

Neighbourhood Disputes



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When do neighbourhood disputes occur?

- The fencing separating their properties.
- Noise complaints (barking dogs; loud music etc).
- A building encroaching onto the neighbours' property.
- Neighbours' tree branches or roots coming onto and damaging property (such as pipes or gutters).
- Any number of other situations.

When do neighbourhood dispute become a legal nuisance?

A neighbourhood dispute has to be a legal nuisance to have a legal remedy. A **legal nuisance** has to be...

- **Substantial:** in that it affects your quality of life in a significant way.
- **Unreasonable:** *under the circumstances* and measures should have been taken to prevent it from happening.
- **Ongoing:** occurring over a sustained period of time.

Steps to overcome a neighbourhood disputes

1. Ask your neighbour to stop the offending activity:

This should always be your first step because it is a good idea to get a handle on what your neighbour thinks about the issue. They may feel indifferent, angry and defensive BUT they might also be apologetic and willing to help.

2. Contact a Community Mediation Service:

This is often a cheaper, faster alternative than going to court. Mediation decisions can be adopted by courts and become legal remedies.

3. Take direct action to stop the nuisance:

For example if a branch is overhanging onto your property you can cut it down. Be careful when taking direct action: Only do what you need to do to stop the nuisance occurring. It is **always advisable to seek legal advice before attempting to take direct action.**

4. Go to court:

You can launch an action in the Magistrates Court by filing the required forms with the Court Registrar. This can be a lengthy, time-consuming process, although expenses can be minimized by using the Small Claims section of the Magistrates court. This allows the parties to represent themselves when you are seeking a sum of \$6000 or less.

For further information about your rights and responsibilities, contact the Adelaide Legal Outreach Service on (08) 8118 5200 or email us at alos@adelaide.edu.au

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