



BETWEEN: Lyn George & Robert George
Claimants

AND: lawilum Oliver & Amon Olivier
Defendants

Date: 14 November 2022
Before: Justice V.M. Trief
Counsel: Claimant – Mrs S. Motuliki
Defendants – Mr R. Tevi

JUDGMENT

A. Introduction

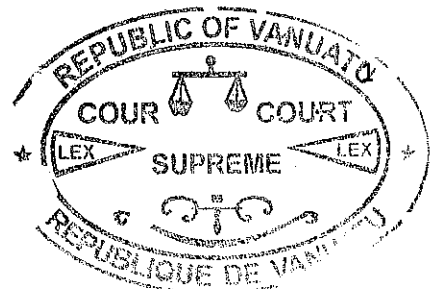
1. The Defendants lawilum Oliver and Amon Olivier's Memorandum filed on 9 November 2022 stated that the Claim filed on 3 March 2022 will not be contested 'as their defence under section 17(g) of the *Land Leases Act* looks uncertain'.
2. No Defence having been filed, I now consider whether or not the Claim seeking the eviction of the Defendants has been proved.

B. The Claim

3. The Claimants Lyn George and Robert George are alleged to be the registered proprietors (the lessees) of leasehold title no. 12/0921/148 (the 'property'). Further, that the Defendants are occupying the property without their permission and/or right otherwise. Finally, that despite demand and notices, the Defendants have not vacated the property.

C. The Evidence and Discussion

4. By his Sworn statement filed on 3 March 2022, Robert George evidenced that he and his wife Lyn George are the registered proprietors of the property located at Etas Area on Efate. A copy of the Advice of Registration dated 19 March 2021 was attached as "**Annexure RG A**".
5. Mr George also deposed that on 25 August 2021, he, the Defendants and Glen Craig attended a meeting facilitated by Chief Inspector Davis Saravanu of the Police. At the meeting, the Defendants requested 4 months to move out. This was agreed to. However, the Defendants have not yet moved out.



6. Mrs George by her Sworn statement filed on 3 March 2022 also attached a copy of the Advice of Registration for the property and confirmed that the Defendants continue to occupy the property despite the notices to quit given to them.
7. Glen Craig's Sworn statement was filed on 13 April 2022. He deposed that on 16 March 2021, Pacific Advisory, on behalf of Mr and Mrs George, delivered a notice to quit to the Defendants, giving them until 30 March 2021 to vacate the property. Attached as "Annexure GG A" were copies of the notice and its service receipt.
8. Mr Craig deposed that on 25 August 2021, he attended the meeting organized by Chief Inspector Saravanu. At the meeting, the Defendants requested 4 months to allow them to move out. However, they have not moved out. Therefore on 4 January 2022, Pacific Advisory on behalf of Mr and Mrs George issued a 'Trespass Notice' to the Defendants. This was attached as "**Annexure GG B**". Despite this, the Defendants continue to occupy the property.
9. Having considered the evidence, I am satisfied that the Claimants are the registered proprietors of the property. Further, that the Defendants are occupying the property without the Claimants' permission. The Defendants do not have a right otherwise to occupy the property. Finally, that despite notices given, the Defendants have failed to vacate the property.
10. The Claim has been proved on the balance of probabilities.

D. Result and Decision

11. For the reasons given, judgment is entered for the Claimants and it is **ordered** that:
 - a. The Defendants are to vacate leasehold title no. 12/0921/148 located at Etas Area on Efate within 3 months from the date of service of this decision;
 - b. The Defendants are restrained from re-entering and trespassing on the property; and
 - c. Costs follow the event. The Defendants are to pay the Claimants' costs as agreed or taxed by the Master. Once set, the costs are to be paid within 21 days.

E. Enforcement

12. Pursuant to rule 14.37(3) of the Civil Procedure Rules, I now schedule an Enforcement Conference **at 8am on 14 February 2023** to ensure the judgment has been executed or for the Defendants to explain how it is intended to comply with this judgment. For that purpose, this judgment must be personally served on the Defendants.
13. The listing for 27 June 2023 is **vacated**.

**DATED at Port Vila this 14th day of November 2022
BY THE COURT**

.....
Justice Viran Molisa Trief

