

CAUSE NO. 154/84

IN THE MATTER OF A CLAIM FOR COMPENSATION  
BY MRS. E. M. EBANKS MCLAUGHLIN REGISTERED  
PROPERTY OF BLOCK 20B, PARCEL 70

AND

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

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

R E P O R T

The Assessment Committee met at 2:30 o'clock in the afternoon of 28th August, 1984 in the Magistrate's Chambers.

The matter dealt with was a claim for compensation by Mrs. E. M. Ebanks McLaughlin, registered proprietor of Block 20B Parcel 70 under the Roads Law 1974 and the Land Acquisition Law.

Present were the Chairman and two members of the Committee, Messrs. Craddock Ebanks and Dalmain Ebanks. Also in attendance was the applicant Mrs. Ebanks McLaughlin accompanied by her architect Mr. Peter Isbell. Watching proceedings on behalf of the Government was Mr. A. H. Flatt, Lands Officer of the Lands and Survey Department.

Lands and Survey Department plan T.12 and Sketch Plan A of Block 20B (Part) were referred to for identification purposes.

The statutory guidelines which determine the assessment of compensation under the Land Acquisition Law 1963 provide 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 November 1982.

The Roads Law 1963 Section 9 stipulate that where the Assessment Committee is satisfied that the applicant has suffered or is likely to suffer undue damage or serious hardship at the time of the taking of the portion of land, inter alia, the Assessment Committee shall assess the amount of compensation to be paid to the applicant.

The Claimant Mrs. E. M. Ebanks McLaughlin is the registered proprietor of Block 20B Parcel 70 of George Town East. The Claimant is seeking the grant of a portion of land which is in crown ownership, in lieu of monetary compensation for the loss of a part of her property by the construction of Owen Roberts Drive.

Prior to the construction of Owen Roberts Drive, there was no formal access to the site. Access to 20B 70 the Palm Grove Inn, was gained by

passage across the airport site. This access was enjoyed by express grant of easement from the crown.

The consequence of the public works has been to bring a major and most important commercial thoroughfare to frontage with claimant's land thereby increasing its value and facilitating commercial ventures at the approach to the Principal International Airport. Advertisements proclaiming the opening of a "motorcar hire" venture based at the Palm Grove Inn 20B 70 have recently appeared in the press and a large sign indicating the venture now adorns the building. This contributes to the illustration of commercial advantage now introduced by the Owen Roberts Drive.

From the valuation viewpoint it can be shown that a very substantial capital gain has accrued to the Claimant's land 20B 70 as a direct result of the public expenditure in the construction of Owen Roberts Drive.

The Claimant alleges that in March 1983 she was offered the portion of Parcel 126 which she now seeks by Mr. David Conolly, the then Lands Officer, but that she declined as she then felt that the exchange was not to her advantage.

She also claims that as a result of the construction of the road she lost nine coconut trees valued at \$2,000 each, one Ponciana at \$2,000, a fence valued at \$6,000 and the value of land taken valued at \$6,500 making a total of \$32,500.

Although this estimate was, in the opinion of the Committee, somewhat inflated, the compensation was assessed by the assistance of Mr. Flatt who had visited the site and made a valuation report.

Assessment of Compensation.

Disregarding new road.

BEFORE ACQUISITION

Total area of site 43,560 feet<sup>2</sup> at \$1.68 = \$73,180

AFTER ACQUISITION

Total area of site 43,560 feet<sup>2</sup>  
Less 3,920 feet<sup>2</sup>  
39,640 feet<sup>2</sup> at \$1.68 = \$68,595

APPARENT LOSS C.I.\$ 6,585

With benefit of new road.

AFTER ACQUISITION.

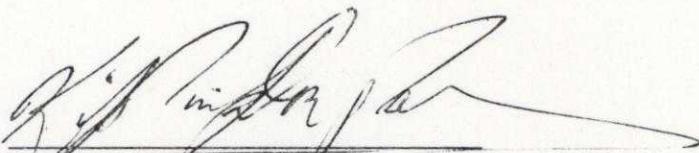
Total area of site 39,640 feet<sup>2</sup> at \$4.00 C.I. \$158,560  
Less value before Public Works 73,380

BETTERMENT C.I. \$ 75,380

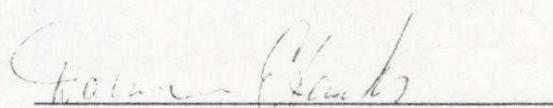
It is therefore clear that no diminution in the value of the claimant's holding 20B 70 can be found. Nor can the loss of her trees and fence be considered to have caused her undue damage or serious hardship.

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 the said Block 20B, Parcel 70 East George Town.

  
Kipling Douglas, Chairman

  
Craddock Ebanks, Committee Member

  
Dalmain Ebanks, Committee Member

To: Land Office  
no further action

