

A guide to resolving disputes with neighbours

We all have the right to use and enjoy our property as we please as long as we follow the law and respect other people's property. This applies to tenants as well as property owners. Living as a neighbour means that there will be times when what you do on your property will affect your neighbour, just as what your neighbour does can affect you.

Constructively working out any problems together with your neighbour is the best way to maintain a good relationship with them so you can deal with any future issues. Whatever the problem, in most cases your best option is to try to resolve it by talking with your neighbour and sorting it out in a friendly and informal way. This approach is most likely to result in the best solution for you both.

The City would encourage you to talk with your neighbour in the first instance, before contacting the City about your issue. Talking it out, in a respectful way provides the chance to resolve the dispute in a non-threatening and 'neighbourly' manner which will hopefully lead to a long running and better understanding and relationship between neighbours.

Talking with your neighbour

Talking to your neighbour can help you to resolve problems before they become too serious.

When talking with your neighbour, consider your neighbour's point of view and accommodate any differences, such as your background, working hours or stage of life. Always keep your conversations informal and friendly and focus on the problem you want to resolve. Let them know that you are pleased that you can get together to discuss the problem.

Neighbourhood problems can be very upsetting and generate a lot of emotion, so when talking to them:

- stay calm
- explain how the problem is affecting you
- give your neighbour a chance to tell their side of the story
- be prepared to listen and let the other person know you are listening
- try working on a resolution together
- take time to work on a solution and get it right.

Before involving the City or any other public authority, we recommend the following:

1. Approach your neighbour, or person with whom you have a grievance, in a polite and respectful manner. Remember some people become defensive when approached, which is why it is essential when initially approaching a person to discuss the matter politely and without argument.
2. Explain why the problem is created, and ask the person for their assistance in resolving the matter. You may find it useful to show the person how you are being aggrieved, for example if it is noise related, ask them to listen to the noise, from where you can hear it.
3. Allow the person time to make changes to the way in which they do things.
4. If the person was receptive to your concerns, however, the problem has not been resolved, approach them again, as they may think that they have resolved it. Allow them time to change their actions. It may help to confirm your meeting, your discussions and agreement in writing with them and let them know that if the matter isn't resolved, given the problem is continuing, you will have no choice but to lodge a request with the City (or other authority).
5. If the problem hasn't been resolved, you may approach the City, or your local police, depending upon the nature of your issue.

Hints on resolving neighborhood disputes

Face-to-face contact is usually more effective than phone calls, emails or a letter. Following are some tips on how to discuss the problem face-to-face with your neighbour.

Arranging a meeting time - Contact your neighbour to work out a suitable time and place to meet. Choose a time when neither of you is rushed. Choose a place where you can both sit comfortably and won't be interrupted.

Before meeting, take some time to think carefully about what you want to say and how you will say it.

Meeting with your neighbour

First: explain the problem

- A good way to start off the discussions is to explain what the problem is from your perspective.
- Try to stay calm and avoid blaming words and name-calling. For example, say 'when your tree branches hang over my roof, my gutters block up and overflow when there is heavy rain'. Rather than 'You haven't bothered to lop your trees so my gutters are overflowing when it rains'.

Next: give your neighbour a chance to tell their side of the story

- Give your neighbour a chance to explain their views.
- When your neighbour is talking, don't interrupt them. Show that you are listening by maintaining appropriate eye contact, and acknowledging what they are saying with 'mm's, and by nodding your head.

If you reach agreement:

If you can come to an agreement by talking together, that's great! It's a good idea to write down the details of what you have agreed to. You may also like to make another time to meet in the future to check how things are going.

If you don't reach agreement:

Don't worry. Discussing the problem may have helped you both to gain a better understanding of each other's point of view. You may now wish to organise a mediation session with your neighbour to resolve the issue.

If you do decide to lodge a request with the City, it helps to know what action you have taken and how the neighbour responded to your concerns. Please provide this information in your formal request.

What request types fall outside the City's jurisdiction?

The City cannot resolve all issues, as in some circumstances your request may not fall under our jurisdiction.

The City's Public Health and Amenity team play a significant role in protecting public health and safety, and as part of that role investigates various requests relating to such matters as noise, environmental pollution, food, unauthorised building and development of land.

There are however matters where the City does not have the power under the legislation administered by the City, to resolve the issue. A guide on these matters is show below;

Request Type	Appropriate Regulatory Authority
Loud music and parties	Local Police 131 444
Hoons, burnouts and street racing	Local Police 131 444
Loud vehicles	Local Police 131 444
Aircraft noise -	contact Air Service Australia - 1800 802 584
Rail noise	Public Transport Authority on 9326 2541.
Road noise	Public Transport Authority on 9326 2541
Domestic noises, children, raised voices, swearing neighbours or thumping	Local Police 131 444
Overhanging Trees or damage caused by tree roots	<p>Civil Matter – Contact neighbour following above mentioned advice; or contact Mediation Services or Lawyer.</p> <p>If overhanging branches or encroaching roots have damaged your property, you should write a letter to your neighbour that sets out:</p> <p>the specific damage their tree’s branches or roots have caused to your property; several quotes for the cost of repairing the damage; a request for your neighbour to pay for those costs and how they’ll do that and a request that they fix the problem removing parts of the tree if needed.</p> <p>You should send your neighbour a copy of the letter and keep a copy yourself. Your neighbour has a legal obligation to respond to the letter within 21 days and fix the problem.</p> <p>If talking to your neighbour or writing them a letter doesn’t work, mediation is a good option. Citizens Advice Bureau may be able to help. If mediation doesn’t work, you can start legal proceedings by going to the Magistrates Court and filling in the relevant forms. It’s a good idea to get legal advice before you do any of this.</p>

Dividing fence; damage, maintenance, replacement	<p>Civil Matter – Contact neighbour following above mentioned advice; or contact Mediation Services or Lawyer – review advice on Dividing Fence Disputes</p> <p>https://www.commerce.wa.gov.au/sites/default/files/atoms/files/dividing_fences_act_6th_edition_july_2017_updated_29sep18.pdf</p>
Security cameras	<p>If you believe your property is being overlooked by security cameras, you can enquire with the WA Police on 131 444, as to whether or not they will investigate such a request.</p>
Unsatisfactory building work	<p>If you have a building dispute, you could contact the builder and try to come to an agreement or send a letter to the builder asking for a resolution of the matter. If these attempts do not work you may have to approach the Building and Energy Division of the Department of Mines, Industry Regulation and Safety.</p> <p>Phone: 1300 489 099 Fax: 08 6251 1501 Email: be.info@dmirs.wa.gov.au</p> <p>Postal Address: Locked Bag 100 East Perth WA 6892</p>
Audible alarms (security or intruder)	<p>Local Police Department of Water, Environmental Regulation guide can be viewed here; https://www.der.wa.gov.au/images/your-environment/noise/FS - Audible Alarm.pdf</p>

If your issue hasn't resolved;

Mediation services <https://www.cabwa.com.au/>

Mediation is where a neutral third party assists two or more people in dispute to identify concerns and investigate options with the aim of reaching an agreement. The mediator will not take sides or make decisions for you. If your issue has not been resolved, you may approach the Citizens Advice Bureau.

25 Barrack Street

PERTH WA 6000

Telephone: [9221 5711](tel:92215711)

Facsimile: 9221 5356

Email: cab@cabwa.com.au

Legal Aid WA <https://www.legalaid.wa.gov.au/>

Providing legal assistance for Western Australians

Infoline - 1300 650 579

32 St Georges Terrace

Perth 6000 WA

Telephone 1300 650 579

PO Box L916, Perth 6842 WA

Perth Magistrates Court (Dividing Fence matters, and other civil disputes)

<https://www.magistratescourt.wa.gov.au/>

Central Law Courts, 501 Hay Street PERTH WA 6000

Telephone: (08) 9425 2222

Email: PerthMagistratesCourt@justice.wa.gov.au

GPO Box C127

PERTH WA 6839

Standard courthouse hours: Monday, Wednesday, Thursday and Friday: 8:30am to 4:30pm

Tuesday: 9am to 4:30pm