26th September, 2011

**To**

**Jean Merlyn Braxton**

**41 Garnet Development,**

**Plaisance Park.**

**Pointe a pierre.**

Dear Madam

**RE: money owing and due**

**PRE-ACTION PROTOCOL ISSUED IN ACCORDANCE WITH PRACTICE DIRECTION DATED THE 15TH DAY OF NOVEMBER, 2005 MADE BY THE CHIEF JUSTICE OF TRINIDAD AND TOBAGO.**

We act on behalf of Trevor Harrison of 19 Prizgar Road, San Juan, Trinidad

This pre Action protocol is issued in accordance with the practice Direction dated the 15th of November, 2005 made by the Judiciary of Trinidad and Tobago.

**FACTUAL SCENARIO**

1. My Client is in the process of doing letters of administration for James Harrington. Mrs. Cecelia Harrington deceased.
2. Mrs.Cecelia is the wife of Mr. James Harrington
3. Mrs.Emelda Mclean was permitted to occupy a lot of land with a board wooden house not fixed to the land.
4. When she was permitted she was specifically instructed not to build any thing on the land without the permission of Mrs.Cecelia Harrington. My client knows this because his grandmother Mrs.Cecelia Harrington told him.
5. Mrs. Emelda Mclean was paying her rent of $12 dollars a year to Mrs.Cecelia Harrington.
6. After Cecelia Harrington died in 1964 the rent was being received by the admintratrix of Mrs.Cecelia Harrington, Edna Jack, who is the aunt of My Clent.
7. The house is still a wooden structure at that time
8. After Mrs. Emelda Mclean died in 1993 , My client was informed that the house was being occupied Mrs. Emelda Mclean’s son, Michael Mclean.
9. My Client informs me that Michael Mclean encroached on to the adjacent lands putting up a fence around it. Mr. A.T Prevatt wrote a letter to Michael Mclean to desist from doing the above in on 20th of September, 2004.
10. At the stage the building is still in its original state.
11. My client informs me that Michael Mclean died , you took over the property.
12. My client informs me that you are the person who build a concrete structure without the permission of the legal representative of Cecelia Harrington, Edna Jack who also died in 1986.
13. Now the property is being administered and it is the wishes of the beneficiary not to rent the premises any longer and hence we are writing to you to inform to vacate the premises and the house to be valued so that arrangements could be made to pay for the house or alternatively a arrangement could be made that you pay for the land on which the house is located and vacate the surrounding lands you illegally occupied.
14. We are in receipt of your notice dated 25th day of November,2010 but we would not extend the lease, since the land do not fall under the 1981 Act, Land Tenant’s (security of tenure ) Act 1981 since the house is not a chattel house fixed to the ground before 1981.
15. .

**In the Circumstances my client seeks the following relief**

1. On order for Possession of the said premises.
2. Costs
3. Interest

**Legal proceedings to be issued**

Please be advised that should you fail and or neglect to respond to this Pre-Action Protocol, Legal proceedings would be issued within 21 days and/or after the expiration of the notice to quit.

I am required by the Practice Direction issued by the Judiciary on the 15th day of November, 2005, in respect of Pre Action protocol pursuant to the Civil proceedings Rules, 1998 (as amended) to remind you of the relevant provisions so that you will understand your responsibilities and obligations in respect of my Client’s claim as herein above stated and the powers of a judge of the High Court to impose sanctions on any party who fails or omits or neglects to follow and comply with these Pre Action Protocols.

Please be guided accordingly

Yours in Service,

**Christopher Ross Gidla**

Attorney at law