

From coralmcvean@bigpond.com Tue Feb 8 10:30:08 2005  
Date: Mon, 18 Nov 2002 22:49:47 -0800  
From: coralmcvean <coralmcvean@bigpond.com>  
To: russellm@humbug.org.au  
Subject: re your e-mail

Dear Russell

We have just received your e-mail and have tried unsuccessfully to phone you a number of times. You don't answer and the time was approx 9.05 pm when we started. We hope you are OK

Let us deal with some points.

We have said to both you and the council that it would be our preference that the place be cleaned up. We feel ( unlike you ) that what you are doing detracts from the value of the property, and does not enhance it. That is ONE of our arguments. We have ALSO said many times that irrespective of our desire we cannot enter into the property to clean it without your permission. This is the advice given to us by the RTA and we repeat that belief. We have always said that the dispute is between council and yourself and we cannot have a part in it even though we have expressed our desire to have the yard cleaned. We implied to you and to the council inspector when we walked around the property some time ago that we wanted the yard cleaned. If council has taken that as an agreement to allow them with our blessing to come in and clean the yard that is their interpretation and should not be read as any intent on our part to undermine your dealings with council.. We vehemently deny any "plot" and "undermining intention" The letter was sent to us as owners of the property letting us know that the date of 21/11/2002 was the final date to have it cleaned outside council control. It is our understanding that if no cleaning occurs by that date they will seek court orders to do that cleaning. We have (as told to you ) sent you an RTA notice to remedy under separate cover as a method of showing that we care for the property. That of course is independent of council. Any action that council is taking is NOT with our blessing and we have said to you many a time that we wish the cleaning process could take place independently of council

Costs of cleaning ?? Coral has NOT told your parents that we would seek recovery of any costs from you if any council cleaning goes ahead . Quite the contrary!! Coral only just recently said to your parents that we would " wear " the costs because we didn't know what else to do. As to your being " kicked out of here " we VEHEMENTLY DENY saying anything like that. If you have that idea you HAVE received that impression from someone else and NOT us. I would imagine your father might have elaborated upon the possibility in conversation with you so as to make some points. He has OFTEN said that he " wouldn't want you on the streets " and we have said TIME AND TIME AGAIN that because you are Coral's brother that we would not want that either. Your being homeless is not one of our grand designs as you have implied. Nor might we say do we have a desire to "set you up" or " whiteant you " as you have said.

Russell, we have been open all the time. The council has said that unless we do something towards cleaning the yard, they would do it. They said that we should clean it up to save ourselves the money quoted and possibly further expenses. We have many a time ( as you well know ) implored you to allow us to get some people in as we did not want you to have to do it by yourself. We even held out the possibility of a rental holiday in the sense that no rental rises would occur for some agreed time if you would allow us to clean the yard. Nothing came of that.

As far as natural justice we as you know are no lawyers. We have simply tried to allow you to live a life in Brisbane in an area where you feel comfortable for as long as you wish to stay there. Does that give you a feeling of insecurity of tenure? We have attempted to let you live the type of life you desire in the type of environment in which you choose to live without much interference from us. Does that sound like a grand design to move you on? Don't you feel that that is the truth? If you don't then we must say that we have reached the end of the communicative road and don't know what else to say to you. It was the council that came along and disturbed your world - not US. We were/are prepared to have you there whatsoever and have TOL:D you so many times. It is the COUNCIL that is trying to enforce what they see as laws and regulations and that is something over which Coral and I have no control. We did NOT

imply to council that they have our blessing. We have no option but to follow a council process since the RTA has said that short of giving you a " notice to leave " we cannot enter the property. We would then have to (after two months) then get a court order to be able to proceed. Do you see us actively doing anything of that nature?? Of course not!! We are, even though you don't believe it, not taking any side of council. Our private wish is to have the place cleaned but we won't do that because you have said AGAIN and AGAIN that you don't want to go down that path.

It is not our desire to make you homeless nor to discriminate against you even though you are convinced of both of those beliefs. Of course we know that you are disabled and we know the history of your accidents/attacks to be not of your making. Why do you think that we will continue to provide a tenancy for you ( with due concern for our continued return on our investment ) along with the fact that you are Coral's brother?

Underlying all of your e-mail was ( to our untrained eyes ) a perception of legal action. This we can see you doing but with no real basis for that action if it occurs. We can tell you that we would fight for our credibility in this case. We would not allow you to drag us through a public arena and besmirch our good intentions when we first entered into a tenancy relationship with you. You can fight council all you like through legal processes and is your god-given right. As we have said AGAIN AND AGAIN this argument is essentially between you and council and we are caught up in it as owners of the property. If you attempt to take us to legal issues we shall stand proudly as having done the best we can with you for a long long time and will fight for our good name.

Regards Hugh and Coral

( we are posting a copy of this e-mail to Judy Magub , Councillor.)

