**CHRISTOPHER GIDLA**

**Attorney At Law**

**GIC2006148**

**Quamina, Gidla & Associates**

**123 Duke Street Port of Spain**

**Tel/Fax 624-4410**

**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**

**- - - -** ooo**000**ooo **- - - -**

**Affidavit in response**

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

1. I make no admissions as to paragraph 2 of the affidavit of the claimant as these facts are not within my personal knowledge.
2. I admit the paragraph 3 of the affidavit of the first defendant as to me being the tenant of the second defendant and My apartment is directly above the first defendant’s apartment.
3. I deny the paragraph 4 of the affidavit of the claimant, that I and my family began using threatening words and behavior towards the claimant and with various acts of harassment and nuisance..
4. I make no admissions as to the paragraph 5 of the affidavit of the claimant as these facts are not within my personal knowledge. I aver that HDC wrote to me on 22nd of October, 2008.They mentioned to me that the Claimant complained of keeping a dog, playing excessive loud music, and playing ball games. I explained to the HDC that I have two dogs for security reasons and would make arrangements of disposing of them. I further explained to them I do not own any music equipment to play excessive loud music and further my children do not play any ball games.
5. I make no admissions as to the paragraph 6, as these facts are not within my personal knowledge.
6. I make no admissions as to the paragraph 6, as these facts are not within my personal knowledge. However, on 16th April, 2009 the police handed me a letter addressed to David Wong Kee and since I am not David Wong Kee by Dave Wong kee I post the letter back to them.
7. I Deny the paragraph 8 of the affidavit. I was never abusive towards the claimant. I never threatened the claimant to do her any harm. I never threatened the claimant and her grand son that I would create more trouble that she could imagine. I never threatened to make any false charges against her grand son. I admit posting back the envelope since it is addressed to David Wong Kee and I am not David Wong kee.
8. I make no admissions as to the paragraphs 9 of the affidavit as these facts are not within my personal knowledge.
9. I deny paragraph 10 of the affidavit and have never did any acts as to make the claimant uncomfortable.
   1. I further deny that I ever used any threats, threatening words and threatening behavior directed towards the claimant.
   2. I further deny throwing pieces of wet toilet paper in and/or near the claimant’s apartment. I further aver that many strangers pass in that compound and throw box food, pieces of clothing, paper etc in the common areas of the claimant and me.
   3. I further deny that I 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. I further deny that I ever did acts of rattling and banging on the galvanized area above the claimant’s window area with pipes and metal objects.
   5. I further deny that I made holes in the galvanized area above the claimant’s window area. I aver that the HDC in the exercise of their painting the walls accidently broke the galvanize and didn’t repair it. I further deny throwing any dust, dog hairs and other waste above the claimant’s window area frequently.
   6. I further deny parking my 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. I contend that as per the HDC’s tenancy agreement the tenant’s are given permission to park one car, which I park 4 meters away from her front door.
   7. I further deny that I ever did any acts of frequently setting off the car alarm late at nights and early in the morning. I aver that I always deactivate the car alarm in my car.
   8. I further deny that I ever repaired my motor vehicle in front of the claimant’s doorway frequently littering and soiling the area. I aver that I always am in the habit of taking my car to seecharran car garage located at eastern main road, laventille. I do not know the techniques of repairing the car. I sometimes change the tyre of the car and that is the only activity I would engage as concerns my car.
   9. I further deny that I ever poured water and other liquids over and above the claimant’s ceiling. I aver that I ceiled and tiled my flooring with silicone, making it impossible for any water or liquids to seep through my flooring.
   10. I further deny that I allowed my dog to urinate above the claimant’s ceiling and caused same to be discolored and stained. I aver that my dogs are trained properly and I take them to the greens to urinate. At present I gave my dogs to the TTSPCA.
   11. I deny that I ever made hole in my apartment wall above the claimant’s step, and place a pvc pipe/tube in same f rom which I allow soapy and dirty water to fall upon the claimant’s step and floor. I further contend that it is the claimant who allows a pipe coming out of her door allowing soap and dirty water to fall upon the claimant’s step and floor, in an attempt to show I am doing the same. A copy of the photograph is hereby annexed and exhibited as DW1
10. I contend to deny categorically the matters complained of in the paragraph 12 of the said affidavit.

29.04.09

3:30 am I deny dropping heavy objects on the floor. Me and my family were sleeping at that time

6:16 to 6:50 am. I deny pounding with heavy object on the floor.

8:26am to 8:35am I deny rolling/throwing heavy objects on the floor, and pounding on the floor. I contend that I was at work during that time and my children at school and my wife is at work.

6:52 pm to 8:11 I deny pounding and dropping heavy objects on the floor with short breaks I between.

9:49 pm to 9:57 pm I deny throwing heavy objects on the floor.

11:13 pm to 11:47 pm I deny pulling objects across the floor. Heavy objects being dropped on the floor. I contend that me and my family go to bed at 9pm.

30.04.09

6:39am I deny pounding on the floor

7:30am I deny pounding on the floor

6:54pm I deny pounding on the floor.

30.04.09

6:56 pm I deny pounding on the floor

7:10Pm to 7:44pm I deny pounding on floor,and stomping on the floor and throwing heavy objects on the floor.

7:54 to 8:14 I deny pounding on the floor, dropping heavy objects on floor. I since then gave my dogs to TTSPCA

8:21pm to 8:27 pm I deny pounding on floor, and throwing objects on the floor

1. I deny the paragraph 13 of the affidavit and categorically deny the incidents.

9:05:09

9:55 am to 11:00am I deny fixing my car. I always take my car to seecharran garage situated at eastern main road Laventille. I wash my car at work in the compound of ministry of works building.

2:00pm I deny pulling things on the floor.

6:58pm to 7:37pm I deny pounding things on floor and throwing objects, and rolling things on floor.

10.05.09

9:39am to 9:42 am I deny pounding on the floor

10:49am to 10:54 am I deny pounding on the floor

1:16 pm to 1:21 pm I deny pounding on the floor.

6:30 pm to 6:32 pm I deny pounding on the floor

7:30pm to 7:58pm I deny pounding on the floor, pulling objects on floor and stomping on floor.

10:09 pm to 10:15 I deny pounding on the floor, pulling objects on floor . I aver that me and my family were sleeping at that time

11:00 pm to 11:08 I deny pounding on floor and stomping on floor and knocking floor with stick. Me and my family were sleeping at that time

12.05.09

7:50 am to 7:57 am I deny pounding on floor with heavy objects

8:25 am I deny throwing heavy objects on floor. I was at work at that time and my children were at school and my wife is at work at that time.

9:39 am to 9:47 am I deny pounding on the floor, and throwing heavy objects on the floor. I was at work at that tiem and my childred were at school at that time and my wife is at work at that time

10.05.09 to 10.11 I deny pounding on floor, and pulling objects on floor. I was at work and my wife is at work and my children are at school at that time.

7:00 pm I deny pounding on floor and pulling objects on floor

9:15 to 9:27 pm I deny pounding floor, and stomping on floor since I would be sleeping at that time.

10:31pm to 10:42pm I deny pounding floor.

11:23pm to 11:55pm I deny pounding on the floor since me and my family were sleeping at that time

14.05.09

5:26am to 5:30am I deny pounding on the floor with heavy object

7:00am to 7:12 I deny pulling objects on floor and dropping objects on floor.

9:35 am to 9:42 I deny throwing heavy objects on floor, objects throwing on ground since Me and family were away from the house.

8:15 pm to 8:27 pm I deny pounding on the floor

10:29 pm to 10:45 pm I deny pounding on floor, walking and stomping on floor since me and my family were sleeping at that time

11:22 to 11:30pm I deny pounding on floor, dogs running and barking. Since Me and my family were sleeping at that time and dogs were kept tied at night. I deny dropping heavy objects on the floor sinve me and my family were sleeping at that time.

1. I deny paragraph 14 of the affidavit. I did not subject the claimant to any behavior as to affect her health and make her nervous, anxious and stressed.
2. I deny paragraph 15 of the affidavit. I contend that my car’s alarm never went off since I always deactivate my car alarm.

I these circumstances the Claimant’s claim is baseless and hence do not need an order as requested.

Sworn to by within named ]

Dave Wong kee, this ]

29th day of June, 2009 at ]

]