

NEWS**Privy Council rules in landlord's favour**

LAUREL V WILLIAMS THURSDAY 18 AUGUST 2022

**File photo**

The Privy Council ruled in favour of a landlord who appealed a decision over his deceased tenant's daughter's rights to renew a lease for a parcel of land.

The Privy Council handed down the judgment on Monday, giving Mohan Jogie the green light to sell his land at 100 per cent of its market value.

In 2012, Angela Sealey, the daughter of his deceased land tenant Cynthia Abbott, took him to court.

Abbott had leased the parcel of land at Bhagoutie Trace in San Juan from Jogie's family.

Court documents said the lease was to last for 30 years and, at any time during the first 30 years, Abbott or her successors could renew once for a further 30 years.

The first period of 30 years of the lease expired on May 31, 2011.

Abbot died on December 21, 2006, without a will and had given no notice to renew the lease before her death.

On January 11, 2011, a few months before the expiry date of the first 30 years, Sealey gave Jogie a renewal notice.

She alleged that before and after May 31, 2011, the landlord attempted to prevent her from entering the land.

On February 1, 2012, she began legal action as the "representative" of her mother's estate.

At that stage, Sealey had not obtained the grant of administration.

She submitted to the court that she was entitled to buy Jogie's land at 50 per cent of the market value or not at all if she chose to remain a tenant paying a nominal rent.

She won three times –at the High Court and the Appeal Court on her substantive claim. In addition, she successfully resisted Jogie's application for permission to appeal to the Privy Council.

A reserved judgment containing three separate decisions from Lord Burrows, Lady Arden, and Lord Leggatt, the Privy Council comprehensively reviewed the law from 1603 to date.

They unanimously upheld the landlord's appeal reversing the decisions of the High Court and Appeal Court in their entirety.

Court documents said their decision was based on the relation back doctrine that could not validate the daughter's lease renewal. That would undermine the landlord's vested proprietary rights, causing unacceptable uncertainty for the landlord.

It was also because the relation could not validate an invalid claim when it commenced.

Attorneys Anand Beharrylal QC, Sian McGibbon and Melissa Ramdial, instructed by Ronald Dowlath, represented Jogie.

Attorneys Keston McQuilkin and Andre Rudder, instructed by Charles Russell Speechlys, represented Sealey.