

## **CASE NOTE #5**

### **MINISTRY OF HOUSING AND THE ENVIRONMENT**

#### **(THE HOUSING DEVELOPMENT CORPORATION)**

#### **DELAY IN OBTAINING DEED OF LEASE**

The Complainant sought the assistance of the Ombudsman in having a Deed of Lease issued by the Housing Development Corporation in respect of a townhouse purchased at the Couva Housing Project.

.In 1990 the Complainant entered into a mortgage agreement with the then National Housing Authority for the purchase of a townhouse at the Authority's Couva Housing Project. He liquidated payment of the mortgage in 2007 and then approached the Housing Development Corporation (H.D.C.) to obtain the Deed of Lease. The Complainant was informed that townhouse was constructed on Caroni Lands, and that the necessary steps were being taken to have the lands vested in the Corporation. He was assured that, as soon as this was done, the Deed for the property would be prepared and issued to him.

The Complainant, a retiree, utilised his retirement benefits to complete payment for his home with the expectation that his property could be used for investment purposes. However, without possession of an unencumbered Deed of Lease, he is unable to engage in any major financial transaction. The Complainant approached the H.D.C offices on several occasions to obtain his Deed of Lease, but was continuously told that the survey of the lands had not yet been completed.

The Complainant eventually sought my assistance in 2009 when he was unsuccessful in obtaining the Deed. My Office wrote to the Managing Director, H.D.C., concerning this matter and was informed by letter dated August 5, 2009 that *“the lands are currently being surveyed after which H.D.C will take all necessary steps to have the said lands vested in the Corporation.”* I noted that this was the same information that the Corporation had been giving the Complainant since 2007.

Over the last two years, this Office has sent several letters to H.D.C. enquiring about the status of the Complainant's Deed of Lease. The latest correspondence received from H.D.C. on this matter is dated March 24, 2011 and continues to give the same explanation that the "*lands are currently being surveyed*".

My investigations revealed that the Couva Housing Project was developed over thirty (30) years ago, on lands belonging to the State (Caroni 1975 Limited). It is inconceivable and unacceptable that the vesting process has not been concluded after a period of thirty (30) years. It is a requirement under the **Real Property Ordinance [Real Property (Amendment) Act 2000]**.

The preparation of Deeds is an integral aspect of the H.D.C.'s portfolio and adequate systems and procedures must be established to ensure that the agency fulfills this mandate in a timely manner. It is an injustice to the residents of the Housing Projects who have paid their mortgages in full and have not been issued with a Deed of Lease.