**Client Interviewing Competition 2004**

**Regional Role 1: Sarah/ Simon Barnett**

**Office Memorandum**

Appointment with Sarah/Simon Barnett about an on-going problem with a neighbour and lack of co-operation from the Environmental Health.

Address: 1a Buxton House

Waverley Lane

Standish

Nr St. Albans

Herts. SA 62 3 IP

Please supply local phone numbers for home and work.

**Personal Profile**

You are Sarah/Simon Barnett and your own age (but plausibly old enough to own a substantial home in the country and either with no children or children who have left home). You and your spouse are both dentists with a practice in St. Albans. The situation with your neighbour over the past two years has been extremely stressful, not just because of the problems of smell and mice, but because your local Environmental Health Department (please give address and phone number) seem unable to do anything to resolve it. You consider yourself a reasonable and tolerant person but the situation is affecting your health and sanity, and has had an appalling effect on your quality of life. There are times when you feel quite obsessive about it. There is nothing worse than dreading going home, particularly since you love the house and garden and the tranquil surroundings. You have thought of moving but who would buy your house once they have experienced the smell.

**The Scenario**

You bought your house in 1999. It had originally been built in 1924 by a wealthy banker. It was a substantial house in late Victorian style with oak panelling etc and set in large grounds surrounded by fields. There is a private road which is jointly maintained by the residents. In the ‘60s it was bought by a developer called Monk who converted it into 3 dwellings, each with its own entrance and garden, but with continuous attic and cellar space. In other words, the partitions were internal only and did not extend to the attics and cellars. Mr Monk and his family lived in the central and largest of these until he died, and his widow and daughter then moved into the smaller of the remaining dwellings. When you bought this central part of the house, the vendor gave no indication of any problem with Mrs. Monk or Elizabeth, except to say that they communicated by note, since they had no telephone. The Hollands, your neighbours on the other side share your concerns but are not as badly affected and do not want be involved in any trouble.

On moving in you attempted to get to know Mrs. Monk and her daughter – you had been picking strawberries and took some in for them, but were greeted with suspicion, although politely. They said they were anxious about ‘catching anything’ and therefore did not socialise. Mrs. Monk was in her late 60s and Elizabeth in her early 40s. In 2001 there was a fire next door, which the firemen said had been caused by rubbish in the bath set alight by a candle. Clearly this was a hazard for you but they could not suggest what you could do to protect your property. You visited the Monks and explained your concerns but they refused to admit there was any danger. They said they were using a candle because they had no light bulb. You asked a surveyor to come in and advise about building an internal wall between the two properties but this did not turn out to be feasible.

In 2002 Mrs. Monk died but Elizabeth continued to live there on her own and things got much worse. You offered to buy her house since you knew she was thinking of selling and could do with the money but she said she intended to stay.

Your bathroom is above her kitchen and there was an awful and continuous smell. When approached, Elizabeth said it must be because the water from your bathroom was not draining adequately and you needed a plumber to sort it out. You knew the smell was coming from her kitchen so you asked the Environmental Health Officer (Joseph Williams) to visit. He persuaded her to clear out some of the huge piles of rubbish that had accumulated. You hoped that the introduction of ‘wheelie bins’ in your area would help but she claimed that it was too heavy for her to move. The dustmen said they would move it for her but as far as you can see from the bird droppings on the bin, she does not bother to use it at all and it just stays under the apple tree at the back.

The next onslaught of smell was in your dining room, coming up from the cellar. The EHO came round again and said it was due to mice nests in the cellar. It seemed certain that the mice had originated from your neighbour’s property. You had seen mice from time to time but thought that was to be expected if you lived in the country. The smell also polluted the airing cupboard and study from the attic. The EHO agreed it was awful but that it did not amount to a statutory nuisance and his powers to enter property was limited unless a statutory nuisance could be proved. You were becoming desperate – the whole house seemed to be polluted by a constant dreadful smell and it was affecting your health, causing stress etc. You decided to get Rentokil in and they found a huge infestation of mice in the under-floor space and the attic, and mice droppings in every room of your house. This has been treated but the mice could return if the problem of household waste next door continues.

**Your situation**

Your local councillor was sympathetic but unhelpful and suggested you bring a private prosecution. However, you don’t really want damages, you just want the nuisance to end. What can be done to persuade Elizabeth to clean up the house? How can you prove a statutory nuisance? Can the solicitors put pressure on the EHO to take action? He said he was trying to persuade her ‘unofficially’ to improve the condition of her house and people have the right to live as they pleased in their own homes. Elizabeth is a bit of a recluse and eccentric but she is articulate and plausible. There is no reason of age or disability to explain why she lives in squalor amidst piles of rubbish. She does not work and goes out very rarely just to the village shop. She does not accept that her way of living is affecting you and your family so badly.

# Client Interviewing Competition 2004

# Regional Role 2: Dana/ Daniel Bunbury

# Office Memorandum

You have an appointment with Dana/Daniel Bunbury. S/he is a student who has been having a dispute with a neighbour. S/he is very concerned about complaints made about her/him.

Address:

320 Holloway Road

London N25 5SX

Client’s mobile: 07900-356090 (only contact point provided)

# Personal Profile

You are Dana/ Daniel Bunbury. You are a student at Islington Metropolitan University. You are in the second year of a course in Media Studies *[if you are more comfortable with another subject use that just so long as it isn’t law]*. In your first year, you lived in a Hall of Residence. At the start of this academic year you rented a house with three other people. These were Alex Deane and Beth Sharp, two students on your corridor who you got on well with. The other person is Beth’s boyfriend, Colin Yeoh. The tenancy commenced on 23rd August 2003 and is for one year at a rent of £1,000 per calendar month. You had to pay a deposit of one month’s rent together with the first month’s rent in advance. This was shared equally between the four of you. The rent has subsequently been paid monthly in advance on the 23rd of each month. You each contribute a quarter share.

The house is terraced and owned by an absentee landlord, Mr Alam Shah and managed by a letting agency, Breezy Lettings. It has three bedrooms. You and Alex have one each and Beth and Colin share the largest one. There is a shared kitchen/dining room, sitting room and bathroom/WC. The house is OK but there are no carpets anywhere but you have bought a small rug for your bedroom.

As you see it, your problems arise from friction between people in your house and the neighbours. The adjoining owner/occupiers at number 318, George and Geri Green seem very sensitive. They have three daughters aged 1, 3 and 5. They made complaints about noise from the very start of the tenancy in August. They must have contacted the Accommodation Office of the university that you attend because the university wrote separate (but identical) letters to you, Alex and Beth outlining the complaints. They alleged that loud music and foul language emanated from the house on more than occasion in the early hours of the morning of 31st August 2003.

You have brought a copy of your letter (dated 5 September 2003) with you and you will show it to the lawyers if they ask to see it. At that stage you don’t know whether any complaints were made to the letting agency or the landlord.

As far as you are concerned, only Colin was involved in this particular incident. None of the rest of you were even at the house that weekend. You had gone home to bring up your computer and Alex and Beth were also absent. You asked Colin what had happened and he said that he had just had a few beers and watched a video with a couple of mates. You asked him to cool it because you didn’t want to get chucked out of the house so soon. Colin said that we shouldn’t worry. He said that he had nothing to do with the university and that it was down to the landlord if the problem was supposed to be serious. It was only at this point that you discovered that Colin wasn’t actually a student and was in fact unemployed. This was worrying but Beth said not to worry and that he was OK.

One morning in early December, Geri Green knocked on the door. You answered the door and talked to her. She complained about noise and, as well, about “festive graffiti of an offensive nature” in the windows of our house. You were a bit surprised about this. You had used some “canned snow” and sprayed a snowman on the front window. If the lawyers ask you why it was offensive, initially you will say that you don’t know. What does it matter? If they press you, you will admit that Colin had later added a penis to the snowman though you didn’t really think it was a big deal. You told her to “chill” and she stormed off.

However, apparently Mr. Cartwright, an Accommodation Officer from the University called to the house later in the week to see the graffiti and spoke to us about the noise issue. You weren’t there but Alex told you that Colin was there and told him to fuck off and mind his own business.

So far as you are aware, no complaints have been received from any other residents in the road.

# Your situation

You have now received another letter from the university (dated 28 January 2004) which is pretty frightening. You, Alex and Beth have all been invited to an interview with the Accommodation Officer who had been involved earlier. You don’t know what to do. You have three main points:

* What happened wasn’t actually that bad. You think the Greens are over-reacting.
* What is this to do with the uni? It isn’t the landlord. You have had no complaints from the landlord or the letting agency.
* You feel that you have actually done nothing wrong at all so why are you involved?

Only talk about the allegations in this recent letter if you are asked by the lawyers. As the letter says, the uni has received more complaints from the same neighbour, including a fax sent during a disturbance at 4am. The Greens allege loud music and foul language, as well as doors slamming, banging and jumping which had been preceded by shouting in the street. OK, there was a party at the house last Saturday night including some trouble outside when Beth and Colin had an argument but you don’t really regard it as anything that bad.

Remember that you have two letters with you –don’t muddle them up!

## Islington Polytechnic University

Housing Services

300 Islington Road

London N25 1BB

D. Bunbury

320 Holloway Road

London N25 5SX

5th September 2003

Dear Sir or Madam,

# Re neighbour’s complaint

We understand that you are a student at this university and one of the tenants of the above property. Your neighbour at 318 Holloway Road has written to us to complain about the unacceptable behaviour of the occupants of your house on the weekend of 30-31st August.

It is alleged that loud music and foul language emanated from the house on more than occasion in the early hours of the morning of 31st August, which was particularly distressing as the neighbour had three daughters aged 1, 3 and 5.

This University is sensitive to concerns about the relationships in popular student areas between students in private accommodation and other local residents. Any unacceptable behaviour reflects badly on this university.

We would ask you to show some consideration to your neighbour and desist from any further acts of anti-social behaviour.

Yours faithfully

### G. Cartwright

George G. Cartwright

Senior Accommodation Officer

## Islington Polytechnic University

Housing Services

300 Islington Road

London N25 1BB

D. Bunbury

320 Holloway Road

London N25 5SX

28th January 2004

Dear D. Bunbury,

# Re neighbour’s complaint

Your neighbour at 318 Holloway Road has made a series of complaints about the unacceptable behaviour of the occupants of your house since last August.

We have previously written to you and I have visited the premises on more than one occasion. We have recently received further complaints from the same neighbour, including a fax sent to us during a disturbance at 4am on the morning of 25th January 2004. The neighbour could hear loud music and foul language, as well as doors slamming, banging and jumping, which had been preceded by shouting in the street.

As I have previously indicated, the university takes these issues very seriously. You are required to attend an interview with myself at the Housing Services office at the above address on Monday 2nd February at 10am. It appears that you may have breached University Regulations which prohibit unreasonable or unruly behaviour. Breach of this regulation may result in the imposing of a fine and the withholding from the student of any academic award conferred by the University.

Failure to attend may be construed as a breach of this regulation and lead to further disciplinary action.

Yours faithfully

### G. Cartwright

George G. Cartwright

Senior Accommodation Officer