

APPENDIX 3

NOISY NEIGHBOUR COMPLAINT

Private Owner Occupier Dwellings

There are two main options available to you in order to resolve this issue;

1. Your complaint may be dealt with through mediation between you and your neighbour. Mediation brings parties in conflict with each other together to attempt to resolve conflict/disputes they may be experiencing, away from Court. Mediation is impartial, confidential and voluntary and at any time either party may withdraw from the process. However it may be of interest to you to contact a mediation service to get further information about the process before deciding how best to proceed.
2. You can apply directly to the District Court for a Court Order under Section 108 of the Environmental Protection Agency Act, 1992. (See Appendix 2)

Before you engage in mediation or go to court it is advisable that you do the following;

- You will be required to explain exactly what the noise nuisance is. It can be useful to make a sequential 'timeline' of events relating to this complaint and to make brief notes detailing measures, if any, that you have taken to attempt to resolve the matter prior to mediation or court.
- You should keep copies of any supporting material e.g. letters, which you have sent in order to address the issue previously.
- You should consider what you would like the outcome of the process to be, bearing in mind that in some cases, the noise nuisance cannot be fully eliminated, but restrictions may be possible to reduce the impact of the noise upon you e.g. restricting the times of day that certain activities are carried out.

Dún Laoghaire-Rathdown County Council tenant

If you have a noisy neighbour who is a tenant of the Council, the Anti-Social section may investigate the matter as it may constitute a breach of the tenancy agreement. Contact Anti-Social at antisocial@dlrcoco.ie

Private Rented Dwelling

There are two main options available to you in order to resolve this issue;

- Under the Residential tenancies Act 2004, all private rented tenancies must be registered with the Private Residential Tenancies Board (RTB) www.prtb.ie. The Residential Tenancies Act 2004 places certain obligations on both the landlord and the tenant. You can check that a premises is registered with the PRTB and, if so, make a complaint about the noise nuisance, to the PRTB. The PRTB then compels the landlord to enforce the tenants obligations not to engage in anti-

social behaviour. Should the tenants continue to do so, then the landlord is obliged to terminate the tenancy.

- Mediation (see above).
- Section 108 action (see above).

<http://www.flac.ie/publications/legal-info-leaflet-neighbour-disputes/>