

GOOD NEIGHBOUR POLICY

TENANCY SERVICES



2/56 Harris Street Pyrmont NSW 2009
Ph 02 8584 7500 | Fax 02 9518 6600
www.citywesthousing.com.au

City West Housing Pty Ltd | ABN 47 065 314 758

1. PURPOSE

These guidelines have been developed to promote and uphold the peace and quiet enjoyment of residential premises for City West Housing (CWH) tenants and their neighbours, and to enable and encourage stronger communities to reduce the potential for conflict. These guidelines also support CWH's commitment to offering a consistent, equitable service.

2. SCOPE

These guidelines apply to all CWH residents. Please note that these guidelines are intended to provide information to support tenants in knowing their rights and responsibilities, as well as the rights and responsibilities of their neighbours and City West Housing. These guidelines do not supersede the Residential Tenancies Act 2010.

3. DETAILS

All tenants protected by the Residential Tenancies Act 2010 are entitled to the quiet enjoyment of their residential premises and to live in peace and harmony with their neighbours. CWH encourages in the first instance to resolve issues through informal discussions between themselves

3.1 CWH COMMUNITIES

Most of CWH's properties are in close proximity to each other and as with all communities, there will likely be a diverse range of people with different lifestyles, views and backgrounds. CWH expects all residents to be mindful and respectful of others particularly in terms of noise, the behaviour of visitors and pets and in the use of shared areas such as parking spaces, gardens, and communal areas.

CWH takes harassment or discrimination towards tenants very seriously, and will not tolerate verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural, or sexual orientation.

3.2 TENANT'S RIGHTS

Tenants have the right to peaceful enjoyment of their home.

If informal discussions to resolve matters are not successful, CWH tenants have the right to inform CWH if another resident in the community is denying them the right to the peaceful enjoyment of their home. CWH will investigate a neighbourhood dispute if there is an alleged breach of the Residential Tenancy Agreement.

However, CWH will not get involved in matters that do not constitute a breach, and are simply a dispute/disagreement between neighbours.

3.3 TENANT RESPONSIBILITIES

CWH tenants are required:

- Not to cause or permit a nuisance;
- Not to interfere, or cause or permit interference with, the reasonable peace, comfort, or privacy of neighbours;
- Not to use the residential premises or cause or permit the residential premises to be used for any illegal purpose such as distributing or selling illegal drugs;
- To be held responsible for their own conduct as well as for the behaviour of other occupants and visitors to their property;
- To comply with by-laws in strata developments, where applicable;
- To comply with CWH by-laws where applicable, e.g. Non-smoking or pet-free buildings;
- To cooperate if a neighbour asks you to reduce noise;
- To be tolerant of the different lifestyles of neighbours;
- To resolve their own problems where possible.

3.4 CWH RESPONSIBILITIES

CWH will investigate all alleged breaches of tenancy, and attempt to deal promptly with matters, with the aim of resolving breaches without terminating tenancies if at all possible. CWH will investigate all alleged breaches of tenancy within 28 days, and if appropriate will provide the complainant with a response.

If a tenant has breached their tenancy agreement, CWH may take action against the tenancy through the NSW Civil and Administrative Tribunal (NCAT). The action taken will depend on the severity of the breach. In rare and extreme cases, CWH may seek to terminate the tenancy agreement immediately.

Generally, though, CWH will seek in the first instance to remind the tenant of their rights and responsibilities under the Residential Tenancies Act 2010. CWH may also:

- Liaise with and refer the tenant to relevant services to ensure the peace, comfort or privacy of other tenants or neighbours;
- Request that the tenant attends the office for a formal meeting to investigate the alleged breach;
- Issue a written warning to the tenant;
- Use Record of Understanding with NSW Police to obtain information relating to police attendance in relation to tenancy breaches.

CWH will also promote positive relationships between tenants by:

- Making sure all tenants understand their rights and responsibilities from the start of the tenancy;
- Organising meetings and events for tenants to come together as a community, including the wider City of Sydney community;
- Supporting tenants to sustain their tenancies.

It is not the role of CWH to carry out criminal investigations. Where there is evidence of criminal or violent activity, CWH will refer the matter to the police.

3.5 COMPLAINANT RESPONSIBILITIES

CWH encourages CWH tenants who are experiencing issues with a neighbour to:

- In the first instance, attempt to resolve the matter informally;
- Keep a diary detailing any disturbances or incidents that occur and provide this information to CWH as evidence of ongoing complaints;
- Report relevant matters to the police and request a police event/incident number and provide this number to CWH. Matters that should be referred to police include:
 - Excessive noise or disturbance;
 - Any threats or acts of violence;
 - Criminal damage to property;
 - Harassment or intimidation;
 - Drug or alcohol misuse;
 - Verbal abuse;
 - Graffiti and vandalism.
- Provide CWH with written, factual evidence as above to enable fair and appropriate action to be taken in line with the Residential Tenancies Act 2010.

CWH is not able to take action against alleged breaches without supporting evidence that can be presented to the tenant and if deemed appropriate, to the NSW Civil and Administrative Tribunal.

3.6 SECTION 85 – NO GROUNDS TERMINATION NOTICES

CWH tenants have the right to procedural fairness. CWH does not make regular use of Section 85 no grounds termination notices, and recognizes that this is a last resort within the Residential Tenancies Act 2010. The application for a Section 85 notice will only be made in rare and exceptional circumstances.

A Section 85 no grounds termination can only be issued with the approval of the Chief Executive Officer.

3.7 HARRASSMENT OR ABUSE OF STAFF AND CONTRACTORS

All tenants can expect to be treated with respect and courtesy at all times by CWH staff and contractors. CWH also expects that staff and contractors will be treated with respect and courtesy.

Verbal abuse, harassment and threats will be treated as breaches of the Residential Tenancy Agreement and may be referred to NCAT or the NSW Police as required.

4. PRIVACY

CWH will make every effort to ensure the privacy and confidentiality of tenants is maintained in conversations about alleged breaches, in letters and in written records (when they are used as evidence).

In requesting an outcome to their complaint, complainants should be mindful that CWH complies with its obligations under the Privacy Act 1988 and will never share sensitive or personal information regarding a tenancy with a complainant.

5. COMPLAINTS AND APPEALS

If a tenant is not satisfied with the service provided by CWH, they can lodge a complaint. Equally, if a tenant does not agree with a decision that has been made, they can lodge an appeal. Complaints and appeals are dealt with through the CWH Complaints Policy and the CWH Appeals Policy. These policies are available on the website www.citywesthousing.com.au.