

# Solutions for Neighbours' Conflicts

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Mediative elements as prevention  
and mediation as an alternative

Inseparable from the concept of “housing” is the circumstance that people with differences in values, needs, origins, traditions, preferences, age and gender living together leads to conflicts. Besides the social aspect, dealing with them also represents an operational cost factor, and they should be solved quickly and unbureaucratically, ideally without legal proceedings. Limited-profit housing companies are increasingly endeavouring to deal with these matters efficiently – through mediation and conflict management.

*An unbureaucratic  
solution without  
legal proceedings*

Sozialbau, which manages over 51,000 dwellings and is the leading limited-profit housing company in Austria, reacted to this circumstance by setting up a mediation department. Since 2005 neighbours' conflicts which could not be resolved by the usual written injunctions of the housing management have been passed on to the mediation department. Up to July 2016 there were 243 mediation cases worked on and registered by external and in-house mediators. The aim of this author's Master's thesis, parts of which are included here, is to evaluate these mediation cases, to identify the accompanying circumstances of the conflicts and to investigate under what circumstances mediation leads to a sustained solution for neighbours' disputes.

## Also help towards self-help

Housing as a public asset is one of the most important cornerstones of the Austrian housing industry. Besides providing up-to-date and economical living space this public asset takes on an important social and socio-political role in Austria.<sup>1</sup> The legal definition of limited-profit housing associations as laid out in § 1 (2) Wohnungsgemeinnützigkeitsgesetz (Austrian Limited-Profit Housing Act) defines them as companies whose activities are directed towards serving the common welfare in housing and settlement, whose assets are dedicated to the fulfilment

of such tasks and which allow regular checks and monitoring of their business operations. This basic definition contains practically all of the principles of housing as a public asset: the public benefit, the limited field of activity, limited distribution of profits and the principle of cost-covering as well as the obligatory supervision and monitoring. The limited-profit housing sector thus has the responsibility of providing services for the common good through private law companies in the public interest.<sup>2</sup>

Strengthening the community through identification, integration and networking of residents can be promoted by a wide range of instruments (participation, “Gemeinschaft braucht Raum” (“Community Needs Space”), caretakers etc.). A balanced residential structure (via occupancy management) is the basis for a functioning community and neighbourhood. The effects on the community include the social, demographic and ethnic mix, a healthy housing environment as well as the raising of housing standards and thus an increase in housing satisfaction. In this context the long-standing director of the “Austrian Federation of Limited-Profit Housing Associations”, Theodor Österreicher, also sees conflict-free life of the members of a housing cooperative as part of their assignment.<sup>3</sup>

## How conflicts affect the housing management company

The housing management company staff are confronted with a large number of complaints and conflicts in their daily work. “A week at work without residents’ conflicts – an illusion” is the title of a contribution from Peter Wirth, director of the Sozialbau housing management company “Eigentum”, to a housing conference in 2003. He continues, “Conflicts are considered as chances, sure! But as a rule they cost us time and they cost our clients quality of life. Only very few people take energy from conflicts – most are passive and are involuntarily drawn in.”<sup>4</sup>

*Most of those affected are passive and involuntarily drawn in*

Neighbours’ disputes, annoyance caused by noise, uncleanness or unpleasant smells are everyday occurrences along with the daily management of complaints in the administrative field, defects, technical malfunctions and differences of opinion about operating costs and the calculation of surplus funds. Demands for price reductions, claims for defects liability in new buildings and complaints about improper maintenance or overhaul work are familiar subjects for the housing management staff on a daily basis.<sup>5</sup>

During the course of professional training and a qualifying

examination real estate managers are not only equipped with specialist competence, because their work also requires social competence and experience they gain themselves through conflict and complaint management, to be able to resolve a controversy adequately. In a nationwide survey of all estate agents in Austria carried out as part of a study by the Vienna University of Economics and Business (WU) regarding qualification requirements for staff, it was found that the proportion was 45 % professional and 55 % social competence.<sup>6</sup>

*Proportion  
of specialist  
and social  
competence*

It is thus a question of recognising conflicts as chances for positive change. Jürgen Sattmann, a mediator, puts this statement into perspective in his book “Wie man aus Streithähnen Gewinner macht” (“How to Make the Quarrelsome into Winners”) as follows: “With all high regard and educational importance of this principle, I would like to state here that conflicts very often also lead to unpleasant and painful experiences. Maintaining functioning social relationships with our business partners, colleagues, friends, partner and family therefore requires that we deal with conflicts constructively. Even positive-minded people can provoke and allow conflicts to happen. Conflicts are an important and essential contribution to positive development in a social community. Regeneration can only come about when I am ready to seek solutions or answers to the demands or questions raised by conflict. Progress and development are results of new values, ideas and concepts. However, the decisive factor is always how conflicts are actually handled.”<sup>7</sup>

## **Changes in conflict culture**

The change in conflict culture in the real estate management sector has contributed to an increase in conflicts because more and more is demanded to be done quickly under time pressure without a waiting period. Along with this a quicker reaction to the improvement of client satisfaction is called for and more must also be provided. The time pressure that results from the demand for a faster and faster reaction results in the impression that clients have become more assertive and demanding. Complaints come in by telephone, in person and in writing, whereby a lot has changed as a result of the medium of email in particular (described by the common term “a flood of mail”).<sup>8</sup>

### **Preventive measures**

In all of their newly-constructed housing projects Sozialbau invites residents to a so-called “get-to-know-you meeting” two weeks before moving

*A good start is sustainably appreciated for a long time*

in and a site visit – called “open house day” – to see their flat. This idea was born during the construction of the “Inter-ethnische Nachbarschaft” housing estate, which was first occupied in 2000, and the experience was so good that they have continued with it for all their subsequent newly constructed housing. In an evaluation of the above-mentioned project, which has appeared in book form, surveyed tenants report that the site visit to get to know the project and their future neighbours was extremely important. Some say that this event was the beginning of today’s neighbourly spirit in the building. Residents have continued to appreciate the good start. The “get-to-know-you meeting” has enabled Sozialbau to chalk up a major success with the residents with minimal effort.<sup>9</sup>

Future residents of a new housing estate are confronted with an abundance of new emotional situations when moving in. It is not only that moving into a new flat as the centre of personal life means a considerable change in one’s immediate surroundings, there is also the move, change of address with all the formalities involved, new infrastructure etc. to be considered. A “get-to-know-you meeting” at which representatives of the housing management introduce themselves along with caretakers, the cleaning firm and local authority officials and give important information about the new housing estate should serve to give tenants the feeling that they are being well and attentively looked after.

Not least it leads to new neighbours getting to know each other so they will be better able to deal with any possible future conflicts. It is obvious that people who have got to know one another in a relaxed atmosphere are more likely to find a solution to loud noise and other neighbours’ conflicts by talking face-to-face than when a neighbour only exists as a nameplate on a door. This get-to-know-you meeting also demands the communication skills of the housing management staff member in a group when it is a matter of, for example, chairing a round of introductions with the future residents sitting in a circle. The aim is, as far as possible, to get all of them “on board” and encourage them to talk about their children, pets and interests and thereby remove the fear of “strangers”. This plays a particular role not only, but particularly, for residents with a migration background.

### **The residents’ party**

Residents’ parties take place in the summer months on many Sozialbau housing estates at the invitation of the housing management company. They aim to create a positive atmosphere in the community and support communication among residents with music, games for children and adults as well as snacks and drinks. The aim is to motivate

the residents' community to organise further parties and activities independently. Conversations and discussions with representatives of the housing management and the board in a "private" atmosphere are intended to promote empathy and overcome communication barriers.

### **The "Team-Kick-Cup"**

Team-Kick is a ball game with rules reminiscent of the "Tipp Kick" table football game from the 1960s (Translator's note: Tipp Kick is similar to Subbuteo.) Its special feature is that the focus is not on the physical ability or skill of the players but it is intended to promote communication among residents. This is supported by an animation team at the residents' parties. It should also be mentioned that the finals are played at a large-scale event in autumn which enables contact between residents from all over Vienna and thus makes a further contribution to communication beyond residents' own housing estates.

*Communication  
among residents  
through play*

### **The operating costs hotline**

The so-called "operating costs hotline", which Sozialbau provides each year, can also be seen as a de-escalating and thus mediative element. The accounting of operating costs is generally a very sensitive part of housing management work. The operating costs are exhaustively listed in § 21 ff. of the Tenancy Act (MRG) and are accounted for each year. The credit balance or additional payments have to be settled with tenants immediately and the monthly payments for the following year are adjusted on the basis of the current year's results, which often brings with it an increase in living costs. This unpleasant fact leads to tenants questioning the correctness of the calculation and being able to ask for it to be checked by a mediation body. Immediately after the bills are sent out, the opportunity is provided for tenants to get the information they want and receive explanations from competent staff members in cases of misunderstanding. Hundreds of residents from the Sozialbau group use the "operating costs hotline" every year. In many cases this avoids time-consuming proceedings in front of a mediation body.

### **Residents' meeting – a communication challenge**

A residents' meeting offers housing management company staff the opportunity to present themselves and their work positively and pass on necessary information to tenants and owner-occupiers. Nevertheless, the group-dynamic effects that can result should not be underestimated. It is only natural that residents' meetings should be used to

*The facts of the matter can sometimes be neglected*

point out deficiencies and shortcomings of all kinds – also those of the housing management. However, it can also happen that some residents use the chance of having an audience to make themselves a name as a spokesperson. The facts of the matter are sometimes neglected and space opens for emotional outbursts. It needs a certain amount of communicative skill to deal with these conflict situations and sensitively lead the subject back to the factual level.

Under the title “group processes” the psychologist Rainer Maderthaner states, “The presence of other people (e.g. colleagues, spectators, audience) often has a great influence on an individual’s cognitive, emotional and action-oriented processes. The supposition of being watched and judged by others very often leads to social activation which, independently of the circumstances of the situation, can have negative effects (e.g. stage-fright) as well as a positive influence (e.g. increased motivation) on individuals’ behaviour (Matlin & Zajonc, 1968). In a meta-analysis of over 200 studies on this subject Bond and Titus (1983) found that socially induced (psychological) activation can lead to reductions in performance when the tasks are complex (e.g. playing music) whereas with simple tasks (e.g. sporting endeavours) a better or faster performance can be achieved.”<sup>10</sup> For these reasons it is important to train the communication skills of housing managers to deal attentively with differences of opinion with participants at residents’ meetings as well as with various personal contacts with clients. In this context it is very important to get the conversation partner “on side”.

### **The District and General meetings**

*Issues from the housing estates are also raised*

District and General Meetings are only held by limited-profit housing associations, not by cooperative finance companies. Their statutes stipulate that members of the board and supervisory board are elected at the General Meeting. Votes are also taken on approval of the annual financial statement, a resolution on allocation of profits, use of reserve funds and discharge of the board and advisory board. Each association member who is sent to the General Meeting as a delegate is elected at the District Meetings to which all members are invited. It should also be noted that under the item on the agenda “any other business” at District Meetings issues are also raised from the housing estates and commented and reflected upon by the chairman of the cooperative association, but also by other members.

## The concept of mediation

Mediation is a structured process of alternative, out-of-court settlement of conflicts. It is used in many social areas of life for private and public conflicts. The aim is that the parties to the conflict reach a fair balance of sometimes contrary interests on the basis of mutual respect and an agreed consensus for the future. Mediation thus represents an alternative to strife, victory/defeat, hurt, assignment of guilt, becoming/remaining a victim and the break-up of relationships. Mediators support the parties to the dispute to develop independent solutions. Responsibility for how the conflict is solved remains with the parties to the dispute while the mediator takes responsibility for shaping the process of working through the conflict (“custodians of the process”).<sup>11</sup>

People look for help from mediation because they cannot solve conflicts with others – with their partners, children, parents, neighbours, companies, organisations etc. – without the assistance of a third party. They often already have a long history of conflict behind them with misunderstandings and disputes for which they have mostly made vain efforts to solve.<sup>12</sup> Mediators are responsible for ensuring that emotions or perceived slights do not run out of control and mutual respect is maintained. They support participants to become clear about their feelings and interests and look to the future without disregarding the past. They contribute to the disputing parties coming to a mutually acceptable solution and achieving a win-win situation that is a long-term resolution of the conflict.

*Ensure that emotions do not run out of control*

The legally stipulated obligation to discretion and confidentiality is an important factor in establishing trust between mediation participants and mediators, which is one of the basic preconditions for a successful mediation process.

### Mediation at Sozialbau

Mediation has been used by the Sozialbau housing management since 2005 for working through residents’ conflicts. At first only one staff member went through the appropriate training and carried out mediation until in the course of 2009 three further freelance mediators were engaged and by 2015 there was a total of eight freelance mediators. One male Afghan mediator and one woman of Turkish origin have been working successfully on intercultural mediation. An application for mediation can be made by the housing management company of a housing estate if no successful resolution to a dispute can be found despite standardised warning letters to the affected residents or a personal intervention. It should be noted that there are grounds for

exemption from a mediation process such as if one of the parties to the conflict is impaired for health or psychological reasons.

However, there is a basic risk of escalation of neighbours' disputes through ignoring or underestimating them. As conflict researcher Friedrich Glasl states in his book "Konfliktmanagement" ("Conflict Management"), from level 4 of his "phase model of escalation" allies are sought in order to confirm one's own self-image.<sup>13</sup> This can lead to a neighbours' conflict that started with two people or families spreading to all the flats on one staircase or even further.

### **Research work – basic explanation and questions**

The author of the study from which this article is extracted works at the Sozialbau housing management company as a department head and mediator. The decision to carry out this research ripened during the course of mediation training through the realisation that although the number of mediation cases was recorded every year and reported to the board along with the costs, beyond this the possible data material was not gathered. The aim of this empirical investigation is to evaluate the Sozialbau mediation department cases and look into the circumstances that led to successful mediation.

Conflicts between autochthonous Austrians and migrants have been the focus of social and political discussions for decades and are an important subject area. Accordingly, special attention is given to examine conflicts in which residents without Austrian citizenship were involved and investigate whether and to what extent often-expressed prejudices towards migrants in this regard are justified or unfounded. In addition, conflicts in Vienna's 10th district were examined more closely because this district registered the highest number of mediation cases. A distinction was made between conflicts or mediation cases and mediation that was actually carried out. Although the registered cases were all passed on for mediation, for different reasons mediation was not carried out in every case. The housing management company correspondence and the mediators' final reports on to what extent a case could be concluded with a positive outcome were used for the research, categorised and the necessary data gathered from computer records and entered into an Excel table. The evaluation was largely carried out with pivot tables.

*Mediation was  
not carried out  
in all cases*

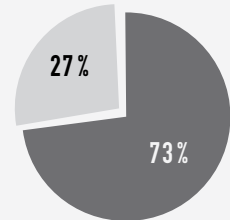
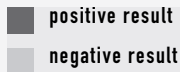
### **Results of the mediation carried out**

The investigation of 243 mediation cases during the period from January 2005 to July 2016 found that in 132 conflicts a settlement could be agreed with the conflict parties and thus a positive conclusion drawn. In 25 % of cases of conflict no mediation was carried out. The



success rate of 73 % in mediations carried out speaks for the usefulness of the method as well as the professional work of the mediators. The figures show that in 132 cases agreement could be reached and in 50 cases this was not possible.

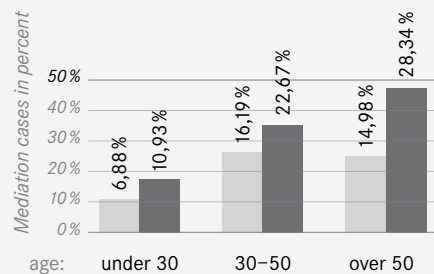
### Positively concluded mediations



### ► Women or men

More women were registered in all age groups, whereby women over 50 years-old made up the highest percentage with 28.34 %, followed by women between 30 and 50 years-old with 22.67%. The highest proportion of men was in the group between 30 and 50 years-old with 16.19%. The lowest proportion was in the under 30 age group with 10.93 % of women and 6.88 % of men.

### Conflict parties according to gender and age

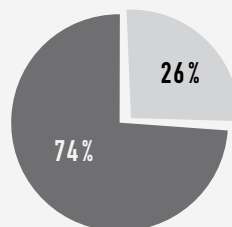


### ► Conflicts with migrants

Due to the available computer data for this study the only distinction possible was between people with or without Austrian citizenship. A possible migration background (in accordance with the Austrian definition of the “Recommendations for the 2010s”) could not be taken into account.<sup>14</sup> The proportion of 26 % of mediation participants without Austrian citizenship is relatively low in view of the quota of approx. 50 % of residents with migration background on the newer Sozialbau housing estates constructed since 2000.

## Mediation participants with/without Austrian citizenship

- Not all mediation participants have Austrian citizenship.
- All mediation participants have Austrian citizenship.



### ► Age differences of mediation participants

It was found that the overwhelming majority (46 %) of mediations took place between residents whose age difference was no greater than ten years. It can be supposed that most of the residents moving in to a new housing estate are approximately around the same age.

### ► New arrivals and existing tenants

New tenants moving in to housing estates that have existed for some time is a frequent reason for conflicts. The habits and unspoken rules of life together established over years between neighbours are neither recognised nor understood by “new tenants”. Added to this there is often the problem of a lack of contact being established between the “new” and “old” residents. The study shows that 78 % of neighbours’ conflicts occur between “old tenants” and those who have recently moved in. In comparison, conflicts between “old tenants” make up only 22 %.

### ► Older or newer housing estates

The question as to whether more conflicts occur on newer or older housing estates has a clear answer: in older housing built before 1972 there were 103 cases of conflict, and thus considerably more than in housing built between 1973 and 1992 with 55 conflicts. On housing estates built from 1993 there is again an increase to 85 mediation cases.

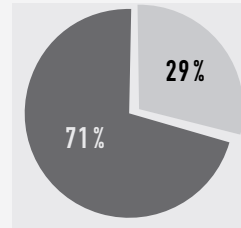
### ► Typical working-class districts versus middle-class districts

The remarkable answer to this research question is: in relation to the number of apartments managed most conflicts occurred in Vienna’s “posh district” of Hietzing (13th district), equal with the 23rd district, followed by the 12th district. However, in absolute figures Favoriten, the 10th district, had the highest number with 66 conflicts, whereby 10,227 flats are managed in this district – in comparison to Hietzing

with 2,019 housing units, around five times more. In the middle-class district of Döbling – just like Favoriten – 0.9 % conflicts per housing unit were registered over the same period.

### Proportion of conflicts with migrants in the 10th district

- Not all mediation participants have Austrian citizenship.
- All mediation participants have Austrian citizenship.



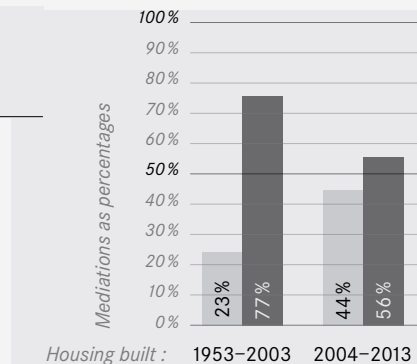
### ► Relationship to housing units per district in Vienna

Favoriten is the most highly populated district in Vienna (194,746 inhabitants) and is also among the five districts in Vienna with the highest proportion of residents of foreign origin.<sup>15</sup> Accordingly the research question was whether the proportion of mediation participants without Austrian citizenship is higher than in other districts. It was found that in comparison to the total number of conflicts in Vienna the proportion was only 3 % higher.

In newer housing built between 2004 and 2015 there were considerably more conflicts registered involving migrants than on housing estates built between 1953 and 2004 – 44 % compared to 23 %.

### Conflicts involving migrants in older and newer housing

- Not all mediation participants have Austrian citizenship.
- All mediation participants have Austrian citizenship.



### ► Involvement with/without Austrian citizenship

The research findings show that mediations in which participants without Austrian citizenship were involved on average achieved more positive results (75 %) than those exclusively involving Austrian citizens (72 %).

In cases of conflict with migrants the offer of carrying out mediation was more frequently taken up than by conflicting parties who were exclusively Austrian citizens. The results for mediations with a positive outcome showed that those with the involvement of residents without Austrian citizenship were higher (61 %) than those with exclusively Austrian participants (53 %).

### Conclusion and prospects

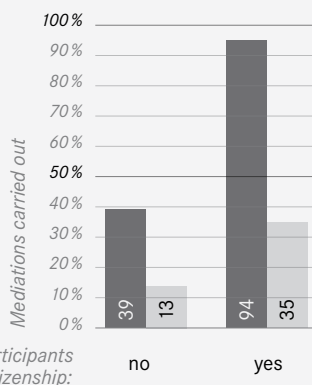
*Risk of escalation reduced by mediation*

Mediative elements such as transparency and measures promoting communication from the housing management of limited-profit housing companies bring about improved residents' satisfaction and thus an improved quality of life – through conflict prevention. Conflicts among residents cannot be completely prevented but the danger of escalation can be reduced by mediation. It enables a relevant degree of solutions to be found and thus increase residents' quality of life.

This study has shown that in the case of conflict, residents without Austrian citizenship are more likely to take up the possibility of solving a dispute by mediation than autochthonous residents and that ultimately a higher number of positive outcomes could also be registered.

### Results of mediation carried out with migrants

■ positive result  
■ negative result



All mediation participants have Austrian citizenship:

Mediative elements in the housing management improve communication between those involved and can contribute to avoiding conflicts and misunderstandings from the start. Mediation helps to limit the negative effects of disputes and reach out to the positive side – namely, further development through conflicts.

## Notes and references

- 1) c.f. Czerny, 2012, p. 41
- 2) Ludl, 1998, p. 349, cit. Raschauer 1994, p. 315
- 3) c.f. Österreicher, 2003, p. 127
- 4) c.f. Wirth, 2003, p. 15
- 5) c.f. Krenauer, 2013, pp. 454–455
- 6) Krenauer, 2013, pp. 453–454
- 7) c.f. Sattmann/Kothbauer, 2004, p. 29
- 8) Krenauer, 2013, pp. 455–456
- 9) c.f. Ludl, 2003, p. 99
- 10) Maderthaler, 2008, pp. 363–364
- 11) c.f. Mehta, 2008, pp. 229–230
- 12) c.f. Bastine, 2014, p. 12
- 13) c.f. Glasl, 2011, pp. 256–262
- 14) Zukunft Europa (Future Europe) – Bundeskanzleramt Austria, 2013–2016
- 15) Magistrat der Stadt Wien (Municipality of Vienna), 2016

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