



GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO. 82 of 2023

IN THE MATTER OF THE GRAND COURT RULES O. 55

**IN THE MATTER OF THE DEVELOPMENT AND
PLANNING (APPEALS) RULES (1999 REVISION), PARA. 8**

**AND IN THE MATTER OF THE CENTRAL PLANNING
AUTHORITY DECISION OF APRIL 14, 2023**

BETWEEN

CINDY JANET RUIZ

APPLICANT

V.

THE CENTRAL PLANNING AUTHORITY

FIRST RESPONDENT

V.

THE PATRICK'S ISLANDS HOMEOWNER'S ASSOCIATION

SECOND RESPONDENT

NOTICE OF ORIGINATING MOTION

TAKE NOTICE that the Court at the Law Courts, George Town, Grand Cayman will be moved on the
 day of _____, 2023 at _____ : _____ am/pm or as soon thereafter as counsel can be heard,
 by counsel on behalf of Cindy Janet Ruiz or in the alternative, Cindy Janet Ruiz as a litigant-in-person for
 an order of certiorari quashing the decision of the Planning Appeals Tribunal to grant Planning Permission
 and quashing the Planning Permission issued by the Central Planning Authority permitting the Second

Respondent to construct three gates thereby transforming itself into a gated community and an order remitting the matter back to the Central Planning Authority with a direction that it hears the Applicant's objections as the beneficiary of registered easements to the proposal of Patrick's Island Home Owner's Association to the construction of the gates that would impact the operation of registered easements (Appurtenances No. 5495-989), being a thirty foot vehicular right of way over 25B 176, 29, 24E 28, 323 REM 1 (Patrick's Island).

AND for an order that the costs of and incidental to this application be provided for.

AND FURTHER TAKE NOTICE that the grounds of this application are:

1. The first ground on which relief is sought is that the decision(s) of the Planning Appeals Tribunal of the Central Planning Authority to exclude the Applicant as a beneficiary of registered easements guaranteeing a right of way, from the hearing of the appeal was a breach of the rules of natural justice.
2. The second ground on which relief is sought is that the decision(s) of the Planning Appeals Tribunal to reverse the decision of the Central Planning Authority of November 9, 2022 which refused planning permission for the installation of three gates, two of which would interfere with the right of way of the Applicant is/are decisions which are such that no reasonable body, properly directing itself on the relevant law and acting reasonably, could have reached.

DATED this 28th April 2023



CINDY JANET RUIZ

TO The Clerk of the Court

AND TO: The Central Planning Authority
 c/o The Department of Planning, Cayman Islands Government
 Government Administration Building, 133 Elgin Avenue
 P.O. Box 113, Grand Cayman, KY1-9000, Cayman Islands

The Patrick's Islands Homeowner's Association
 P.O. Box 2681
 Grand Cayman
 KY1 – 1111
 Cayman Islands