

Managing Disputes with Neighbours: Action that tenants can take themselves

The guidance below is intended to assist tenants and give advice to individuals on what they can do to prevent and manage disputes with their neighbours. Some of the most common reasons for disputes between neighbours are:

- dogs;
- noise from TVs, sound systems, parties;
- rubbish;
- disturbance or nuisance from children playing;
- cars / parking.

What to do when you have a problem with a neighbour

Most people try and be good neighbours, and don't set out to cause disputes. However, if problems do arise, there are a range of options set out below that people may find helpful.

Option 1 - Don't rush in!

For example: Some people may have problems with their neighbour that have not occurred before. Examples of this may be noise problems from DIY or from a party, visitors parking their cars in the wrong place, children kicking a football into your garden or around your car / windows.

If this is the first time you've experienced a problem with your neighbour, the right thing to do to start with may be nothing! It may be a one-off problem that will not happen regularly. Maybe your neighbour is putting up a shelf, or having a birthday party. A bit of tolerance and patience might be all that is needed to sort things out. If you are too quick to complain, it might make things worse between you and your neighbour.

Option 2 - Try and sort things out yourself

For example: You may be having a continuing problem such as persistent noise from TV, music or dogs which is disturbing you and needs to be sorted out.

Try talking to your neighbour and explaining what the problem is. They may not realise they are causing you any disturbance. It is important to try and sort things out yourself first. If you get someone else involved at this stage it may make things a lot worse.

It is often difficult to approach people to make a complaint. Below are some hints you might find useful.

Approaching people

- **Don't** let things build up. Don't leave it until things get out of hand, before you make your complaint;
- **Don't** approach the person at the time you are angry or upset. Wait until you are calm;
- **Do** talk to the person face to face, rather than sending a letter, banging on the wall, or talking to everyone but them;
- **Do** work out beforehand what you want to say. Talking it over with someone who is not involved may help you to do this;
- **Do** approach the person when they are likely to have time to talk (for example, not just when they are off to work, or late in the evening);
- **Do** talk to the person when they are on their own, without other friends, neighbours or family present;
- **Do** leave straightaway if people are aggressive or threatening when you approach them. If this happens you will need help from an organisation to resolve the situation.

Speaking to people

- **Don't** lose your temper. This will only make things worse and harder to sort out;

- **Don't** use aggressive body language e.g. hands on hips, pointing, staring, etc;
- **Do** speak quietly and slowly; this helps keep the other person calm;
- **Do** explain the problem clearly. Try not to use any emotional or bad language or exaggerate the complaint;
- **Do** make your request politely but firmly;
- **Do** be prepared to hear their side of the story. Listen to their reply/explanation without interrupting, and think about what they have said;
- **Do** keep calm and polite and talk things through.

Ending the conversation

- **Do** thank them for their time and try and leave on a friendly note;

THEN wait a few days to see if the problem sorts itself out.

Option 3 - Continuing problems

For example: Sometimes people are not reasonable and are not willing to listen or compromise. If the problem continues or gets worse you will need to seek help from other organisations to resolve the situation.

- If this happens, it may be helpful to start to keep a diary, recording any more incidents of the problem, with times, dates and details of what happens, in case you need to take things further;
- Approach your landlord/managing agent and ask them to help you. Explain what the problem is, how long it has been going on, and that you have tried to sort things out yourself but this hasn't worked;
- Your landlord may offer to help directly, or may suggest you get in touch with another organisation, such as mediation service/ Citizens Advice Bureau (CAB), environmental health or the police.

Option 4 – Problems involving threats or violence

For example: If the problem is very serious e.g. you have been attacked or threatened with violence or your property has been damaged, you should contact the police.

- The police will be able to advise you about obtaining a restraining order or an injunction to protect you, your family and your property. They will also be able to take any necessary court action following an incident.
- You should also get in touch with your landlord/managing agent to make them aware of the incident. They will be able to take appropriate action under the terms of the tenancy agreement if it can be proven that the tenant has broken their tenancy agreement.

Types of Organisations / Agencies that can help:

Mediation service

Mediation can be an effective way of dealing with some types of neighbour dispute. It helps people who are in dispute to reconcile their differences, rather than having a solution imposed on them by a landlord, enforcement agency or the courts. Mediation services employ trained volunteer mediators to help each party to resolve their problems.

If approached, a mediation service/mediator will:

- establish key facts with the first party – discuss options, offer mediation approach and agree action;
- contact the second party – hear their side of the story, ask whether they are willing to try mediation and if so;
- exchange the views between the parties, with the mediator acting as intermediary;
- convene a face to face meeting – introduction, ground rules, sorting out the issues, defining the problem, identifying the options, building agreement;

- help the parties to develop a written agreement that is acceptable to both parties.

When is mediation appropriate?

Mediation is appropriate if both sides:

- want a solution;
- voluntarily choose mediation;
- are willing to be reasonable;
- are willing for the other side to be contacted;
- are able to communicate.

Mediation is inappropriate if:

- the problem is deeply entrenched;
- one side is unwilling or incompetent to negotiate;
- one side is only interested in punishing the other party;
- there is an imbalance of power between the parties;
- there is a fear or risk of abuse, violence or racial or sexual harassment.

What they can't do

Take sides;

Work with people unless each party is willing to take part;

Work with people who are violent, aggressive, abusive or dealing in drugs.

Where can I seek mediation services?

The Citizens Advice Bureau (CAB) can offer mediation services.

Social landlords/Managing Agents

If the problem concerns a tenant of the same landlord as you, one option is to approach your landlord or managing agent.

If approached, your landlord/managing agent will:

- listen to, inform and advise the complainant;
- record complaints about disputes and try and resolve them;
- advise complainants to seek mediation services if appropriate;
- support people to contact other agencies e.g. enforcement/police etc;
- take legal action where appropriate – court, eviction.

What they can't do

Take action to evict tenants – unless they have broken their tenancy agreement and the landlord has sufficient evidence and it goes to court;

Decide whether an individual tenant loses their home – this is the job of the court.

Environmental health

Environmental Health has a wide remit in the protection of public health, which includes enforcement of housing standards and tackling anti-social behaviour which has a 'noise or nuisance' element. Most neighbour disputes have a noise or nuisance element and Environmental Health Officers have a broad role in dealing with neighbour disputes before they escalate.

Part of the role of Environmental Health Officers is to uphold the laws on statutory nuisances. A statutory nuisance can be broadly defined as an act that a reasonable person would find unreasonable. Such acts must be sufficiently bad so as to be 'prejudicial to health or a nuisance'. They may include:

- defective premises;
- smoke, fumes, gases, dust, steam, smells or accumulations;
- animals;

- noise.

If approached the environmental health service will investigate the matter and depending on the circumstances may:

- send a letter to the neighbour to say they have received a complaint;
- attempt to gather evidence to substantiate the nuisance through visits, noise monitoring, record keeping and, if possible, witnessing the nuisance;
- refer the case on to other agencies, such as mediation, or try to mediate themselves (they may do this even in cases of statutory nuisance because it is cheaper, quicker and often more effective to resolve problems in this way);
- in cases of statutory nuisance i.e. criminal nuisances, take enforcement action against the person(s) responsible for the nuisance. This may result in seizure of equipment, court action and fines.

The police

Many people turn to the police for help. The police can be most helpful when:

- tackling criminal behaviour e.g. drug dealing, statutory nuisance, burglary, etc;
- working in partnership with local authorities, social landlords and other agencies to tackle anti-social behaviour and other disorder.

If approached the police will:

- attend a dispute;
- give advice to complainant;
- attempt to mediate;
- refer client on to other agency;
- go to court/go to the youth offending team.

Limitations

- The role of the police is to uphold the law – but not all neighbour nuisance problems involve criminal activities.
- Resolving neighbour conflict is often a low priority within police authorities’ objectives and targets, so there may be problems in securing an effective response.
- The tools available to the police are not always what people want e.g. they cannot force young people to go home, or impose curfews.

Solicitors and court action

It is possible for individuals to pursue court action (e.g. to take out an injunction against someone). However, legal action is an expensive and rarely satisfactory option, and it should always be viewed as a last resort.

If you decide to take this approach, you will need:

- advice from the police, your landlord or other organisation about what the likely consequences of taking action in the court will be.
- to refer to a solicitor, who will:
 - gather the evidence needed to seek an injunction;
 - represent your interests in court.

Useful Contacts

Managing Agent

Voisin-Hunter Limited
Tel: 01534 507777
Email address: pm@voisinhunter.com
Opening hours: Monday – Friday 8am – 5.30pm
Address:
Voisin-Hunter Limited
One Esplanade
St Helier
Jersey
JE2 3QA

Environmental Health

Tel: 01534 443712
Fax: 01534 445772
Email address: eh@health.gov.je
Opening hours: Monday to Thursday 9am - 4.30pm;
Friday 9am - 4pm
Address:
Maison Le Pape
The Parade
St Helier
Jersey
JE2 3PU

Citizens Advice Bureau

Tel: 08007 350249
Address:
Citizens Advice Bureau
The Annexe
St Paul's Community Centre
New Street
St Helier
Jersey
JE2 3WP
Website: www.cab.org.je

Jersey Women's Refuge

Freephone 24 hour helpline: 08007356836
Fax: 619968
Office: 768368 or 873288
Email: info@jerseywomensrefuge.org
Postal address:
PO Box 708
St Helier
Jersey, JE4 0PW

States of Jersey Police

Tel: 01534 612612
Fax: 01534 612613
Email address: sojp@jersey.pnn.police.uk
Opening hours: Monday to Sunday 24 hours a day
Address:
Police Headquarters
Rouge Bouillon
St Helier
Jersey
JE2 3ZA
Website: www.jersey.police.uk

Crimestoppers Jersey

Tel: 0800 555 111

Victim Support Jersey

Tel: 01534 440496
Email: victimsupport@gov.je
Address:
Magistrate's Court
Union Street
St Helier
Jersey
JE1 1BH
Website: www.victimsupportjersey.co.uk