

ELEVATION



VICTORIA
BODY CORPORATE
SERVICES PTY LTD
your strata care company

Your rights when dealing with noisy neighbours

Source: October 2011 Elevation edition

Stratasphere... the world of strata – your questions answered!

Question:

The place next door is having parties with noise that lasts well into the early hours of the morning. I know it's the season for celebration, but surely I have rights too?

Answer:

Noisy neighbours and their friends are a fact of close proximity. And while there is no legal limit to the number of guests in a private residence, congregating in common areas is a potential hazard for the entire property. Party guests can cause damage to common property or, potentially worse, injury for which owners corporations may be liable.

Damage to common areas or neighbouring properties is the responsibility of the person who did the damage, not the party host or landlord of the party host. However, owners, lessees and occupiers are bound by the rules of an owners corporation which can result in an owners being accountable for the actions of a guest. Evidence of responsibility for damage can be someone who saw the damage take place and is prepared to swear it in an affidavit. This is usually enough to convince the guilty party to pay up and avoid court action.

Neighbours are within their rights to complain about noise to the police or council, and police have the power to ensure that music is turned down, or even to confiscate music equipment. If a person continually has noisy or disruptive parties or uses the common areas for large gatherings, Owners Corporations can take action to have them cease immediately, or compel an owner to take steps leading to their eviction.

As with all relationships, open communication and courtesy to others is the best way to avoid greater trouble later.

