

02

NOISE AND QUIET ENJOYMENT

Residential Tenancies Act 1987 (WA) — Section 44

WA —
Magistrates
Court

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

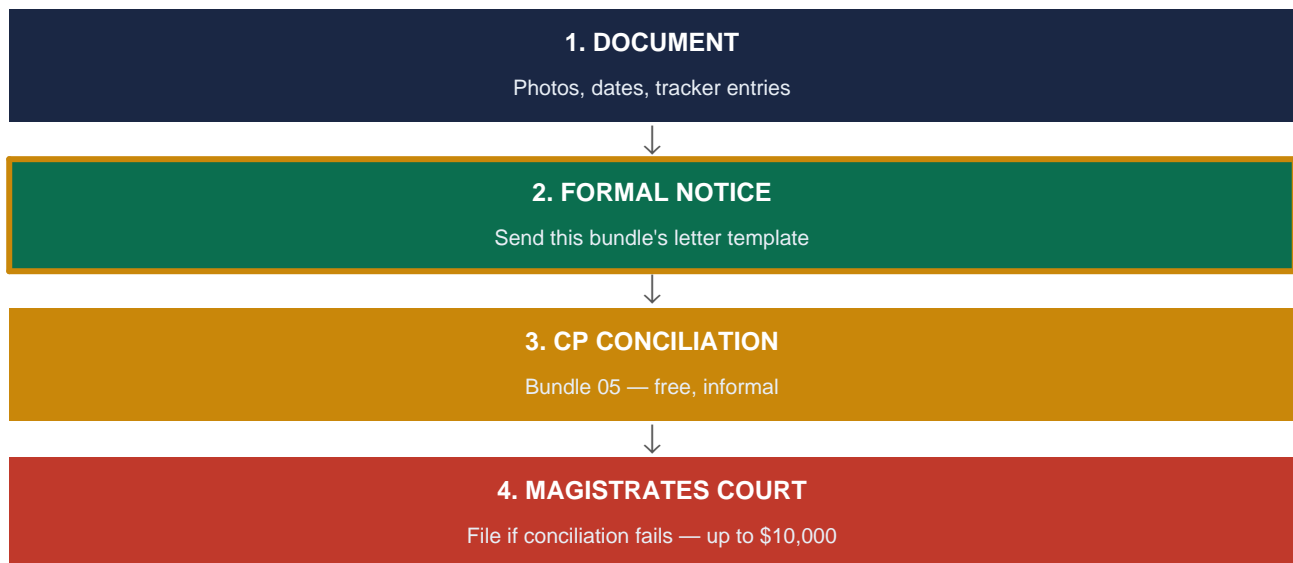
WHEN TO USE THIS BUNDLE

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

KNOW THE LAW — THE QUIET ENJOYMENT OBLIGATION (S.44)

Section 44 of the Residential Tenancies Act 1987 requires that the landlord not cause or permit any interference with your reasonable peace, comfort or privacy, and must take reasonable steps to enforce this obligation on any other tenant they control. Section 59E provides a remedy where this obligation is breached.

HOW THE SYSTEM WORKS — YOUR ESCALATION PATH



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

02

STEPS TO SUCCESS

Residential Tenancies Act 1987 (WA) — Section 44

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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 landlord

The s.44 remedy applies to interference by another tenant the landlord controls. If the noise comes from a property under a different landlord, this is a council matter — keep logging regardless.

04 Send a formal written notice citing s.44

After at least two documented incidents, put the landlord on formal written notice.

05 Escalate if ignored

If ignored, lodge a free Consumer Protection WA conciliation request, then the Magistrates Court (Bundle 05) if unresolved.

IF YOU NEED TO ESCALATE — WHAT MAGISTRATES COURT CAN ORDER

The Magistrates Court can order the landlord to take action against the source of interference and award compensation for the loss of quiet enjoyment you have suffered.

★ GOOD TO KNOW — DIFFERENT LANDLORD? STILL LOG IT

Noise from an unrelated neighbour under a different landlord isn't a s.44 matter against your own landlord — but a consistent, timestamped diary works in every channel: council noise complaints, police, and mediation alike.

■ CRITICAL — SECTION 44 COVERS INTERFERENCE THE LANDLORD CAUSES OR PERMITS

This includes interference by another tenant of the same landlord. The landlord 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 Consumer Protection WA and the Magistrates Court act on.

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

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 Section 44 of the Residential Tenancies Act 1987.

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 Section 44, 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 lodge a conciliation request with Consumer Protection WA and, if necessary, apply to the Magistrates Court under Section 59E.

Yours sincerely,

[Your Full Name]

[Property Address]

[Date]

[Contact Number / Email]