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What is nuisance and annoyance?

At NCCH we use the term *nuisance and annoyance* to describe unreasonable behaviour or actions that “interfere with the reasonable peace, comfort and privacy” of other neighbours.

Responsibility

You should try not to disturb other people, particularly if you live in a unit or complex where noise is easily heard.

You are responsible to make sure that you, your children and your visitors don't do anything that will disturb your neighbours.

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.

All of these behaviours could be considered a breach of your residential tenancies agreement with NCCH.

Common areas

Nuisance and annoyance in “common areas” of complexes is also unacceptable.

If you harass or annoy people on the stairs or play loud music, you are creating a disturbance.

You must remember that all tenants may use common areas and generally cannot claim any particular clothesline or patch of garden as their own.

Some people use common areas more than others and you should respect this as long as it does not interfere with you.

Criminal behaviour

Criminal behaviour is reported to and then investigated by the Police.

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

NCCH has 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.

In serious cases of criminal behaviour, e.g. the sale or supply of drugs from your tenancy, we may act immediately and seek an order from the NSW Civil and Administrative Tribunal (NCAT) to terminate your tenancy.

(See over for more information about NCCH enforcing its rights under the Residential Tenancies Act 2010.)

Receiving a complaint about your tenancy

We take all reports about the behaviour of our tenants (and their household members and visitors) seriously. All reports of an alleged breach of your agreement with us will be investigated.

As part of the investigation, we will contact you and provide you with details of the report we have received. This will usually be in writing and we will ask you to respond to the allegations made.

If you are asked to attend an interview, you are allowed to have an advocate, friend or support person attend with you.

It is very important that you respond to us. We want to hear from you and we want to hear your story. If you do not attend, we may conclude that you do not wish to answer the allegations and this may affect the outcome of our investigation.

Right to privacy

NCCH always respects the right to privacy of all parties involved in these matters. For this reason, we cannot tell you who made the complaint (without their permission).

Your right to privacy means that we would not tell the person that made the complaint what we are doing to resolve the problems they have reported. It also means that we would not provide any details of your tenancy with us to your neighbours.

Taking action

If our investigation of the report does not find evidence that you have breached your agreement, we will take no further action. We will write to you about this and a copy of our letter will be placed on your file with NCCH. We will also advise the person who made the complaint.

Enforcement

If we find that you have breached your residential tenancy agreement with us, we will consider the actions we need to take.

Wherever possible, NCCH offers tenants an opportunity to change their behaviour. Sometimes, tenants need assistance and support from health, welfare or other agencies to help them understand how their behaviour is affecting other people and to help them change.

If you have breached your agreement, then we can issue you with a warning letter and try to find a solution to the problem. If further incidents are reported, then then we may have to apply to take action at the NSW Civil and Administrative Tribunal (NCAT).

We can ask the NCAT for:

- An order requiring you to stop the behaviour and comply with your tenancy agreement.
- An order to terminate your tenancy

Obviously, applying to the NCAT is a very serious matter. We are required to produce the evidence we have and you will be given an opportunity to present your case.

We will only make an application to the NCAT if we believe no other solution could be found.

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Children at risk

Sometimes complaints we receive raise concerns about the health, welfare or wellbeing of children.

NCCH staff are required by law to report all matters where a child is at risk. These reports must be made to the State government (Department of Family and Community Services) and are mandatory for our staff.

Where children are at risk of harm, other relevant government and community organisations can demand that we provide any relevant information about your tenancy.

(See our Privacy Statement for more information)

More Information?

For more information you can:

- Visit your local office, check their opening hours first as each NCCHC branch has different opening hours.
- Contact your Tenancy Manager and either speak with them by phone or make an appointment to see them.
- If you live in an apartment complex, you should also check out our “Apartment Living” factsheet, for some tips to prevent disturbing your neighbours