

The fact Simon is, effectively, a prisoner in his own home, due to the fact he is subjected to abuse by neighbours and the Claimant has repeatedly failed to properly investigate and address, if at all, Simon's concerns, given he is a vulnerable adult, it is averred the Claimant's actions in causing this situation to develop through its inaction amounts to degrading treatment;

b. Article 8 – Respect for Family and Private Life

Simon has a right to respect for his privacy, to peaceful enjoyment of his home, to play and take an active part in the community and be able to freely come and go from his home. By effectively making him a prisoner in his own home through its failure to investigate and address the abuse Simon is being subjected to by his neighbours, the Claimant has breached its obligations to respect his Convention right to family and private life;

c. Article 14 – Prohibition of Discrimination

Simon is a single man of mixed race and has a number of health issues which affect his ability to lead a normal everyday life. The Claimant has demonstrated no lawful reason or justification for treating Simon differently from his neighbours when he complains about abuse to which he is subjected, namely, the Claimant ignores his concerns, and acts on what are vexatious complaints against Simon from his neighbours. It is averred the Claimant's behaviour towards Simon in this respect is discriminatory and breaches his Convention rights under Article 14.

31. It should be noted that the Claimant is a public authority for the purposes of the Human Rights Act 1998. Section 6(1) of the Act states:-

“it is unlawful for a public authority to act in a way which is incompatible with a person's Convention rights.”

It is averred the Claimant's behaviour towards Simon is incompatible with his Convention rights under the Articles referred to above.

32. Simon has made no secret of the fact he is fearful of his neighbours making vexatious complaints against him to the Claimant when he ventures out of his flat to place domestic refuse in the bins provided by the Claimant.

33. Simon has been a tenant of the Claimant since 2006, meaning he is a secure tenant, and is entitled to peaceful enjoyment of his tenancy without interference from the Claimant. However, the manner in which the Claimant has treated him indicates the Claimant is breaching its landlord covenants by allowing other tenants to harass Simon, in that they are making vexatious allegations and complaints against him to the police and the Claimant. However, it is Lemmy Nwasbuisi's disclosure to PC Anthony which is of concern and indicates the Claimant is attempting to evict Simon from his home without lawful reason and at all costs without consideration for Simon's legal and statutory rights under Housing Law. Any reasonable person in possession of all relevant information would consider the Claimant's actions in this respect to be unlawful, if not, illegal. Section 1, Protection from Eviction Act 1977, in particular, falls to mind.