

Dealing with the neighbour from hell*

I. INTRODUCTION

In a perfect world, we would all live in neighbourhoods with perfectly manicured lawns, picture-perfect houses and most importantly, friendly neighbours who ask about your day. Unfortunately, in population-dense Singapore, where housing grows narrower, this perfect world may be out of reach for most of us. And with so many Singaporeans living at close quarters with each other, disputes are bound to come up.

If your neighbour likes to burn incense all the time, grows plants along the common corridor, plays loud music at 2 am, or causes any similar form of disruption, there are many avenues available for you to take to put a stop to this. However, in the name of “kampong spirit”, taking the matter to court should be the last resort, in order to preserve good neighbour relations. The steps below are meant to serve as a guide on how to resolve tensions with your neighbour in the most efficient way possible.

II. DISCUSSION

A. Step 1: Resolve the matter directly

The first step you should take to resolve matters with your neighbour is to approach your neighbour directly and see if you can come to a reasonable compromise. For example, you might tell him that he can play his music, but to lower the volume after midnight. However, if you and your neighbour are unwilling to come to a compromise, the following steps are heightened measures you can take.

B. Step 2: Speak with Town Council

Going a step further, you may seek help from your Town Council. Town Councils are led by elected Members of Parliament and are primarily responsible for maintaining the common

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property of HDB estates.¹ Therefore, if your neighbour dispute is over the obstruction of the common corridor, for example, then it is best to approach the Town Council directly.²

Recently, a resident, whose HDB unit was nicknamed the “jungle house”, had been reported by his neighbours to the Town Council. The “jungle house” derived its name from the rows of plants that were crammed along the common space of the HDB units. The Pasir Ris-Punggol Town Council then stepped in and advised the owner to remove the plants immediately, which the owner subsequently did.³ Having dealt with many similar situations, it would be wise to approach your Town Council for advice, especially if the dispute concerns common property.

C. Step 3: Calling the police

The police typically get involved when there are noise disturbances.⁴ However, as far as possible, you should try to avoid calling the police as this might aggravate the situation, or deteriorate neighbour relations. Nevertheless, if the situation has reached an intolerable level, the presence of the police might be an effective way to strike fear in your neighbour, and this might make him more responsive to the situation.

If your neighbour is playing music that is excessively loud into the wee hours of the night, the police may be authorised to put a stop to this. Under the Miscellaneous Offences (Public Order and Nuisance) Act (“MOA”),⁵ section 14 provides that persons who make noise that is likely to cause annoyance to the occupier of any premise in the vicinity can be guilty of an offence and liable to a fine.⁶ In this situation, the police would be authorised to issue a warning to your neighbour.⁷ However, if your neighbour’s actions do not constitute an offence, the police might simply direct you to attend mediation.

¹ Ministry of National Development website < <https://www.mnd.gov.sg/our-work/regulating-town-councils/about-town-councils>> (accessed 9 November 2019).

² *Singapore Parliamentary Debates*, Community Disputes Resolution Bill (13 March 2015) vol. 93 (Mr Lawrence Wong, Minister for Culture, Community and Youth).

³ Salome Ong, “Plant-loving neighbour causing obstruction and fire hazard with ‘jungle house’, say HDB residents”, *The Straits Times* (27 May 2019) < <https://www.straitstimes.com/singapore/welcome-to-the-jungle-hdb-residents-say-plant-loving-neighbour-is-beyond-be-leaf>> (accessed 9 November 2019).

⁴ *Supra* n 2.

⁵ Miscellaneous Offences (Public Order and Nuisance) Act (Cap 184, 1997 Rev Ed).

⁶ *Id.*, at s 14.

⁷ *Ibid.*

D. Step 4: Mediation at Community Mediation Centre

Mediation at the Community Mediation Centre (“CMC”) would be the most efficient and cost friendly way to resolve disputes with your neighbour. In fact, majority of the cases handled by the CMC involve disputes between neighbours, and about 75% are successfully resolved.⁸ You may even wish to skip straight to this step if you feel that the above measures will not resolve your situation. Mediation is different from going to court, in that it is an informal and voluntary process, and is conducted in the presence of professionally trained volunteer mediators.⁹

During the mediation session, you and your neighbour will have the chance to explain the issues underlying the conflict to the mediator. The mediator will then guide both parties to coming up with solutions that are acceptable to both you and your neighbour. Once an agreement is reached, it will be formally written down by the mediator.¹⁰ Unfortunately, the mediators’ hands are tied in that this agreement is not legally binding. This means that you will not be able to take legal action against your neighbour if he continues his behaviour. However, if you wish for this agreement to be legally binding, you may request that this be a term of the agreement, but only if your neighbour is agreeable.¹¹

It bears noting that mediation requires the consent of your neighbour, and if your neighbour is unwilling, this may present an obstacle for you as the CMC cannot compel your neighbour to attend the mediation session. In this situation, you may consider taking your neighbour to court.

E. Step 5: File a claim at the Community Disputes Resolution Tribunal (“CDRT”)

Should all the above steps fail to resolve the matter between you and your neighbour, the last resort would be to take the matter to court, specifically, the CDRT.

⁸ *Singapore Parliamentary Debates*, Written Answers to Questions: Community Mediation Centre (20 July 2009) vol. 86 at col 909 (Mr Shanmugam, Minister for Law).

⁹ Community Mediation Centre website <<https://cmc.mlaw.gov.sg/apply-for-mediation/our-services/>> (accessed 25 October 2019).

¹⁰ *Ibid.*

¹¹ *Singapore Parliamentary Debates*, Community Mediation Centres Bill (7 October 1997) vol. 67 at col 1699 (Assoc. Prof. Ho Peng Kee, Minister of State for Law).

The CDRT was specifically set up to hear cases involving disputes between neighbours, giving an indication of exactly how prevalent neighbour disputes are in Singapore.¹² Not all neighbour disputes can be taken to court, however, so you must first ensure that your neighbour's actions constitute "unreasonable interference", to fall within the purview of the CDRT.¹³ This would include acts like littering, obstruction of common spaces, and excessive noise/smell.¹⁴ As an illustration, it would be unrealistic to expect that your neighbour will never make noise. But, if your neighbour plays music late into the night persistently, then this might be considered unreasonable interference.¹⁵

Depending on your situation, some orders the court can make include:¹⁶

- a) Monetary damages;
- b) Injunction to prevent your neighbour from doing something; and
- c) An apology from your neighbour.

When deciding what order to make, the court will take into consideration the impact of the order on your neighbour and the ordinary instances that a reasonable Singaporean can be expected to tolerate.¹⁷ Recently, a woman filed a claim with the CDRT regarding the excessive noise her neighbours made when they sang karaoke. In response, the CDRT issued an order to her neighbours to close all windows and doors completely when using the karaoke machine. Further, they were not to use the karaoke machine at all when her children were having examinations.¹⁸

If you do decide to take your chances and go to court, you should make sure that you have evidence of your neighbours' disruptive actions- this might include pictures of plants growing along your corridor, and recordings of loud music played.

¹² *Supra* n 2.

¹³ Community Disputes Resolution Act 2015 (No. 7 of 2015) s 4.

¹⁴ *Ibid.*

¹⁵ *Supra* n 2.

¹⁶ *Supra* n 13, at s 5.

¹⁷ *Ibid.*

¹⁸ Seow Bei Yi, "Most common complaints are noise, littering, interfering with movable items", *The Straits Times* (24 September 2016) <<https://www.straitstimes.com/singapore/feuding-neighbours>> (accessed 13 November 2019).

III. CONCLUSION

It is also possible for you to file a civil suit against your neighbour under the tort of nuisance, but this can only be done if you can demonstrate, for example, that you have suffered “loss of comfort and enjoyment” of your property.¹⁹ As a final word of advice, it is recommended that you try your best to settle the situation with your neighbour without court involvement as this would be a lot less stressful and time consuming. For now, you should first continue to monitor your neighbour’s actions, think through the above steps, and determine the best course of action to take given your resources. That said, you should prioritise the need to maintain a good relationship with your neighbours and reconcile any differences, failing which, one might have to resort to legal action and deal with the attendant consequences.²⁰

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¹⁹ Gary Chan Kok Yew, *The Law of Torts in Singapore* (Academy Publishing, 2nd Ed, 2015) at para 10.081 citing *St Helen’s Smelting Co v Tipping* (1865) 11 HLC 642; 11 ER 1483; *Halsey v Esso Petroleum Co Ltd* [1961] 1 WLR 683; *Dobson v Thames Water Utilities Ltd* [2009] 3 All ER 319.

²⁰ See Kimberly Lim, “Bukit Panjang neighbours locked in bitter feud over noise complaints” *Asiaone* (18 December 2019) <<https://www.asiaone.com/singapore/bukit-panjang-neighbours-locked-bitter-feud-over-noise-complaints>> (accessed 7 September 2020).