

## MANAGING ANTI-SOCIAL BEHAVIOUR

### *Information for people affected by anti-social behaviour*

All residents have a right to the peaceful enjoyment of their property and to live in harmony with their neighbours. Tenants have an obligation to abide by the Nuisance and Annoyance conditions of their Residential Tenancy Agreement, including being responsible for their own conduct as well as for the behaviour of other occupants of the household and visitors to their property.

Please remember that Home in Place is not always the most appropriate place to call if you are having problems with neighbours, as our ability to do something about the problem is limited.



### *What is anti-social behaviour?*

Antisocial behaviour is when a person's behaviour affects another person's peace, comfort or privacy. If you feel a person living in, or visiting, a Home in Place dwelling is interfering with your peace or privacy, there are several things you should do.

- Contact police or relevant authority;
- Keep an Incident Diary with dates, times and details of the incidents;
- Contact Home in Place and report and provide them with copies of your incident diary and police event numbers.

### *What if my complaint involves illegal activity?*

Home in Place is here to help you, but it will not carry out a criminal investigation. Suspected illegal activity should be reported to the police for assistance. You can call 131 444 and log an incident report with the Police and to let Home in Place know the 'Event Number'.

## In an emergency you should call "000"

If you feel you are being intimidated and that this will continue to happen, then you may also be able to apply for an Apprehended Violence Order (AVO) through your local court. For further information relating to the application of an AVO, please contact your Local Police Command or Courthouse.

### *What will Home in Place do when they receive a complaint?*

Home in Place does not tolerate unacceptable behaviour and will respond within established policies and procedures and the provisions of the Residential Tenancies Act. However, when an antisocial behaviour complaint is received, Home in Place will investigate the allegation, when it has been supported by one or more of the following;

- ✓ Police Event Number/s,
- ✓ Incident Diary
- ✓ Statutory Declaration

## All complaints are treated confidentially.

The tenant will be advised of the investigation, but the complainants' details will not be provided to them.

If the alleged behaviour is found to be in breach of the residential tenancy agreement, the following steps are taken:

- surveying neighbors to determine the impact of the reported behaviour on surrounding residents;
- requesting records of police attendances related to the reported incidents;
- monitoring the tenancy;
- referring tenants to external support agencies for advice and assistance;
- working with tenants and external agencies to identify strategies to manage the tenancy;
- applying to the NSW Civil and Administrative Tribunal (NCAT) to terminate the tenancy; and
- please note, Home in Place will only seek to terminate a tenancy as a last resort.

## What can you do to assist?

People affected by antisocial behaviour are requested to keep a record of incidents including details such as:

- ✓ the date and time of the incident
- ✓ the nature of the incident
- ✓ how long it lasted
- ✓ If police attended
- ✓ Police Event Numbers

- ✓ How it impacted on your peace and privacy, and
- ✓ How it made you feel (scared, intimidated etc.)

If you would like more information on resolving a neighbourhood dispute by mediation, please contact the Community Justice Centre on: **Ph. 1800 990 777**. The Community Justice Centre offers free and confidential advice aimed at resolving disputes without having to take legal action. If a complaint does not constitute a breach of the tenancy agreement, Home in Place will encourage the parties to try and resolve the dispute through mediation.

## Why have some Home in Place tenants not been evicted for their anti-social behaviour?

All reported incidents are investigated; however, we can only act where incidents of anti-social behaviour can be substantiated and where the behaviour is a breach of the Residential Tenancy Act. In some cases, a complaint may not be able to be substantiated.

We must also consider other issues affecting the tenant and the tenancy. In these cases, we may take a range of other actions to assist the tenant to change their behaviour and maintain their tenancy including referral to a support worker or agency, closely monitoring the tenancy or investigate the option of a transfer where appropriate.

## Where can I get more information?

Home in Place Customer Service or Tenancy Relations Team

1300 333 733

Community Justice Centre

1800 990 777 (free call)

Your Local Council

Tenants NSW for Tenants Advice and Advocacy Services

[www.tenants.org.au](http://www.tenants.org.au)

Office of Fair Trading

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or call 133 220

Law Access

1300 888 529

Information and Privacy Commission NSW

1800 472 679