

Witness statement of: Keith Butterworth

Number of witness statement: 1

Exhibits: KB1

Date: 17 August 2018

CLAIM NO:3PB09876

**IN THE COUNTY COURT AT YARMOUTH
BETWEEN**

YARMOUTH DISTRICT COUNCIL

Claimant

-and-

MR KEITH BUTTERWORTH

Defendant

WITNESS STATEMENT OF KEITH BUTTERWORTH

I, Keith Butterworth, of 3 Field Street, Yarmouth, NR30 1BL, say as follows:

1. I am the Defendant in these proceedings and am the tenant of a flat at 3 Field Street, Yarmouth, NR30 1BL ("the property")
2. I have a secure tenancy and I live alone. I have rented my home from the Claimant for approximately 2 years.
3. I work as a cleaner for Tiptop Cleaners. I have a zero hours contract. In January 2018 my employer started to pay monthly rather than weekly. I also have a reduction in my hours because there was not as much work available after Christmas.
4. I was struggling with my finances because of the changes with my job and I fell behind with my rent payments.
5. I received some letters from my landlord which said that I was in arrears. I thought I would be able to catch-up with my rent when I was paid at the end of the month.
6. I also borrowed money for food and to top up my electricity meter from my friend, Julie Gibbings, during this time and I needed to pay her back when I got my wages.

7. When I was paid I was not able to pay my friend back and pay all the rent that I owed. I wasn't sure what to do and was scared to contact the Defendant. I told my boss that I was having problems and they said that there would be more hours next month so I thought I would be able to pay my arrears the next month.
8. I received more letters from my landlord, I have suffered from severe dyslexia all of my life and I struggle with reading. I was quite stressed when I got the letters so just tried to ignore it and concentrated on taking the extra hours at work.
9. I was struggling with my finances because even though I was back to working more hours I was being paid monthly and I was still trying to catch-up with the bills that I had missed and also managing on a monthly budget.
10. I received a letter from my landlord saying that they wanted to evict me. There was a notice seeking possession included with the letter. It told me to contact my housing officer but I didn't have any money to offer so I didn't think it was worth contacting them until I had something to offer.
11. The next month I had more hours so when I got paid I rang my housing officer, Jane Smith, and told her what had happened. I offered to pay my rent and an extra £50 per month. I said I could pay this amount extra each month. Jane Smith told me that she would only accept a payment plan if I completed an form online. I said I couldn't do this and just asked to pay the money over the phone but she said no, I had to fill in the form. I asked if they could help me and she just said I'd need to fill the form in.
12. I didn't tell my housing officer why I couldn't fill the form in, I am embarrassed about my dyslexia and don't like to tell people that I struggle with reading and understanding complicated documents and forms. I just ended the call. However my housing officer already knew about my dyslexia as she has helped me with forms before, like a housing benefit form when I first moved in.
13. I stopped opening the letters that I received as I got really stressed out trying to read them.
14. My housing officer telephoned me a few times but I didn't answer because I didn't know what else I could say.
15. I told my friend what was going on and she came round and opened the letters that I had received. There was a letter saying that I was being taken to court because I hadn't been paying my rent. I telephoned my housing officer and asked if I could do anything to stop it going to court. I told her that I already had offered to pay extra rent when we spoke before but she told me that it was too late and that because I'd ignored all the letters and telephone calls they had already applied to court.

16. My friend, Julie Gibbings, has helped me to write down what has happened and also reading the letters and court papers. She has also helped me to write down what money I have coming in and what is going out (see budget sheet KB1).
17. I am able to pay my rent plus £50 per month. This will clear my rent arrears within a reasonable period of time. I can afford to make these payments. Julie has also said that she can help me to arrange a standing order.
18. I think it is unfair that my landlord has taken me to court. I offered to start making payments towards my arrears but they refused to accept my money.
19. I have been treated unfairly because my landlord has a rule which means that people who can't complete forms online are at a substantial disadvantage. If my landlord had accepted my offer I would not have got into more arrears and could have avoided this court action.
20. I feel embarrassed and humiliated because of the way that my landlord has treated me. I have been very distressed about this whole situation and the idea that I might lose my home.
21. I don't think my landlord has thought about how their rules affect people with disabilities and they have not considered their duties under the public sector equality duty when making decisions to take people to court.
22. It would not be reasonable for me to lose my home. I also think that the way my landlord has treated me is unfair and I have been discriminated against. I should be awarded damages to compensate me for being discriminated and these should be set off against any remaining rent arrears.
23. I think my landlord's claim for possession should be dismissed because they have discriminated against me and/or it is not reasonable to grant possession to them.
24. In the alternative, if the court decides to grant my landlord a possession order, and if I have any rent arrears left I should be allowed to pay them back at £50 per month until they have been cleared.

Statement of truth

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

Signed....*K.Butterworth*

Keith Butterworth

Dated.....17 August 2018

To the Court Manager and to the Claimant

