

## Handling unacceptable behaviour or excessive noise

Apartment living involves community tolerance, consideration of privacy and understanding and respect for other residents. Incidents of inappropriate behaviour or excessive noise may arise through:

- An incident or activity outside the building or in common areas of the building that is violent, extremely noisy or causing a security risk or damage to the building.
- Noise or unacceptable disturbance between neighbouring apartments.
- Excessive noise or disturbance in an apartment causing distress to other residents.
- Excessive noise or disturbance emanating from an apartment that is leased for a short-term (possibly overnight).

**NOTE:** *Noise levels in residential areas are regulated under ACT Government Legislation that sets overall limits and requires that residential noise be reduced between the hours of 10pm and 7am (8am Sundays and PH).* (See <https://www.accesscanberra.act.gov.au/s/noise-portal>)

It depends entirely on the nature and severity of the incidents or noise problem in each case but general guidelines are:

1. An incident outside the building or in common areas of the building that is violent or potentially risky should be reported to the ACT Police. It is inadvisable to risk personal harm by intervening.
2. An incident observed that has caused, or is likely to cause, damage within common areas of the building should be noted and reported to the Building Manager at the first available opportunity. CCTV coverage may assist in follow-up
3. Noise or disturbance issues between neighbouring apartments should be addressed by polite discussion between the neighbours involved. If a problem persists or is significant, then a report to the Building Manager or Managing Agent would be advisable. The Executive Committee may decide to apply the provisions of the Owners Corporation Rules.
4. Where excessive noise or disturbance in an apartment is causing distress to another owner or resident, particularly after 10 pm, the owner or resident concerned should ask the offending persons to cease or to at least reduce the noise to a reasonable level. If security access to the level on which the offending apartment is located is not possible, then the ACT Police should be contacted (who have access to all levels of the building--see also point 6 below). A written report to the Building Manager should follow.

5. If it is known that a noise problem or irresponsible behaviour emanates from residents of a leased apartment, then it should be reported to the Building Manager (when on duty) or Managing Agent who will contact the leasing agency involved.
  6. There are some apartments in the building that are leased for very short periods for which the leasing agents have agreed to take immediate remedial action if required. If it is known that an apartment is managed by the agency below, then immediate contact should be made to:
    - Peppers Gallery Hotel. Please call the Hotel reception: (02) 6175 2222 (24/7).
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### **Executive Committee Policy for responding to complaints**

1. A complaint to the Committee about behavioural issues, noise, pets etc. should be submitted in writing (or subsequently confirmed in writing) outlining the facts and known or assumed perpetrators.
2. The complaint will be recorded in the “Complaints Register” and the Committee will determine whether it may be an infringement of an Owner’s Corporation Rule.
3. The Committee will try to obtain comments or corroborative evidence from the Building Manager, including CCTV and entry security records where appropriate and available, and/or other persons.
4. Follow-on action by the Executive Committee may take several forms, depending on the nature and severity of the issue and whether it is the first or subsequent occurrence. It is a matter for judgement that will also be equated with any similar precedent. These steps may include:
  - a. Discussion between the involved parties (and perhaps the complainant) with a view to resolving it and an assurance that it will not re-occur. This may end the matter without any other remedial steps being necessary.
  - b. Written request to the owner of the unit/apartment involved from the Committee or Managing Agent noting the problem and seeking an explanation in writing. Note that under the Unit Titles (Management) Act 2011 (the Act), it is the owner that has ultimate responsibility rather than a tenant/occupier of a unit.
  - c. The Committee will consider the response and determine an appropriate follow on action (if the complaint and issue is considered justified). This may range from:
    - i) A letter noting the response and seeking assurances that there will be no recurrence.

- ii) If there is a reasonable expectation that a problem has been sufficiently serious and may re-occur, then the Committee may formally authorise (by majority) that a rule infringement notice be issued under Section 109 of the Act. **Note:** *It is necessary for a rule infringement notice to have been issued for a previous similar infringement should there be a recurrence that may warrant a more serious response. (see iii) below).*
  - iii) If the matter is serious, and has been subject to a previous rule infringement notice, The Committee may authorise imposing a fine under Section 110 of the Act.
  - iv) Fines, costs of related repairs, cleaning costs or even legal costs are recoverable from an owner as a levy under the provisions of Section 31 of the Act.
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