

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 a lawful 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

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. On 6th July 2016, it is alleged that 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. Sometime in July 2016 it is alleged that you damaged the lock of a neighbour's electric cupboard and removed his fuse box resulting in no electricity to his flat.
3. On 6th August 2016, it is alleged that 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. On 27th September 2016, it is alleged that you confronted one of your neighbours as he returned to his flat with his family, threatened, 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. On 28th September 2016, it is alleged that 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. On 4th October 2016, it is alleged that you aggressively banged on your ceiling and accused one of your neighbours of making noise, 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.
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. On 8th December 2016, it is alleged that you aggressively banged on one of your neighbour's front door, shouted abuse and threats and accused him of making noise.
10. On 11th December 2016, it is alleged that 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. On 14th December 2016, it is alleged that you were verbally abusive towards a woman who was visiting one of your neighbours as she knocked on your neighbour's door.
12. On 23rd December 2016, it is alleged that you banged on a neighbour's front door, shouted abuse at them and asked them to turn their tap off. You then removed their electricity fuse thereby cutting off their power supply.

13. On 26th December 2016, it is alleged that 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, his wife and accused him of tampering with your water supply. You also attempted to stop him from leaving the block.
14. On 3rd January 2017, it is alleged that 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. On 21st January 2017, it is alleged that you aggressively banged on your neighbour's door, swore and shouted abuse and threats at them and accused them of making noise.
16. On 31st January 2017, it is alleged that you aggressively banged on 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 had 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 by 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. On 5th May 2017, it is alleged that 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. On 14th May 2017, it is alleged that 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. On 14th May 2017 it is alleged that you allowed your dog to run freely in the communal area of your block without a lead.
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 alleged 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 alleged 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 alleged 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 alleged 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 took it out of his pocket to record the incident.
28. On 28th June 2017 at 11:45hrs it is alleged 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 alleged 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 alleged 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.

32. On 11th November 2017 at 11.30am, it is alleged by one of your neighbours that you came to their front door, opened the letterbox and peeped through it to see who was inside the flat. You then started swearing and shouting abuse and banging on their front door as soon as you saw the neighbour's wife.
33. On 2nd January 2018 at 6.30pm, it is alleged that you stood outside your neighbour's property for more than twenty minutes swearing and shouting abuse. You went away and returned half an hour later, you lifted their letterbox, stuck your mobile phone through the letterbox and started to record his family while swearing and shouting abuse. This went on for about fifteen minutes.
34. On 9th January 2018 at about 12.18pm, you telephone Lemmy Nwabuisi (ASB Behaviour officer) and accused him of forging documents to get an Anti-Social Behavior order against you and you told him that he had made you a prisoner within your home. You also stated that you knew where he lives in Enfield and that he and his family were not safe from you. You also told him that you would watch him leave the office and you would have followed him home and he needed to watch his back. You called the ASB officer again 30 minutes later and told him that you knew he has a flat in Edmonton and also knew that one of his colleagues lives in Edmonton. You also stated that you knew where they live, and they were not safe.
35. On 9th January 2018 you called Kaunchita Maudhub (ASB Behaviour officer) and left a long voicemail on her work telephone number and made threats.
36. On 26th February 2018, at around 11.45pm it is alleged that you came to one of your neighbour's front door and started making loud banging noises and rattling with their letter box. You ran away after the neighbour opened her front door.
37. On 1st March 2018 it is alleged that you knocked on one of your neighbours' door loudly, you started rattling with their letter box and started shouting. This went on for 5 to 10 minutes, but you left after you've heard that the neighbour was calling the police.
38. On 15th March 2018 it is alleged that you swore, shouted and assaulted one of you neighbours in front of his wife and his 3 years old child.

39. On 1st May 2018, you attended the Edmonton County Court as there was a hearing listed in relation to an injunction. It is alleged that you started shouting abuse, swore and make threats to two of the Claimant's employees (Lemmy Nwabuisi, ASB officer and Balbinder Kaur Geddes, lawyer) and to one of your neighbours who attended Court to give evidence. You also swore at a judge. These incidents were witnessed by members of staff working at the Court.
40. On 29th May 2018, it is alleged that you attended one of your neighbours' property; you took your dog with you and waited by their front door. It is alleged that you tried to intimidate as they were due to attend a hearing in the Edmonton County Court to give evidence in support of a claim for an injunction issued against you.
41. On 30th May 2018, it is alleged that you made threats to kill to one of your neighbours. The matter was reported to the police. You were arrested and released on bail.
42. On 29th August 2018, it is alleged that you assaulted one of your neighbours for flushing his toilet.
43. You telephoned two council officers (Lemmy Nwabuisi and Ludmilla Iyavoo) on 12th September 2018 and made threats to them over the telephone. You also accused them of fraud and of fabricating evidence to support the Council's claim for an injunction
44. On 12th September 2018 at about 3.50pm, you called one of your neighbours on his mobile phone using a private number. It is not known how you obtained his number, but he terminated the call. You called again using the same private number, but he terminated the call as soon as he heard your voice. You called repeatedly after that.
45. On 24th September 2018 at about 11.30am, one of your neighbours returned home from dropping her daughter at school and as she entered their block of flat, she noticed that the middle door on the ground floor was open as well as your front door. As she went up the stairs to their second floor flat, your dog came out of your flat and started barking at her. The neighbour had to run up the stairs to her flat to escape from the dog. It was reported that your dog is always barking whenever they go out or return to the block and the neighbour and 4 years old daughter are terrified.

46. On 30th September 2018, it is alleged that you attempted to break down one of your neighbour's front door by kicking it several times and accused him flushing his toilet.
47. On 2nd October 2018 at about 12:45pm, it is alleged that you attacked one of your neighbour's cousins as he was leaving the block. It is alleged that as he exited the block, you followed him and suddenly grabbed his jacket from behind and tried to pull him to the ground. The cousin started shouting to attract neighbours and managed to push you off.
48. On 18th October 2018, you telephoned one of the Enfield Council solicitors, Miss Ludmilla Iyavoo almost ten times, making threats and intimidating her. You suggested that she stops working on the case or you will try to get her struck off from the 'register'.
49. On 19th October 2018, you telephoned Miss Ludmilla Iyavoo at least five times and left two voice messages making threats and trying to intimidate the solicitor working on the case.
50. On 22nd October 2018, you telephoned Miss Ludmilla Iyavoo from a private number and left one threatening and intimidating voice message.
51. On 23rd October 2018, you telephoned Miss Ludmilla Iyavoo from a private number and left an intimidating voice message.
52. On 24th October 2018, you telephoned Ludmilla Iyavoo twice but did not leave any messages.
53. On 16th December 2018 at around 6pm, it is alleged that you repeatedly banged on one of your neighbour's door and peeped through his letterbox.
54. On 17th January 2019, you were videotaped when you confronted one of your neighbours outside your block of flats (109-119 Burncroft Avenue) as he was taking his three-year-old daughter to school and started shouting abuse and threats at him thereby preventing him from taking his daughter to school. You then followed him and his daughter up the stairs to their second floor flat and was videotaped by a member of the neighbour's family as you attempted to attack them causing them to run into their flat for safety with you forcing the door to try and gain entry. Your neighbour and his family have since fled their property as a result of your constant threats and intimidation.

55. On 18th January 2019, you telephoned Miss Ludmilla Iyavoo from a private number and started making threats and the solicitor ended the call. You called again three times and left a voice message making threats and intimidation.

56. On 23rd January 2019, you telephoned Miss Ludmilla Iyavoo eight times within a ten-minute period.

57. It is reported that you continue to harass and intimidate other residents on a regular basis.

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 25 February 2019.

NOTES TO PARAGRAPH 5

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.

Possession of your dwelling-house cannot be obtained 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 possession is ordered.

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Signed 
Anti-Social Behavior Team Leader

Date 24/1/2019

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