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Anti-Social Behaviour Policy

If you are affected by anti-social behaviour, noise or nuisance you should, where possible, try to resolve the matter informally. It is advisable to keep written records of complaints made covering dates, times and a summary of the issue. If this is not successful you may have to take further action.

Tenants in private rented and social-housing accommodation have an obligation not to behave within the dwelling, or in the vicinity of it, in a way that is anti-social or allow other occupiers of, or visitors to the dwelling to behave within it or in the vicinity in such a way. This could be:

- A) Committing an offence which is reasonably likely to affect directly the well-being of others.
- B) Engaging in behaviour that causes or could cause fear, danger, injury, damage or loss to any person living, working or otherwise in the dwelling or its vicinity.
- C) Engaging persistently in behaviour that prevents peaceful occupation by any other person residing in the dwelling, another dwelling within the property or near that dwelling.

A tenant behaving in an anti-social manner described in (A) or (B) above can be given 7 days' notice of termination whilst behaviour falling under ground (C) above would normally be considered a breach of obligations and a landlord would have to notify the tenant of the alleged breach and give a reasonable period of time to correct the breach. Should the breach continue or occur again, the landlord may terminate the tenancy by serving a minimum of 28 days' notice of termination in writing.

Apartment Rules

In apartment dwellings there are rules covering noise not being audible outside of the dwelling or between certain times, before 8 am and after 10 pm. If you are experiencing noise or other anti-social problems this can be reported to the management through your Tenant Liaison Officer. The internal Complaints' procedure will then be followed. Where a tenant breaches these rules, they may be notified of the breach and given a reasonable period to correct the breach. If it continues or happens again in the future the tenancy could be at risk.

Duty to Third Parties

As landlords of rented accommodation CHAS owes, to each person that could be affected, a duty to enforce the obligations of the tenant under the tenancy. A third party may be able to refer a dispute to the RTB if they were directly and adversely affected by the breach of duty by a tenant. Internal complaints procedures need to be followed before the option of RTB referral is considered. The RTB have a form for third parties to request this information downloadable from www.prtb.ie

Noise Regulations

There are no maximum noise levels or statutory time periods for dealing with noise complaints. If a person considers a noise to be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times that it gives you reasonable cause for annoyance they can take action through the district court under **The Environmental Protection Agency Act 1992 (Noise) Regulations, 1994 (S.I. No. 179 of 1994)**.

Construction

There are no specified statutory periods during which certain works e.g. construction, road works, DIY etc. are prohibited although a Planning Authority may attach conditions to individual planning permissions. If you are experiencing noise problems from a construction site you should contact the relevant Planning Authority and check if there are any conditions attached.

Pub/Nightclub

If you are affected by noise coming from a pub or nightclub, in addition to availing of the noise regulations, you can object to the renewal of a licence at the annual Licensing Court. Where a special late-night exemption is sought, the **Intoxicating Liquor Act 2000** provides that a court shall not grant a special exemption order in respect of any premises unless it is satisfied that the special occasion will be conducted in a manner which will not cause undue inconvenience to persons residing in the vicinity of those premises.

If the noise is coming from patrons of the pub/nightclub out on the street the Gardaí can be contacted and, people who are making noise out on the public roadway between midnight and 7am, or at any other time after having been asked to stop by a Garda, may be guilty of an offence.

Alarms

Intruder alarms and car alarms can cause annoyance. In relation to nuisance from intruder alarms, for commercial premises complaints should be made to the relevant local authority whilst for domestic alarms the occupier should be notified. Local authorities recommend having key holders that can be contacted where an alarm goes off either by a monitoring company or trusted neighbours and can respond within a reasonable period of time. The European Standard - EN 50131-1 of 1997 prescribes a minimum and maximum durations of 90 seconds and 15 minutes respectively.

Barking Dogs

Although animals and pets of any kind are prohibited in CHAS properties, if a tenant is experiencing a problem arising from excessive barking from a dog in the neighbourhood they should keep a record of incidents and try to resolve it informally with the owner. If this does not resolve the problem, a person can take further action through the district court under the **Control of Dogs Acts 1986 & 1992**. A copy of

the form to make a complaint to the court may be obtained from the relevant local authority.

Policy Adopted Date: June 2018