

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

(By Special Delivery)

5 October 2004

Dear Mrs Ritchie

Steel Services-Martin Russell Jones CAN and MUST be prosecuted for breach of Section 21 (4) of the Landlord & Tenant Act 1985 for failing to supply me with the 2002 and 2003 year-end accounts for Jefferson House, 11 Basil Street, London SW3 1AX

See the court case Regina v Brimtal Ltd (1993)

I acknowledge receipt of your letter dated 30 September 2004 (received on 5 October), in which you state:

1. *"The statutory time limit for bringing a prosecution under Section 25 of the Landlord and Tenant Act 1985 is six months from the date of the commission of the offence. On the information available, it is highly likely that the statutory time limit in respect of the request for the 2002 accounts has expired and that no prosecution can be brought"*

I disagree with this conclusion.

Over the last 12 months Martin Russell Jones (MRJ) / Cawdery Kay Fireman & Taylor (CKFT) – and hence Steel Services - have been asked **five times** for the 2002 year-end accounts:

- 9 October 2003 – my request to MRJ
- 19 December 2003 – my letter to CKFT
- 19 May 2004 – my request to MRJ – on which I copied CKFT
- 18 July 2004 – my request to MRJ
- 25 June 2004 – Mr Hutchings's request to MRJ and to CKFT

While the time has elapsed for the first 2, the last 3 requests are within the time limit.

The offence committed by Steel Services – MRJ is that of failing to supply accounts following a request to do so. While failing to meet just one request within the **last six months** is grounds for prosecution, in this instance **three requests** have been made – and **have to date been ignored**.

Please, ask the Housing Department to consult the case of **Regina v Brimtal Ltd (1993)** where the RBK&C prosecuted the landlord of Petersham House for failing to supply accounts under section 21.

The main points of the case are:

- The landlord was fined £1,750 in the Magistrates Court. Judge Crush at Southwark Crown Court upheld that judgment on appeal and refused to reduce the fine.
- As, in spite of being fined the landlord still had not supplied the accounts to the lessees, the judge went on to say that if it persisted in not supplying the accounts, the tenants could ask for them a second time, and the landlord could end up re-appearing in court all over again.

The fact that Mr Hutchings sent the letter to MRJ and CKFT on 25 June 2004 threatening to

"instigate prosecution proceedings" is proof that the Housing Department upheld the view that a criminal offence had been committed. **Why the change of position now?**

2. *"The Council's Legal Department is now in the process of deciding whether it is in the public interest to facilitate a prosecution"*

With respect, 'I' have suffered a violation of my rights. I would point out that: (1) I pay my council tax; (2) I pay my income tax; (3) I am a British Citizen. I am therefore entitled to ask and expect to receive assistance when **my** rights are violated. For the purpose of additional background information, I would draw your attention to the following.

- 17 July 2002: demand from MRJ to me for **£14,400.19** for works at Jefferson House
- 10 October 2002: I receive a letter from CKFT threatening to forfeit my lease and to contact my mortgage lender unless I pay this sum by 10 am on 14 October 2002
- 29 November 2002: Ms Joan Hathaway, MRJ, files a claim against me in West London County Court on behalf of Steel Services for this sum i.e. £14,400.19 (10 other residents are also included on the claim which totalled over £300,000). She did this by signing a 'Statement of Truth' stating: *[I] have failed to pay the service charges... that they are now due and owing from [me] to the Claimant.. The Claimant believes that the facts stated in this Claim Form are true"*
- 7 August 2002: Ms Hathaway, MRJ, files an application on behalf of Steel Services to the Leasehold Valuation Tribunal (LVT) *"to determine the reasonableness of the global sum of £736, 206.08 demanded for the works"* which she defined as "reasonable" . I challenged the claim. (A number of reasons led me to do this, which included suffering on-going harassment and intimidation, as well as assault from the time I challenged the true nature of the works)
- I was vindicated as the outcome of the 17 June 2003 LVT determination was that, of the £736, 206.08 originally demanded, the LVT determined that £500,000.00 was unreasonable.
- Hence, of the original sum of £14,400.10, **only £4,615.11** could be demanded of me.

However, I have maintained that this demand is in breach of the terms of my lease as it needs to be supported by accounts certified by an accountant. The fact that Steel Services – MRJ have repeatedly ignored my requests to provide me with a copy of the accounts for 2002 and 2003 as per my rights under s.21 of the L&T Act 1985, as well as the terms of my lease, can only lead me to conclude that I am right: the certified accounts do not support the demand.

If, as MRJ claim, the accounts had been sent to me, in light of my repeated requests, what would it have cost them to send me another copy (it is only a 3-5 page document)? Any reputable business would have put another copy in the post. This would be the sensible, commercial decision to take, instead of spending time writing letters arguing that the accounts have been sent. Surely, this must be obvious to the Housing Department. **Why is it opting to put blinkers on?**

3. *"With regard to the 2003 accounts, the agents had one month to comply with the Council's request, so technically an offence has been committed. However, the advice from Legal Services is to continue to contact the agents (and their accountants if necessary) for them to provide an estimate of when the accounts will be available for inspection. Their response could determine whether it is appropriate to prosecute"*

Why is the Housing Department opting to not take action? Section 21 (1) of the L&T 1985 Act states that a landlord must comply with a tenant's request for the accounts within one month or within six months of the relevant period.

The 2003 accounts are now more than **3 months overdue** – while the 2002 accounts are more than **15 months overdue**.

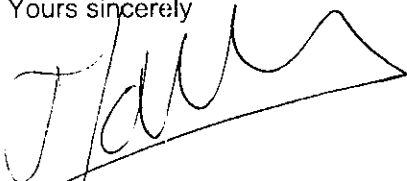
I want to get a copy of the accounts certified by an accountant sent to me – as per my rights. I do not want to go and “inspect the accounts” – at any rate, not at this stage.

It is now four months since I contacted the Housing Department and, as previously when I contacted the Department for assistance, all that has been achieved is: nothing!

I still do not have the 2002 and 2003 accounts certified by an accountant as per my rights under s.21 of the L&T 1985 Act.

All that I have is a string of excuses and get-out clauses.

Yours sincerely



Noelle Rawé

Cc (By Special Delivery).

Mr Jerry White
Local Government Ombudsman
The Oaks No 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

+ copy of Mrs Rawé's letter
of 30 September 2004
+ copy of 1st page of my
complaint.

