

Home Concepts Magazine

Author: Nicholas Aw, Director, Clifford Law Corporation

Title: "Neighbours"

Just a week before Chinese New Year, I decided to change the lighting to my hall way. The workers started work at 9.30am. They had to do a bit of hacking to the ceiling to align the centre piece. After about 10 noisy minutes, one of my neighbours, a middle-aged man, in his pjs, walked boldly to the entrance of my home and in an irritated tone, told off the workers for causing the commotion and asked them to come back in the afternoon as he wanted to continue with his sleep. The workers were apologetic and told him that they were almost done with the hacking. He then walked towards his home, muttering away.

All this while, I was present in my home, one of 30 units in a small condominium. I was thinking to myself, "He is just a tenant whilst I am an owner! Who does he think he is? Moreover, the workers were doing their work within office hours during a working weekday." But being civic minded, I restrained myself and just bit my lip throughout the episode.

I could have, if I wanted to, tell him off and start an argument as I was acting within my legal rights according to the by-laws that govern the condominium. If he wanted to stay up the night before to watch the Arsenal and Manchester United game earlier, that's his business.

The majority of us live in flats, albeit some more exclusive than others. A minority live in landed property. No matter where we live, the common denominator that we face is, the neighbour, be it a wall, a fence or a road separating us, the neighbour is ever present.

Disputes and misunderstandings between neighbours are not uncommon noisy parties, barking dogs, late night karaoke sessions, arguments over common property, car parking issues.... the list is simply endless.

As we have to live with each other, ideally we should try to accept our neighbours for who they are but sometimes, unhappiness over trivial matters can perpetuate over years and cause animosity so much so that neighbours can turn nasty and do very unpleasant things to retaliate. But should we take matters into our own hands? After all, short of moving away, your neighbour is here to stay, and so the problem too. It is said that talk is cheap but sometimes, talk can dispel the problem.

If you live in an estate where a management corporation (the "MC") looks after its affairs, you could turn to them for assistance in resolving the issue. Those who live in private apartments, cluster homes and condominiums are generally governed by the by-laws of the Land Titles (Strata) Act and the MC can send a notice to your neighbour to inform him that his weekly late night drinking parties interferes with the right of peaceful enjoyment to the others living around him. The complainant is usually not made known to him (though he may have his usual suspects). If he chooses to ignore the notice and continues to be unreasonable, another notice can be sent to him informing him that he faces a fine not exceeding S\$2,000.00 for breach of the by-laws if he continues in his anti-social ways.

Those living in HDB apartments can try approaching their Resident Committees (RC) for assistance in disputes such as the daily hanging of wet clothing over your "space". The RC, depending on their style could write to the "offending neighbour" and advise him accordingly of his imprudence. If this fails to yield any results, the dispute can be sent to the community mediation centre to be resolved. The Housing & Development Board can also determine a lease if there is a serious breach of the lease by for example, the throwing of killer litter.

Those who live in landed property do not have RCs or MCs but could in some estates have some committee of sorts. So, you should try approaching them first if they are available for help. Their approach should not be dissimilar to the above. If there is no such option available, one could try to talk and explain your situation to the neighbour and hope to get him to see things from your perspective. Of course, talking to your neighbour is an option available to everyone regardless of where you live.

If things reach a point where talk is futile, as a last resort, it is advisable that if you have exhausted all hope of any talk that could lead to an amicable solution, you have the option of making a police report.

The law offers help in that offences such as trespass, mischief, criminal intimidation, the use of expletives and/or gestures to outrage the modesty of a woman, threats of violence and violence per se are covered by the Penal Code.

Offences that involve harassment, excessive noise, nuisance and animals such as dogs are covered by the Miscellaneous Offence (Public Order and Nuisance) Act. For more information on the types of offences, you can visit <http://statutes.agc.gov.sg/> for a better insight of the type of offences that are covered.

As a caveat, making a police report is just the first step of a possible tedious, costly and time consuming journey. By and large, such complaints are not prosecuted after initial investigations by the authorities unless they deem it serious enough to do. Whether it is serious enough is something which only the authorities will decide.

If the authorities decide not to pursue the matter and you still insist on doing so, your recourse would be to take out a private summons in the subordinate courts. You may wish to retain the services of a lawyer to advise you of your rights and to represent you in court. In such cases, the court will usually, at first instance try to mediate and attempt to get parties to resolve their differences.

If this fails, the matter proceeds further to a full trial and the end result would either be a conviction or an acquittal.

Nicholas Aw is a director at Clifford Law Corporation

Email: nicholasaw@cliffordlaw.com.sg