

CHAMBER HEARING

Tuesday 17th March, 2009

BEFORE

The Hon. Mde. Janice George-Creque, Justice of Appeal

**COMMONWEALTH
OF DOMINICA**

Case Name

**Roslyn Burton v Wallace Riviere
[Civil Appeal No. 4 of 2008]**

On paper:

Applicant: Dyer & Dyer

Respondent: Ms. Singoalla Blomqvist-Williams

Issue:

Application for leave to appeal

Result:

**It was ordered that:
The Application for leave to appeal is granted.**

Reason:

Case Name

**Annette Casimir v Sharon A. Augustine
[Magisterial Civil Appeal No. 1 of 2009]**

On paper:

Appellant: Ms. Alix Boyd Knights

Respondent: Mr. David Bruney

Issue:

Civil Procedure – Appeal from Tenancies and Rent Control Tribunal – whether in the circumstances of the case the appeal ought to be made to a judge in chambers or to the court of appeal – sections 4(9) and 42 of the Tenancies and Rent Control Act Chap.54.72

Result:

**It was ordered that:
1. The appeal is dismissed.
2. The stay of execution dated 24th February, 2009 is lifted.**

3. Costs to the respondent in the sum of \$1000.00.

Reason:

- (1) The words “delivery of possession” contained in section 4(9) of the TRCA are analogous with the words “recovery of possession of any premises” and “the ejectment of a tenant therefrom” contained in section 33(1) of the TRCA.
- (2) The appeal concerns a notice to quit and an application for possession which falls squarely within the ambit of section 4(9) of the TRCA. The appeal ought to have been made to a judge in chambers in accordance with section 4(9). The Court of Appeal accordingly has no jurisdiction to hear the appeal which is not properly before this court.

**SAINT VINCENT
AND THE
GRENADINES**

Case Name

**Jonathan Peters v The National Commercial Bank (SVG) Ltd.
[Civil Appeal No. 25 of 2008]**

On paper:

Applicant: Unrepresented
Respondent: Unrepresented

Issue:

Application for leave to appeal arbitration award

Result:

**It was ordered that:
The Application for leave to appeal the arbitration award made on 25th July 2005 is refused.**

Case Name

**Bobby Joseph v The Queen
[Criminal Appeal No. 17 of 2008]**

On paper:

Applicant: Unrepresented
Respondent: The Director of Public Prosecutions

Issue:

Application for extension of time to appeal

Result:

**It was ordered that:
The Application for extension of time to appeal is refused.**

Reason: No good reason has been advanced for the delay in filing the appeal or making the application.

Case Name Josiah Rodney v The Commissioner of Police
[Magisterial Criminal Appeal No. 5 of 2009]

On paper:

Applicant: Unrepresented

Respondent: The Director of Public Prosecutions

Issue: Application for extension of time to appeal

Result: It was ordered that:
1. The Application for extension of time to appeal is granted.
2. The Notice of Appeal should be filed and served on or before the 31st day of March, 2009.

Reason: The Appellant was not aware of his right to appeal.

**TERRITORY OF
THE VIRGIN
ISLANDS**

Case Name Melvina Frett-Henry v Tortola Concrete Limited
[Civil Appeal No. 24 of 2008]

On paper:

Applicant: Harney, Westwood & Riegels

Respondent: McTodman & Co.

Issue: Application for extension of time to appeal

Result: It was ordered that:
1. The Application for extension of time to file a Notice of Appeal is granted.
2. The Notice of Appeal filed on the 17th day of December, 2008 is deemed to be properly filed.

Case Name Satyaprakash Rajmungal v Brian Penn
[Civil Appeal No. 1 of 2008]

On paper:

Appellant: Harney, Westwood & Riegels

Respondent: The Attorney General

Issue: Application for withdrawal of appeal

Result: It was ordered that:
The appeal is withdrawn and accordingly dismissed.

Reason: The parties agreed.