

02

NOISE AND QUIET ENJOYMENT

Residential Tenancies Act 1997 (ACT) — Schedule 1, Clause 52

Your rights when noise from a lessor-controlled source interferes with your peace, comfort or privacy

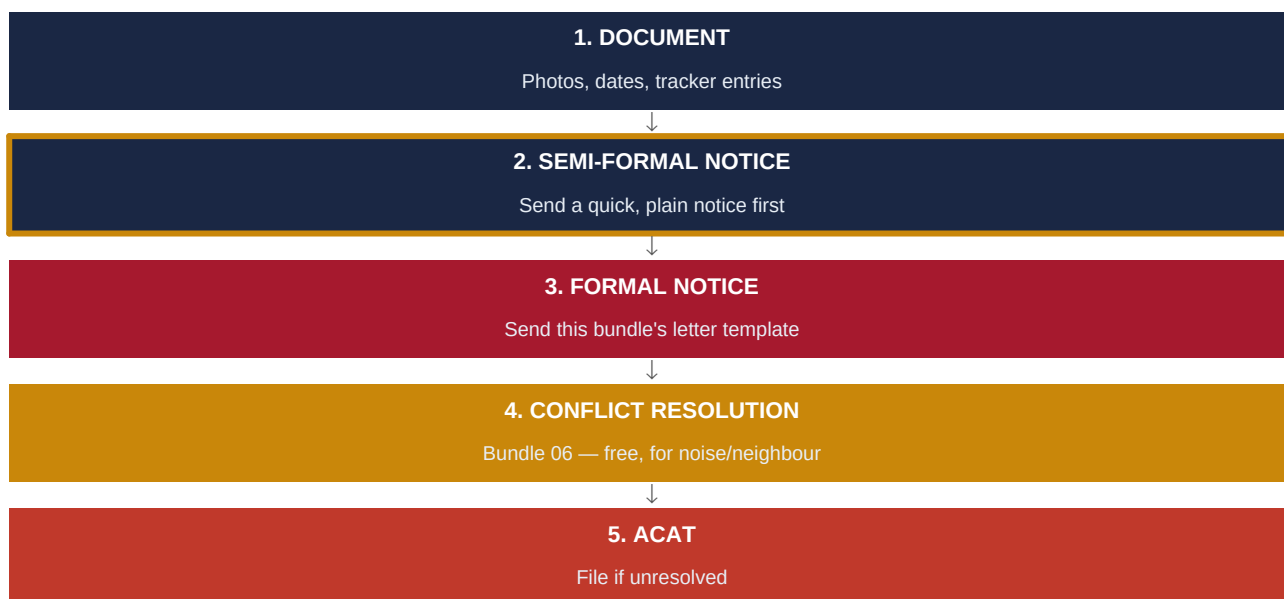
WHEN TO USE THIS BUNDLE

Use this bundle when noise — from another tenant under your lessor's control, or from the lessor or agent directly — persistently interferes with your reasonable peace, comfort or privacy.

KNOW THE LAW — THE QUIET ENJOYMENT OBLIGATION (SCHEDULE 1, CL 52)

Clause 52 of Schedule 1 (Standard Residential Tenancy Terms) requires that the lessor not cause or permit any interference with your reasonable peace, comfort or privacy in your use of the premises.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



The highlighted box shows where this bundle fits in the journey.

- 01 Log every incident in real time**
Date, time, duration, source, and severity — for every occurrence, not just the worst ones.
- 02 Record evidence where possible**
Audio recordings, written diary entries, and witness accounts all strengthen your case.
- 03 Check whether the source shares your lessor**
The clause 52 remedy applies to interference by another tenant the lessor controls. If the noise comes from a property under a different lessor, this is an animal nuisance or general noise complaint matter — keep logging regardless.
- 04 Send a formal written notice citing clause 52**
After at least two documented incidents, put the lessor on formal written notice.
- 05 Escalate if ignored**
If ignored, contact the free Conflict Resolution Service (6189 0590), then apply to ACAT (Bundle 06) if unresolved.

IF YOU NEED TO ESCALATE — WHAT ACAT CAN ORDER

ACAT can order the lessor to take action against the source of interference and award compensation for the loss of quiet enjoyment you have suffered.

★ GOOD TO KNOW — DIFFERENT LESSOR? STILL LOG IT

Noise from an unrelated neighbour under a different lessor isn't a clause 52 matter against your own lessor — but a consistent, timestamped diary works in every channel: animal nuisance complaints, police, and mediation alike.

■ CRITICAL — CLAUSE 52 COVERS INTERFERENCE THE LESSOR CAUSES OR PERMITS

This includes interference by another tenant of the same lessor. The lessor must take reasonable steps to enforce the obligation against that tenant.

■ CRITICAL — DOCUMENT EVERY INCIDENT — PATTERN EVIDENCE WINS

A single complaint rarely succeeds. A consistent, timestamped diary of repeated incidents is what the Conflict Resolution Service and ACAT act on.

NOTICE OF DISTURBANCE — NOISE AND QUIET ENJOYMENT

Residential Tenancies Act 1997 (ACT) — Schedule 1, Clause 52

1. COPY

Copy the letter below into a new email

2. FILL

Replace every **[bracketed]** field with your details

3. SEND

Email it — request a read receipt, save a copy

This is your first contact — a short, plain notice after you've logged at least two incidents. Copy it into an email. If it's ignored, use the formal template on the next page.

SUBJECT:

Noise disturbance at **[Insert Property Address]**

Hi **[Insert Property Manager Name]**,

I wanted to flag an ongoing noise issue at the property that I've been keeping a record of.

WHAT'S BEEN HAPPENING

- Source: **[e.g., the unit next door / a person staying at the property]**
- Recent incidents: **[e.g., Tue 10/06 11:30pm–3am, Thu 12/06 1am–4am]**

WHAT I'M ASKING FOR

- Could you please look into this and let me know what steps will be taken?
- Happy to share my incident log if that's useful.

Thanks,

[Your Full Name]

[Property Address]

[Contact Number / Email]

1. COPY

Copy the letter below into a new email

2. FILLReplace every **[bracketed]** field with your details**3. SEND**

Email it — request a read receipt, save a copy

*Fill in every **[bracketed]** field, then send via email — request a read receipt.***SUBJECT:****FORMAL NOTICE — INTERFERENCE WITH QUIET ENJOYMENT: **[Insert Property Address]****

I am writing to formally notify you of ongoing interference with my quiet enjoyment of the above-referenced property, pursuant to Schedule 1, clause 52 of the Residential Tenancies Act 1997.

1. PARTICULARS OF INTERFERENCE

- Source: **[e.g., occupant of the adjoining unit under your management]**
- Nature: **[e.g., loud music and voices, most nights between 11pm and 2am]**
- Dates of incidents logged: **[Insert Dates]**

2. IMPACT

- This ongoing interference is materially affecting my reasonable peace, comfort and privacy in the property.

3. FORMAL REQUEST

- Pursuant to clause 52, I request that you take reasonable steps to address this interference within **[Insert Timeframe — e.g., 14 days]**.
- If this matter is not resolved, I will contact the Conflict Resolution Service and, if necessary, apply to ACAT.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]