

Sassy Garcia (Appellant) v Arima Door Centre Holding Company Ltd (Respondent) (Trinidad and Tobago)

Case ID: JCPC 2021/0069

Jurisdiction: Court of Appeal of the Republic of Trinidad and Tobago

Case summary

Issue

A landowner has the right to recover possession of his land if it is occupied without his authorisation by another person, including a former tenant. The landowner must bring his claim within sixteen years.

The issues in this appeal are (1) whether the sixteen year period begins to run from the date on which rent was last paid, and, if so, (2) when rent was last paid in respect of the land with which this case is concerned.

Facts

The Appellant, Ms Garcia, has lived at 10 Farfan Street, Arima ("the Property") for many years. The Property was first let to her father in September 1971. After her father died in February 1996, Ms Garcia continued to occupy the Property

The Respondent, Arima Door Centre Holding Company Ltd ("Arima") became the owner of the Property in March 2012. Arima asked Ms Garcia to vacate the Property, but she failed to do so. Arima therefore commenced legal proceedings against her in May 2012.

The High Court of Trinidad and Tobago found in Arima's favour and ordered Ms Garcia to vacate the Property. The Judge determined that rent was last paid in respect of the Property in August 1996, and that Arima had properly brought its claim within sixteen years of that date. The Court of Appeal of Trinidad and Tobago dismissed Ms Garcia's appeal against that decision. Ms Garcia now appeals to the Judicial Committee of the Privy Council.

Parties

Appellant(s)

Sassy Garcia

Respondent(s)

Arima Door Centre Holding Company Ltd

Appeal

Justices

Lord Briggs, Lord Kitchin, Lord Leggatt, Lord Stephens, Lord Richards

Hearing start date

4 July 2023

Hearing finish date

4 July 2023

Watch hearing

4 July 2023 [Morning session](#)