

MANAGING ANTI-SOCIAL BEHAVIOUR

Information for people affected by anti-social behaviour

All residents have a right to the peaceful enjoyment of their property and to live in harmony with their neighbours. Tenants have an obligation to abide by the Nuisance and Annoyance conditions of their Residential Tenancy Agreement, including being responsible for their own conduct as well as for the behaviour of other occupants of the household and visitors to their property.

Please remember that Home in Place is not always the most appropriate place to call if you are having problems with neighbours, as our ability to do something about the problem is limited.

What is anti-social behaviour?

Anti-social behaviour (ASB) is when a person's behaviour affects another person's peace, comfort or privacy

If you feel a person living in, or visiting, a Home in Place dwelling is interfering with your peace or privacy, there are several things you should do.

- Contact police or relevant authority;
- Keep an Incident Diary with dates, times and details of the incidents;
- Contact Home in Place and report and provide them with copies of your incident diary and police event numbers.



What if my anti-social behaviour complaint involves illegal activity?

Home in Place is here to help you, but it will not carry out a criminal investigation. Suspected illegal activity should be reported to the police for assistance. You can call 0800 555 111 and log an incident report with the Police and to let Home in Place know the 'Event Number'.

In an emergency you should call "111"

If you feel you are being intimidated and that this will continue to happen, then you may also be able to apply for an Apprehended Violence Order (AVO) through your local court. For further information relating to the application of an AVO, please contact your Local Police Command or Courthouse.

What will Home in Place do when they receive an ASB complaint?

Home in Place does not tolerate unacceptable behaviour and will respond within established policies and procedures and the provisions of the Residential Tenancies Act. However, when an anti-social behaviour complaint is received, Home in Place will investigate

the allegation, when it has been supported by one or more of the following;

- ✓ Police Event Number/s,
- ✓ Incident Diary
- ✓ Statutory Declaration

All ASB complaints are treated confidentially.

The tenant will be advised of the investigation, but the complainants' details will not be provided to them.

If the alleged behaviour is found to be in breach of the residential tenancy agreement, the following steps are taken:

- surveying neighbours to determine the impact of the reported behaviour on surrounding residents;
- requesting records of police attendances related to the reported incidents;
- monitoring the tenancy;
- referring tenants to external support agencies for advice and assistance;
- working with tenants and external agencies to identify strategies to manage the tenancy;
- applying to the Tenancy Tribunal to terminate the tenancy; and
- please note, Home in Place will only seek to terminate a tenancy as a last resort.

What can you do to assist?

People affected by antisocial behaviour are requested to keep a record of incidents including details such as:

- ✓ the date and time of the incident
- ✓ the nature of the incident
- ✓ how long it lasted
- ✓ If police attended
- ✓ Police Event Numbers
- ✓ How it impacted on your peace and privacy &
- ✓ How it made you feel (scared, intimidated etc.)

If you would like more information on resolving a neighbourhood dispute by mediation, please contact the Community Law Centre on: **Ph. (09) 377 9449**. Community Law offers all sorts of free legal help, from easy-to-read information, to community workshops, to one-on-one legal help. If a complaint does not constitute a breach of the tenancy agreement, Home in Place will encourage the parties to try and resolve the dispute through mediation.

Why have some Home in Place tenants not been evicted for their anti-social behaviour?

All reported incidents are investigated; however, we can only act where incidents of anti-social behaviour can be substantiated and where the behaviour is a breach of the Residential Tenancy Act. In some cases, a complaint may not be able to be substantiated.

We must also consider other issues affecting the tenant and the tenancy. In these cases, we may take a range of other actions to assist the tenant to change their behaviour and maintain their tenancy including referral to a support worker or agency, closely monitoring the tenancy or investigate the option of a transfer where appropriate

Where can I get more information?

Home in Place Customer Service or Tenancy Relations Team	0800 124 663
Community Law Centre (Auckland)	(09) 377 9449
Your Local Council	
Tenancy Services & Tenancy Tribunal	www.tenancy.govt.nz or call 0800 TENANCY (0800 836 262)
Consumer Protection	www.consumerprotection.govt.au or free call 0508 4 CONSUMER (0508 426 678)
Legal Aid (Ministry of Justice)	0800 2 LEGAL AID (0800 253 425)
Privacy Commissioner	0800 803 909