



The Client Interviewing Competition for England & Wales

Training Day at Oxford Brookes University 2017

Topic: Neighbour Disputes (Bucket)

MEMO

Andrew/Andrea Bucket has made an appointment to see you about a letter referring to nuisance that he/she has received from his/her neighbour. Well kind of the neighbour. Sorry I couldn't be more precise; he/she wasn't clear.

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Training Day at Oxford Brookes University 2017

Topic: Neighbour Disputes (Bucket)

Your name is Andrew/Andrea Bucket. The name is pronounced Bouquet and after being teased when you were at school by being called the Bucket Boy/Girl, you now are sensitive about this fact and if it is pronounced incorrectly, correct them. If they get it wrong twice then you should react with some asperity and ask if they have actually been listening to what you are saying.

You are your own age and live at 123 Ziegler Lane, Oxford OX1 1EF. Make up a mobile telephone number and e-mail address; you do not have a landline. There are no problems with receiving mail at your address and you are happy to receive contact by phone or e-mail.

If asked for identification, you left it with their receptionist outside,

You've come to see the solicitors because of issues that you have had with a neighbour, although that isn't strictly accurate as will become clear.

By way of background, you are a gardener by trade and have irregular hours and work patterns. You therefore felt the need to find your own place as you were having problems with house mates, and living with your parents was not possible. With great help from your parents you therefore purchased a house about a year ago. You think you have been there just under a year and a half as you completed the purchase around August of 2015.

The property is a two bedroomed terraced with a small garden in the front and a much longer but narrower (about 25ft) garden at the rear. This is perfect as it allows you to do both of your hobbies which are gardening and exercise. The property is an end of terrace house and therefore you only have one neighbour; an Alice Young who lives at 121 Ziegler Lane.

You first met Mrs Young in the first week that you moved into the property because you went around to ask when the rubbish was collected. She is an elderly lady of around 80 and you found that you had a lot in common (pick one of your own favourite topics- films, sports, music etc).

Everything was fine and there were no issues. You spent at least one evening a week talking to Alice because she seemed lonely; no-one from her family was there and she enjoyed your company. You also helped her out by taking out the rubbish, buying things from the store- small things that she gave you the money for. You also helped her understand online shopping so she could get things delivered.

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Around January of this year, Alice went into hospital; you now know that it was for a serious case of flu, possibly influenza. You aren't really sure but she stayed away for about two months. When she came back, she was escorted by one of her sons, John Young who you now know to be a lawyer.

Since she came back you haven't seen her. You went around the day after she came back to her home but her son answered the door and said that the doctor had ordered bed rest. He didn't seem to like you and barely smiled; his first words when you identified yourself were: "oh...the gardener." You think he's a bit of a snob. In any event he told you that she wouldn't be available to callers and quickly shut the door.

You have no interest in interfering with a family affair but unfortunately things have developed. In the summer you began your favourite exercise of trampolining and you have a large trampoline for this purpose. You exercise at least once a day, normally for around an hour. Around October of last year, when you were exercising at around 5pm, John shouted at you to "shut that fucking racket". You went to remonstrate over the garden fence but he had stormed inside and slammed the door. On November 1st you received a letter from John complaining about the noise from the device and the "abominable, interminable, excruciating din".

In respect of the first part it is true that it is an old trampoline and that it makes a bit of noise; it squeaks and groans which you are used to. The "din" you presume to refer to your singing; you admit that you sign to your plants which every gardener knows is essential to make them feel loved. You are no Pavarotti but nor are you tone deaf and you don't sing loudly. If asked for a demonstration, you are shy of public demonstrations.

The bottom line is that in another letter two weeks ago he threatened legal action and "huge actual and punitive damages". You are scared and although you have ignored his letters in the past you decided that you should seek legal advice. You can't see how your neighbour can be concerned as she is confined to bed and they have triple glazing. John does sometimes work on his laptop in the garden when he visits but does he have any rights? And surely you aren't doing anything wrong? You are also concerned about the costs; you earn about £300 per week net of expenses but it is seasonal work and the winter is not a good season.

If they ask for the letters, say you didn't bring them but can e-mail them; ask for their e-mail addresses.

You should listen to any explanation and question anything you aren't sure about. React positively to what you think they believe is the best solution.

SUMMARY- POINTS TO REMEMBER

- Your name is spelled Bucket but pronounced Bouquet {Boo kay phonetically}

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- If they get it wrong once correct them, if more than once, ask whether they are listening
- When talking about how your friendship with the neighbour developed, try and digress until the lawyers bring you back on track.
- When the lawyers explain their advice, make sure to ask any questions that you aren't sure about (if a law student pretend you have no knowledge about the law!!)
- Be guided by the lawyers in their advice.

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