

**TO:** Mr Jerry White, Local Government Ombudsman, Coventry – *By Special Delivery*

**Complaint:** By Ms Noëlle Rawé, 3 Jefferson House, 11 Basil Street, London SW3 1AX  
against the Housing Department, Royal Borough of Kensington & Chelsea, for  
evasion of its duty under Section 34 of the Landlord & Tenant Act 1985

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**Local Government Ombudsman**

# Complaint form

If you have not already done so, please read our leaflet *Complaint about the council? How to complain to the Local Government Ombudsman*. You can download it from this website (see the section 'How to complain').

When you have filled in this form, print it and send it (with the monitoring form, which follows) to the office of the Ombudsman who deals with your area. The addresses are at the end of the document.

**Please delete or cross through options as appropriate.**

**1** **Ms**

First name: Noëlle

Surname: Rawé

**2** Your address:

3 Jefferson House

11 Basil Street

London

Postcode: SW3 1AX

email address: (work) noelle.

**3** Daytime contact phone number: (work)

Mobile:

**Note:** Please put in the telephone number where we can contact you between 9am and 5pm.

Royal Mail  
special delivery

guaranteed by 12 noon next day

to Name Jerry White  
Local Govt Ombud  
Address The OAK #2  
Westwood Bus Park  
Coventry  
Postcode CV4 8JB

Moneyback guarantee for delay. You can claim compensation of up to £250 for lost or damaged items.

● Tick if you want a higher than standard compensation limit (this costs more)  
Tick one level: Up to £1,000  Up to £2,500

● Write your address below.

● Hand this label and your package in at a Post Office® branch.

Ref: ZU 2489 0358 3GB

17 Sep 04

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*Tell us if it is your home or work, or the number of a neighbour or friend. If you do not have a daytime contact number, please put down a number with an answerphone where we can leave a message during the day. If you do not have any of these, please leave this section blank.*

- 4** Your special requirements: If anything makes it difficult for you to use our service, for example if English is not your first language or you have a disability, please use the space below to tell us how we might help you.

N/A

- 5** Which council or authority are you complaining about?

Housing Department

Royal Borough of Kensington & Chelsea, London

**Note:** *Please write the name of the organisation you want to complain about. It may not be a council. The list of organisations and authorities we can deal with is on page 3 of our leaflet Complaint about the council? This is in the How to complain section of this website.*

- 6** What do you think the council or authority did wrong?

**Evasion of its duty under Section 34 of the Landlord & Tenant Act 1985**, which

states: *"Proceedings for an offence under any provision of this Act may be brought by a local housing authority"*

### ***Background and Events***

Please see attached my letter of 30 August 2004 to my Ward Councillor, Mrs Ritchie, which provides comprehensive details of events <sup>1</sup>

The key points and subsequent events are:

1. I am the lessee of flat 3 Jefferson House, 11 Basil St, London SW3 1AX
2. On 6 June 2004 I sent a letter to the Tenancy Relations Officer asking for assistance in obtaining the 2002 and 2003 year-end for Jefferson House – as per

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<sup>1</sup> My letter to Mrs Ritchie, Councillor for Brompton Ward, RBK&C

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my rights under the terms of my lease, as well as Landlord & Tenant legislation.

(See attached <sup>2</sup>). To this letter I attached a letter I had sent to the managing agents, Martin Russell Jones (MRJ), on 19 May 2004 as it detailed that I had not received the accounts in spite of asking a total of 7 times over a period of 12 months (see attached <sup>3</sup>)

3. After some chasing, on 25 June 2004, the Tenancy Relations Officer sent a letter to Ms Hathaway, MRJ, 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, requested that I be supplied with the accounts – and stated: "*Please respond to this letter within 21 days, failure to do so may result in this authority instigating prosecution proceedings*" (see attached <sup>4</sup>)
4. Mr Barry Martin, MRJ, contacted Mr Hutchings (and myself) stating that they had sent me the accounts (see attached <sup>5</sup>).
5. This is simply not the case and is a typical deceitful and delaying tactic used by MRJ-Steel Services. I communicated this to Mr Hutchings in my letters of 22 July and 25 July 2004 <sup>6 7</sup> and, to circumvent MRJ' tactics, I asked Mr Hutchings that he requests Mr Martin to send him a copy of the accounts directly.
6. On 5<sup>th</sup> 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*

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<sup>2</sup> My letter of 6 June 2004 to Mr McDougall, (ex.) Tenancy Relations Officer

<sup>3</sup> My letter to Martin Russell Jones, dated 19 May 2004

<sup>4</sup> Letter from Mr Hutchings to Ms Hathaway, dated 25 June 2004

<sup>5</sup> Letter from Mr Barry Martin, Martin Russell Jones, dated 16 July 2004

<sup>6</sup> My letter to Mr Hutchings, dated 22 July 2004

<sup>7</sup> My letter to Mr Hutchings, dated 25 July 2004

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*the BVI*". To which I replied: "*So, they are above the law in this country?*". He replied affirmatively to this.

7. As you can see from the events I relate in my 30 August 2004 letter to Mrs Ritchie, I had previously been 'fobbed-off' by the Housing Department when I asked for assistance in obtaining the names of the directors for the ownership of the block (as per my rights under Section 2 (1) of the Landlord & Tenant Act 1985). However, two years on, I have gained comprehensive knowledge of Landlord & Tenant legislation, as well as suffered being subjected to a false claim being filed against me in West London County Court by Steel Services.
8. Therefore, in my letter of 6 August 2004 to Mr Hutchings, I challenged his assessment pointing out that, in spite of being domiciled in the British Virgin Islands, Steel Services is not immune from prosecution in this country. In this context, I highlighted the following facts (supported by evidence):
  - a. Steel Services has used the British Courts to file a claim against 11 residents (representing 14 flats) (see attached <sup>8</sup>)
  - b. The outcome of a hearing on 24 June 2003 was that Steel Services had been issued with an order by the court to pay costs for the day to me (and the other residents present) (see enclosed <sup>9</sup>.)

See My Diary  
22 Nov 08  
My 3 Jun 08  
Witness  
Statement

In this same letter I pointed out to Mr Hutchings that 6 weeks had now gone by since he had written to MRJ requesting that they comply with Section 21 (4) of the L&T Act 1985 by supplying me with the year-end accounts for 2002 and for 2003 and that, based on the L&T 1985 Act, the 2002 accounts were 1 year overdue, while the 2003 accounts were 6 weeks overdue.

9. As, by 13 August I had not heard from Mr Hutchings, I phoned him to determine what he had done. He said to have passed my case to the legal department. He was unable to give me a timescale and not prepared to find out. (When I insisted on getting an answer, I got more sighs and the reply that he could not chase them).

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<sup>8</sup> Claim by Steel Services in West London County Court, dated 29 November 2002

<sup>9</sup> General Form of Judgment or Order, West London County Court, dated 25 June 2003

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10. By 30 August I had not received any communication from the department. Having lost my patience, I opted to contact Mrs Ritchie, my Ward Councillor, for her assistance.
11. Mrs Ritchie replied very promptly on 2 September by email, on which she also copied Mr Gerald Wild, Head of Housing (see attached <sup>10</sup>)
12. As, by 10 September I had not received any communication from Mr Wild / his department, I sent him an email (above that of the attached from Mrs Ritchie)
13. By 15 September, I still had not received any communication from the department (and hence, no communication from the department since 13 August when I phoned Mr Hutchings. In other words: more than one month). I tried to phone Mr Wild but he was unavailable. I spoke to Ms Carretas who asked me to send her the email I had sent to Mr Wild. I did this and asked her to please get Mr Wild to reply (see attached <sup>11</sup>)
14. Yet again, my request is being ignored which prompts me to write to you for your assistance.
15. It is now more than 3 months since I first contacted the Housing Department asking for assistance.
16. As so common nowadays with government departments, I have had to push and chase every step of the way. (If I adopted the same attitude when they ask me to pay for my council tax, no doubt they would not waste any time prosecuting me).

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<sup>10</sup> 2 September 2004 email from Mrs Ritchie, Ward Councillor, and copied to Mr Gerald Wild

<sup>11</sup> My email to Ms Carretas, Housing dept, dated 15 September 2004

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7 How has this affected you?

Clearly, I am being denied my rights under the L&T 1985 Act and I am not getting the support to which I am entitled from the RBK&C Housing Dept

Given that it is precisely 3 months since Mr Hutchings sent the letter to MRJ threatening prosecution if they did comply within 21 days - and, to date, no action has been taken - they and Steel Services feel totally at liberty to continue committing a criminal offence (which is what they are doing right now).

8 What do you think the council or authority should do to put things right?

To immediately issue proceedings against Steel Services-MRJ to ensure that I am supplied with the 2002 and 2003 year-end accounts for Jefferson House - as per my rights under the L&T 1985 Act, and in compliance with the terms of my lease

9 Have you complained to the council or authority? **Yes (as detailed previously)**

*Note: In most cases, before we can investigate a complaint, the council must have a chance to answer it. If you have not complained to the council, please do so. You can find out how to complain from the council=s offices or you can ask a councillor to help. If you are not satisfied with the answer, or if the council does not give you an answer within a reasonable time, you can complain to the Ombudsman for your area. In some urgent cases, including education admission appeals, we may be able to deal with your complaint straight away.*

10 If you know, please say when you complained to the council or authority.

**It will help us deal quickly with your complaint if you send us copies of any letters or documents about it. Please say if you would like them returned when we have finished looking at your case. Yes/No**

Your signature:

Date:

To be signed by the person making the complaint

Noëlle Rawé

17 September 2004

Thank you in anticipation of your taking Mr  
Keme to consider my complaint

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# Monitoring our equal opportunities policy

We want to find out if we are giving as good a service as we can to *all* complainants. To help us do this, please fill in this form and send it to us. If more than one of you has made the complaint, it would be helpful if only one of you fills in the form. The information we get from all replies will help us decide how we can assist as many people as possible. **This information will not be sent to the council and will not affect the way your complaint is handled.**

**Note:** *Ethnic groups are not about nationality, place of birth or citizenship. They are about colour and cultural background.*

**Please tick the circles as appropriate (or delete other options)**

## 1. Ethnic group:

### White

- |                            |                                     |
|----------------------------|-------------------------------------|
| British                    | <input checked="" type="checkbox"/> |
| Irish                      | <input type="checkbox"/>            |
| Any other white background | <input type="checkbox"/>            |

### Mixed

- |                            |                          |
|----------------------------|--------------------------|
| White and Black Caribbean  | <input type="checkbox"/> |
| White and Black African    | <input type="checkbox"/> |
| White and Asian            | <input type="checkbox"/> |
| Any other mixed background | <input type="checkbox"/> |

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**Asian or Asian British**

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

**Black or Black British**

- Caribbean
- African
- Any other black background

**Chinese**

- Chinese

**Other ethnic group**

- Any other group

**2. Sex:**

- Male  Female

**3. Age:**

- Under 16
- 16-19
- 20-24
- 25-59
- 60-64
- 65 and above

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**4. Do you have a disability?**

Yes  No

**4a. If you do, what is the nature of your disability?**

- Difficulty getting around
- Hearing difficulty
- Difficulty seeing
- Learning difficulty
- Mental health problems
- Other

**5. How did you find out about the Local Government Ombudsman service?**

- Newspaper
- Radio
- TV
- Councillor or council
- Solicitor
- Friend or relative
- Citizens Advice Bureau
- Law centre
- Other advice service
- Government department
- Library
- Internet website
- Phone book or Thomson=s Directory
- MP
- Other

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When you have filled in this form, please print it and send it with your complaint form direct to the office of the Ombudsman who deals with your area. Don't worry if you send it to the wrong office. We will pass it to the correct one straight away. You can call the **Adviceline on Lo-call 0845 602 1983** if you need advice or help.

**For complaints about London boroughs south of the river Thames (except Richmond) and Harrow; the cities of York and Lancaster; and the rest of England not included in the areas of Mr Redmond and Mrs Thomas.**

**Jerry White**  
Local Government Ombudsman  
The Oaks No 2  
Westwood Way  
Westwood Business Park  
Coventry CV4 8JB  
**Phone:** 024 7682 0000  
**Fax:** 024 7682 0001