

Noisy neighbours? Here's how to handle them

It's midnight on a weeknight and your neighbour is having a party. The music is loud, people are yelling, and you can't get to sleep. You wake up the next day for work tired and annoyed. This is a regular occurrence and no matter how many times you ask your neighbour to please keep it down, nothing changes.

Let's consider another scenario. Your next-door neighbour has a generator that is running at all hours of the day. It's not that loud, but you work from home and the constant humming of the generator is starting to drive you crazy. You ask the neighbour to turn the generator off for a few hours in the day as you cannot concentrate on work, but they refuse, so your day is filled with this constant background noise that is giving you a headache.

What can you do? Well, South African Neighbour Law has developed to the point where we have a few options.

Firstly, you could call the police. You might be lucky, and an officer might come and have a chat to your neighbour. The police do however not have the authority to do much more than this, as they do not have the equipment or the expertise to build a case against a person for noise pollution.

The Regulations in terms of the Environment Conservation Act 73 of 1989 recognise both the abovementioned types of noise as having the potential to cause a noise disturbance or nuisance, and both are prohibited. The procedure to enforce these Regulations starts with a written complaint, on affidavit, to your local authority.

Your local authority must have an appointed officer to deal with these issues and this officer should investigate the matter and issue appropriate directives. If the offender fails to comply with their directives, this will be a criminal offence rendering the offender liable to a fine, or even imprisonment. Noise generating equipment may also be confiscated and a repeat offender might be liable to be fined up to R50 000!

In communal living schemes like sectional title blocks, the rules of the scheme might also come to your assistance, and offenders might also be liable for administrative fines, so be sure to look for this possibility as a way to solve the problem.

If the local authority or the body corporate/homeowner's association don't assist, the next option would be to take your neighbour to court and get an interdict preventing them from continuing to make the noise. You must however have exhausted all other options before you take such a drastic step. Keep in mind that this is not the easiest route. The courts require proper evidence before they will grant an order, so it is advisable to keep a diary of events that have led you to the steps of the court. An expert witness who has measured the noise will also be required. One thing that a court will also consider is the efforts made to resolve the matter before the issue was brought before the court. It goes without saying that this will cost a lot of money and should only be considered as a last resort.

The best thing to do is always to try and resolve the matter amicably first. Sometimes just speaking to someone can work. You also need to be reasonable about your expectations, most of us live in a crowded society where we need to be tolerant of those around us. If you have acted reasonably and you have done everything you can, then the next step would be to rely on the law to come to your assistance.