



Northwood Residents Association

Issues can arise with your neighbours from time to time and it is important these are dealt with speedily and fairly.

You have the right to the ordinary use of your land. However, your neighbours also have this right. In addition, within Northwood there are a number of land covenants, which are part of your legal obligations. You should check the title to your property as these covenants can vary. A breach of these covenants may result in your neighbours taking action against you to enforce compliance and this may involve a financial penalty. If you are unsure what the covenants for your land are, you should check your legal title or contact your property lawyer to check these out.

Issues that happen between neighbours can vary. Noise, fences, trees, dogs...

If you have an issue with your neighbour try working through these options. If you would like to discuss your issues with someone, you can call Lois Flanagan one of the members of the NRA Committee who may be able to help.

Step	Comments
Think	Do I really have an issue? Some things may happen that annoy you. However, things like that are often small, or odd occurrences when normally things are fine. Should you make an issue of this? Is it important enough for you to do something about? Do I need to talk with my neighbour about it?
Know your rights	Be aware of your legal rights. However, most disputes can be resolved without the need for legal action. For free legal advice, consider visiting Citizens Advice, the local Community Law Centre, use Consumer and to a lesser extent CCC.
Ask for advice	Try to get an unbiased opinion. A friend may say the things you want to hear but may not have considered all sides to the issue. If you think this issue relates to covenants, check the covenants that are specific to your property or check with your lawyer. If necessary, call a committee member for clarification.
Talk	<p>It's probably the most obvious but sometimes the most difficult! It's also the best place to start. Most issues are resolved at this level. Talking to your neighbour will usually lead to you feeling better and your neighbour being aware of how you are feeling. Most people are reasonable and would not want an issue to escalate further. If you do not know your neighbour well, bringing up a negative issue is usually not a great way to start a relationship. A discussion with your neighbour needs to be handled carefully and sensitively. Regardless of the outcome of the discussion, they will still remain your neighbour!</p> <p>Try to use empathy and non-judgemental statements. It's better to use "I" statements instead of "You" statements. Explain clearly what the issue is from your perspective. If you feel more comfortable, write a letter to your neighbour. That way you can set out the issues without the heat of the moment or emotion becoming a stumbling block. It may also help you to clarify exactly what the issues are and give your neighbour a chance to respond at leisure. Always explain clearly what you are concerned about. Do not demand instant answers. Give your neighbour time to consider it from their perspective. Set a follow up time so both you and your neighbour know what is expected of each of you and what will happen next.</p>
Local and formal dispute resolution	Using an independent person to mediate may be a good idea. For example, a mediator can listen to both sides, and try to negotiate a settlement, but cannot make either party do anything they do not want to. However, they may be able to offer another perspective and even suggest solutions. A mediated outcome which is one negotiated by the parties themselves is preferable to legal action in which a decision may be imposed on you by a judge or arbitrator. A mediator may write up an agreement for you to sign to formalise matters.
Review previous steps	Things may have changed – try again if you can to get a solution path by using any combination of the above
Professional advice	Seek legal advice if you are not progressing matters. Citizens Advice or The Community Law Centre may be useful as a first contact, as they give free advice and especially if you do not have your own lawyer.
Try one last time	One final approach may provide a breakthrough. It is always better to try to reach agreement directly than to have to use more formal and probably more costly options.
Disputes tribunal	Always consider the Disputes Tribunal. This option will handle 'small claims' currently to a maximum of \$7500 or \$12000 if both parties agree. There is a small cost to apply, and a tribunal member who does have authority to impose a decision on you, which can be enforced in the District Court if needed, should deal with your dispute usually in a number of weeks.
Legal action	Use this as a last resort. The process may be costly in both time and money and may ultimately not deliver the results you want, as a Judge will impose the outcome on you.

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