

**The Eastern Caribbean Supreme Court**

**In the Court of Appeal**

**Commonwealth of Dominica**

**DOMHCVAP2015/0005**

**DOMHCVAP2015/0009**

**BETWEEN:**

- 1. Frederick Baron**
- 2. Arthurton Martin**
- 3. Severin McKenzie**
- 4. Joan Etienne**

Appellants

and

**Blaircourt Property Development Ltd.**

Respondent

**Certificate of Result of Appeal**

This appeal was heard on 26<sup>th</sup> April 2022 by His Lordship, The Hon. Mr. Davidson Kelvin Baptiste, Justice of Appeal, Her Ladyship, The Hon. Mde. Gertel Thom, Justice of Appeal, and His Lordship, The Hon. Mr. Paul Webster, Justice of Appeal [Ag.] in the presence of Mrs. Cara Shillingford-Marsh for the appellants and Mrs. Heather Felix-Evans for the respondent.

**I HEREBY CERTIFY** that on the **23<sup>rd</sup>** day of **November** 2022 the Court made an Order as follows:

- 1. The appeal is allowed.**
- 2. The order and declaration of the learned judge that:**
  - a. The defendants are liable in trespass with respect to the Blaircourt property.**
  - b. Atherton Martin, Severin Mc Kenzie, and Joan Etienne must each pay \$1,500.00 and Frederick Baron \$1,000.00 as damages to the claimant.**
  - c. The defendants each pay the claimant, \$5,000.00 as exemplary damages; and**
  - d. The claimant is entitled to prescribed costs, are set aside.**

DOMHCVAP2015/0005

DOMHCVAP2015/0009

Certificate of Result of Appeal dated 23<sup>rd</sup> November 2022

Page 1 of 1

3. The appellants are awarded prescribed costs in the court below and ten percent on appeal.
4. The counter-appeal is dismissed.

Dated the 23<sup>rd</sup> day of November, 2022.



  
Chief Registrar