

**EASTERN CARIBBEAN SUPREME COURT
GRENADA**

**IN THE HIGH COURT OF JUSTICE
(CIVIL)**

CLAIM NO. GDAHCV2024/0491

BETWEEN:

IN THE MATTER OF THE POSSESSORY TITLES ACT 22 OF 2016

VERONICA JENNIFER PETERS

Applicant

and

GULLY THORNHILL

Opposer

THE ATTORNEY GENERAL

Interested Party

Before:

The Hon. Mde. Justice Agnes Actie

High Court Judge

Appearances:

Ms. Netfa Francis for the Applicant

Mr. Kenneth Fortune for the Opposer

Ms. Sydney Walker for the Interested Party

2026: April 14th;
June 2nd; 9th.

REASONS ON RULING

[1] **ACTIE, J.:** On 2nd June 2026, the court delivered an oral decision refusing the applicant's application, filed on 29th November 2024, for a declaration of possessory title to a parcel of land at Brizan in the parish of St. George ("the disputed land"). These are the court's reasons for that refusal.

Applicant's case

- [2] The Applicant, Veronica Jennifer Peters, states that she has been in exclusive and undisturbed possession of the disputed land for more than twelve years. She says the land was previously occupied by her aunt, Magdeline Edwards, who gave her permission to live there in the 1980s. Magdeline Edwards died in 1996.
- [3] Ms. Peters asserts that she built a wooden and concrete dwelling house in 1984 where she resided until she migrated to the USA in 1993. In 1990s, she caused a shop to be constructed on the land. In 2004, the shop and the dwelling house were destroyed by Hurricane Ivan, and Ms. Peters caused the shop to be rebuilt. In May 2024, Ms. Peters cleared the wall structure of the dwelling house and reconstructed its pillars. The evidence establishes that, in more recent years, Ms. Beverley Nelson oversaw the operation of the shop on behalf of Ms. Peters.
- [4] Ms. Peters avers that there was an old structure on the land that formerly housed the local building society ("the community building"). She says she used the community building for parties and that, after Hurricane Ivan, the Government of Grenada sought her permission to use it as a preschool. The preschool has since relocated.
- [5] Ms. Peters contends that she maintains the land and has never accounted to anyone for the use of the land. Ms. Peters further states that no one has ever challenged her ownership of the disputed land.

The Opposer's case

- [6] On 17th February 2025, Ms. Gully Lesliann Thornhill, daughter of Leslie Roberts and Ms. Peters' cousin, filed an entry of appearance. On 20th August 2025, she filed an affidavit pursuant to section 15 of the Possessory Titles Act. Ms. Thornhill states that Ms. Peters migrated from Grenada between 1993 and 1995 and that the dwelling house formerly on the land was damaged by Hurricane Ivan. She says the house remained dilapidated and unrepaired for several years before it was eventually demolished. In 2024, new pillars were erected on the land.

- [7] Ms. Thornhill admits that the shop on the land was operated by Ms. Peters prior to her migration, and that upon her departure, the shop ceased operations and remained closed for a period. Between the years 2009 and 2010, Ms. Peters' brother, Clement Williams and one Quamie James recommenced operations at the shop. Their tenure lasted three years and the shop was closed again. Ms. Thornhill states that between the second closure of the shop in 2013 and its sporadic reopening in 2023, the portion of land on which it stood was vacant and unattended, and that the public would use it to loiter, smoke and gamble.
- [8] Ms. Thornhill contends that the disputed land includes a separate board and concrete structure, known as the community building. According to her, it served as a society building in 1987, operated as a preschool until 2000, and was also used by the Pentecostal church for meetings. She further states that Mr. Martin Carlyle Mitchell, the church leader, still has the keys to the building.
- [9] Ms. Thornhill argues that Ms. Peters did not exercise continuous, exclusive and undisturbed possession for the statutory period. She submits that significant portions of the disputed land were unoccupied, unused or occupied by third parties, including members of the public, none of whom recognised Ms. Peters as the owner.
- [10] Ms. Thornhill relies on the principles set out in **Powell v McFarlane**¹ and **JA Pye (Oxford) Ltd v Graham**² submitting that Ms. Peters has not demonstrated the requisite degree of factual possession or intention to possess. Ms. Thornhill further argues that factual possession is established only where the alleged possessor has dealt with the land as an occupying owner might have been expected to deal with it and where no other person has done so³.
- [11] Ms. Thornhill further relies on **Winston Molyneux v Smith et al**⁴ in support of the requirement for both factual possession and the intention to possess.

¹ (1977) 38 P & CR 452

² Paragraph 40

³ JA Pye (Oxford) Ltd Paragraph 41

⁴ BVIHCVAP2009/0022

- [12] Ms. Thornhill states that Ms. Peters was never recognised as the owner of the entirety of the disputed land and that the land forms part of unadministered family land.

The Evidence

- [13] Ms. Peters' application is supported by the evidence of Ms. Beverly Nelson and Mr. Michael McEwen.

- [14] Beverly Nelson, aged 51, has known Ms. Peters for more than 10 years. At trial, she stated that she had been overseeing Ms. Peters' shop for about three years. Before that, she said, Ms. Peters' brother operated the shop until 2015. Ms. Nelson also stated that when she began working at the shop, the area was overgrown and she had it cleared and the debris removed by truck. She further said that she had seen villagers tying their animals on the disputed land.

- [15] Michael McEwen, at trial, stated that he has known Ms. Peters for over 40 years, and that he used to run the shop during the years 1994 and 1995, following which "the shop buss", and business ceased. He further stated that he did not know how long the shop remained operational thereafter, but he believed it to be for less than five years. Mr. McEwen further stated that there was a preschool and church on the disputed land.

Brief Case History

- [16] When the matter came on for trial on 14th April 2026, the court directed Ms. Peters to serve the Director of Lands and Surveys and the Attorney General's Chambers with the application and supporting documents. The court also directed that Martin Carlyle Mitchell be served with those documents and file a response.

- [17] Mr. Mitchell, a minister of religion affiliated with the Garden of Prayer denomination, gave evidence on the return date of 2nd June 2026. He stated that the community building had been constructed on the disputed land by 1987 and was treated as a community centre. He also said that, on behalf of the church, he sought permission from the Government of Grenada to use the building.

[18] Mr. Mitchell stated that the church occupied and used the community building from 1988 to November 2018, and that during that period Ms. Peters was never recognised as its owner or as the person in control of it. He added that other members of the Brizan community also used the building during the church's occupancy. He further stated that a preschool operated there on weekdays, while the church used it for worship and prayer meetings. When the church vacated the community building in 2018, it kept the keys. Mr. Mitchell stated that Ms. Peters neither demanded rent, asserted ownership, nor attempted to remove the church from the premises.

Legal Analysis

Whether Ms. Peters is entitled to a possessory title

[19] **Section 2 of the Possessory Titles Act** (hereafter referred to as "the Act"). prescribes the meaning to be attributed to "adverse possession" as:

"factual possession of an exclusive and undisturbed nature of a piece or parcel of land in Grenada for a continuous period not less than twelve years immediately preceding the claim, accompanied by the requisite intention to possess the said land as owner thereof."

[20] The Act clearly requires an applicant to establish continuous, uninterrupted possession.

Continuous possession

[21] The court accepts that Ms. Peters resided on the disputed land before migrating to the United States in or about 1993. The evidence further shows that the dwelling house was severely damaged by Hurricane Ivan in 2004 and remained dilapidated for several years, until reconstruction began in the same year that Ms. Peters filed her application for title. This evidence does not establish continuous occupation or physical control of that part of the disputed land throughout the statutory period immediately preceding the application. In addition, the aerial survey filed in support of the application does not clearly show a dwelling house on the disputed land.

[22] With respect to the shop, Ms. Peters' evidence is that the structure was rebuilt following Hurricane Ivan and was operated on her behalf. However, the evidence discloses significant periods of closure and inactivity, including extended intervals during which the shop was not in operation. Moreover, the evidence relating to the operation of the shop on behalf of Ms. Peters after her migration is not consistent. Ms. Nelson's evidence speaks to oversight of the shop during the period of three years prior to the trial date, while other evidence indicates that different individuals operated the shop at various earlier periods.

[23] Furthermore, Ms. Nelson testified that when she commenced operation of the shop the land was overgrown and required cleaning. She also observed members of the public tying their animals on the disputed land.

[24] The evidence indicates that the disputed land is comprised of distinct areas, namely the site occupied by Ms. Peters' dwelling house, the portion upon which the shop is situated and the community building.

Exclusive possession

[25] The court finds that the portion of the disputed land on which the community building is located was used and freely entered by members of the public without restriction or exclusion. Unrestricted public access is inconsistent with the exercise of exclusive possession by an occupying owner during the statutory period required under section 2 of the Possessory Titles Act, and with the exercise of dominion by an occupying owner within the meaning of **JA Pye (Oxford) Ltd**⁵.

[26] In her application, Ms. Peters referred to the community building as a structure which had been used as a preschool and which she had previously utilised for social events. However, the application did not disclose that the building had been occupied and utilised by a church from approximately 1988 until 2018.

[27] Ms. Peters further asserted that, before her migration, she possessed and controlled the community building and used it for social events. However, Mr. Mitchell's evidence was that permission for the church to use the building was

⁵ [2002] UKHL 30

obtained from Government officials responsible for managing the community centre, not from Ms. Peters, and that during the church's occupation she was not recognised as the owner or person in control of the premises.

[28] Ms. Thornhill argues that intention to possess must be demonstrated through acts of supervision control management or assertion of ownership whether personally or through agents⁶, and relies on **Raymond Meadows v Keith Rolle**⁷ in support of the requirement that possession be evidenced by conduct consistent with ownership.

[29] The court notes material inconsistencies in the evidence adduced at trial and in support of Ms. Peters' application. In particular, her account of the origin, construction, occupation, and control of the community building shifted during the proceedings and was not fully set out in the application or supporting affidavits. During cross-examination, Ms. Peters said she did not know who built the society building on the disputed land. Later, in answer to questions from the court, she said she had already been in occupation of the land before the building was constructed and that she had granted permission for its construction. That version did not appear in the application, the supporting affidavits, or the witness evidence filed on her behalf.

[30] The court accepts Mr Mitchell's and Ms Thornhill's unchallenged evidence that the community centre was never regarded as Ms Peters' property. The evidence indicates that the centre functioned as a public space for school, church, and other community activities.

[31] **Section 30 of the Act** makes it an offence when a person

- (a) Knowingly makes or assists in the making of any material false statement or representation; or
- (b) With intent to deceive, suppresses or refuses to disclose, or assists in the suppression or non-disclosure of, any material document or information,

⁶ Powell v McFarlane at p 470

⁷ [2025] UKPC 25

(2) A person who swears, or assists in the making of, an affidavit in support of an application for declaration of possessory title, knowing the contents of the affidavit to be false.

[32] The omissions and inconsistencies relating to the community centre significantly undermine the reliability of Ms. Peters' claim to have exercised exclusive possession of the entirety of the disputed land. Ms Peters has not satisfied the court that she constructed the community centre or asserted ownership of the portion of land on which it stands.

Conclusion

[33] The court is of the view that Ms Peters has failed to prove on a balance of probabilities that she has been in open, continuous uninterrupted occupation of the entire portion of land for the statutory period required by the Act . The court has also found that Ms. Peters has failed to disclose material facts in relation to the application. Accordingly, the application is refused.

ORDER

[34] In summary, it is ordered and declared as follows:

- (1) The application is refused;
- (2) The applicant shall pay agreed costs to the opposer in the amount of \$2,500.00, payable within 21 days of 2nd June 2026.

Agnes Actie
High Court Judge

By the Court

Registrar