

Application notice

For help in completing this form please read the notes for guidance form N244Notes.

Name of court Edmonton County Court		Claim no. E00ED049	
Fee account no. (if applicable) 007 9 006		Help with Fees – Ref. no. (if applicable) H W F - [] [] [] - [] [] []	
Warrant no. (if applicable)			
Claimant's name (including ref.) The London Borough of Enfield (LS/C/LI/157255)			
Defendant's name (including ref.) Mr Simon Cordell			
Date		20.04.2018	

1. What is your name or, if you are a legal representative, the name of your firm?

London Borough of Enfield, Legal Services

2. Are you a Claimant Defendant Legal Representative
 Other (please specify) [] [] [] [] [] [] [] [] [] []

If you are a legal representative whom do you represent?

3. What order are you asking the court to make and why?

The Claimant is seeking an order for the Defendant's committal for breaching the terms of the interim injunction order dated 09.01.2018 with has a power of arrest, pursuant to CPR 23 and 81.

4. Have you attached a draft of the order you are applying for? Yes No

5. How do you want to have this application dealt with?
 at a hearing without a hearing
 at a telephone hearing

6. How long do you think the hearing will last?
 [] Hours [30] Minutes
 Is this time estimate agreed by all parties? Yes No

7. Give details of any fixed trial date or period
 Hearing on 30.05.2018, 2pm

8. What level of Judge does your hearing need?
 District

9. Who should be served with this application?
 Defendant

9a. Please give the service address, (other than details of the claimant or defendant) of any party named in question 9.

10. What information will you be relying on, in support of your application?

- the attached witness statement
- the statement of case
- the evidence set out in the box below

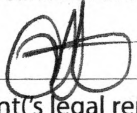
If necessary, please continue on a separate sheet.

Please refer to the evidence attached on a separate sheet.

Statement of Truth

(I believe) (The applicant believes) that the facts stated in this section (and any continuation sheets) are true.

Signed


Applicant(s legal representative)(s litigation friend)

Dated 19.04.2018

Full name Ludmilla Iyavoo

Name of applicant's legal representative's firm London Borough of Enfield, Legal Services

Position or office held Solicitor

(if signing on behalf of firm or company)

11. Signature and address details

Signed


Applicant(s legal representative's)(s litigation friend)

Dated 19.04.2018

Position or office held Solicitor

(if signing on behalf of firm or company)

Applicant's address to which documents about this application should be sent

London Borough of Enfield Legal Services PO BOX 50 Enfield Postcode <input type="text" value="E"/> <input type="text" value="N"/> <input type="text" value="1"/> <input type="text" value="3"/> <input type="text" value="X"/> <input type="text" value="A"/> <input type="text" value=""/>	If applicable	
	Phone no.	0208 379 8323
	Fax no.	
	DX no.	906015 Enfield 1
	Ref no.	LS/C/LI/157255
E-mail address	Ludmilla.Iyavoo@enfield.gov.uk	

Evidence in support of the application notice dated 20.04.2018 (part 10)

1. On 09/01/2018 the Court made an interim injunction order against Mr Cordell (the Defendant), attaching a power of arrest. The main terms of the order are summarised as follows:

The Defendant, Mr Cordell, be forbidden (whether by himself or by instructing or encouraging or permitting any other person:

Clause 3: from engaging or threatening to engage in conduct that is likely to cause physical violence and verbal abuse to the claimant's employees, tenants to the block of flats at Burncroft Avenue, Enfield.

Clause 4: From engaging or threatening to engage in conduct that is likely to cause intimidation, harassment, alarm and distress to the Claimant's employees, tenants and visitors to the block of flats at Burncroft Avenue, Enfield.

Clause 5: From engaging or threatening to engage in conduct that is likely to cause nuisance and annoyance to the claimant's employees, tenants and visitors of flats at Burncroft Avenue, Enfield.

Clause 7: A power of arrest is attached to the above paragraphs.

2. The Defendants have committed several breaches by committing several acts of anti-social behaviour against his neighbours. Mr and Mrs Mathiyalagan have been the victim of several incidents of harassment, intimidation and a serious assault on 15/03/2018. Despite the matter being reported to the police, they have failed to take actions against the Defendant to enforce the terms of the injunction.
3. The incidents are supported by the affidavit of Mr and Mrs Mathiyalagan dated 20/04/2018.
4. The most recent incident took place on 15/03/2018; the Defendant assaulted Mr Mathiyalagan who then tried to defend himself. Mr Mathiyalagan sustained personal injuries to his face and had to some of his teeth removed as a result of the assault. The injuries are supported by the ambulance officers' report, dentist records and letter from a GP which are exhibited in Mr Mathiyalagan affidavit dated 20/04/2018 and supporting this application.
5. The Police arrested the Defendant, interviewed him and released him.
6. On 01/03/2018, Mr Mathiyalagan stated that his wife was inside the bathroom giving their daughter a shower while his cousin was in the living room, he was at work. At about 11am, the Defendant came to their front door and started rattling the letterbox and knocking loudly on the door. His wife went to the door and asked who it was and the Defendant replied 'why are you shouting'. His wife told

him that she was not shouting and that she was inside her bathroom giving her daughter a shower. She asked him why he came to her front door, that he was not allowed to be there but the Defendant ignored her and continued to bang and kick on the door. This went on for about 5 to 10 minutes and caused a great deal of distress to his wife and daughter and made them scared for their safety. His daughter started crying because of the commotion and loud banging. The Defendant left after his wife asked his cousin to call the police. Mr Mathiyalagan stated that he telephoned the police on 101 to report the incident and was asked to go and make a statement at Edmonton police station. He stated that he did so in the morning of Tuesday 06 March 2018.

7. On 26/02/2018, Mr Mathiyalagan stated that he returned from work at 11:30pm and went to the kitchen to get something to eat; his wife and daughter were already asleep. At about 11:45pm, while he was in the kitchen, he heard loud banging noises on his front door and rattling noises on his letterbox. He thought that his cousin had returned from work and was knocking on the door to be let in, he went to the door and spoke in his language but there was no response. He then opened the door and saw the Defendant standing outside his front door. As soon as the Defendant saw him, he ran away. The matter was referred to the police but no actions took place.
8. It is submitted that the Defendant should have been arrested, kept on remand and brought back to the County Court pursuant to CPR 65.47 which states as follows:
 - (1) *This rule applies where a person is arrested pursuant to –*
 - (a) *a power of arrest attached to a provision of an injunction; or*
 - (b) *a warrant of arrest.*
 - (2) *The judge before whom a person is brought following his arrest may –*
 - (a) *deal with the matter; or*
 - (b) *adjourn the proceedings.*
9. The Police are aware of the injunction order as they have been served with a copy of the same. However they have failed to enforce the terms of the interim injunction.
- 10.** The Claimant is therefore bringing an application for the Defendant's committal.