



## OTHA Tenant Information Leaflet

### Making an Estate Management complaint

This leaflet tells you about how we deal with complaints about breaches of tenancy

#### **Making A Complaint**

You should be allowed to enjoy freedom from nuisance and annoyance caused by your neighbours, their family or visitors to their home. You should be able to expect that your neighbours take their share of their responsibilities for keeping common parts in a clean & tidy condition. You should be able to live without pets causing noise or fouling outside your home.

Sometimes you need to make a complaint about behaviour, which is affecting you. You can discuss the problem with your housing officer first or just submit your complaint in writing or on the association's standard form. If you wish, your housing officer can take down details of your complaint and ask you to sign the form rather than you completing it yourself.

Although we will discuss any concern with you, we will usually only act on complaints about other tenants submitted in writing. The exception is where we can see the problem for ourselves, and in that case we can act without a formal complaint. For example, if rubbish is being left in a close or stairs are not being cleaned. We would then approach all those who could be responsible and take steps to find the culprit ourselves.

If you make a complaint, we will discuss the details with you and agree a course of action. We then take steps to verify the facts by speaking with other neighbours,

the police or other witnesses if that is possible. We do not reveal the details of the person making the complaint.

We normally agree to approach the person responsible and discuss the problem behaviour with them. The implications for them if the problems are not resolved are discussed with them. Their future behaviour would then be monitored.

We would inform you of the outcome of discussions and any steps we were taking such as serving a warning or a Notice of Proceedings. We would give you advice about other courses of action open to you – complaining to the Police or Environmental Health, for example. The Anti-social Behaviour Investigation Team offers an out of hours service for serious cases they are dealing with.

Sometimes counter complaints are raised against you and we would investigate these in the same way. A mediation service is available where this could help to resolve ongoing problems between neighbours.

#### **More Serious Problems**

Unfortunately, sometimes a more serious problem develops where a neighbour indulges in serious anti-social or illegal behaviour. Due to intimidation, you may find it hard to make a complaint or you may be unwilling for us to take any action, but we would still like you to tell us about the problem. There may be a way of collecting

impartial evidence - we may work with the Police to increase their involvement or bring in professional witness. If the problem is severe, there may be a record of complaints from other tenants.

When illegal behaviour is involved, complaints should be made to the Police - you should also report the problem to us. We do not get information on a routine basis from the Police about criminal charges brought against our tenants.

### **Remedies for Serious Breach of Tenancy**

If a breach of tenancy is severe and persistent, we have a range of legal remedies:

- Seeking an anti-social behaviour order to prevent anti-social behaviour
- Seeking a decree to evict the tenant responsible
- An action for specific implement if a tenant needs to carry out a positive act to comply with their tenancy agreement
- A forced management transfer of the perpetrator

Other agencies can take a variety of legal steps to deal with problems that fall within their remit e.g. removing noisy stereos, closing premises, parenting orders, prosecuting people for a range of offences.

You can also bring a legal action for damages or to apply for an interdict against the person(s) who is causing the problem to stop a particular type of behaviour. An interim interdict can be sought as an emergency measure to get a quick remedy.

Before the association will consider any legal remedy, we will have to have an appropriate level of evidence to support the case. The costs of bringing an action will be weighed against the seriousness of the behaviour and the likelihood of winning any case brought. The quality and amount of evidence is often the most important factor in making the decision to proceed.

### **Harassment**

OTHA's Harassment Policy sets out how we will deal with a complaint of harassment. We are committed to dealing in a decisive and effective manner if a tenant becomes a victim. The Association is concerned that all our tenants, regardless of age, colour, disability, marital status, political views, race, religion, appearance, gender or sexual orientation, should benefit from their right to enjoy their home peacefully. We are strongly opposed to harassment. We will:

- Ensure that every tenant knows about our policy on harassment
- Provide positive assistance and support to the victim

- Thoroughly investigate any complaints that are made
- Deal promptly with any damage caused to your home and remove any graffiti
- Interview the victim and the person/people who are alleged to be the one/s causing the harassment, as well as any independent witnesses.
- Take speedy action against the person/s who are shown to be causing the harassment. This may include moves to evict the person if they are an OTHA tenants, or taking other legal action as appropriate.
- In severe cases, OTHA may help the victim to move
- Keep records of all our investigations, including photographic evidence where this is available and relevant.

The Housing Manager or Senior Housing Officer will deal with any case involving harassment. Where your safety is a real concern, we would act to secure your safety. We may offer a management transfer to a victim of harassment – this is done on a 'like for like' basis in terms of the type and demand level of the type of house you occupy. The matter will be treated in strict confidence and your concerns will be given the greatest importance as we agree the course of action to be taken.