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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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**Witness Statement of David Wong Kee**

I, Dave Wong Kee of 62/64 Apt C, Nelson Street, Port of Spain make oath and say as follows:-

1. I make this Witness Statement to provide evidence to this Honourable Court at the trial of the matter in Claim Cv 2009 – 03412 : Molly Pierre and David Wong Kee and Housing Development Corporation.
2. I am 48 years of age and a Messenger at Ministry of Works and Transport. I am married and have three Children, 14 years, 13 years and 9 years old. My Two boys go to School Cascade life centre and my daughter goes to wood brook Presbyterian School. My Wife works Centre variety Store North independence square.
3. I was born in the house situated at 62/64 Apt C, Nelson Street, Port of Spain, which belonged to my grand mother and was handed over to me.
4. The house was owned by the housing development corporation and I pay rent to the housing development corporation. I live on the first floor apartment. The Claimant lives on the ground floor apartment.
5. On or about August, 2008 the Claimant moved into the ground floor.
6. Some people used to play dice and cards in front of her apartment. She requested me to disperse the people when ever they are playing such dice or cards.
7. One day I do not remember the exact date but sometime in the month of August, I saw the same people playing the cards and I asked them to leave. The Claimant instead of supporting me said: “look how he running the black from here,” implicating me with the race difference.
8. Then I had to defend myself and told them she is the one who has requested me to do that..She seemed upset at that , that I was trying to expose her to the people. From that time She stopped talking to me and was saying abusive words whenever I passed in the area.
9. Then she started to say that you will see what this black woman could do. Then she said she do not like a coolie living over her roof. She indicated that she would do everything to see that she would have me removed from the apartment.
10. On the 22nd of October, 2008 I received a letter from the HDC that the tenant has made a complaint that I am playing excessively loud music and has a pet and to visit the social and community division.
11. On the 23rd of October, 2008 I went to the Office and met Miss Lalla who enquired of me whether I am playing excessively loud music. I told her I do not have a stereo set but two small desk computer speakers. Then she enquired of me whether I have any pets and I admitted that I have pets, ie two dogs who are properly potty trained and told them I am going to give them to theTTSPCA.
12. On the 8th of January, 2009 another complaint was made to the HDC about playing excessively loud music, playing of ball games in the apartment. On the same date I met Ms.Lalla and I told her that the complainant was dissatisfied with the stress created by other tenants. There are other people making noise all hours of the day and the night. A mechanic comes and repair automobiles right under Molly pierre window. This affects me too. The Complainant is also a member of the pan group known as “ Freelancers Pangrove” which is approximately 30 feet from her apartment, who practices Pan all the time. As she is not able to control them and was frustrated, she is trying to blame everything on me.
13. I told Ms. Lalla to have a mediation to find out exactly what is her real problem and find out exactly what she wants. Ms. Lalla Indicated to me that she already tried that and the response was that Complainant do not want any mediation.
14. The inter view was concluded and I was told that the report will be passed on to the supervisor.
15. On the 8th of February, 2009 the complainant started to bang on the concrete ceiling of the apartment 62-64 E
16. On the 19th of March, 2009 the complainant called me a thief and started to use abusive language towards me.
17. On 27th of March 2009, approximately 5:35 pm the complainant started to use abusive language and violent language and obscene language and made threats to stab me up and pull out a knife and I went away from the area and reported it to the Besson Street Police station.
18. On the 28th of March, I complained to the HD C about the complainant that she is harassing me, making threats towards me and my family.
19. The reporting officer Ms.Lalla told me that the report will be forwarded to the Supervisor.
20. The complainant constantly stands near her door and constantly tries to provoke me when ever I pass in front her door. She constantly would indicate that she would do everything to see that I would be thrown out of this apartment.
21. On a different Occasion the Complainant was standing inside of her apartment at the side of her front door adorned with nothing but a towel. She called me out and said “ your prick is dead” and then she exposed herself and said “ see if your tongue could stand up for this.” I ignored her and walked away from her and reported it to the Justice of the Peace who issued a summons for her to attend 2nd Magistrate Court.
22. I never used any threats or threatening words towards the Claimant.
23. I never threw any pieces of wet toilet paper in and/ or near the Claimant’s apartment. There are many strangers passing in that compound and eat their box of food, and leave their remains such as dirty napkins pieces of clothing, old news paper etc in the common areas of the claimant.
24. I never did acts of banging , hammering and throwing heavy objects on the floor above the Claimant’s apartment at any hour.
25. I never did any acts of rattling and banging on the galvanized areas above the Claimant’s window area with pipes and metal objects.
26. I never made holes in the galvanized area above the claimant’s window area. It was the HDC in a painting exercise of the walls that accidently broke the galvanize and the HDC did not repair it long before the Claimant was a tenant.
27. I never threw any dust, dog hairs and other waste above the Claimant’s window area.
28. I always park my car where the HDC told me to park which was 4 metres away from the Claimant’s apartment. I never caused any revving in order that the exhaust fumes escape into the Claimant’s apartment. I never set my alarm to set off at nights. My car alarm do not have a timing device that could be set off at specific timings. Moreover for peace sake I always turn my alarm off at nights.
29. I do not repair my car in the area , because I do not know how to repair cars and I always get my car repaired in an auto garage.
30. I never poured any water and other liquids over and above the Claimant’s ceiling. The Apartment has wooden flooring tiled and is sealed with silicone.
31. I never let my dogs urinate above the Claimant’s ceiling causing same to be discoloured and stained. The Dogs are properly trained and always urinate in the grassed area where I take them twice on a daily basis. Moreover, I have given away the dogs to TTSPCA since.
32. The Complainant caused a piece of PVC tube jutting out of her apartment front door making soapy water come out of the washing machine onto her steps.
33. Most the times I and my family is out of the apartment, the children are at School, my wife is at work and I am at work. I go to work at 7:00am and come home at 5:00 pm. I take my daughter to school for 8:00 am and pick her up at 3:00pm. My Sons finish school at 3:00 pm. My wife begins work at 9:00 and finish at 10:00 pm.
34. I have been brought up in Christian environment and go to church regularly and I am an altar server at the cathedral of Immaculate conception. I do not use obscene language and I brought up my children in Christian discipline.
35. Hence the allegations/Claim that is made against me is baseless.

I am willing to attend Court to give evidence in this matter

**STATEMENT OF TRUTH**

I believe that the facts stated in this Witness Statement are true

Dated this day of March, 2010

Dave Wong Kee