



Noise and Nuisance

Very occasionally, we have neighbours who are upset or offended by the behaviour and conduct of tenants in our rental properties. We have selected tenants who have passed our referencing process, however, that referencing process is not a guarantee of tenant conduct or behavior.

It is very rare indeed that a tenant is being deliberately offensive or inconsiderate - usually a lack of understanding or unfamiliarity is the cause of a problem, for example, a lack of understanding of parking arrangements or communal areas.

We do provide a comprehensive check-in process and explain all aspects to tenants - furthermore, we provide them with our tenant's booklet and often the landlord provides an instruction pack - this is in addition to the tenancy agreement and a copy of the head-lease (where applicable). Tenants are given a lot of information.

As the managing agent Proudhouse Property takes complaints from neighbours very seriously. However, it is necessary to clarify the role of an agent; we are **not empowered, nor is the landlord empowered, to take any action against a tenant unless there are clear and objective breaches of a tenancy agreement or head-lease.**

We are not the police and tenants have rights to be protected from harassment. At best, if the tenant is not in a fixed (assured) part of a tenancy agreement then the landlord would need to give 2 months' notice to the tenant. A landlord or agent cannot forcibly evict a tenant; in fact only a court order can evict a tenant and even then a specific set of requirements must be met.

In order for us to assist with problems it is very helpful if clear and defined complaints can be made - for example:

A red VW polo car with registration number XXXXXX parked in bay 11 at 4 pm on 10/09/2018.

OR

Rubbish (black bags + empty drinks bottles) left on communal landing in a cardboard box - first noticed on 18/7/2017 and been present for 8 days.

Any photos would also help hugely (digital cameras and phones normally time/date stamp a photo [within the digital data] which is very useful).

Receiving general complaints along the lines of "your tenants are not parking correctly" or "they kept me awake at night because of all the noise" do not help us - this type of complaint is very easy for a tenant to deny or discredit if it is non-descript or hearsay.

Not causing a nuisance to neighbours, parking, communal areas etc. are usually all covered by specific clauses in the tenancy agreement and head-lease. When we write to tenants with complaints we need to be able to state the clause of the tenancy agreement that has been breached. We therefore need to back that up with correct and substantive information.

In this kind of unfortunate circumstance Proudhouse Property will do our utmost to help with matters. We are always aiming for matters to be resolved and hope that neighbours can live in a considerate and friendly community. However, if this is not the outcome and if a legal process needs to be followed then a solicitor, court or judge will most likely only give credence to accurate and clear records and log keeping.

Proudhouse Property are happy to meet, discuss or take calls on any such matter. Please treat tenants the same as any other resident or neighbour. If you haven't already, talk or write to the tenants and raise your concerns in a firm but friendly way. In extreme cases anyone who feels threatened will need to call the police, however, it is important to reiterate, that it is extremely rare that a tenant is being deliberately offensive.

Ultimately, tenants are occupants and citizens of their homes in exactly the same way as home-owners are. The Environmental Protection Act and Local Authority Environmental Health can advise on noise and nuisance but the complaint has to come from the person directly affected. As an agent, we cannot make a complaint to the local authority on a neighbour's behalf. Resolution of these kinds of matters is for everyone's benefit and peace of mind.



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