



The Vale Housing Association - V - Defendant

Anthony Collins Solicitors on the instruction of The Vale Housing Association made a claim for an Injunction against the Defendant. The Defendant was engaging in anti-social behaviour which included him sitting in the forecourt of the property shouting at cars and pedestrians as they went by. He also used the rear garden on a regular basis so that other residents felt unable to do so. He was heavily dependent upon alcohol and his behaviour was scaring children in the locality. He had been aggressive towards a neighbour and even tried to run one of the residents over with his motorised scooter. The Defendant seemed to have difficulties looking after himself and his property was dirty and a health hazard.

The Injunction claim was heard on notice initially and the Defendant did not attend. At the first hearing the Judge agreed to make an Injunction Order for two months with a return date a few days later to allow the Defendant to seek legal advice. The Judge unusually directed that the Claimant make all possible attempts to arrange for the Defendant to attend the hearing and for someone from Social Services to attend with him. Unfortunately, the Social Services Team were not prepared to be involved as the Defendant had refused support previously. A wheelchair accessible taxi was sent for the Defendant and he did attend the return date Injunction.

At the hearing the Defendant was not legally represented and the Judge found the allegations to be proven. An Injunction was made to last until July 2008 together with a Power of Arrest (on the non-violence clause). The Judge also made a costs order against the Defendant not to be enforced without a consideration of the Defendant's financial means.

This is an interesting case involving potential mental health problems. The Claimant went to great lengths to ensure that all avenues of support were pursued but the Defendant had refused them all. Therefore the Judge found that it was reasonable in the circumstances to make an Injunction Order together with a Power of Arrest.

If you have any queries or comments on this case please contact:

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