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**THE REPUBLIC OF TRINIDAD AND TOBAGO**

**IN THE HIGH COURT OF JUSTICE**

Claim #2009 - 01754

**Between**

**MOLLY PIERRE Claimant**

**AND**

**DAVID WONG KEE**

**and HOUSING DEVELOPMENT CORPORATION**

**Defendants**

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**Defence**

1. The 1st named Defendant makes no admission as to paragraph 1 of the Statement of Case as these facts are not within his personal knowledge.
2. The 1st named defendant admits paragraph 2 of the statement of Case that he was at all material times the tenant of all and singular that first floor apartment known as Apt.C Building 62/64 Nelson Street, Port of Spain, and has been in occupation of same prior to the 1st of August, 2008.
3. The 1st named defendant admits paragraph 3 of the Statement of Case that the second named defendant is the owner and landlord of the building 62/64 Nelson Street, Port of Spain and common landlord of the Claimant, 1st named Defendant and other tenants of the said building.
4. The first named denies paragraph 4 of the Statement of Case that he and other members of his family have since August 2008 and at any other time committed any acts of trespass, harassment and nuisance to and against the claimant on an ongoing and almost daily basis at all hours of day and night. He further avers that he is employed with Ministry of Works and Transport and go to work at 7:00 am in the morning and return home at 4:30 pm and his wife is also employed at Center Variety Stores in Independence Square North , Port of Spain and goes to work at 9:00am in the morning and returns home at 9:00 pm in the night and his children goes to school at 8:00am in the morning and returns to home at 4:30pm in the evening. Hence, He and his family are not in the home most of the day and only come home in the evening.
   1. He further denies that he ever used any threats, threatening words and threatening behavior directed towards the claimant.
   2. He further denies throwing pieces of wet toilet paper in and/or near the claimant’s apartment. He further avers that many strangers pass in that compound and throw box food, pieces of clothing, paper etc in the common areas of the claimant and him
   3. He further denies that He ever did acts of banging, hammering and throwing heavy objects on the floor above the claimant’s apartment or at all hours of day and night.
   4. He further denies that He ever did acts of rattling and banging on the galvanized area above the claimant’s window area with pipes and metal objects.
   5. He further denies that He made holes in the galvanized area above the claimant’s window area. He avers that the HDC in the exercise of their painting the walls accidently broke the galvanize and didn’t repair it. He further denies throwing any dust, dog hairs and other waste above the claimant’s window area frequently.
   6. He further denies Parking his motor vehicle in front of the claimant’s door , frequently revving the car’s engine causing the claimant’s apartment to be filled with exhaust fumes. He avers that the Second named defendant allowed his to park his car in the compound and he always parks his 4 metres away from the claimant’s apartment and he never parked his car in front of the claimant’s front door.
   7. He further denies that he ever set off his car alarm especially late at nights and early in the morning. He avers that his car alarm is kept deactivated all the time
   8. He further denies that he does any acts of repairing in front of claimant’s doorway frequently littering and soiling the area. He avers that he always gets his car repaired in an auto garage and he does not know how to repair cars.
   9. He further denies pouring water and other liquids over and above the claimant’s ceiling. He avers that he has his flooring tiled and ceiled with silicone.
   10. He further denies that he allowed his dogs to urinate above the claimant’s ceiling causing same to be discolored and stained. He avers that his dogs are trained propertly and always urinate in the grassed area. He further avers that he has since gave away his dogs to TTSPCA
   11. He further denies that he made holes in his apartment wall above the claimant’s step, placed a PVC pipe/tube in same from which to allow soapy and dirty water to fall upon the claimant’s step and floor.
5. The first named defendant denies paragraph 5 of the statement of case as these facts are not within his personal knowledge. He further denies that his behavior and threats have since escalated and became more intense.
6. The first named defendant denies paragraph 6 of the statement of case as these facts are not within his personal knowledge
7. The first named defendant denies paragraph 7 of the statement of case as these facts are not within his personal knowledge.
8. The first named defendant denies paragraph 8 of the statement of case as these facts are not within his personal knowledge
9. The first named defendant denies paragraph 9 of the statement of case as these facts are not within his personal knowledge and he contends that he did not do any acts in causing the claimant to suffer loss of sleep, distress and anxiety
10. The first named defendant denies paragraph 10 of the statement of case as these facts are not within his personal knowledge and he contends that he did not do any acts in causing the claimant to be deprived of her peaceful and quiet enjoyment of her apartment.
11. Save as to admissions hereinbefore expressly made, the first named Defendant denies each and every allegation and /or implication of fact contained in the Statement of case as if the same were specifically set out and traversed seriatim.

**I,Christopher Ross Gidla of 123 Duke Street, Port of Spain hereby certify that all facts set out in this Defence are true to the best of the 1st named Defendant’s knowledge, information and belief. I give this certificate of truth on the instruction of the 1st named Defendant.**

**Signed: ...................................**

**Christopher Ross Gidla**

**Attorney at Law for the first**

**Named Defendant**

I am acting for the defendant, my address for service is :123 Duke Street, Port of Spain.

Signed:.....................................

Christopher Ross Gidla

Attorney at Law for the first

Named Defendant

The Court Office is at Hall of Justice, Knox Street, Port of Spain, telephone number 628- 8529.The office is open between 8:00 and 4:00 pm Mondays to Fridays except Public Holidays and Court Holidays.

To: The Registrar

High Court of Justice

Hall of Justice

Knox Street

Port of Spain

AND TO:

Shaheed Hosein

Shaheed Hosein & Co

Corner Park & Abercromby Street

Port of Spain