

## **CHAMBER HEARING**

**Tuesday 17<sup>th</sup> 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 24<sup>th</sup> 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 ejection 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 25<sup>th</sup> 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 31<sup>st</sup> 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 17<sup>th</sup> 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.