



## St Luke's Housing Society Limited – Useful Information

# Neighbour Problems

### How can I be neighbourly?

Everyone is entitled to enjoy their home in peace and we ask all tenants to show consideration towards their neighbours. Some examples of neighbourly behaviour include:

- Remembering that noise can sometimes be heard in neighbouring flats. This is especially true late at night or early in the morning, when things are generally quiet. It can also be noticeable during hot weather, when windows and doors are open. If you are watching TV, listening to the radio or playing music during these times you may consider using headphones to limit any noise for your neighbours.
- Keeping communal areas clear of any trip or fire hazards, or rubbish.
- Considering the effect of walking on uncarpeted floors. If you want to install a wood floor finish, we expect you to prevent noise transferring to any neighbours by using proper sound insulation and choosing suitable footwear for indoors.
- Being considerate when you are carrying out work which will make noise at your property, particularly if it is in the evenings or at weekends. It is a good idea to tell your neighbours before you are going to start any work and tell them how long you think it is going to take.
- Letting your neighbours know if you are going to have an evening party or gathering, as well as what time you expect it to end. Maybe invite them along.
- Asking your visitors to keep noise to a minimum, especially if they are leaving late at night. Say goodbye indoors and avoid doors slamming.

### What if my neighbour causes noise or other nuisance?

Try to be fair towards your neighbours and their lifestyles - cooking smells, some noise and occasional social gatherings are part of everyday life. Also, some tenants might have particular health or social problems that give rise to specific problems, and we need to be sensitive to individual circumstances.

However, if there is a 'low level' problem, it makes sense to try to tackle it sooner rather than later. If you are confident to do so, it is often best for you to talk to your neighbour about what is happening and how it affects you. They might not even have realised that their behaviour is causing you a problem.

Try to think how *you* would want to be approached if someone had a problem with something that you were doing. Stay calm, avoid being accusing or confrontational, and listen to your neighbour's response. Ideally you want to reach an *agreement* about future behaviour that you are both comfortable with.

If you would prefer, the House Manager will talk to your neighbour on your behalf. You will need to provide specific details about the problem, such as times and dates, and exactly what happened.

It may be that you don't want us to take any action when something first happens – but you do want to make the office staff aware, just in case a pattern develops. We will respect your wishes on this. (Of course, another neighbour might ask us to take action.)

### **What if the problem isn't resolved?**

If the problem can't be resolved amicably and it persists or recurs, we will work with one or both parties to continue to seek an acceptable solution. We may suggest a mediation process. We may ask you to gather detailed evidence. We may need to liaise with other agencies who can provide specialist support and advice to either or both parties. As each situation is unique, we cannot be overly prescriptive here. However, we will consult you about what you would like to happen, and keep you informed within the limits of confidentiality.

### **What if something really serious happens?**

In the event of an incident which is criminal in nature, such as intimidating or threatening behaviour, racial abuse, domestic violence, theft or vandalism etc. you should report the matter to the police (101 for a normal report, 999 in an emergency) and contact the House Manager or General Manager as soon as possible.

Any such incidents will be dealt with as a priority. We will seek help as appropriate from the police, and from Oxford City Council (who have a specialist trained team for tackling anti-social behaviour). We will provide ongoing support to any victim and keep them updated on any court or other action.

### **Is the Board involved?**

The Board does not need to be made aware of minor issues. However, we will report any serious or persistent anti-social behaviour or neighbour disputes to the Board (in an anonymised format), in order that their experience and counsel can help to guide future actions.

### **What if I am not happy with your response?**

Please talk to us again. Neighbour problems can be a difficult issue, and there isn't always an easy solution. If you continue to be unhappy with our response, you can use the Complaints procedure to seek a formalised review.

## Legal background

Tenants are right to the 'quiet enjoyment' of their homes. They have a responsibility to act in a 'tenant-like' manner, and also are responsible for the behaviour of their visitors. Each tenancy agreement sets out the tenant's rights and responsibilities. Possible breaches of tenancy include:

- Causing nuisance or annoyance to neighbours.
- Causing damage to the property or common areas, either wilfully or through neglect.
- Harassment, in particular on grounds of race, gender, disability etc.
- Noise nuisance.
- Using the property (or common areas) for illegal or immoral purposes.

Formal action against a tenant would rely on their tenancy agreement and Schedule 2 of the Housing Act 1988. There is a multitude of other legislation relating to anti-social behaviour, which could also be used without direct impact on the tenancy status.

Where an actual or suspected criminal act occurs the police shall be informed.

## Principles

Legal action is costly, time-consuming and, except in the most extreme circumstances (or if combined with action for rent arrears) has limited chances of success.

Often a breach of tenancy is indicative of other underlying issues, and SLHS will have regard to the overall situation in seeking a solution. SLHS will also have regard to its own Principles and policy framework in seeking to resolve any tenancy breach.

SLHS will also support any victims of a breach of tenancy, and consider their viewpoint in seeking a remedy.

## Response to breach of tenancy

SLHS will attempt to resolve any tenancy breach by:

- Providing good quality information to tenants prior to any breach, together with support services.
- Pointing out any breach and, wherever possible, working collaboratively with the tenant to help them remedy the breach or avoid a recurrence. This might include advice, support, referral to other agencies or mediation.
- Documenting the issue and any action taken, and communicating formally (by letter) with the tenant as necessary.
- In severe or persistent cases the Board should be informed and an action plan agreed.

There is specialist advice available from the City Council in the case of severe or persistent anti-social behavior.