

## **BUILDING MORE GRACIOUS AND HARMONIOUS COMMUNITIES: FACILITATING EFFECTIVE RESOLUTION OF NEIGHBOUR DISPUTES**

### **ANNEX D**

#### **Key Enhancements to the processes and powers of the Community Disputes Resolution Tribunals (CDRT)**

CDRT processes and powers will be enhanced to support upstream amicable dispute resolution efforts, and to deliver quick and more effective relief for those cases that remain unresolved after mediation and CRU intervention. The key enhancements are as follows:

- a) **Requirement of pre-filing mediation:** In general, claimants must attempt resolution of their dispute through mediation before filing a CDRT claim. This supports the overall framework for community disputes to be resolved through amicable means as far as possible, and for court proceedings to be a last resort.
- b) **Registration of settlement agreements as a CDRT order:** Disputing parties who reach a settlement after mediation may register their settlement agreement as a CDRT order, if all parties consent. A registered settlement agreement will have the same force and effect as a CDRT order. Accordingly, the breach of a registered settlement agreement will amount to the breach of a CDRT order and can be enforced as such.
- c) **Interim orders:** The CDRT will be empowered to issue interim orders on an expedited basis if the case appears to be serious. This will allow parties affected by serious nuisance to obtain quick relief, pending a more thorough consideration of the case. Examples of interim orders include removing an obstruction from the common corridor, or an order to stop making excessive noise.
- d) **Strengthening the measures which encourage landlords to take action when their tenants cause nuisance:** Currently, the CDRT can require a landlord to put up a compliance bond at the Special Direction stage of the CDRT

process.<sup>3</sup>If the CDRT does so, the landlord may terminate the tenancy without incurring liability. Going forward, a neighbour who experiences unreasonable

<sup>3</sup> A Special Direction is issued when the CDRT finds that its initial order has not been complied with.

interference from a tenant-occupied property may serve a notice on the landlord (without initiating a CDRT claim), requiring the landlord to take steps to ensure that the tenant abates the unreasonable interference. If notice has been served but the tenant does not abate the unreasonable interference within a stipulated period, then the affected neighbour may commence a CDRT claim against the tenant, and also seek an order for the landlord to put up a compliance bond to ensure that the tenant complies with the CDRT order. This enhancement empowers an affected resident to engage the landlord of a tenant-occupied property at an earlier stage, and improves the chances of quick and amicable resolution without the need for subsequent court proceedings.

- e) **Integration of the Community Relations Unit's fact-finding process with the CDRT process:** CDRT processes will be closely integrated with upstream processes of the Community Relations Unit so that the CDRT is privy to all relevant evidence that Community Relations Officers have gathered during investigations.
  
- f) **Mandatory Treatment Order:** The CDRT will be empowered to order a person to undergo mandatory assessment and/or treatment if there is reason to believe that the person suffers from a mental health condition that is contributing to the acts of nuisance.
  
- g) **Application to the CDRT for adjudication of dispute:** The Director-General of Community Relations may apply for the CDRT to hear and determine appropriate disputes between neighbours. Upon the Director-General's application, the CDRT may summon the disputing residents to attend court, enquire into the dispute, and thereafter make orders.

h) **Costs framework and consequences for non-attendance at mediation:** The CDRT will be empowered to award costs to compensate a person for the time, work and expenses reasonably incurred in pursuing the CDRT proceedings. Further, where a party has failed to make reasonable efforts at amicable resolution (e.g., by refusing to participate in mediation), an additional set of costs can be awarded against that party.