

THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
SAINT VINCENT AND THE GRENADINES
HIGH COURT CIVIL CLAIM NO. SVGHCV2007/0108

BETWEEN:

RHONDA SPENCER
of Layou

Claimant

AND

AARON THOMPSON
of Layou

Defendant

Appearances:

Mr. Jaundy Martin for the Claimant;
Mr. Joseph Delves for the Defendant

2010: May 10
2015: May 29

JUDGMENT

[1] **BRUCE-LYLE, J.** – The Claimant Rhonda Spencer of Layou in the Parish of Saint Patrick in the State of Saint Vincent and the Grenadines claims against the Defendant Aaron Thompson of Layou of Similar Parish in the State of Saint Vincent and the Grenadines the following orders and reliefs -:

- 1) A declaration that the Claimant is entitled to a one-half beneficial interest in the house situate at Bethany Hill, Layou, which she claims she and the defendant built and resided in whilst their common-law relationship existed.
- 2) Alternatively a declaration that the Claimant is entitled to such share, interest title or estate in the subject premises as the court deems just;
- 3) An order that the subject premises be valued and the claimants interests quantified in financial terms

- 4) An order that the Defendant do pay to the Claimant such amount found due upon the quantification of the Defendants interest in the premises;
- 5) An order that the Defendant do pay the Claimant the amount of \$7,062.00 being payment for the Defendant's goods wrongfully converted by the Claimant
- 6) General Damages for conversion.

[2] All this has arisen as the Claimant alleges that the Defendant has refused to permit the Claimant to recover her property and has failed and/or refused to account to the Claimant for any of the items of personal property set out in the above, and has converted the same to his own use.

[3] The Claimant alleges to have personally spent money to purchase blocks, cement, and other materials for the construction and improvement of their dwelling house. Further the Claimant alleges to have expended monies on the house on the reputed premises of the Defendant; that the premises were theirs and the implicit and explicit arrangement was that the house belonged to both of them;

[4] More interestingly and foolishly, it is alleged that the Defendant has kept the Claimants photo albums and her daughter's belongings and has refused to turn them over to the Claimant.

[5] From the above I find as a fact –:

- a) That the Claimant and the Defendant lived in a common-law relationship in the house at Bethany Hill, Layout;
- b) That the Claimant and the Defendant built the house at Bethany Hill, Layout;
- c) That the Claimant did contribute to the construction of the House at Bethany Hill, Layout
- d) That the Claimant is entitled to a share or interest in the house situate at Bethany Hill, Layout

- [6] I find as such based on the evidence adduced at trial and written submissions from both counsel at the end of the trial,
- [7] The difficulty this court faces is the absence of any receipts or figures to be able to quantify the Claimant's share or interest in the said property
- [8] I cannot draw any figure out of a hat and apportion that as the Claimant's share. She is entitled to a share no matter what arguments to the contrary the Defendant puts forward.
- [9] Accordingly, I would order that the property be valued and the Claimant apportioned a one-half share of the said property including the items she has listed as belonging to her and valued at \$7,062.00.

CONCLUSION

- [10] In all the circumstances the Claimant has presented a much stronger and compelling case than the Defendant. The Defendant's case amounts to a base denial which seeks to prevent the Claimant from having her share in the house in Bethany Hill and items of chattel she alleges she paid for. I therefore order that the said property be valued and the Claimant apportioned a one-half share with costs to be determined by the Master.

Frederick V. Bruce-Lyle
HIGH COURT JUDGE