

IN THE GRAND COURT OF THE CAYMAN ISLANDS
HOLDEN AT GEORGE TOWN, GRAND CAYMAN.

IN THE MATTER OF A CLAIM FOR COMPENSATION BY
ANDERSON SQUARE DEVELOPMENT CO. LTD.
PROPERTY BLOCK 14BH PARCEL 103

AND

IN THE MATTER OF THE ROADS LAW 1974
AND THE LAND ACQUISITION LAW.

TO: His Excellency the Governor
FROM: The Chairman, Assessment Committee

REPORT

At the meeting of the Assessment Committee held at 3 p.m. on Friday 11th April, 1986 in the conference room of the Law Courts Building the above-mentioned matter was dealt with.

Present were the chairman and two members of the Committee Messrs Ezzard Miller and Mckeeva Bush. Also in attendance representing the claimant company was Mr. Naul Bodden a director of the said company. Watching the proceedings on behalf of the Government was Mr. A.H. Flatt, Lands officer of the Lands and Survey department.

The documents before the Committee were the claim letter, lands officer's report, breakdown of claim for redundant works, transfer form 14 BH 103, copy of land register, 14 BH 103, Gazette Notice, Registry Index Map, and Boundary Plan 147.

The statutory guidelines which determine the assessment of compensation under the Land Acquisition Law 1963 provides, inter alia -

- (a) That compensation shall be equal to the market value of the land at the time of the publication. In the subject case the relevant date is 10th March, 1984.

The Roads Law 1974 Section 10 (3) provides that in order to establish a bona fide case for compensation the Committee must be satisfied that the applicant has suffered or is likely to suffer undue damage or serious hardship by reason that, inter alia, the severing of such portion of land from his other land; or the injurious effect on his other land of loss of such portion thereof, exceeds the advantage gained to the applicant by

the presence of the new or improved road adjacent to his land.

The Claimant Anderson Square Development Co. Ltd. is the registered proprietor of Block 14 BH Parcel 103. The land forms part of a major part of the side which has now been developed to accommodate the Anderson Square Commercial complex of shops and offices.

The original claim dated 22nd March, 1984 for compensation in the sum of C.I. \$67,516.72 for the loss of 2,982.16 square feet of land has now been abandoned as evidence was produced to show that the Central Planning Authority approved the development scheme on the understanding that approximately 2,500 feet of land would be required for road widening purposes. Consequently the claim for loss of land was not appropriate.

The present claim is for:-

- (1) Compensation for stamp duty.

Land cost: CI \$55,062.72 x 7½% = CI \$4,129.70

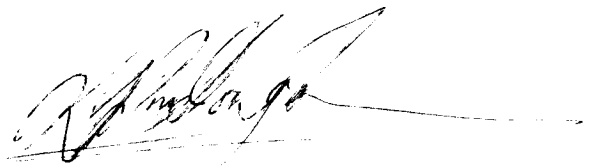
- (2) Redundant works: CI \$12,454.00

Total claim = CI \$16,583.70


The Committee however took the view that the claimant, having had notice of the Central Planning Authority's decision, ought to have known that the land would have been acquired by government. They nevertheless went ahead and not only paid the stamp duty, but carried out work, which after the impending acquisition, would have had to be abandoned.

Therefore, a claim for compensation cannot be established and the claim must fail.


Accordingly the Committee does not recommend the payment of any compensation to this claimant in respect of Block 14 BH Parcel 103.



Hon. Kipling Douglas - Chairman



EZZARD MILLER - Committee Member



McKEEVA BUSH - Committee Member