



Anti-Social Behaviour and Neighbourhood Disputes

Discussion Paper

Purpose of this paper

This document provides general information and a guide for Housing Tasmania staff and other stakeholders seeking to understand Housing Tasmania's approach to dealing with anti-social behaviour and neighbourhood disputes.

What is anti-social behaviour?

Anti-social behaviour relates to the actions of individuals. It is behaviour by individuals that adversely affects the lives of those who live around them and which is a breach of Housing Tasmania's lease. This is distinct from a neighbourhood dispute where a number of parties may be in conflict but there is no behaviour involved which is a breach of Housing Tasmania's lease. However, a neighbourhood dispute may arise because of the anti-social behaviour of one or more parties or a neighbourhood dispute may escalate into anti-social behaviour.

To put this simply, there is some behaviour which, if proven, is considered a breach of Housing Tasmania's lease. There are many other activities, which may be annoying or aggravating to neighbours, but which are not considered a breach of Housing Tasmania's lease.

Terminology

The Residential Tenancy Act talks about anti-social behaviour in terms of 'damage', 'injury' and 'nuisance'. Housing Tasmania's lease talks about anti-social behaviour in terms of 'damage', 'personal injury' and 'nuisance and harassment'.

What is Housing Tasmania's role?

Disputes between neighbours –

Housing Tasmania plays a significant role in managing community expectations that we will and should 'sort out the problem' if public rental tenants are involved. This activity can be resource intensive and often detracts from other services and community building activities. Yet, in effect, unless there is sufficient evidence of a breach of the Housing Tasmania lease, we are powerless to otherwise influence the behaviour of a tenant.

Tenants are encouraged to at least introduce themselves to new neighbours. They are also encouraged to participate in tenant participation and community building activities that are taking place in their area. The organisation and support of such activities is an important part of Housing Tasmania's role.



If tenants, or other parties, are experiencing a problem with their neighbours they are encouraged to calmly discuss the matter with their neighbour first as disagreements are often the result of a simple misunderstanding.

Housing Tasmania staff frequently make referrals to other services that have a more clearly defined role in resolving conflict. For example, a referral to the relevant local council or Tasmania Police. Referrals to Tasmania Police are particularly important if follow up action is required at a later stage.

Frequently however, often complaints come from several differing parties and it is often difficult for Housing Tasmania to accurately determine who has initiated or fuelled the conflict. Often it is the behaviour of both parties in a dispute.

Where conflict has escalated Housing Tasmania may also make a referral to Community Mediation.

Formal action to address anti-social behaviour -

Housing Tasmania has a responsibility to balance the needs of individual tenants and their families against the broader needs of the community.

Taking action to evict a tenant on the basis of anti-social behaviour is considered very carefully and only taken where other efforts to resolve conflict resulting from the behaviour have been unsuccessful. Such action may have included field call, request to attend appointments at the Service Hub, referral to mediation or issuing of formal warning letters relating to non-compliance with lease conditions.

Where a public rental tenant causes a serious and persistent disturbance of the peace, privacy and comfort of a neighbour we will consider formal action under the terms of the lease to end the tenancy. Eviction is seen as a last resort after a period of significant effort by Housing Tasmania and a demonstrated lack of commitment by the tenant to comply with their lease.

In cases of extreme anti-social behaviour, where it seems that serious damage is likely to be caused to neighbouring premises, or physical injury to a person occupying neighbouring premises, action to evict the tenant may commence earlier and without extensive intervention efforts by Housing Tasmania.

Because eviction is a formal legal process Housing Tasmania must be able to prove, to the satisfaction of a magistrate, that there has been a breach. Anti-social acts must be proved by either admissions by the tenant or evidence from other people of what they saw, heard or did. Evidence of the effect of the behaviour on neighbours will also be required. Documentation and accurate record keeping is very important.



As a consequence of the level of evidence required to prove anti-social behaviour has occurred, evictions on this basis are difficult. Unfortunately, witness evidence is critical and many complainants are unwilling to appear before a magistrate to give evidence in person.

Clients with complex needs

A complicating factor is that many neighbourhood disputes or anti-social behaviour come about because of the complex needs of the tenant/s. For example anti-social behaviour may have been influenced by drug or alcohol misuse, mental health or other medical illness.

Housing Tasmania invests considerable effort to work with clients with complex needs to link them with the support they need to sustain their tenancy.

This may include early intervention to identify the supports that may be required from the start of a tenancy to reduce the risk of issues arising at a later stage. This approach is highly likely if the client has had a previous tenancy where there have been issues related to neighbourhood disputes or anti-social behaviour.

However, where the tenant in question has refused support or the support has not been able to assist the tenant in addressing their behaviour, Housing Tasmania will still consider taking formal action if there has been a breach of the lease.

For further information relating to this policy please email the helpdesk housing.policyhelpdesk@dhhs.tas.gov.au