

## Neighbor nuisance (burenhinder / troubles de voisinage)



## Prohibition to inflict nuisance which surmounts the normal inconveniences and is attributable to the neighbor

## New regime as **Previous regime** of 1 Sept 2021 Explicit legal provisions Case law based on art. 544 C.C. = describing the principles, your fundamental right of ownership together with case law Non-exhaustive list of criteria (time, Discretionary assessment by justice frequency, intensity, first use or of peace of excessive nuisance public use) Remedy(ies) chosen and combined by justice of peace out of: monetary compensation; Remedy freely determined reimbursement of costs for by justice of peace compensating measures; use restrictions (benchmark: normal nuisance) Additionally, preventive measures can be imposed by justice of peace Only reactive measures possible in case of apparent and serious risks to safety, health or pollution



Risk of preventive action taken by neighbor to avoid excessive nuisance from building project, even prior to the start!