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Occasionally, incidents will happen at NCCH tenancies which threaten the right of other people to live in a safe, peaceful and healthy environment.

Neighbours should raise these issues with NCCH and have the right to expect that any matters raised are taken seriously and are investigated thoroughly by NCCH.

Our responsibilities

NCCH is committed to developing and sustaining healthy communities. However, generally we are only able to act on matters that fall within the scope of the landlord-tenant legal relationship.

NCCH can be legally bound to act in matters that fall within our “duty of care” obligations. This is so in matters which are causing a real threat to the health or safety of the community.

The Residential Tenancies Act 2010 states that landlords “must take all reasonable steps to ensure that the landlord’s other neighbouring tenants do not interfere with the reasonable peace, comfort or privacy of the tenant in using the residential premises”

Criminal matters

In relation to alleged criminal behaviour by tenants, NCCH can only act where the crimes have been committed at (or in the vicinity) of our property. Once again, the criminal behaviour must also be a breach of the tenant’s residential tenancies agreement, by causing a threat or annoyance to neighbours.

It is important that criminal matters are reported to the Police, because NCCH has no power or authority to investigate these matters. However, we have an arrangement with the Police (called a “Record of Understanding”) where we can, in certain situations, make application to obtain the relevant Police records. This would include any facts and findings made by the Police.

What is unreasonable behaviour?

Unreasonable behaviour may include:

- Playing loud music or using equipment at times when it is not allowed.
- Allowing pets to make a lot of noise or attack people, not cleaning up after them or keeping them in conditions that attract vermin.
- Harassment, such as continued verbal abuse or threats
- Domestic or family violence, including loud yelling and swearing
- Smoke drift, into common areas and other premises, causing harm or irritation to people

How to report problems

If you have a problem with a neighbour causing annoyance to you, you should speak to them about it to try and resolve the situation.

If this is unsuccessful or you do not feel safe in approaching our tenant directly, then you should contact your local NCCH office. You can contact us initially either by mail, telephone or email. You can also send us a report via our website.

Often we will require you to complete a full *Incident Report* form. Completing this form will ensure that we get all the relevant details of the incident, so we can commence our investigation.

The form also allows you to provide information about any other witnesses or any Police action.

Your privacy

You are entitled to a right to privacy and we will keep any information provided by you in the strictest confidence.

We would never provide your details to our tenant and will only ever provide enough details of the incident that allows our tenant to respond.

What happens next?

Before we commence our investigation, we will ensure we have all the relevant details we require.

If we need more information or other evidence from you, we will make further contact. If we believe that you also need to report the matter to other authorities, then we will provide you with relevant advice and information.

If you have nominated witnesses to the incident, then we will make contact with them.

If the matters you have raised would not be a breach of our tenant's agreement (even where proven), then we will take no further action in relation to your report. If this happens, we will advise you of this.

Our investigation

Experienced staff will commence an investigation of the incident you have reported.

During the investigation process, our aim is to remain objective and to establish all of the facts and to collect whatever evidence we can.

Most importantly, this includes advising our tenant of the allegations and seeking their response.

During our investigations, we believe that all parties have the right to be treated fairly and with respect. This includes our tenants being provided with a reasonable opportunity to present their version of events.

Your privacy is of great importance to us during this investigation.

Finding the best solution

Once the investigation has concluded, the best solution to the incident you have raised will be decided by a senior NCCH employee.

Enforcement of the rules contained in the tenant's residential tenancies agreement can, at times, be the only viable action for NCCH to take.

But the actions we take will entirely depend upon:

- The seriousness of the incident; and
- The history of our tenancy; and
- The result of all the facts and evidence we have collected during the investigation.

As a community housing provider, we will work with our tenant to address any behaviour that is causing annoyance to others.

The intention of our tenant to change their behaviours is an important factor in how we decide to best resolve the issue (or prevent further similar incidents from happening).

Insufficient evidence

If our investigation does not find sufficient evidence to support the report that has been made, no further action can be taken by NCCH.

Enforcement

NCCH has rights under the Residential Tenancies Act 2010 to issue a Termination Notice to tenants for breaches of their residential tenancies agreement.

This right also includes then seeking relevant orders from the NSW Civil and Administrative Tribunal (NCAT).

We have the right to apply to NCAT for:

- An order that the tenant must not breach their agreement in the future (called a "Specific Performance Order"); or
- An order to terminate the tenancy

For these orders, NCCH must produce the required evidence before a NCAT hearing, in order to prove our case. If the matter proceeds to the NCAT, we may contact you seeking your permission to release the information you have provided to us.

NCCH will only seek an order for termination of the tenancy in the most serious cases and where no other solution can be found to the matters.

Our tenant's privacy

NCCH always respects the right to privacy of all parties involved in these matters. For this reason, we cannot tell you what we are doing to resolve the problems you have reported.

This means you will usually not receive information during the investigation or receive details about the final outcome.

Anonymous and vexatious complaints

NCCH will accept anonymous complaints of serious incidents concerning our tenants. However this type of complaint is very difficult for us to investigate and cannot be used as evidence before a NCAT hearing.

NCCH can treat reports as "vexatious or trivial". This is in matters where reports are repeatedly made against tenants, without any evidence or substance. This means that we can refuse to investigate any further reports you make.