

IN THE COUNTY COURT SITTING AT BROMLEY

Case No: B02BR477

BETWEEN

AFFINITY SUTTON HOMES LTD

CLAIMANT

AND

DESMOND O'CONNOR

DEFENDANT

1. On the 7th November 2016 the court committed Desmond O'Connor to prison
2. in relation to the order dated 24 April 2016
3. which provided that the Defendant was forbidden (whether himself or by instructing, encouraging or allowing any other person) to shout or make loud noise in or in the locality of the Property at 59 Croydon Road, West Wickham such that the noise can be heard by his neighbours at 57 Croydon Road , West Wickham between the hours of 11pm and 7am
 - i) ordered that the Defendant must:-
 - a) within 14 days service of the order on him , clear any rubbish accumulated at the back door, either inside or outside the Property and in the communal walkway to the rear of the Property
 - b) within 14 days service of the order on him ,repair the broken inside window pain in the upstairs front room
 - c) within 14 days service of the order on him , replace the keys or lock to the back door such that he can use it as an access way
 - d) within 14 days service of the order on him , repair the Property's flooring and/or floorboards such that they no longer squeak in such a manner as to cause his neighbours at 57 Croydon Road , West Wickham a nuisance or annoyance
 - e) maintain the condition of the garden and the Property in accordance with clause 5 of the lease and, within 14 days clear all the brambles and plants in the garden and cut the grass back to no more than 2cm in height
 - f) upon receiving 48 hours written notice (such noticed to be delivered to the Property by hand) allow the Claimant, its agents and/or contractors require access to the Property for the purpose of undertaking an initial inspection of its condition
 - g) upon receiving 48 hours written notice that the Claimant, its agents and/or contractors require access to the Property for the purpose of inspecting its condition or undertaking works of repair or maintenance to give the Claimant, its agents and/or contractors access to the Property on the date(s) and at the time(s) requested or such other date or time as the parties may agree between them
 - ii) The order remains in force until 4:00pm on 25 April 2016
 - iii) The Defendant was served with the order on 30 April 2016 so that all parts of the order which had to be complied with within 14 days from service of the order had to be complied with by 14 May 2016
4. The court found that the Defendant had disobeyed / breached the order by

- i) On the night of 7/8 May 2016 between 11pm and 7am and on 5 August 2016 allowing loud noises from his flat to be heard by his neighbour at 57 Croydon Road such that she was awaked and unable to sleep
- ii) Failed to repair the broken inside window pain in the upstairs front room by 14 May 2016 and it remained unrepaired until 1 June 2016
- iii) Failed to clear any rubbish accumulated at the back door, either inside or outside the Property and in the communal walkway to the rear of the Property by 14 May 2016 and it remained uncleared until at least 21 July 2016
- iv) Failed to clear all the brambles and plants in the garden and cut the grass back to no more than 2cm in height by 14 May 2016 and having carried some clearance out in or about July 2016 failed to maintain the garden in accordance with clause 5 of the lease there after
- v) Failed to repair the Property's flooring and/or floorboards such that they no longer squeak in such a manner as to cause his neighbours at 57 Croydon Road , West Wickham a nuisance or annoyance by 14 May 2016 or at anytime thereafter
- vi) Failed to give the Claimant, its agents and/or contractors access to the Property on the date(s) and at the time(s) requested or such other date or time as the parties may agree between them by cancelling appointments for 18 May and 14 June 2016 on the day before in each case

5. The court imposed the following sentence

Breach	Sentence
i) allowing loud noises from his flat to be heard	i) 2 months
ii) Failed to repair the broken inside window pain	ii) no penalty
iii) Failed to clear any rubbish	iii) 2 months
iv) Failed to clear and maintain the garden	iv) 14 days
v) Failed to repair the Property's flooring and/or floorboards	v) 2 months
vi) Failed to give the Claimant, its agents and/or contractors access	vi) 14 days
	All sentences to run concurrently

6. Accordingly it was ordered that Desmond O'Connor be committed for contempt to prison for a total period of 2 months. This order is suspended until 4pm 7 November 2018 and will not be put into force during that time provided he complies with the following terms

i) Within 21 days of service of this order on him, he repairs the Property's flooring and/or floorboards such that they no longer squeak in such a manner as to cause his neighbours at 57 Croydon Road, West Wickham a nuisance or annoyance

ii) not (whether himself or by instructing, encouraging or allowing any other person) to shout or make loud noise in or in the locality of the Property at 59 Croydon Road, West Wickham such that the noise can be heard by his neighbours at 57 Croydon Road , West Wickham between the hours of 11pm and 7am

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District Judge Thomas

Dated 7 November 2016

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