

Mediation Guide

Steps to take to reduce the risk of creating neighbour conflict

Building positive relationships with your neighbours can enhance your sense of security, foster a sense of belonging and make your house and community feel more welcoming. The City offers some tips on how to get to know your neighbours and how to manage issues should they arise.

- **Introduce Yourself** - you may be new to the neighbourhood, or perhaps new neighbours may have just moved in, or you may have never had the chance to talk to your neighbours, so introduce yourself.
- **Consider Your Neighbours Lifestyle** - get to know your neighbours, for example, what sort of work they do and the hours they work. If we are more aware of our neighbour's lifestyles, problems can often be avoided before they are created. Similarly, let them know if you have specific circumstances in your household.
- **Communicate with Your Neighbours** - take time to get in touch with your neighbours regularly and keep the lines of communication open. Maybe have an arrangement with them to keep an eye on each other's homes while you're away and pick up mail from the letterbox.
- **When You Have a Great Neighbour** - If your neighbour done something thoughtful for you or if they are just great neighbours, let them know.
- **Notifying Your Neighbours** - Let your neighbour know if you have seen something at their home that they might not be aware of, for example, a broken reticulation nozzle, a light left on at the property, or perhaps vegetation that obstructs the view of local drivers.

Are you in dispute with a Neighbour?

If you are in dispute with a neighbour, it's always advisable that you attempt to discuss matters directly with them to try and reach a resolution. When talking to neighbours, it is advisable to take the following steps:

- Approach your neighbour, or person with whom you have a grievance, in a polite and respectful manner.
- Explain why the problem is created and ask the person for their assistance in resolving the matter.
- Allow the person time to make changes to the way in which they do things.
- If the person was receptive to your concerns but after a reasonable amount of time the problem has not been resolved to your satisfaction, approach them again, as they may think that they have resolved it. Allow them additional time to change their actions.
- If communication fails or the issues remain unresolved despite best efforts, mediation can be a helpful next step.

What is mediation?

Mediation is a structured process in which an independent person (known as the mediator) assists parties to identify and assess options and try to negotiate an agreement to resolve their dispute. The focus of mediation is always on the future relationship between the parties without attaching blame to either party.

How does mediation work?

Mediators are experienced and professionally qualified. They don't give advice or make decisions for the parties. Their role is to help the parties to calmly focus on the issues in dispute, gain an understanding of the other party's point of view, and put forward options in an effort to reach an amicable outcome. If mediation is successful, the result is written down in the parties' own words.

Who provides mediation?

Mediation is not undertaken by the City. There are a range of options for external mediation services, including the Citizens Advice Bureau and services provided by the University of Western Australia.

Funding

The cost involved in using a mediation service is borne by the relevant parties involved.

Request the City's Help in Accessing an External Mediation Service

If you would like assistance from the City regarding mediation services, the following steps will apply:

- Identification of Dispute: Generally speaking, it will be the responsibility of a resident or ratepayer to bring an issue to the attention of the City.
- Overview of the Dispute: The relevant technical officer will review the details of the dispute, assess the situation, clarify any questions or concerns raised by the disputing party and outline the relevant City policies and legislation regarding the dispute.
- Communication: The City will explain the mediation process and clarify any questions or concerns raised by the disputing parties.
- Referral: If the aggrieved party would like to progress to mediation, the City can help to facilitate the process. If the City is unable to get in contact with one of the relevant parties, or they are uninterested in attending mediation, the affected party will be notified that the mediation referral will not proceed, and where relevant, the matter will be progressed in accordance with relevant City policies and legislation. The City cannot compel neighbours to participate in mediation.
- Resolution: A resolution via mediation does not negate the need for the City to make decisions on matters relevant to its responsibilities as a local government. However, where mediation has resulted in an agreed outcome, and that outcome can be reasonably accommodated as part of the City's decision making (in line with its statutory obligations), the City will endeavour to do so. This requires that the parties agree to disclose the outcome of mediation to the City.

What happens next?

Once both parties have agreed to mediation, they will receive a letter in the mail from the chosen mediation service detailing the process. Separate pre-mediation appointments will be arranged for each party. This interview is an opportunity to discuss your specific issues without the other party present.

During pre-mediation, you can ask any questions you may have and raise any matters you are unsure about. The mediator will explain how mediation works so that you are fully prepared.

Following the pre-mediation interviews, the next step is to make an appointment for the mediation. It will be in this meeting that all parties attend together in the presence of a mediator.

What matters are suitable for Mediation?

Some of the most common disputes between neighbours involve issues with shared walls, air conditioner noise, noise from other residential equipment such as musical instruments or power tools, pet behaviour, parking etiquette, parties, rubbish bins being left out, diving fences and trees on private property.

What happens if we cannot reach agreement in mediation?

If an agreement is not reached in mediation, depending on the matter, you can seek legal advice and undertake court proceedings to have the dispute resolved legally. The Perth Magistrates Court is available to resolve civil matters, for example, dividing fence matters

Further Information

For further information on reducing the risk of creating neighbour conflict, see the City's webpage on 'Getting to Know Your Neighbour and Managing Disputes'.