

Councillor Shireen Ritchie
c/o The Town Hall
Hornton Street
LONDON
W8 7NX

Ms Noëlle Rawé
3 Jefferson House
11 Basil Street
London SW3 1AX

This letter sent as an attachment to an email to Cllr.Ritchie@rbkc.gov.uk – by Special Delivery

30 August 2004

Dear Mrs Ritchie

Complaint against the RBK&C Housing Department for delay in issuing proceedings against Steel Services-Martin Russell Jones who are in breach of Section 21 (4) of Landlord & Tenant Act 1985 by refusing to supply me with the 2002 and 2003 year-end accounts for Jefferson House, 11 Basil Street, London SW3 1AX

I am resorting to contacting you to seek your assistance as my patience has now been exhausted.

There are a number of supporting documents referred to in this letter. They are ready to be sent if required. The sole purpose is to provide supporting evidence, as the main points are captured in this letter.

1. Background

Some background information is required in order to understand recent events.

I am the lessee of flat 3, 11 Jefferson House, 11 Basil Street, London SW3 1AX.

Ownership of Jefferson House

The Land Registry states that Steel Services Limited is the headlessor ¹ while Jefferson House Limited is the freeholder. There are 3 different titles for Jefferson House on the Registry: # 6901 ², # 101 949 ³, # 69437 ⁴. All 3 include "Note 3: Lessee's title NGL 373 333" i.e Steel Services. This was also the case in 2002 when I requested a search from the Land Registry ^{5 6}

I believe that Steel Services Limited and Jefferson House Limited are one and the same people:

- Both are registered in the British Virgin Islands (reply to me from the BVI, dated 23 April 2004 giving IBC No. 199 568 for Steel Services ⁷, and IBC No. 227 649 for Jefferson House Limited ⁸
- In its determination dated 17 June 2003, the Leasehold Valuation Tribunal captured under Page 9 – 16.07: "...Steel Services who is understood to have recently acquired the freehold interest in the property" ⁹
- A Central London County Court claim filed by Steel Services against a resident on 26 February 2002 states: "The Claimant is the freehold owner..." ¹⁰

¹ Land Registry, Title # NGL373 333, Leasehold owner, Steel Services Limited, dated 26 April 2004

² Land Registry, Title # 69051, Freehold owner, Jefferson House Limited, dated 26 April 2004

³ Land Registry, Title # 101 949, Freehold owner, Jefferson House Limited, dated 26 April 2004

⁴ Land Registry, Title # 69437, Freehold owner, Jefferson House Limited, dated 26 April 2004

⁵ Land Registry, Title # 69051, Freehold owner, Jefferson House Limited, dated 26 March 2002

⁶ Land Registry, Title # NGL 373 333, Leasehold owner, Steel Services Limited, dated 26 March 2002

⁷ British Virgin Islands, Company Register, Steel Services Limited, IBC # 199 568, dated 23 April 2004

⁸ British Virgin Islands, Company Register, Jefferson House Limited, IBC #227649, dated 23 April 2004

⁹ Extracts from LVT determination, Ref LVT/SC/007/120/02, dated 17 June 2003

¹⁰ Claim Form, Central London County Court, Claimant Steel Services Limited, dated 26 February 2002

My previous request for assistance to the RBK&C Housing Department

Two years ago I approached Mr Sandy McDougall, the then Tenancy Relations Officer in the RBK&C Housing Department requesting his assistance in enforcing my rights under Sections 2 of the Landlord & Tenant Act 1985 to be provided with the name of directors for the ownership of Jefferson House ¹¹.

Myself and other residents had tried in vain to obtain this information from the managing agents, Martin Russell Jones. This included Nucleus, our local Citizen Advice Bureau ¹² who received the reply from Ms Joan Hathaway, Martin Russell Jones: *"Unfortunately we do not have the names and addresses of the director and secretary of either the headlease or the freeholder"*¹³.

Having initially replied to Mr McDougall in her letter of 14 January 2002 that she did not know the details ¹⁴, in her letter of 25 January 2002 to Mr McDougall, Ms Hathaway stated: *"The Directors and secretary of Steel Services are F.M.C. Ltd"*, with an address in the British Virgin Islands. At my request, the BVI confirmed that they had a company named F.M.C. Limited on their register ¹⁵. As to Jefferson House Limited, Ms Hathaway attached the reply from Saxon Law stating that the 1985 Act only concerned the *"immediate landlord"*.¹⁶

From then on, there was a considerable exchange of correspondence which included:

- Mr McDougall contacting LEASE for advice ¹⁷ ¹⁸ and getting the reply that *"The agent Martin Russell Jones must supply you with the name and address of the landlord and upon request the landlord must supply you with the name and address of every director"*¹⁹
- Mr McDougall telling Ms Hathaway that, to give the name of F.M.C. Ltd did not fulfil the purpose of the Act ²⁰
- Mr McDougall informing Cawdery Kaye Fireman & Taylor (CKFT), solicitors for Steel Services, that Steel Services could not be found on the Companies House register ²¹ (Over a 2 year-period, communication from Ms Hathaway to the residents included a raft of addresses for Steel Services which changed every 6 months)
- A letter from CKFT to Mr McDougall, dated 1 August 2002, stating: *"All we can say is Steel Services Limited is an existing entity, and we have provided you with all of the information we have so far been instructed to supply"* ²². As the February 2002 county court claim against the resident stated an address in the BVI, it prompted me to contact the BVI Authorities and to discover that, in fact, CKFT had made a false statement to Mr McDougall, as the reply I received from the BVI was that Steel Services had been *"Struck-off the register for non-payment of licence fee"*²³ (I passed this information to Mr McDougall)

¹¹ Letter from Mr Sandy McDougall, Tenancy Relations, RBK&C, to Ms Joan Hathaway, Martin Russell Jones, dated 8 January 2002

¹² Letter from Nucleus, Citizen Advice Bureau to Ms Joan Hathaway, Martin Russell Jones, dated 5 November 2001

¹³ Letter from Ms Joan Hathaway, Martin Russell Jones, to Nucleus, dated 7 November 2001

¹⁴ Letter from Ms Joan Hathaway to Mr McDougall, dated 14 January 2002

¹⁵ British Virgin Islands, Company Register, F.M.C. Limited, Local Co. No. 4344

¹⁶ Letter from Saxon Law to Ms Hathaway, dated 23 January 2002

¹⁷ Letter from Mr McDougall to me, dated 1 February 2002

¹⁸ Letter from Mr McDougall to LEASE, dated 3 April 2002

¹⁹ Letter from Ms Jennifer Braithwaite, LEASE, to Mr McDougall, dated 25 February 2002

²⁰ Letter from Mr McDougall to Ms Hathaway, dated 5 March 2002

²¹ Letter from Mr McDougall to Cawdery Kaye Fireman & Taylor, dated 29 July 2002

²² Letter from CKFT to Mr McDougall, dated 2 August 2002

²³ British Virgin Islands, Company Register, Steel Services Limited, IBC # 199 568, dated 8 August 2004

- Mr McDougall writing to Ms Hathaway on 3 September 2002 that, unless he obtained a reply, he would “refer the matter to our legal department to consider prosecution”²⁴ and also to Companies House to again confirm that they did not have Steel Services on their database²⁵
- Mr McDougall giving ‘a last chance’ to Ms Hathaway to provide the information, in his letter dated 8 October 2002²⁶. This led to a reply from Ms Hathaway on 21 October 2002 that “Steel Services was not registered in this country”²⁷
- Mr McDougall telling me in his 25 October 2002 letter that the matter was now with the legal department²⁸ and copying me on his 23 October 2002 letter to Ms Hathaway asking her to confirm a telephone conversation he had had with her that: (1) Steel Services was registered in the BVI; (2) F.M.C. Ltd were the directors; (3) CKFT’s address was the address for Steel Services in the UK²⁹
- In an email dated 5 November 2002, Mr McDougall told me he had received from CKFT a ‘Certificate of Good Standing’ for Steel Services issued by the BVI, dated 28 October 2002 and that he had given this to his legal department for advice³⁰. In his 13 November 2002 email to me he forwarded a reply from the legal department that there was a contradiction: Steel Services being struck-off vs. having a Certificate of Good Standing.

This is where the trail ended. After 10 months of endless correspondence back and forth I was left in exactly the same position: I still had not been provided with the name of the directors who owned Jefferson House. It seemed that the conclusion from the Housing Department was that, by being registered in the BVI, Steel Services was above the law in the UK. Not knowing any better at the time, I gave up.

2. It is nearly 3 months since I first contacted the Housing Department asking for assistance in obtaining the 2002 and 2003 year-end accounts for Jefferson House

On 6 June 2004 I wrote to Mr McDougall requesting his assistance in obtaining from Steel Services – Martin Russell Jones the 2002 and 2003 accounts for Jefferson House³¹. By then I had asked Martin Russell Jones / CKFT a total of 7 times for the accounts over a 12 months period³²

As I had not heard from Mr McDougall, on 14 June 2004 I tried phoning him and discovered that Mr Hutchings had taken over his role. Mr Hutchings said he needed to retrieve my file from archives and that he would then contact me. As he had not done so, by 22 June 2004 I sent him a letter pressing upon him the fact that I needed his assistance³³

Our letters had crossed as I received one from him dated 21 June 2004 in which he stated that he intended to familiarise himself with my case. I therefore assumed that he had retrieved my file. To help him – as well as emphasise the genuineness of my request – I took the opportunity of sending him more recent background information in my correspondence of 25 June 2004³⁴

On 25 June 2004 Mr Hutchings wrote a letter to Ms Hathaway relating the fact that I had not been supplied with the year-end accounts. He comprehensively detailed the landlord’s obligation under Section 21 of the L&T Act 1985 and asked that the accounts be sent to me³⁵

²⁴ Letter from Mr McDougall to Ms Hathaway, dated 3 September 2002

²⁵ Letter from Mr McDougall to Companies House, dated 8 October 2002

²⁶ Letter from Mr McDougall to Ms Hathaway, dated 8 October 2002

²⁷ Letter from Ms Hathaway to Mr McDougall, dated 21 October 2002

²⁸ Letter from Mr McDougall to me, dated 25 October 2002

²⁹ Letter from Mr McDougall to Ms Hathaway, dated 23 October 2002

³⁰ Email from Mr McDougall to me, dated 5 November 2002

³¹ My letter to Mr McDougall, dated 6 June 2004

³² My letter to Ms Hathaway, dated 19 May 2004

³³ My letter to Mr Hutchings, Tenancy Relations Officer, dated 22 June 2004

³⁴ My letter to Mr Hutchings, dated 25 June 2004

³⁵ Letter from Mr Hutchings to Ms Hathaway, dated 25 June 2004

On 2 July I sent Mr Hutchings a letter asking whether he could help me in relation to getting a copy of the trustee accounts as, as in the case of the year-end accounts, Steel Services-MRJ are refusing to send these to me ³⁶

I again chased Mr Hutchings by phone. When I managed to speak to him on 19 July 2004 he told me that Mr Barry Martin, MRJ, had contacted him by phone (?) / letter (?) to say that he had sent me a copy of the 2002 year-end accounts for Jefferson House.

Also, that in reply to the request for the 2003 year-end accounts, Mr Barry Martin had said that these were not yet available. Mr Hutchings copied me on the letter from Mr Barry Martin of 16 July 2004 ³⁷ in which he states that the 2002 accounts had been sent to me and I received a very similar letter from Mr Martin, dated 19 July 2004 stating that "all lessees have received a copy of the 2002 accounts whilst those in respect of 2003 are with the auditors" ³⁸

This is simply not the case and I communicated this to Mr Hutchings in my letters of 22 July and 25 July 2004 ^{39 40}. To circumvent Martin Russell Jones' delaying tactics, I asked Mr Hutchings that he requests Mr Martin to send him a copy of the accounts directly.

On 5th August I phoned Mr Hutchings to determine what actions he was taking to ensure that I was provided with the accounts. As in my previous conversations with him, I got the very distinct impression that my case was annoying him (the sighs were a tale-tell sign). Having first told me that he had not as yet retrieved my file, he then said: "Mr McDougall has already told you before: we can't do anything because Steel Service is registered in the BVI". To which I replied: "So, they are above the law in the country?". He replied affirmatively to this.

I have been fobbed-off before, but not this time. I simply do not accept that Steel Services is above the law in this country and I wrote to Mr Hutchings the following day to this effect pointing out to him that Steel Services is not immune from prosecution in this country, highlighting, as evidence, the fact that:

- (1) Steel Services has used the British Courts to file a claim against 11 residents ⁴¹
- (2) it had been made to comply with a court order in June 2003 ⁴²

As by 13 August I had not heard from Mr Hutchings, I phoned him to determine what he had done. He said that he had passed my case on to the legal department. I asked him when he expected a reply. He said that he did not know. When I insisted on getting an answer, I got more sighs and the reply that he could not chase them. I explained that what I wanted was an indication of timescale. I have had no communication since.

Hence, it is now nearly 3 months since I first contacted the Housing Department, and over 2 months since Mr Hutchings sent a letter to Martin Russell Jones threatening proceedings within 21 days.

I have had to push and chase every step of the way, and I have now lost my patience.

I would be most grateful for your assistance in ensuring that action is taken during the course of this week.

Yours sincerely



Noelle Rawé

³⁶ My letter to Mr Hutchings, dated 2 July 2004

³⁷ Letter from Mr Barry Martin, Martin Russell Jones, dated 16 July 2004

³⁸ Letter from Mr Barry Martin to me, dated 19 July 2004

³⁹ My letter to Mr Hutchings, dated 22 July 2004

⁴⁰ My letter to Mr Hutchings, dated 25 July 2004

⁴¹ Claim by Steel Services in West London County Court, dated 29 November 2003

⁴² General Form of Judgment or Order, West London County Court, dated 10 December 2003

