

The Rt Hon Lord Falconer of Thoroton QC
Secretary of State for Constitutional Affairs and Lord Chancellor
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(By Special Delivery on 30 June)

See the 23 August 2004 'response' from 'Customer Service' and section on Lord Falconer of Thoroton for my reply

29 June 2004

cc. Christopher Leslie MP (responsibilities for Court service, etc.)
David Lammy MP (responsibilities for Human Rights, etc)

Dear Lord Chancellor

I need your urgent assistance due to West London County Court extremely poor management of my case

Case Ref: WL203 537 - Claimant Steel Services Limited - (Landlord for Jefferson House where I am the lessee for flat 3)

(I am the Second Defendant in the case)

NOTE: Various correspondences are referred to in this letter. They are included in a supporting pack to this letter. This pack contains a total of 74 (seventy four) pages.

1. A hearing of my case took place at West London County Court on 28 May 2004 at 10:00 am which I did not attend due to the Court's fault: contrary to the specific instructions stipulated by the Royal Courts of Justice (RCJ) Advice Bureau in their letter to the Court, dated 2 April 2004 (see enclosed ¹) the Court sent the Notice of Directions Hearing to the RCJ Advice Bureau instead of sending it to me (see enclosed ²).
2. The RCJ tried to get hold of me (see enclosed ³) but I was on holiday, out of the country.
3. Knowing that I would be away (and, given my past experience with West London County Court), on 19 May 2004 I sent a (Special Delivery) letter to the Court (see enclosed ⁴) to determine what was the current status of my case.

I specifically asked that this be ascertained beyond any doubt – as, over the last 18 months, I have been the victim of very serious mis-information and errors by West London County Court.

I did not receive a reply to this letter. The only communication from the Court was the Notice of Directions Hearing, dated 18 May which was – wrongly – sent to the RCJ.

4. My heart sunk when, upon my return on 4 June, I discovered the letter from the RCJ. I was worried sick as, given previous events with the Court and the Claimant, I feared the worse.
5. I immediately went to the Court in order to ask for a copy of the transcript of the 28 May hearing.
6. I was told that **no** hearing had taken place.

¹ Letter from the RCJ Advice Bureau to West London County Court, dated 2 April 2004

² Notice of Directions Hearing from West London County Court, dated 18 May 2004

³ Letter and email from the RCJ Advice Bureau to me, dated 25 May 2004

⁴ My letter to West London County Court, dated 19 May 2004

When I challenged this by showing the 28 May 2004 letter from CKFT, the Claimant's solicitors, which states: "*you did not attend the hearing on 28 May*", the person went to check a file and, on his return said: "*This took place in Chambers*".

7. He also added: "*People don't normally ask for a transcript of this type of hearing*" and that "*in any case, you will receive something from the Court*".

I replied that I was not interested in what other people did or did not do. A hearing had taken place without my being present - due to the Court's fault - and I wanted to know exactly what had been said.

(It took 3 weeks for West London County Court to send the tape to Beverley F. Nunnery & Co, the firm I selected to do the transcript). (They received it on 24 June – and are currently transcribing it).

8. I then received from West London County Court a 'General Form of Judgment or Order', dated 8 June 2004 (see enclosed ⁵).
9. It confirmed that I was right to have been worried as, an order had been made with which I totally disagree: **Point 4** states: "*Terms having been agreed, **the claim against the second defendant be stayed***"

The claim **cannot** be "*stayed*" (which implies that the Claimant intends to reopen the claim later on – one of my great fears) – it **must be dismissed** as by the time of the 28 May 2004 hearing the Claimant had determined that it accepted the Consent Order (see enclosed ⁶) and, in its letter dated 17 February 2004, it had also stated that it accepted the sum "*in full and final settlement*" (see enclosed ⁷). (The RCJ Advice Bureau provided this letter to the Court in their letter dated 2 April 2004 – see enclosed ⁸)

In addition to which, Point 4 of the order specifically states: "*Terms having been agreed...*"

10. In the same correspondence, there was also a 'Notice of Transfer of Proceedings', dated 9 June 2004. As you can see from the enclosed ⁹ the sum total of what is on this order reads as follows:

"To all parties

As a result of an order made on 28 May 2004, this claim has been transferred to the Wandsworth County Court for listing and trial before Circuit Judge"

11. **There is no explanation whatsoever as to the reason why my case has been transferred.**

It talks of a "*listing for trial*", but there is no information whatsoever.

A "*listing*" for what? Why? When? How? What do I need to do?

Also, there is: (1) no address for Wandsworth County Court ; (2) no telephone number: (3) no contact; (4) no reference number.

12. Although the second sentence of the 'General Form of Judgment or Order' states: "*... and the defendant not attending*" i.e. has the word 'defendant' in the singular, my understanding of the remaining points ie points 1, 2, 3 and 5 is that they refer to the fifth Defendant.

13. Given:

(A) that the directions defined under points 1, 2, 3 and 5 refer to, as I understand it, the fifth

⁵ General form of judgment or order, dated 8 June 2004

⁶ Letter to me from CKFT, dated 28 May 2004

⁷ Letter from CKFT to me, dated 17 February 2004

⁸ Letter from the RCJ Advice Bureau to West London County Court, dated 2 April 2004

⁹ Notice of Transfer of Proceedings, dated 9 June 2004

Defendant

(B) the fact that point 4 refers to me (and states *"Terms having been agreed..."*)

It 'seems' to me that the 'Notice of Transfer of Proceedings' dated 9 June 2004, refers to the fifth Defendant rather than to myself.

However, the 'Notice of Transfer of Proceedings' suggests otherwise as it **does state** my name as the 'Defendant' – and is addressed to me.

14. On reading these two documents, I find myself, yet again because of West London County Court in a state of extreme distress and anguish.
15. I phoned the Court to ask why my case had been transferred to Wandsworth County Court. The reply was: *"I don't know, I can't tell you because your file has been transferred"*.
16. I also asked, what is the hearing about? For what? Given that an agreement has been reached – and that this is captured under point 4 of the 8 June 2004 'General form of judgment or order'. Again, I received the same reply: *"I don't know, your file has been transferred"*
17. I then phoned Wandsworth County Court. They had not received my file.
18. They confirmed having been notified that my file was being sent over to them but said that there was no explanation as to the reason for the transfer.
19. I wrote a letter to West London County Court on 20 June 2004 (see enclosed ¹⁰). In this letter I asked a number of questions:
 - Why did the Court not comply with the instructions sent by the RCJ Advice Bureau requesting that correspondence be sent directly to me?
 - Why did the Court proceed with the 28 May hearing in spite of having been told in advance by the RCJ Advice Bureau that, because the Court had failed to follow instructions, I did not know that a hearing would be taking place – and was therefore out of the country?
 - Why did the Court give only one week notice of the hearing?
20. In the same letter, I also brought to the Court's attention the correspondence exchanged with the Claimant demonstrating that an agreement had been reached.

I added that, as the action has been concluded by Consent Order and the Claimant has accepted payment from me – the second Defendant - in full and final settlement of its claim, no order to stay this action can be granted.

I therefore asked that the order dated 28 May 2004 be changed, ensuring that the necessary steps are taken to this effect.

21. Also in this letter:
 - I query the 'Notice of Transfer of Proceedings' dated 9 June 2004, highlighting the fact it does not provide any explanation whatsoever as to the reason for the transfer of my case to Wandsworth County Court.
 - I ask for confirmation that my file has indeed been transferred.
22. To date, I have not received a reply to this letter.

23. **Lord Falconer of Thoroton, please help me determine what is going on.**
I am absolutely sick with worry.

¹⁰ My letter to West London County Court, dated 20 June 2004

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24. **As implied above, it is not the first time that I have suffered extreme anguish, torment and distress because of what I can only describe as West London County Court's incompetence and lack of management.** In particular:
25. **31 March 2004** When I visited the Court, I was told that a judgment had been entered against me on 18 March 2004.
- When I said that I had not received any communication about this and asked for copy of documents, I was handed a blank piece of paper and asked "to write what you want". When I replied "How can I write what I want from the file given that I do not know what has gone in it", I was told: "Well' it's an old file, it's gone into archives". I challenged the reply on the basis that a file, to which additions had been made in the last 2 weeks could not be considered "an old file" and added that "I will not be fobbed-off. I will wait here until you give me the documents".
- This led to somebody else dealing with me. This person Debbie Woutten (?) told me that there had been no movement on my file since August 2003. When I replied that I had just been told a minute ago by her colleague - who was standing just a few feet away - that a judgment had been entered against me on 18 March, her reply was: "**Oh, no, it's not against you, it's against Defendant # 9**".
26. **21 March 2003** In a notice dated 21 March 2003 the Court informed me that there would be a 'Charging Order' against me on 4 April 2003 (see enclosed ¹¹)
- Until this false claim filed against me by the unscrupulous Claimant, Steel Services, landlord for the block, I had never had any dealings with courts in my life. I did not know what a 'Charging Order' was. This frightened me. I was in the most appalling state on reading this, trembling, and was actually physically sick.
27. **25 March 2003** I phoned the Court but, as I was not getting anywhere, I opted to write a letter on 25 March 2003 in which I yet again reiterated – among others – my request for the action to be stayed as the proceedings were still taking place with the Leasehold Valuation Tribunal (LVT) (see enclosed ¹²)
28. As you can see from the details in this letter and the supporting documents I attached, I had already – on two occasions – informed the Court of the LVT proceedings:
- **My letter of 10 December 2002:** "*I would like to bring to your attention the fact that the claimant has brought exactly the same action under the Leasehold Valuation Tribunal*" ¹³
 - **My letter of 17 December 2002** (included with my defence to the claim): "*The purpose of my attached letter of 10 December was to report that the same action is being pursued by the same party in two jurisdictions: yours; the London Leasehold Valuation Tribunal. Consequently, I would like to suggest that this action through your County Court be stayed*" ¹⁴
- The 24 January 2003 reply from West London County Court was that I "*inform the Court whether the Claimant agrees to the claim being stayed pending the Leasehold Valuation Tribunal hearing*" (See enclosed ¹⁵). In light of the facts I provided to the Court, this is a totally ridiculous suggestion: what chance did I stand of getting this undertaking from the Claimant?
29. **27 March** In its letter dated 27 March 2003 West London County acknowledges receipt of my

¹¹ Notice of Adjourned Hearing from West London County Court, dated 21 March 2003

¹² My letter to West London County Court, dated 25 March 2003

¹³ My letter to West London County Court, dated 10 December 2002

¹⁴ My letter to West London County Court, dated 17 December 2002

¹⁵ Letter from West London County Court, dated 24 January 2003

- 2003** 21 March 2003 letter, but still persists with the need for me to attend a hearing on 4 April 2003, as it states: *"Please note that your request will be considered at the hearing on 4th April 2003"*. (see enclosed ¹⁶)
30. I was in a frantic state. I desperately tried to find out the meaning of a 'Charging Order'. I phoned your office, Lord Chancellor, but was not provided with an answer.
- I tried my then solicitor, but his reply was that I had asked him to advise me in relation to the LVT, not in relation to the Court. If I wanted advice in relation to the Court, he required £2,000.00 in advance. (By then I had already paid him £9,000.00 in fees!).
- Eventually, through my network of contacts, I determined that a 'Charging Order' could only be made against me if a judgment had been entered against me. I told my friend that, if that was the case, then I did know anything about it.
31. **1 April 2003** Armed with this information – and appropriate wording - on 1st April, I again phoned the Court (by then for the 3rd time) – stating: *"There cannot be a Charging Order against me because there has not been a judgment against me"*.
- At this point, I got transferred to somebody else, I believe, the Court Manager (a man), to whom I repeated exactly the same thing. The reply I received to that was: ***"No, the Charging Order is not against you, it is against other residents"***
- See enclosed my letter of 1 April 2003 to the Court in which I capture these events ¹⁷. Needless to say that I never received an apology from the Court.
32. **4 April 2003** Having said that to me, the Court Manager had added that it may nonetheless be of benefit for me to attend the 4 April 2003 hearing. Not knowing what to expect, I asked my surveyor to accompany me.
- When we arrived at the Court, we were told that the hearing had been cancelled. (A Consent Order had been faxed to the Court by CKFT relating to the seventh Defendant – see enclosed ¹⁸). This wasted trip to the Court cost me £500 in surveyor fees, as well as half a day of my annual leave.
33. **30 March 2003** Not knowing who to turn to and what to do, I also wrote to the members of the LVT panel who were handling the case to relate the fact that the Court had issued me with a 'Notice of a Charging Order' and explained that I had communicated to the Court the fact that the LVT proceedings were still in progress.
- I also asked the following question: *"How can it be that two government departments – who have been made aware of a conflict as a result of actions they are concurrently undertaking – have no line of communication?"*. (See enclosed which I also copied to the District Judge, West London County Court ¹⁹)
- No notice was taken of my letter – as evidenced by subsequent actions by West London County Court.
34. **12 June 2003** Another 'Notice of Hearing' from West London County Court – stating that the hearing will take place on 24 June (see enclosed ²⁰). Typically, it gives no details as to what the hearing is about – and very little notice of it.

¹⁶ Letter from West London County Court, dated 27 March 2003

¹⁷ My letter to West London County Court, dated 1 April 2003

¹⁸ Consent Order for seventh defendant, dated 2 April 2003

¹⁹ My letter, dated 30 March 2003, to Ms J.S.L Goulden, Mr J.R. Humphrys, Dr A.M. Fox, Leasehold Valuation Tribunal – and copied to District Judge, West London County Court

²⁰ Notice of Hearing from West London County Court, dated 12 June 2003

35. (Based on my 18 month experience with West London County, it is quite typical of this Court to give little notice of hearings – implying an attitude that people such as myself are meant to be at the ‘beck and call’ of the Court – and thereby demonstrates that the Court has total disregard of the fact that people have commitments (I am in full time employment and it is very difficult for me to take time off at short notice).
36. **17 June 2003** In my reply to West London County Court’s 12 June ‘Notice of Hearing’, I point out, among others, the following:
- The total lack of explanation as to what this hearing is about
 - The fact that I have yet to hear of the decision of the LVT
 - That the short notice means that it will not be possible for me to get a lawyer to represent me (something which worries me greatly)
- And also ask:
- *“Why is your Court putting me in this situation of needing to get very costly legal advice when in fact I have yet to hear from the LVT?”*
 - *“Why is it that your Court is not waiting for this decision?”*
 - *“Until there is a decision from the LVT, what can you enforce?”* (see enclosed ²¹)
37. **23 June 2003** The Court acknowledges my letter of 17 June. However, in spite of what I said in this letter, it states: *“The Judge has confirmed that you would be well advised to attend, as the hearing is for directions”* (see enclosed ²²)
- I simply cannot understand why the Court is taking this position.
- To my mind, it confirms the perception I have had of West London County Court from the beginning: that it is the Claimant who is ‘running the show in that Court’ – not the Court. (See later for other events that led me to have this perception).
38. I do not know what a ‘directions hearing’ means. Yet again, I am back to feeling extremely anxious and distressed.
- In addition, I do not have legal representation.
39. **22 June 2003** I write, among others, to West London County Court: *“Your Court cannot currently proceed with the action in relation to the sum demanded for the major works... the judgment remains open to appeal to the Lands Tribunal...”* (see enclosed – as well as supporting appendices to the letter which are copies from the LVT report ²³)
40. **24 June 2003** Of course, the hearing nonetheless takes place. Judge Wright endorses my view about my having leave of appeal to the Lands Tribunal and reprimands CKFT for wasting her time and the Court’s time, saying that the LVT report has only just been issued and that I need time to consider it.
- The Claimant was claiming costs for the hearing against me (as well as the other resident present at the hearing). Judge Wright refused the request and instead, ordered that the Claimant pay for my costs (and that of the other resident) (see enclosed ²⁴)
41. This hearing should not have taken place.
- While I have been compensated for my financial loss, I have incurred a much greater cost: the anguish and distress of having to represent myself in Court which was a harrowing experience.

²¹ My letter to West London County Court, dated 17 June 2003

²² Letter from West London County Court, dated 23 June 2004

²³ My letter to West London County Court, dated 22 June 2003

²⁴ General Form of Judgment or Order, West London County Court, dated 25 June 2003

42. **26 August 2003** Another event was at the 26 August 2003 hearing when CKFT changed tack saying it had made an error:
- whereas its application of 5 August 2003 was for a 'Summary Hearing' (see enclosed ²⁵)
 - and it had also stated this to me in its letter of 21 August 2003 (see enclosed ²⁶)
 - at the hearing it said the application was only for the amount I had admitted in my letter of 9 August 2003.
- Obligingly, Judge Wright replied something along the line of: *"Of course, no need for you to change your papers"*
43. In its 5 August 2003 'Summary Hearing' application, CKFT had stated as main reason:
- "The Claimant believes that the Second and Fifth Defendants have no real prospects of successfully defending the Claim and the Claimant knows of no other compelling reason why the case should be disposed of at Trial"* (see enclosed)
44. **In spite of all the evidence that West London County Court has been provided with, it has done nothing to ensure fair and just treatment in this case:**
45. - I had stated in my defence to the claim that the Claimant's demand was in breach of the terms of my lease (see enclosed ²⁷). The Court has never raised this with the Claimant.
- (To this day, the demand is still in breach of the terms of my lease as the Claimant has yet to provide me with the year-end accounts for 2002, to which should now be added 2003).
- (It also means that the Claimant is in breach of the Landlord & Tenant Act 1985, Section 21 (4))
46. - I provided the Court with comprehensive details of the LVT determination demonstrating that, in fact, of the £14,400.19 original claim against me, the impact of the LVT determination means that only 32% of the claim was deemed by the LVT as reasonable. (When considering the global sum for the block, it means that of the original £736,206.00 demanded, £500,000.00 was deemed by the LVT as unreasonable)
- (See enclosed my letter to the Court dated 15 July 2003, and letter of 9 August 2003 to which I attached comprehensive appendices, including calculations of the impact of the LVT determination on the sum demanded of me by the Claimant ^{28, 29})
47. This was not raised at the 26 August 2003 hearing. Why not?
- Judge Wright did not even ask the Claimant whether it had implemented the 17 June 2003 LVT determination. Why not?
48. Why have I been left totally on my own to 'fight it out' with the Claimant?
49. **I thought that the Courts were there to ensure justice – not to act as the agent of unscrupulous Claimants - to carry out injustice – which, in my view, is what West London County Court has done by not acting on information it has been provided with**

²⁵ Notification Notice, completed by CKFT on behalf of Steel Services, dated 5 August 2003

²⁶ Letter from CKFT to me, dated 21 August 2003

²⁷ My 17 December 2002 defence to the claim filed by Steel Services in West London County Court on 29 November 2002

²⁸ My letter to Judge Wright, dated 15 July 2003

²⁹ My letter to Judge Wright, dated 9 August 2003, with list of appendices and my calculations of the impact of the 17 June 2003 LVT determination on the original sums demanded by the Claimant

50. - The Claimant has obtained judgments through West London County Court against other residents – **before** – the LVT issued its report on 17 June 2003. See enclosed letter from CKFT to the Court dated 23 May 2002 ³⁰ (it should read 2003) in which it states:

“The Claimant has obtained judgment or settled proceedings against all Defendants, except the following: 1st ..., 2nd ..., 5th ... and 7th ... Defendants”

While I do not know the details of these judgments, one thing that I do know, is that the lease is very clear: the amount of service charge for each flat is fixed ie. **Steel Services cannot charge differentially. The global sum to which these percentages are applied must be the same for all the 35 flats in the block.** (See enclosed supporting evidence: Martin Russell Jones’ ‘Major works apportionment 24th June 2002’, handed to me by CKFT at the 24 June and 26 August 2003 hearings – which gives the percentage share for each flat ³¹).

On its 29 November 2002 claim, Steel Services listed 11 residents (actually, these represent a total of 13 flats).(see enclosed ³²) The 23 May letter from CKFT suggests that, by then, it had obtained payment - with the assistance of West London County Court - from 7 residents – and hence, **before** the LVT had issued its determination.

51. While West London County Court has not, in my case, asked the Claimant whether it had implemented the LVT decision – has it asked the Claimant this question in relation to the other residents?

Has the Court ensured that – as appropriate – residents who ended-up paying as a result of orders / judgments issued by the Court that they were reimbursed of sums not due and payable?

52. The answer to this question is most likely to be a ‘no’ as, 4 months after the LVT had issued its report, on 21 October 2003, when the Claimant made me an offer, it still had not implemented the LVT determination.

To my knowledge, at the date of writing i.e. one year after the LVT report, the Claimant still has not implemented the LVT determination.

53. **Although I have accepted the Claimant’s offer of £6,350.00 it is not because it is entitled to get this sum from me (see enclosed my Notice of Acceptance ³³), it is because I now view the system as being against me – instead of being there to help me.**

54. **Having fallen victim to an unscrupulous landlord, I then suffered persecution by West London County Court – as detailed above. This Court has repeatedly caused me extreme stress, anguish and torment.**

55. **It has also cost me an enormous amount of my spare time, as well as annual leave.**

In addition to this, it has also cost me £500 of surveyor fees and, as yet, an undetermined sum for transcription of the 28 May hearing (see enclosed ³⁴)

56. **Based on my first-hand experience of West London County Court, I have now come to conclude the following about the British court system:**

57. - **When a landlord files a claim against me, I am automatically assumed to be at fault**

58. - **The Court will not do anything to help me during all the stages preceding a court hearing. In particular, it will not take into consideration any materials it has been provided with – including the defence to the claim.**

³⁰ Claim Form, West London County Court, Claimant Steel Services, dated 29 November 2002

³¹ Martin Russell Jones’ ‘Major works apportionment 24th June 2002 – 2 versions: one listing 6 flats, the second, 35 flats

³² Steel Services claim to West London County Court, dated 29 November 2002

³³ My Notice of Acceptance of CKFT’s offer, dated 19 December 2003

³⁴ My letter to Beverley F. Nunnery & Co, dated 24 June 2004

59. - **Unscrupulous landlords such as Steel** Services capitalise on this **method of operating by the courts**, hoping that, as the process **is prolonged**, defendants will give up and pay as they incur ever increasing legal costs to fight the claim (not to mention the toll on their emotional and physical health).

Indeed, when, at the 24 June 2003 hearing I said to the CKFT representative that I found it absolutely outrageous that the Court had been instrumental in making some residents pay an amount of money they do not owe, his reply was: "They made a commercial decision".

60. - There is nothing to stop Steel Services from filing a false claim against me every day of the week.

It only cost Steel Services £500.00 to file a claim against 11 residents. (On the other hand, it has so far cost me over £40,000.00 to fight this false claim against me. How much has it cost other residents?)

Why was Steel Services allowed to file just one claim covering 11 residents? It seems that the implication is that it is making us 'jointly and severely liable for the claim'.

61. I am appalled by what has happened in West London County Court, including its relentless persecution – evidently driven by responding only to the dictates of the Claimant.

62. Is this a reflection of the British justice system?

Surely, this cannot be consistent with a country that has signed up to the Human Rights Charter?

Thank you in anticipation of your assistance

Yours sincerely



N Klosterkotter-Dit-Rawé

