

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Public Law Division
2017/PUB/jrv/00013**

**IN THE MATTER OF an Application BY Lyford Cay Property Owners Association
(1971) Limited for Leave to Apply For Judicial Review (Rules of The Supreme
Court, Order 53 Rule 3)**

BETWEEN

THE QUEEN

AND

**(1) WILSHIRE BETHEL
(2) GEORGE BETHEL
(3) EEN COLEBROOKE
(4) MARQUETTA COLLIE
(5) LARRY RUSSELL
(6) MICHAEL GOMEZ
(7) IRRINGTON ISAACS**

(In their capacity as members of the Town Planning Committee)

AND

PARIS ESTATES INC.

Respondents

EX PARTE

**LYFORD CAY PROPERTY OWNERS ASSOCIATION (1971) LIMITED
CLIFTON PROPERTIES LIMITED
BOATSWAIN LIMITED
DEBORAH BRICE**

Applicants

Before: The Honourable Mr. Justice Ian Winder

**Appearances: Robert Adams with Christina Davis-Justin and Jayel Gibson
for the Applicants
David Higgins with Adelma Roach for the First Respondent
Brian Moree QC with Sean Moree for the Second Respondent**

RULING

WINDER, J.

On 28 June 2018 I quashed the Decision of the Town Planning Committee made subsequent to the hearing held on 14 February 2017 to grant site plan approval to Parris Estates Inc.

At the conclusion of my ruling I invited the parties to make submissions on the question of costs. Having reviewed the submissions received, none of which was provided by the Town Planning Committee, I see no reason why costs ought not to follow the event as it would in the ordinary course. I will however apportion those costs, having regard the fact that (1) The TPC conceded at the hearing that the decision was bad at the hearing for the application and (2) Paris Estates Inc had intervened, as a party affected by the decision and was not the decision maker the subject of the judicial review proceedings.

I order therefore that:

- (1) The Respondent Town Planning Committee do pay the applicant's costs to be taxed if not agreed.
- (2) The Respondent Paris Estates Inc do pay 20% of such costs which may be taxed if not agreed.

Dated the 17th day of July AD 2019


Ian Winder

Justice