



Mr Simon Cordell
109 Burncroft Avenue
Enfield
EN3 7JQ

Please reply to: Lemmy Nwabuisi
Anti-Social Behaviour Team
Community Safety Unit
B Block North
Civic Centre
Enfield
EN1 3XA
E-mail : lemmy.nwabuisi@enfield.gov.uk
My Ref :
Your Ref :
Date : 19th July 2017

Dear Mr Cordell,

Notice of Seeking Possession – without prejudice

It has come to our attention that you have breached several terms and conditions of your tenancy by causing nuisance, harassment and anti-social behaviour to your neighbours and Enfield Council employees.

Enfield Council takes all acts of anti-social behaviour very seriously. Consequently, we have no alternative but to serve you with the enclosed Notice of Seeking Possession.

You have breached your tenancy agreement by committing an act of anti-social behaviour.

The Notice is the first step towards repossessing your home. It is valid for twelve months and Enfield Council will commence legal action to repossess your home any time within this period if further substantiated allegation of breach of your tenancy conditions is made against you.

You may wish to seek legal advice from a solicitor or your local Citizens Advice Bureau for free and confidential advice from an organisation that is completely independent from Enfield Council.

Ian Davis
Chief Executive
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Website: www.enfield.gov.uk



Please contact me on that above telephone number if you wish to discuss this further.

Yours Sincerely



Lemmy Nwabuisi
ASB Team

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

LONDON BOROUGH OF ENFIELD
Housing Department P.O. Box No. 60, Civic Centre, Enfield

NOTICE OF SEEKING POSSESSION

HOUSING ACT 1985 - SECTION 83

THIS NOTICE IS THE FIRST STEP TOWARDS REQUIRING YOU TO GIVE UP POSSESSION OF YOUR DWELLING. YOU SHOULD READ IT AND ALL THE NOTES VERY CAREFULLY.

1. To: **Mr Simon Cordell**

NOTES TO PARAGRAPH 1

If you need advice about this Notice, and what you should do about it, take it as quickly as possible to a Citizens' Advice Bureau, a Housing Aid Centre, or a Law Centre, or to a Solicitor. You may be able to receive Legal Aid but this will depend on your personal circumstances.

2. **The Landlord, the Mayor and Burgesses of the London Borough of Enfield intends to apply to the Court for an order requiring you to give up possession of:**

109 Burncroft Avenue, Enfield, Middlesex, EN3 7JQ

NOTES TO PARAGRAPH 2

If you are a secure tenant under the Housing Act 1985, you can only be required to leave your dwelling if your landlord obtains an order for possession from the Court. The order must be based on one of the Grounds, which are set out in the 1985 Act (see paragraphs 3 and 4 below).

If you are willing to give up possession without a Court order, you should notify the person who signed this Notice as soon as possible and say when you would leave.

3. **Possession will be sought on Grounds 1 & 2 of Schedule 2 to the Housing Act 1985, which read:**

Ground 1

Rent lawfully due from the tenant has not been paid or an obligation of the tenancy has been broken or not performed.

Ground 2

(a) The tenant or a person residing in or visiting the dwelling-house - has been guilty of conduct causing or likely to cause harassment, alarm or distress to a person residing, visiting or otherwise engaging in unlawful activity in the locality, or

(aa) has been guilty of conduct causing or likely to cause a nuisance or annoyance to the landlord of the dwelling-house, or a person employed (whether or not by the landlord) in connection with the landlord's housing management functions, and that is directly or indirectly related to or affects those functions, or

(b) has been convicted of—

(i) using the dwelling-house or allowing it to be used for immoral or illegal purposes, or

(ii) an indictable offence committed in, or in the locality of, the dwelling-house.

NOTES TO PARAGRAPH 3

Whatever Grounds for possession are set out in paragraph 3 of this Notice, the Court may allow any of the other Grounds to be added at a later stage. If this is done, you will be told about it so you can argue at the hearing in Court about the new Ground, as well as the Grounds set out in paragraph 3, if you want to.

4. The reasons for taking this action are:-

You have failed to comply with the following obligations of your tenancy agreement which commenced on 14th August 2006.

The relevant conditions of the tenancy agreement are as follows:

As to Ground 2

Condition 9

"You, the tenant, are responsible for the behaviour of anyone, including your children, living in or visiting your home. This means that you must ensure that they do not act in breach of any of these conditions. Also, you must not encourage them to act in such a way. This applies in the property, in communal and surrounding areas, any property belonging to the council and of anywhere within Enfield borough."

Condition 10

"You must not act in any way which causes, or is likely to cause, a nuisance or annoyance or is anti-social."

Condition 21

"You must not abuse, harass, make offensive comments and/or malicious allegations, use or threaten to use violence against any of our officers or agents, or against a councillor. This applies at any time and in any place. We may report the matter to the Police."

As to Ground 1

Condition 31

"You must take care not to cause damage to your property or the property of your neighbours."

Condition 33

"You must keep the inside of your property clean and in reasonable decorative order."

Condition 34

"You must not use the property in any way that may cause a health or safety hazard or encourage vermin and/or pests (for example, by hoarding items inappropriately)."

Condition 44

"You must obtain our prior written permission before carrying out any alterations, improvements or structural work to the property. You may need to obtain other permissions such as planning permission or building regulations approval."

Condition 53

"You must keep the inside of the property, the fixtures and fittings and all glass in the property in good repair during the tenancy."

Condition 57

"You must allow our employees, representatives and contractors to come into your property to service any electrical and gas supplies and appliances that we are responsible for maintaining."

Condition 69

"You must not interfere with the electric or gas supply."

Condition 76

"You have the right to keep one pet, or animal such as a cat, a dog, small bird, fish, non-poisonous insect, spider, small snake or lizard, rabbit hamster, guinea pig, mouse, gerbil or domestic rat as long as they do not cause damage to the property, or nuisance or annoyance to anyone in your locality."

Condition 79

"You must always keep your dog(s) on a lead in communal areas and on our land."

Particulars of Breaches

1. We received a report that on 6th July 2016 you approached an elderly neighbour as he came out of his flat and started to shout abuse and swear at him and threatened to burn down his flat.
2. We received a report that sometime in July 2016 you damaged the lock of a neighbour's electric cupboard and removed his fuse box resulting in no electricity to his flat.
3. We received a report that on 6th August 2016 you threatened one of your neighbours and his wife and aggressively demanded money from him. It is also alleged that you repeatedly swore and shouted abuse at him and his wife and called his wife a 'bitch' and tried to stop him from going up the stairs to his flat by standing in front of him.
4. Sometime in September 2016 it is alleged that you confronted an elderly neighbour outside your block of flats, 109 – 119 Burncroft Avenue as he was going to the local park with another resident and started to shout abuse and threats at him and said to him 'I can get you over at the park, I know you go for a walk'.

5. We received a report that on 27th September 2016 you confronted one of your neighbours as he was returned to his flat with his family and threatened and swore at him and demanded money from him. It is also alleged that you later banged on his door, shouted further abuse and swear words at him and accused him of making noise inside his flat.
6. We received a report that on 28th September 2016 you aggressively banged on a neighbour's door and threatened and shouted verbal abuse and swear words at them. It is also alleged that you aggressively demanded money from him.
7. We received a report that on 4th October 2016 you aggressively banged on your ceiling and accused one of your neighbours of making noise, it is alleged that you then went to your neighbour's flat and started kicking and banging on his front door aggressively, accused him of banging on the floor and was swearing and shouting abuse at him. It is also alleged that you later went downstairs, dragged your neighbour's motorbike from where it was parked and started to hit it with a piece of wood thereby causing some damage to the motorbike.
8. On 22nd November 2016 during a telephone conversation between you, Mrs Cordell your mother and Ms Sarah Fletcher, neighbourhood officer, Ms Fletcher reported that she overheard you threaten her by saying 'I'm gonna do her over' and then 'I'm gonna take her job just for fun'.
9. We received a report that on 8th December 2016 you aggressively banged on one of your neighbour's front door, shouted abuse and threats and accused him of making noise.
10. We received a report that on 11th December 2016 you aggressively banged on your neighbour's door several times and accused them of banging on pipes. It is also alleged that you shouted abuse and threats at them.
11. We received a report that on 14th December 2016 you were verbally abusive towards a woman who was visiting one of your neighbours as she knocked on your neighbour's door.
12. We received a report that on 23rd December 201 you banged on a neighbour's front door, shouted abuse at them and asked them to turn

their tap off. It is also alleged that you then removed their electricity fuse thereby cutting off their power supply.

13. We received a report that on 26th December 2016 you ran up the communal stairs to the first floor and confronted one of your neighbours as he was going out with his family and started to shout abuse and threats at him and his wife and accused him of tampering with your water supply, you also attempted to stop him from leaving the block.
14. We received a report that on 3rd January 2017 you confronted one of your neighbours as he returned to the block with his wife and two-year-old daughter and started shouting abuse and threats at them.
15. We received a report that on 21st January 2017 you aggressively banged on your neighbour's door, swore and shouted abuse and threats at them and accused them of making noise.
16. We received a report that on 31st January 2017 you aggressively banged on one of your neighbour's door, shouted abuse and threats at them and accused them of banging on the floor.
17. We received a report that on 7th February 2017 you approached the leaseholder of 117 Burncroft Avenue and his plumber outside the block as they were attempting to resolve the problem causing low water pressure in the flat. You said to the leaseholder that there were problems between you and his tenants but did not give any specific details. The leaseholder explained to you that his tenants were experiencing low water pressure in the flat and you said to him 'you will not solve the problem as I am restricting their water supply'. The leaseholder later knocked on your door and asked whether you would increase the water pressure and you stated 'I cannot do anything at the moment, I will sort it out later'.
18. On 24th February 2017 Sarah Fletcher (Neighbourhood Officer) and Steve Stirk (Maintenance Surveyor) attended your property at flat 109 Burncroft Avenue to inspect the property following reports of low water pressure from flats 113 and 117 Burncroft Avenue. While inside your flat, they observed that you have installed an iron security gate inside your front door. It also appeared to them that the wall between your kitchen and living room seemed to have been removed thereby creating an open plan effect. Much of the property was taken up industrial type printers, boxes and folders and there were dog faeces in your back garden.

19. On 17th March 2017 Lemmy Nwabuisi, ASB Coordinator visited 109 Burncroft Avenue to post a letter through your door and as he got into his car to drive off after posting the letter, you ran after him shouting and screaming abuse. The letter requested that you attend our offices to discuss the nuisance reports being received from your neighbours. By the time he returned to the office, you had telephoned him several times. He telephoned you back and you asked whether he was the person that posted a letter through your letterbox and he said yes. You asked why he did not stop when you ran after him and he stated that he had another visit and did not have the time to stop and talk to you. You stated that you will not attend the meeting at the Civic Centre or any of the council offices as you are unable to leave your flat and that the meeting should take place in your flat. Mr Nwabuisi offered to have the meeting at a neutral venue and suggested the local library or at your mother's house but you refused saying that you have done nothing wrong and accused him of taking sides with your neighbours.

20. We received a report that on 5th May 2017 you threatened one of your neighbours by saying that you will ruin his life and that you were going to the police to present evidence about his illegal activities.

21. We received a report that on 14th May 2017 you aggressively banged on one of your neighbour's door, shouted abuse and threats at her and falsely accused her of making noise and coming into your flat to attack you. You later followed her to her car shouting abuse and wanting to know where she was going.

22. We received a report that on 14th May 2017 you allowed your dog to run freely in the communal area of your block without a lead. A resident reported that ...

23. On 28th May 2017, the police issued you with a first instance Harassment letter following reports of harassment and threatening behaviour made to the police by one of your neighbours.

24. On 9th June 2017, it is reported that you attacked one of your neighbours in the communal hallway of your block as he returned from work late at night by grabbing him on the arm and neck thereby causing bruising to his arm and neck. You also snatched his phone from him as he tried to video-record the incident.

25. On 16th June 2017 at 11:55hrs it is reported that you confronted one of your neighbours as she was exiting the main entrance to your building and said to her that you had her bank details and personal details such as date of birth and said to her that you wanted her and her husband to pay you some money.
26. On 18th June 2017 at 11:55hrs it is reported that you confronted one of your neighbours as she was exiting the main entrance to your building and said to her that you knew what time she went out and what time she returned and to tell her husband that you would like to speak to him.
27. On 23rd June 2017 at 23:35hrs it is reported that you came out of your flat with your dog without a lead and attacked one of your neighbours as he returned from work by punching him twice on the chest. You tried to push him out of the block and snatched his phone as he brought took it out of his pocket to record the incident.
28. On 28th June 2017 at 11:45hrs it is reported that you confronted your neighbour as she was leaving the block. You swore and shouted abuse at her and accused her of making noise inside her flat. You told her that you know all her personal details and that of her husband including their full names, phone numbers, date of birth and banking details. You demanded that they pay you some money and asked her to tell her husband to come and see you.
29. On 30th June 2017 at 11:45hrs it is reported that you confronted your neighbour as she was leaving the block and accused her of slamming the door. She denied slamming the door and called her a liar and proceeded to swear and shout abuse at her.
30. On 2nd July 2017 at 17:18hrs it is reported that you confronted your neighbour as he was going out with his family with your dog barking and without a lead and asked him when he was going to hand over the money. It is also alleged that as they left the block, you ran after them swearing and shouting abuse at your neighbour and demanding that he must pay you some money if he wants you to leave him alone. You also said to him that you have all their personal details including their dates of birth and bank details.
31. On 12th July 2017 an Enfield Council Surveyor attended your flat to investigate reports of low water pressure to flats above yours but you

refused him access. The Surveyor attended your flat again in the evening of the same day following further reports that the water supply to the affected flats had completely ceased and you refused him access. You then followed him to his car swearing and shouting abuse at him and prevented him from entering his car. He then called the police.

NOTES TO PARAGRAPH 4.

Before the Court will grant an order on any of the Grounds 1 to 8 or 12 to 16, it must be satisfied that it is reasonable to require you to leave. This means that, if one of these Grounds is set out in paragraph 3 to this Notice, you will be able to argue at the hearing in Court that it is not reasonable that you should have to leave, even if you accept that the Ground applies.

Before the court grants an order on any of the Grounds 9 to 16, it must be satisfied that there will be suitable alternative accommodation for you when you have to leave. This means that the Court will have to decide that, in its opinion, there will be other accommodation which is reasonably suitable for the needs of you and your family, taking into particular account various factors such as the nearness of your place of work, and the sort of housing that other people with similar needs are offered. Your new home will have to be let to you on another secure tenancy or a private tenancy under the Rent Act of a kind that will give you similar security.

There is no requirement for suitable alternative accommodation where Grounds 1 to 8 apply.

If your landlord is not a local authority, and the local authority gives a certificate that it will provide you with suitable accommodation, the Court has to accept the certificate.

One of the requirements of Ground 10A is that the landlord must have approval for the redevelopment scheme from the Secretary of State (or, in the case of a housing association landlord, the Housing Corporation). The landlord must have consulted all secure tenants affected by the proposed redevelopment scheme.

5. Court proceedings for possession of the dwelling-house can be begun immediately. The date by which the tenant is to give up possession of the dwelling-house is Monday the 24th of August 2017.

NOTES TO PARAGRAPH 5

Court proceedings cannot be begun until after this date, which cannot be earlier than the date when your tenancy or license could have been brought to an end.

This means that if you have a weekly or fortnightly tenancy, there should be at least 4 weeks between the date this Notice is given and the date in this paragraph.

After this date, court proceedings may be begun at once or at any time during the following twelve months. Once the twelve months are up this Notice will lapse and a new Notice must be served before possession can be sought.

Signed 
Anti Social Behavior Manager

Date 19/7/17

On behalf of: Enfield Council Housing
Address: The Edmonton Centre,
36-44 South Mall
London N9 OTN