

### Scope

The Tenancy Responsibilities and Behaviour Policy outlines tenants' obligations and the way that Pacific Link Housing Limited (PLH) manages neighbour disputes and anti-social or aggressive behaviour. This policy applies to tenants, approved household occupants and visitors as determined by the NSW Residential Tenancies Act 2010 (Act) and any relevant strata bylaws.

### Purpose

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

### Responsibilities

Under the Act all tenants have the right to quiet enjoyment of their property and to live in peace and harmony with their neighbours. PLH will take all reasonable steps to ensure the quality of tenancy outlined in the Act is upheld.

Tenants may use their property for any legal, approved purpose that does not breach their Residential Tenancy Agreement including any special conditions. Tenants are expected to co-operate if a neighbour asks to reduce noise and be tolerant of the different lifestyles of neighbours. .

Tenants' obligations include being responsible for their own conduct as well as for the behaviour of other occupants and visitors to their property (refer Occupancy and Visitors Policy).

### Supporting our Communities

PLH will provide opportunities to promote positive relationships 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 commencement of their tenancy
- organising neighbourhood meetings to discuss any tenancy issues
- ensuring tenants have access to support services to assist them to meet their tenancy obligations and sustain their tenancies
- arranging events for PLH residents to meet each other and provide feedback to PLH
- providing information and newsletters on tenancy matters
- taking early intervention action in order to prevent further escalation of an issue
- encouraging mediation through the Community Justice Centres (CJCs)
- advising tenants to contact their local council or the police to report unresolved issues.

### Antisocial Behaviour

Antisocial behaviours may include:

- Excessive and frequent noise
- Smoking in enclosed common areas
- Inappropriate use of parking or common areas
- Loud and disruptive behaviour or use of obscene language
- Verbal abuse and domestic disputes
- Vandalism or intentional damage to property

- Dumping rubbish or vehicles
- Nuisance pets such as barking or aggressive dogs
- Any illegal activity
- Serious harassment
- Threats to the health or safety of a person
- Physical assaults and violent acts.

### Managing Antisocial Behaviour

Where PLH determines that complaints or disputes are not likely to be a breach of the Residential Tenancy Agreement, these matters will generally be referred in the first instance to mediation through CJsCs. CJsCs provide a free mediation service supported by trained, impartial mediators. Information about the mediation can only be released to PLH with all parties' consent.

PLH will investigate reports about antisocial behaviour by tenants of our properties. PLH will collect evidence and apply the rules of natural justice so that those involved are given the opportunity to provide information about their view of events. PLH will provide feedback where possible, and in line with our Privacy and Confidentiality Policy, to relevant parties on the outcomes of the investigation while also protecting people's privacy.

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

- Minor breaches and antisocial behaviour

Tenants will be given the opportunity to change and address their behaviour. PLH may issue written notices to tenants to remedy their or a household occupant's behaviour. If the matters set out in the notice continue to occur, PLH will take action through the NSW Civil and Administrative Tribunal (NCAT).

- Serious breaches and antisocial behaviour

If a tenant's behaviour seriously or persistently breaches their Residential Tenancy Agreement or relevant strata bylaws PLH will take action through NCAT. Action taken against tenancy breaches through the NCAT may be to seek a specific performance order to cease an action which is a breach of tenancy, or to support a termination of tenancy.

If the antisocial behaviour involves criminal activity, PLH may seek clarification from the NSW Police through a Record of Understanding (ROU) and may take appropriate action against a tenancy if a breach of the Act is confirmed.. PLH will cooperate with NSW Police with further investigation of this illegal activity.

Where a tenant of PLH is subject to severe harassment from a neighbour, and none of the above actions resolve the problem, rehousing the tenant may be considered based on evidence requirements for a transfer.

### Privacy, Confidentiality and Making Anonymous Complaints

Although we are obliged to maintain confidentiality when investigating complaints, in most instances PLH 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 NCAT as breach of tenancy, the identity of the complainant and nature of the complaint may be required as part of a brief of evidence. PLH 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.

### Documenting a Complaint

Where appropriate, PLH will encourage the tenant or neighbour 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 for consideration by CJs or NCAT. 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 NCAT, 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. PLH will not permit the installation of cameras or recording equipment on its properties other than in accordance with our CCTV Policy.

### Unreasonable Complaints or Behaviour

At times, PLH receives repeat complaints that we believe have been adequately resolved or that no further action is possible or warranted. We understand that people who have a complaint can experience high levels of stress, frustration and anger about their complaint. However, there may be times when people who have a complaint act in ways that are inappropriate and unacceptable, even though we are trying to help them.

There may also be instances where tenants, applicants, approved household occupants, visitors, former tenants or neighbours exhibit unacceptable behaviour in their dealings with us. This behaviour may occur anywhere including in tenants' properties and on or off PLH's premises. It may be face to face, over the phone or by written correspondence. This may include:

- Being aggressive or abusive to our team
- Making unsubstantiated accusations
- Making discriminatory, obscene or offensive remarks or gestures
- Threatening harm or violence
- Flooding our offices with unnecessary and excessive phone calls, emails or visits
- Making inappropriate demands on our time and resources
- Refusing to accept our decisions and recommendations.

When people behave in this way, we consider their behaviour to be unreasonable and this raises issues around health and safety, resources and equity for us, our team, our other customers, or for the person themselves.

At all times, our team will be expected to show respect and courtesy to the person(s), as long as it is safe to do so, explain clearly why PLH will not be taking further action and express empathy for their situation without admission or fault.

Our team must also report any incidents involving unreasonable behaviour that they experience or witness and if the incident impacts the health and/or safety of someone in our team, it must also be reported as a workplace health and safety incident.

The, CEO, or the CEO's delegate, will consult with relevant people in our team to decide whether we will take actions, including:

- assessing a person as high risk and requiring PLH staff and other persons to take particular precautions when dealing with the relevant person. The assessment will be reviewed from time to time and precautions may include the following:
  - Only visiting or engaging with the person when a second staff member (or contractor, real estate agent or support worker) is present.

- Scheduling appointments in the offices of PLH when other staff are present to observe and corroborate any interaction.
- restrict a person's access to our services or
- cease to communicate further with a complainant
- where the behavior represents a serious breach by a tenant of a Residential Tenancy Agreement, initiate action with NCAT, or
- refer the matter to the NSW Police.

In making the decision, relevant factors will be considered such as whether the behaviour involved anger, or actual or threatened aggression, violence or assault (which is unacceptable in all circumstances), whether any complaint has merit and whether the decision will have an unnecessary impact on the person's welfare, livelihood or dependents.

If we decide not to communicate further to a repeat complainant PLH will send a final letter clearly explaining the outcome of the complaint, the reasons why PLH will take no further action, that in the absence of new information or evidence that can be used and that PLH considers the matter closed and will cease further communication.

### Complaints and Appeals

If a tenant is not satisfied with a service provided by PLH or does not agree with a decision it has made, they should first discuss their concerns with their Housing Officer. If they are still not satisfied they can ask for a formal review. Refer Complaints and Appeals Policy.

### Related Documents

Residential Tenancies Act 2010  
 Residential Tenancies Regulation 2010  
 Strata Bylaws, as appropriate

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