

Barking dogs in community housing schemes take shine off working from home

Specialist sectional title attorney and BBM Law director Marina Constas has noted an increasing number of enquiries about the noise nuisance of dogs barking excessively, particularly from residents in community housing schemes.



Source: www.unsplash.com

“Social media platforms serving community housing stakeholders are filled with questions from residents on both sides of the fence – those who are at their wits end because of incessant barking as well as dog owners who feel that their pooches are being unfairly hounded by unreasonable, over-sensitive neighbours.”

One resident speculated that the complaints may be a function of Covid and the lockdowns, with stressed people having little tolerance for noise of any kind, including barking dogs, Constas says.

“It may also be that people working from home are demanding more peace and quiet. It is not ideal to have to conduct a virtual meeting with barking dogs in the background.

“Another problem could be that with the pandemic easing and companies relaxing their work-from-home regulations, there may actually be an increasing number of lonely dogs barking their way through the day until their owners get home from the office.



Trustees, developers compelled to reverse ruling prohibiting short-term letting at The Blyde

23 Feb 2022



Tricky issue to solve

"Whatever the reason, this is a tricky issue for residents, sectional title trustees and the directors of homeowners associations," says Constas,

She advises that the first step is for the complainant and the dog owner to try to resolve the dispute amicably.

"When living in close proximity in a complex or estate, there has to be compromise between neighbours. If a case like this does go to the Community Schemes Ombud Service (CSOS), the adjudicator will want to see what internal mediation was undertaken first.

"I recommend that the parties investigate the situation thoroughly and look at what is causing the barking and how the problem might be mitigated. They should consider, for example, whether the dog is barking for no reason, or just when someone walks past the property. Is the dog barking in the middle of the night, or just during the day? Is the barking really incessant and unreasonable?

"Residents are entitled to reasonable quiet, but a complex may not stipulate in its conduct rules that silence must be maintained. This is not reasonable. If fines for nuisance noise like barking dogs are provided for in the rules of conduct, then the homeowners association or body corporate may issue a fine to the offending resident if the clause complies with the law."



Trustees can disconnect power to sectional title units where levies are in arrears

21 Dec 2021



Prepare a detailed journal of events

Constas says that the trustees or homeowners association directors have a fiduciary duty to become involved in a dispute like this and try to help the parties to resolve it. "If internal mediation does not work and the case goes to CSOS, they would also be required to appear at the hearing. In many cases, however, they do appoint the managing agent to go to the CSOS hearing."

Constas's advice to complainants who have explored all other avenues and then approach the CSOS to resolve a dispute about a dog barking is to have a diary detailing the dates and times of the noise nuisance.

"The adjudicator will want to see a detailed journal of events. A recording may be helpful too. I would also recommend obtaining affidavits from other residents who are being disturbed by the barking. The onus is on the complainant to collect all of this evidence, not only the trustees or directors," she concludes.

For more, visit: <https://www.bizcommunity.com>