

Good Neighbour

Purpose

The purpose of this policy is to provide information on how Bridge Housing works to support neighbourhood harmony and positive relationships between neighbours. It also explains how Bridge Housing will respond when a tenant breaches their Residential Tenancy Agreement by interfering with the reasonable peace, comfort or privacy of other tenants or neighbours.

Scope

This policy applies to tenants, approved household occupants, visitors and former tenants of Bridge Housing. It also applies to neighbours, property owners and stakeholders who have complaints regarding the behaviour of tenants, occupants and visitors of Bridge Housing's portfolio.

Policy Overview

Under the NSW Residential Tenancies Act (2010), all tenants have the right to peaceful enjoyment of their property and to live in peace and harmony with their neighbours. Bridge Housing will take all reasonable steps as a social housing landlord to ensure the quality of tenancy outlined in the Residential Tenancy Act is upheld.

Policy

Bridge Housing will not tolerate any form of harassment, discrimination or abuse towards any tenant, visitor or approved household occupant. This includes, but is not limited to, verbal, physical or any other form of harassment, discrimination or threatening behaviour related to racial, religious, cultural or sexual orientation.

Supporting Good Neighbours

Bridge Housing will provide opportunities to promote a positive relationship between neighbours and the ability to resolve issues or problems when they arise. We do this through:

- Making sure all tenants understand their rights and responsibilities from the start of their tenancy
- Organising block meetings and good neighbours workshops for tenants to discuss any issues relating to their neighbourhood
- Ensuring tenants have access to support services to assist them to meet their tenancy obligations and sustain their tenancies
- Workshops and information sessions through our Tenant Advisory Groups
- Providing funding to tenants through our Big Ideas Grants to support neighbourhood projects.

Action When Disputes Arise

Bridge Housing acknowledges that to reduce escalation, any disputes need to be addressed early. Bridge Housing will work closely with tenants, service providers and external mediation services to resolve any issues as quickly as possible as the first step.

Bridge Housing will investigate neighbourhood disputes and take action early to support tenants to resolve these matters amicably. Bridge Housing will undertake an initial investigation of reports of anti-social behaviour and neighbourhood disputes within 21 days. Depending upon the circumstances, Bridge Housing will take the following action:

- Where appropriate, encourage tenants to resolve any issues through discussion between themselves
- Ensure tenants are reminded of their rights and responsibilities under their residential tenancy agreement and potential consequences
- Refer to mediation through the Community Justice Centre to support the resolution of issues
- Make referrals to support services for tenants to ensure tenants can meet their tenancy obligations or receive assistance to manage the conflict
- Where appropriate organise a block meeting to discuss and resolve neighbourhood issues amongst neighbours
- Review information from a variety of sources to investigate the complaint in a manner that is thorough, and fair to all parties
- Keep all parties informed of the progress of the investigation and resolution, without breaching privacy of any person
- Issue a written warning before any NSW Civil and Administrative Tribunal (NCAT) action
- Support tenants to access services that help identify and moderate behaviour that may lead to complaints being made against them, especially where a prior and proven history of complaints about their behaviour or neighbourhood issues exists
- Initiate proceedings at the NSW Civil and Administrative Tribunal (NCAT) including applying for termination of the tenancy or performance orders where serious and/or an ongoing breach of the tenancy has taken place including nuisance and annoyance, antisocial or criminal behaviour.

Natural Justice

Bridge Housing follows a process of natural justice when documenting investigating, resolving and following up on complaints about neighbours behaviour. This means:

- Tenants will be told about the nature of the complaint and the related breach of tenancy,
- Informed of how an investigation will be conducted,
- Referred to support services and advocacy services to make sure they are aware of their rights and responsibilities under the Residential Tenancies Act,
- Advised of the outcome of the investigation and any actions that will be undertaken at the NSW Civil and Administrative Tribunal.

If you are making a complaint, we will keep you informed of the process of investigating, documenting and resolving the issue. Bridge will not breach the privacy and confidentiality of any tenant when updating a person on the progress of investigating their complaint.

Matters Involving NSW Police

Bridge Housing will investigate all alleged breaches of the Residential Tenancy Agreement but can't investigate criminal matters, for example alleged drug dealing, assault, harassment or theft. These matters must be referred by tenants to the NSW Police.

In any circumstance where a tenant, applicant, household member, visitor or neighbour feels at risk of violence, abuse or harassment from a neighbour tenant, household visitor or applicant, they are encouraged to contact NSW Police.

Bridge Housing can seek confirmation of any illegal activity or complaints made by tenants to the NSW Police through an application under the NSW Record of Understanding. This information can be submitted as evidence at the NSW Civil and Administrative Tribunal.

Privacy, Confidentiality and Making Anonymous Complaints

Although we are mindful of the need for confidentiality when investigating complaints under the Good Neighbour policy, in most instances Bridge Housing will need to contact the other party involved in a neighbourhood issue or complaint to gain their perspective and/or to reinforce their tenancy obligations.

For the matter to proceed to the NSW Civil and Administrative Tribunal as breach of tenancy, the identity of the complainant and nature of the complaint may be required as part of a brief of evidence. Bridge Housing will need to include a written statement of facts provided by the complainant and a willingness to provide verbal evidence supporting the facts presented in a formal hearing.

Where tenants are in fear of their safety and this is supported by evidence, Bridge Housing will seek to use a neighbourhood impact statement on behalf of tenants or to have their identity suppressed at the NSW Civil and Administrative Tribunal.

Documenting a Complaint

Where appropriate, Bridge Housing will encourage the tenant making the complaint to keep a diary detailing any disturbances or incidents that occur and to provide this information as evidence of any ongoing complaints.

The diary needs to be factual, objective and state dates, times and incidents. Ideally the incident diary should be supported by other evidence to take formal action for a breach of tenancy at the NSW Civil and Administrative Tribunal, including witness statements, Police reports or diaries from other neighbours.

Caution must be exercised if choosing to use photographs, recordings or video footage as evidence. It is important to do so in a way that respects privacy and does not in itself cause harassment, intimidation or increase hostility. An individual must be advised that they are being filmed or having an audio recording made by informing the person that this will occur. Bridge Housing will not permit the installation of cameras or recording equipment in common areas on its properties.

Neighbourhood impact statements may also be used. Neighbourhood impact statements are statements from a range of individuals about the impact antisocial behaviour has on them. Neighbourhood impact statements may be used or requested in cases where significant, ongoing breaches of tenancy have occurred impacting on multiple tenancies, where there has been limited progress to resolving the issue through mediation or other means.

What happens when Bridge Housing finds a complaint is a breach of tenancy?

If Bridge Housing finds that a complaint is a breach of the Residential Tenancy Agreement, different action will be taken depending on the type of breach and the seriousness of the breach.

Minor breaches and antisocial behaviour

In line with the principles of natural justice, for instances of minor breaches including noise, rubbish dumping or use of common areas, tenants will be given the opportunity to change and address their behaviour. The tenant or household occupant will be reminded of their rights and responsibilities under the NSW Residential Tenancies Act, the nature of the complaint made against them, the evidence of the complaint made against them and action that may be taken if complaints continue. Bridge Housing will actively refer neighbours to the Community Justice Centre to mediate their dispute.

Serious breaches and antisocial behaviour

If a tenant's behaviour seriously or persistently breaches their Residential Tenancy Agreement, Bridge Housing will take action through the NSW Civil and Administrative Tribunal. This includes instances of violence, assault or other criminal activity. In situations where there is criminal behaviour, Bridge Housing will notify NSW Police.

Harassment or Abuse of Staff and Contractors

All tenants, approved household occupants and visitors can expect to be treated with respect and courtesy by Bridge Housing staff. Bridge Housing also expects that staff and contractors of Bridge Housing will be treated with respect and courtesy. Verbal abuse, harassment and threats will be treated as serious breaches of the tenancy agreement and may be referred to the NSW Civil and Administrative Tribunal and NSW Police as required.

Tribunal Decisions on Breaches of Tenancy

Bridge Housing takes action against tenancy breaches under the Good Neighbour policy through the NSW Civil and Administrative Tribunal. Decisions are made to take action, for example, to support a termination of tenancy, or approve a specific performance order to cease an action which is a breach of tenancy.

The NSW Civil and Administrative Tribunal may also decline a request for a termination of tenancy or a specific performance order based on the evidence provided or their interpretation of tenancy law as it applies to the presenting breaches.

Complaints about Bridge Housing's Service Delivery

If a tenant is not satisfied with the way that Bridge Housing has managed nuisance and annoyance, they can ask for a formal review. Further information on this process can be found in Bridge Housing's Complaints and Appeals Policy. This policy, and a helpful information leaflet, is available from Bridge Housing's office or can be downloaded from our website www.bridgehousing.org.au.