

Neighbourhood disputes in the ACT.

Neighbourhood disputes can arise over many issues and can be very stressful to try to resolve.

Neighbourhood disputes can be about:

- noise-complaints
- Pets
- Fence problems
- Burning off
- Privacy

It is important to try to take care of any problems as soon as they come up by talking to your neighbour or seeking advice. By taking action early, it can prevent the issue from becoming much worse and causing more conflict.

What can I do to resolve a neighbourhood dispute?

1. **Negotiate** – Try talking to your neighbour about ways to resolve the dispute
2. **Mediation** – If talking to your neighbour doesn't work you can try mediation. This involves consulting a neutral third party to help resolve the issue.

Conflict Resolution Service (CRS)

CRS can help you to resolve your dispute

www.crs.org.au

Phone: (02) 6162 4050

3. **Legal Advice** – If you are unsure about your rights or confused about the law, contact Legal Aid ACT for free legal advice.

Legal Aid ACT

www.legalaidact.org.au

Phone: 1300 654 314

Disputes about...

Noise

The *Environment Protection Act 1997* sets out the law about residential and commercial noise limits in the ACT. Limits exist for noise from things such as loud music, air conditioning units and power tools. Excessive noise is not allowed before 7am and after 8pm or 10pm (depending on the area and type of noise)

You can lodge a noise complaint with **Access Canberra** on 13 22 81.

www.accesscanberra.act.gov.au

If the noise is late at night contact the **Australian Federal Police** on (02) 6256 777

Overhanging branches

Both you and your neighbour can trim any branches that overhang onto your property. It is advisable that you check with each other before doing so.

A tree may be protected by law. It is an offence to remove or damage a protected tree. Contact **Access Canberra** on 13 22 81 to ask if the tree is protected.

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Animals

Neighbourhood pets are not allowed onto your property without permission. If an animal does this, please call their owner to come and remove it.

If this does not work, contact **ACT Domestic Animal Service** by calling:
Access Canberra
www.accesscanberra.act.gov.au
Phone: 13 22 81

Trespassing

Your neighbour is not allowed on your land unless you give them permission, or if they have a right of way over your land. A right of way will be written in your land title documents and cannot be changed unless you both agree.

If you do not give permission and/or you withdraw permission for your neighbour to be on your land, they must leave immediately.

If they refuse to do so, they are trespassing and can be removed by the police. You should not try to remove them yourself.

If any damage is caused by your neighbour, you may be able to sue for trespass. If the problem continues, you may need to apply for a Personal Protection Order in the ACT Magistrates Court.

See the *'Family Violence and Personal Protection Order'* factsheet available on the **Legal Aid ACT** website for further information.
www.legalaidact.org.au/

Fences

You and your neighbour will usually have to share the costs for building a dividing fence or fence repairs.

First you should quote for the cost of the building/repairs and discuss this with your neighbour.

If your neighbour does not agree, write them a letter setting out the cost and other details.

If you still cannot agree, try mediation, and then apply to the Small Claims Court for an order (there will be a fee). The Small Claims Court is part of the ACT Civil and Administrative Tribunal.

ACT Civil and Administrative Tribunal
ACT Health Building
Level 4, 1 Moore St Canberra
Phone: **(02) 6207 1740**

ACT Planning and Land Authority
For further information on fences.
Phone: (02) 6207 1923

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Privacy

There is no right to privacy which prevents your neighbour from looking over the fence or listening to conversations.

Apart from asking them to stop, there are some practical things you can do to help with privacy. For example, you could plant trees along the boundary or build a higher fence.

If the behaviour becomes more serious and you feel harassed or threatened, contact **Legal Aid ACT** for free legal advice.

Legal Aid ACT

www.legalaidact.org.au

Phone: **1300 654 314**