

17 June 2016: Internal Trinity (Estates) Property Management Ltd email cc to Brethertons LLP (BRE). **Note that on 28 June 2016 the addressee, Dan Channon (Trinity), received a detailed letter of information and complaint from Chartered Accountant James Smith (Columba Gardens resident) on behalf of the residents of Columba Gardens.** It was therefore clear to Dan Channon – at the very least – that the residents shared the same grievances, but only McGovern & Bellivier were brave enough to take a stand against the **Persons With Significant Control**. The PSC in this case was evidently not the so-called Residents Management Company (not least because it did not have the necessary number of directors to authorise any action and not least because the residents expressly required action of Bellway Homes Ltd – **fulfilment of its obligations** - not action in the name of their company [RMC] against two fellow residents).

From: Nalaka Gammanpila [mailto:nalaka@trinityestates.com]
Sent: 17 June 2016 17:36
To: Dan Channon
Cc: Lorna Monks; Jaymisha Tailor
Subject: FW: DEFENCE C06YM581 CCMCC / 2nd request RE: Data Subject Access Request for Mark McGovern & Elodie Bellivier / Your Ref LJM/ESA/208048-00001 / CCMCC C06YM581

Hi Dan,

I'm not sure what correspondences have been recently exchanged between yourself and the debtor and also between the debtor and BRE.

I am sure that BRE would be willing to agree a reduction in costs to advocate settlement and would not in any way act unscrupulously, as suggested by Mr McGovern.

It seems Mr McGovern is trying hard to cause chaos and confusion by copying/involve various external bodies and senior figures and I would suggest that having provided satisfactory responses to all the queries you now try and avoid any involvement in the debt recovery action.

I note he directs the below email to yourself even though I suggested the 'flexibility'.

28 June 2016: Meeting at Columba Gardens between Trinity (Estates) Property Management Ltd's representative, Dan Channon, and two representatives of the residents of Columba Gardens – James Smith (Chartered Accountant) and Wendy Forster. See below.

28 June 2016: Columba Gardens/Foundry Court Residents Representative James Smith (Chartered Accountant) writes to Dan Channon of Trinity (Estates) Property Management Ltd in an attempt to "resolve matters":

From: fernandajames@uol.com.br
Sent: 28 June 2016 20:46
To: dan.channon@trinityestates.com
Cc: wrforster15@gmail.com; mark.mcgovern@gmail.com; fernandajames@uol.com.br
Subject: RE: Visit to Columba Gardens
Attachments: Soft_Landscaping_Plan.pdf; Memorandum_and_Articles_of_Association_4.pdf

Dan,

Firstly many thanks for taking the time out to visit Columba Gardens today and listen to our concerns. As I mentioned, Mark, Wendy and I have agreed with the other residents to engage with you in the first instance to try and resolve matters and in doing so we are representing as far as we can the collective views of the 30 dwellings in Columba Gardens.

To this end you should take these more collective disputes as supplementary to any specific disputes residents have raised with you individually and I would urge that any legal action currently in progress for non payment of management charges are placed on hold pending resolution of the most immediate actions discussed today.

I note that you took a number of pictures today to help articulate the state that the common land has been left in and as promised I attach a detailed schedule of the soft landscaping plan agreed between Bellway Homes Limited and Wokingham Borough Council as part of the broader planning application. I note that according to the plan the trees that should have been planted to line the entrance of the estate are "Acer Campestre" and "Acer Platanoides" to a specific size and spacing. What we have been left with are the Conifers that lined the entrance to the sales office.

Additionally the shrubs that were supposed to line the boundary of the estate on the common land have either not been planted to plan or have died out. According to the plan all planting is to be maintained by the developer for a period of 36 months or until it is "established". It is therefore our expectation that Bellway Homes Limited will both fund the shrubs and trees that need to be planted in accordance with the planning application and replace anything that has died out before the site is formally handed over to the Management Company.

I also attach the Memorandum and Articles of the Management Company as registered at Companies House.

You will note that Article 11 states that "**the developer shall be a member of the Company until such time as all units are sold**". Further, Article 5 states that "Unless determined by the members by an ordinary resolution, **the number of directors shall not be subject to any maximum but shall not be less than two**". Currently there is one director registered at Companies House whom is an officer of Bellway Homes Limited. As such the registered director is currently in breach of the articles, the remedies for which you will no doubt be familiar with.

I note that Article 3 states that "the Company's objects are to acquire, hold, manage and administer the property known as Foundry Court Wokingham" yet I can't seem to find notice at the land registry of the **transfer of the common land** from Bellway Homes Limited to Foundry Court (Wokingham) Limited. It therefore begs the question as to what it is you are managing as agent of the management company and under who's instruction?

I trust the above information will be of use. As agreed we look forward to hearing back from you **once you have had a dialogue with Bellway Homes Limited on the soft landscaping plan and the timetable for handover to the Management Company.** I suggest the other matters we discussed can be looked at in more detail with you at the first AGM.

Regards
James

8 July 2016: A Second Director was appointed to Foundry Court (Wokingham) Management Ltd.

- The Second Director was a director of Bellway Homes Ltd-incorporated companies,
- The Second Director was not a resident of “Foundry Court” (aka Columba Gardens, Wokingham, RG40 1GB).

14 July 2016: Columba Gardens resident Wendy Forster writes to Dan Channon of Trinity (Estates) Property Management Ltd:

De: "Wendy Forster" <wrfoster15@gmail.com>
Enviada: 2016/07/14 07:26:39
Para: dan.channon@trinityestates.com
Cc: fernandajames@uol.com.br, mark.mcgovern@gmail.com
Assunto: Columba Gardens

Good morning Dan,

We have not yet heard anything from you following your meeting with us over a fortnight ago on 28th June. Therefore we would now appreciate at least a progress report, even if you cannot give us a firm date for the next meeting here with yourself and one or more Bellway representatives to discuss the landscaping issues.

We look forward to hearing your update.

Regards
Wendy

15 July 2016: The First Director of Foundry Court (Wokingham) Management Ltd resigned.

15 July 2016: Companies House recorded on 9 August 2016 that another employee of Bellway Homes Ltd was appointed as a director on 15 July 2016.

15 July 2016: James Smith writes to Dan Channon of Trinity (Estates) Property Management Ltd. [See 5 August 2016 for the response.](#)

From: Enquiries - Andrade Smith & Son Chartered Accountants [<mailto:info@andradesmithandson.co.uk>]
Sent: 15 July 2016 21 :13
To: Dan Channon
Cc: wrfoster15@gmail.com; mark.mcgovern@gmail.com
Subject: Re: Columba Gardens

Dan,

Without Prejudice

Further to Wendy's e-mail below, I am rather disappointed that we have neither received correspondence from you on the matters discussed over two weeks ago nor have you responded to Wendy's follow up e-mail. In the meantime we have seen minimal works carried out at the site and nothing to address the concerns that we have raised formally with you on behalf of the residents.

As you noted , Trinity Estates has been appointed by Foundry Court (Wokingham) Management Limited , the members of which are the residents of Columba Gardens. As such Trinity Estates, and its appointed representatives, are accountable to the residents of

Columba Gardens I would therefore encourage you to provide a prompt response to the actions we agreed when you visited the site.

In case we have not received a detailed and satisfactory response from you by close of business Friday 22nd July 2016 we will move our complaint to stage 2 in your complaints procedure which will be undersigned by the residents of Columba Gardens.

Further, the residents of Columba Gardens have received a letter from you containing financial statements of Foundry Court (Wokingham) Management Limited. On behalf of the residents of Columba Gardens I would like to request the following from you;

1. Please provide an explanation as to why the accounts that have been prepared for the period 29th May 2015 through 31st January 2016 when the statutory year end of the Company is 31st July.
2. Please advise under what instruction has the limited audit of the financial statement been carried out.
3. Please provide a breakdown of the landscape maintenance charge of £832 for the six month period detailing the vendor, date of visits, price per visit and scope of work.
4. Please provide a schedule of public liability insurance showing the charge of £359.
5. Please provide a schedule of directors' and officers' liability insurance showing the charge of £140 and the names of the directors that this covers.

...

I would be grateful if you would provide this information at your earliest convenience and in any case by close of business 2.9th July 2016 so that this can be presented at the first meeting of the members of Columba Gardens where we will review and agree next steps.

Many thanks in advance

James C Smith

Andrade Smith & Son LLP

Chartered Accountants
3, Columba Gardens
Foundry Court
Wokingham
Berkshire
RG40 1GB

19 July 2016: The Directors of Foundry Court (Wokingham) Management Ltd (both being directors of Bellway Homes Ltd-incorporated companies) - whose founding Sole Member * was Steven Brown - issued the following PSC Confirmation Statement to Companies House:

- **“Persons with Significant Control.** The company has not yet completed taking reasonable steps to find out if there is anyone who is a registrable person or a registrable relevant legal entity in relation to the company”.
- * The Articles of Association prohibited this founding Member – Steven Brown – from continuing to be a Member of Foundry Court (Wokingham) Management Ltd pursuant to the transfer of all of the relevant freehold “units” (see Articles on pages 3-5 hereto) and prohibited any Director appointed by “the Developer” (Bellway Homes Ltd) from continuing to be a Director of Foundry Court (Wokingham) Management Ltd:

COMMENTS IN RESPECT OF THE ARTICLES OF ASSOCIATION

For the avoidance of doubt, the Foundry Court “retained land” (common areas transferred on 21 December 2017 but not completed until registration in 2019) is not a “Unit”.

For the avoidance of doubt, Steven Brown, would cease to be a Member of Foundry Court (Wokingham) Management Ltd upon the transfer of the thirtieth “Unit”.

For the avoidance of doubt, directors appointed to Foundry Court (Wokingham) Management Ltd by “the Developer” * would cease to have authority upon the transfer of the thirtieth “Unit”.

*** The registrable Person with Significant Control and known by all directors of Foundry Court (Wokingham) Management Ltd appointed before 2019 to have significant control.**

For the avoidance of doubt, no more than twenty-nine units have been transferred as at 4 July 2019 – there was no transfer of Plot 17. See 13 December 2018 ‘FACT’