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Clarification of Matters pertaining to Rincon Estate and its Legitimate Occupiers

The Board of the Directors of Rincon Development Limited (RDL) wish to address the concerns raised by occupiers of Rincon Estate in the CNC3 story which was aired on Friday 11 December on the Rincon Estate residents.

In this regard, today we seek to clarify the history of Rincon Estate and to reassure the national community that the process regarding the regularisation of these lands has and continues to be conducted in a manner that is in keeping with (1) RDL's proprietary rights; (2) Cabinet's mandates; (3) the requirements of the State Enterprises Performance Monitoring Manual; (4) the Government's National Development Strategy – Vision 2030 and (5) the best interests of the legitimate occupiers and by extension the National community.

By way of background:

In a decision taken in December of 1998, Cabinet agreed to accept a parcel of land privately owned by the company Las Cuevas Resorts Limited situate in the south-west sector of the Las Cuevas Bay Estate, comprising 476 acres, in exchange for a parcel of residual land situated on the north side of the Paria North Coast Road. As a result, the following occurred:

1. By Deed registered as No. 15613 of July 9, 1999, the State acquired the parcel from Las Cuevas Resorts Limited and covenanted to:
 - a. relocating squatters who were in occupation of State land on the north side of the Paria North Coast Road; and
 - b. regularising squatters who were on the Las Cuevas Estate on the south side of the Paria North Coast Road who were in occupation of these lands as at **September 30, 1991**.

2. In August 1999, Cabinet agreed that the Urban Development Corporation of Trinidad and Tobago Limited (“UDeCOTT”) establish a wholly owned subsidiary to oversee the squatter relocation and regularisation process in respect of the lands and to plan and manage the development of the area. Consequently, on October 12th, 1999, Rincon Development Limited (“RDL”) was incorporated as a wholly owned subsidiary of UDeCOTT.

3. By Lease agreement registered as Deed No. 11930 of June 6, 2000, executed between the State and RDL, the lands acquired on the south side of the Paria North Coast Road were sub-leased to RDL for a period of nine hundred and ninety-nine (999) years with effect from May 23, 2000 with the proviso that:
 - (i) the tenants and squatters that previously resided on the north side of the Paria North Coast Road were to be relocated to lands now administered by RDL;
 - (ii) those persons who were in occupation of the RDL lands (deemed to be “bona fide” by the Integrity Commission) be settled in their existing locations;

- (iii) the rest of the property be developed for mixed uses;
- (iv) the occupied allotments be sold to the occupiers at subsidised rates;**
- (v) the residual allotments be sold on the real estate market;**
- (vi) the Project be self-financing.**

4. Rincon Estate was surveyed in 1993 and 1996 to establish legitimate occupiers into designated areas, which have since been respectively categorised as residential, residential/commercial, homestead and farmstead allotments and spaces were allotted for communal and public open space, nature reserves and historical sites. The land use for these areas was approved by the Town and Country Planning Division of the Ministry of Planning and Development.
5. The number of squatters who were in occupation of these lands as at September 30, 1991 amounted to **one hundred and sixty-two (162)**. Subsequently, in 2002, these squatters were **recognised as “bona fide” settlers by the Integrity Commission (IC)**. By letter dated December 5, 2002, the Integrity Commission fixed the purchase prices at which the bona fide settlers would purchase their respective allotments. Pricing was based on a percentage of the market price at that time and proportionate to the length of established occupancy of individual occupiers. All other persons currently in occupation of Rincon Estate entered upon the property after the said 2002 period and, as stands to reason, have not been in occupation prior to this

date. The list of bona fide settlers, endorsed by the Integrity Commission is available.

6. At the coming into being of the current Board of UDeCOTT and the appointment of the current Board of the RDL, a Reconnaissance Occupancy Survey (ROC) was commissioned for each area of the Estate; the status of each plot was designated as follows:
 - Bona fide occupiers;
 - Non-bona fide occupiers (i.e. persons who squatted post-determination of the Integrity Commission);
 - Unoccupied plots.
7. The Report from this Reconnaissance Occupancy Survey (ROC), together with the occupier list endorsed by the Integrity Commission, is the **ONLY** guide by which the Board of the RDL has determined occupiers who are to be regularised and the prices per square foot or acre at which the parcels will be sold. Further, RDL is proceeding with the execution of sub-leases for the term of one hundred and ninety-nine (199) years to the bona fide settlers and approval has been granted by Cabinet to waive the Stamp Duty payable by them.
8. Persons who occupied several allotments after the determination of the Integrity Commission without due authorisation were contacted by the RDL to present any documents they may have in support of their claims to the properties. The objective was to facilitate RDL comparing these occupiers' claims with the information unearthed in

the Reconnaissance Occupancy Survey. However, very few of these persons cooperated and are still refusing to cooperate.

9. In 2017, RDL engaged the services of an independent licensed Valuer to assess the open market value of the parcels based on location, approved land usage and amenities, as is the norm for any land valuation. The assessment was utilised to determine the prices for each land parcel which have since been advertised.

10. In April 2017, RDL engaged legal counsel to prepare and facilitate the issuance of letters notifying:

(i) legitimate occupiers of their current occupation status and the process for obtaining deeds; and

(ii) **127 non-legitimate occupiers that they would be given first preference to purchase land, failing which they would be evicted.**

11. During September 2017, a meeting was held with the occupiers of Rincon Estate (both Integrity Commission approved and illegal occupiers) to inform them of the direction the Board of RDL was taking with regard to property. At this meeting the said legal letters were served on those who were squatters (i.e. not the Integrity Commission approved bona fide settlers) calling upon them to indicate their interest and at the same time advising of eviction if they refused to initiate their regularisation on the land parcels. In addition to being given first preference to purchase leasehold interests at market value, these squatters were also advised to communicate their desire to purchase in writing to RDL. **We wish to emphasise that the first preference to purchase was not an entitlement but a policy decision which**

RDL made notwithstanding its proprietary right to exercise a more hard-line approach to illegal occupiers.

12. It should be noted that several of these occupiers “bought” or “rented” the parcels they occupied from some of the same persons who have now gone to the press and who have no title to the parcels they purported to sell. It is also to be noted that the Board of the RDL meets quarterly with the executives of the Las Cuevas Farmers and Homesteaders Association (LCFHA) which is the official representative of all persons in occupation of the Rincon Estate. At these meetings the Las Cuevas Farmers and Homesteaders Association (LCFHA) has been consistently and duly apprised of the courses of action and decisions related to Rincon Estate and its occupiers. **Due to the on-going COVID restrictions, no meetings have been held recently but the Board of Directors of RDL can assure the national community that the Las Cuevas Farmers and Homestead Association is very much aware of the policy decisions taken by RDL in relation to the illegal occupiers.**

13. Of the one hundred and twenty-seven (127) occupiers who were served legal letters, seven (7) have since paid their respective monies, inclusive of lease execution fees for their sub-leases for a term of one hundred and ninety-nine (199) years, which are being registered by a legal firm engaged by RDL. All persons who pay in full for the purchase of land interests at Rincon Estate receive proper title for same. In respect of the squatters, ten (10) who occupy a total of twenty (20) parcels have refused to comply with the requests of RDL and have since been served Notices to Quit, as was previously advised to same

persons, would be the course of action in the legal letters issued at the meeting of September 2017.

14. The other parcels which have no settlers or squatters have been advertised on the open market in the daily newspapers during November 2019, at open market value as determined by the Valuer, and the sale of these parcels is ongoing. To date, seventy-three (73) such sales have taken place. **No Trespassing signs have been installed on all parcels of land available for sale.**
15. Those persons who have been recognised by the Integrity Commission are executing their leases at the preferential prices determined by the IC; those who grabbed land subsequent to that determination and have no legal claim to the parcels were given first preference to purchase and having failed to respond were issued Notices to Quit to which they have not responded. As a consequence, RDL has issued Pre-Action Protocol letters to them and will be proceeding to Court. **Hence the statements made by the residents which were raised to the media are untrue.**

Let me take this opportunity to remind the national community that squatting is still illegal and an offence. Those persons who have been featured in the CNC3 article and who believe they can claim occupancy have virtually admitted that they have been breaking the law for that many years. Some have even admitted that RDL has been negotiating with them for a number of years. These said persons have given the reason that they cannot afford the parcels but they have purposely neglected to say that RDL has since

2017, on several occasions, indicated our willingness to negotiate a reasonable payment plan while they continue to benefit from that which they have not paid for. It is noteworthy that none of them have squatted on the adjacent lands owned by a private company. Why is that? Clearly the notions of lawlessness, dependency and entitlement from the State are inherent in their positions.

Citizens of this country need to respect the rule of law and the institutions charged with good governance. The Board of Rincon Development Limited has seen to it that good governance continues to be observed as we seek to adhere to the principles of social justice and the equitable distribution of the State's resources which can be put to use to foster economic development and reduce the dependency on the State for handouts.