



O'Dwyer Property Management Ltd.

Noise Issues in Privately Managed Estates

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An ODPM Explanatory
Guide

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Introduction

The purpose of this guide is to explain, in general terms, the common noise complaints which occur in privately managed estates and how they are addressed and can be dealt with.

What are the most common noise complaints in apartments and private estates?

The most common noise complaints in privately managed estates are:

- Late night parties
- Loud music playing
- Loud voices/shouting during the night
- Washing machines operating during the night

What rights do I have to quiet and peaceful enjoyment of my apartment?

Apartment and House Leases clearly set out House Rules which are general rules which the owners in the complex agree to be bound by to ensure harmonious living for all. It is in the interest of all owners to ensure that they or their tenants abide by these rules.

If a neighbour is causing unreasonable noise, what can I do?

Initially, you should approach the person/s and advise them of the disturbance being caused. Often, neighbours are unaware that the noise coming from their apartment is causing a disturbance to others until it is brought to their attention. This notification may be sufficient to resolve the problem.

If I have approached the neighbours and they are still making noise, what can I do?

Contact ODPM in writing clearly stating the type of noise problem, date of the disturbance, apartment number, what you have done to attempt to resolve the problem and requesting that we contact the owner. ODPM will then issue a letter to the resident and/or the owner notifying them of the disturbance caused requesting that they desist from causing any further disturbances.

Should the noise continue to be unreasonable and become a consistent disturbance, what can be done next?

In this instance, you should contact ODPM in writing, detailing the noise complaint. ODPM will then issue a formal notice to the offending party and in the case of tenants letters will be sent to both the landlord and the tenant highlighting the seriousness of the problem.

If the noise disturbance continues despite the notices what can be done next?

Under the Environmental Protection Agency Act 1992 the District Court has jurisdiction to order any person making, causing or responsible for the noise complained of, to take measures necessary to reduce the noise to a specified level or to take specified measures for the prevention or limitation of the noise. Such complaint can be made by "a person in any premises or in the neighbourhood". The entitlement to bring a claim to the District Court in relation to noise is not limited to immediate neighbours/owners in the development although it generally helps where there is a very clear connection between those complaining about the noise and the noise itself.

Can I take this step easily?

It is open to any individual owner to pursue such a complaint itself without recourse to solicitors thus achieving some saving as to costs. The procedure requires a notice to be sent to the person responsible for the noise and thereafter the matter is brought before the court and evidence can be given to the judge in relation to the matters in issue.

What evidence or documentation will I need to have to ensure my complaint is sustainable?

Complainants are generally advised to have a record of times and dates when the noise/nuisance occurred, any notices served on the offending party and supporting evidence from other owner neighbours who have similarly suffered from the noise.

Often where Gardaí have been called in relation to late night parties etc. it should also be possible to secure their attendance at the court (through subpoena, if necessary) to give relevant evidence.

Do I need legal representation in court?

There is no requirement to be represented in court by a solicitor however should you wish to seek legal advice this would be a personal choice.

How much will the action cost me?

The District Court charges a nominal fee (€15 - €25 as at August 2003) for processing the action. There is no requirement to be represented in court by a solicitor. Should you engage a legal advisor costs would be explained by the representative on engaging their services.

How long will the action take?

Contact your local district court for information regarding how soon a hearing could be held.

Will this course of action work?

The District Court will hear both sides of the case and should it find in your favour it can order the person/s causing the nuisance/making the noise to reduce it or cease it completely.

How do I contact the District Court about my issue?

Following your decision to take action, you will need to :

- (1) Firstly contact the clerk of your local District Court to arrange a hearing date for your case. You will need to quote the exact law relating to your case i.e. *Section 108 of the Environmental protection Agency Act, 1992 (Noise) Regulations 1994 (S.I. No 179 of 1994)*. Copies of this can be purchased from the Government Publications Sales Office, Molesworth Street, Dublin 2 or by calling them and requesting a copy on 01-6793515
Information on district courts can be found on www.courts.ie .
- (2) When you have received a time for your case to be heard you then have to inform the person/s concerned that you will be making a complaint to the courts. The date of the hearing must be a minimum of 7 days from the date you informed the persons causing the nuisance/noise.
- (3) You will be required to complete a detailed form of complaint which will be provided to you from the district court.

- (4) Then you will attend court at the specified time to present your complaint.

A leaflet dealing with this matter in more detail is available to download/view on www.enfo.ie in the Noise Pollution section of the website or a copy can be requested from the ODPM offices on 01-6603822.

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Further Queries?

Should you have any further queries in relation to any aspect of the management of your development please do not hesitate to contact ODPM's **Property Services Team** who are available to address your calls and assist you in any way they can.

You can contact the **ODPM Property Services Team** on 01-6603822, Monday to Friday, 9am to 5.00pm.

Please have the following information ready to help them deal with you more efficiently:

- Your development name
- Your name
- Your unit number

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Disclaimer

This document is prepared by ODPM and is intended to answer some of the common queries raised by members of Management Companies in an understandable manner without using a great deal of legal terminology.

The intention is to give general guidance to cover concerns which commonly arise but by no means does ODPM accept any liability whatsoever for errors or omissions.

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