People are often unaware of their behaviour and the impact it is having on their neighbours therefore it makes sense to encourage neighbours to talk with each other about any disputes before they get out of hand. Where this does not solve the problem, it is important to find the right authority that can help.

Where the issue relates to a tenancy obligation, a landlord may be able to issue a breach notice and/or apply for a VCAT hearing.

CO-OP ACTIONS

When a co-op receives a neighbourhood complaint they will...

In the first instance, encourage both parties to try and speak with each other and find a mutually agreeable solution.

This can be helpful as often people are not aware of their behaviour and the effect that they are having on their neighbours.

These conversations can sometimes be uncomfortable for those involved, however offers the greatest opportunity for a harmonious outcome.

If the dispute is unable to be resolved between the parties informally the co-op will provide the complainant with information about the breach process a landlord can follow under the Residential Tenancies Act.

Disputes between co-op members may also be addressed via the dispute resolution process is defined in your co-op rules. If you require further advice contact your CDC.

You can also access useful tips on how to approach conversations around neighbourhood disputes [here](#).

1. Complaint is raised

Dispute Settlement Centre of Victoria [here](#)

COMPLAINANT ACTIONS

When you are experiencing a Neighbourhood dispute...

Where possible try and speak with the other party face to face as this can help resolve the problem quickly.

TIPS:

- Pick a time and place that suits you both
- Remain calm
- Be clear and focus on the issue
- Listen to the other person
- Look for a solution that works for you both.

For further tips on how to approach and discuss a dispute with your neighbour the Dispute Settlement Centre of Victoria [here](#) offers advice and further information that could be helpful.

CO-OP ACTIONS

If the dispute is unable to be resolved between the parties informally the co-op will:

- Investigate the complaint by speaking with all parties and taking detailed notes. Explore what resolution the might be most appropriate.
- Determine the most relevant jurisdiction for the dispute and advise the complainant of this. Eg: Noise complaints can be dealt with by the local council.
- Inform the complainant that they may be required to keep a diary of events and or provide other evidence to the authorities.
- Advise the complainant that they may be required to give evidence at a VCAT or other hearing.

A Breach of Duty notice may be issued under the *Residential Tenancies Act* if the matter relates to a tenancy obligation and the process outlined above has failed to resolve the issue.

The Notice must:

- **Include** the relevant section of the Residential Tenancies Act that has been breached
- **State** the proposed remedy describing what action is required by the tenant
- **Be served** on the tenant by both registered post and surface mail

After the 14 days, check if the nuisance has been resolved. If not, apply for a compliance order at a VCAT hearing under the *Residential Tenancies Act*

2. Next steps

When talking doesn't work

Mediation:

[read more](#)

Noise: [read more](#)

Pets and your

tenancy:

[read more](#)

Owners

Corporations:

[read more](#)

Fact sheet Fences

[read more](#)

3. Breach of Duty Notice

Breach of duty procedure

[read more](#)

VCAT

consumer affairs

[read more](#)

COMPLAINANT ACTIONS

If the dispute is unable to be resolved between the parties informally the complainant should:

- Consider engaging in mediation through the Dispute Settlement Centre of Victoria.
- Seek advice about the relevant jurisdiction such as police for criminal activity or the local council for noise.
- Gather evidence such as a diary of events or photographs.
- Be prepared to present their evidence at a formal hearing.

Should the behaviour continue...

- Record any further instances and report them to the appropriate jurisdiction
- If the matter is to be heard at a VCAT hearing, be available to attend the hearing and give evidence.

For more information on attending a VCAT hearing go [here](#)