



JOINT SELECT COMMITTEE ON
LOCAL AUTHORITIES, SERVICE COMMISSIONS
AND STATUTORY AUTHORITIES
(INCLUDING THE THA)

FIRST REPORT
on an
INQUIRY INTO THE LAND SETTLEMENT AGENCY
IN RELATION TO SQUATTER REGULARISATION

Second Session of the Eleventh Parliament (2016/2017)

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SUMMARY OF RECOMMENDATIONS

The following is a consolidated list of recommendations proposed by the Committee:

- A. The Committee recommends that regular monitoring of all state lands be conducted and that annual formal surveys also be conducted. This may require some inter-agency collaboration in that the manpower and expertise required ought not to be derived solely from the LSA but rather the LSA may collaborate with:**
 - i. The Central Statistical Office (CSO);**
 - ii. Town and Country**
 - iii. Municipal Corporations;**
 - iv. The Commissioner of State Lands**
- B. The first recommendation should be complimented by the establishment of an arrangement that will facilitate inter-agency coloration between the LSA and other entities with an interest in proper management of state lands. The LSA should be the convener of these inter-agency deliberations which should be held on a continuous basis within an acceptable timeframe e.g. One meeting every three months.**
- C. With respect to the lag time between receiving a COC and receiving a lease, we suggest that the LSA conduct a process review exercise and submit its recommendation for expediting the processes involved to its line Ministry. In turn, the Ministry of Housing and Urban Development should convey same for executive action.**
- D. A reliable and safe records management system is an imperative for a body like the LSA that is required to store, monitor and retrieve records for over 30,000 clients or potential clients. As such, the Committee considers that an investment in this area of the agency's operations to be justified and one that should be prioritize.**

- E. The Committee noted that there appears to be no empirical research on the real and potential impact 50,000 plus squatters may be having on sustainable development and proper land use planning. As such, the Committee recommends that LSA in collaboration with its line Ministry, explore options for engaging in empirical research. In this regard, technical assistance from international organizations such as the Inter-American Development Bank should be sought. Decisions regarding a scarce and invaluable resource such as land must be data driven.
- F. The Committee recommends that the LSA in collaborations with its line Ministry submit a note to Cabinet proposing that the State Land (Regularisation of Tenure) Act be amended to provide for the following:
- Vesting the LSA with the power to approach the Court for an “Eviction or Ejection Order”
 - Make recommendations to the Commissioner of State Lands and Municipal Corporations regarding the ineligibility of squatters to occupy land;
 - Extend the statutory period (retroactively) for squatters to be eligible to participate in the regularization process. The period of extension beyond 1998 should be determined following the necessary research and consultation;
- G. In pursuing greater inter-agency collaboration, the Committee recommends that initial deliberations take into consideration the impact of squatting and the work of the LSA on:
- Regional Development Planning as envisioned under the Planning and Facilitation of Development Act, 2014; and
 - The National Spatial Development Strategy;
 - Other land use policies.

- H. The Committee recommends that the Minister of Housing and Urban Development in his response to this report, provide the Parliament with a status update on the implementation of the *Land for the Landless programme* including:
- a. The total amount spent to date on the programme;
 - b. The number of lots that have been prepared for distribution to date;
 - c. The number of lots that have been distributed;
 - d. The name of the contractors awarded contracts to execute work under this programme and the value of each contract;
 - e. Whether the programme will be sustained, modified or disbanded.
- I. Given prevailing financial challenges, the Committee recommends that the LSA's line Ministry undertake/facilitate a review of the operations of the agency with a view to:
- a. Identifying performance deficits and wastages within the operations of the agency;
 - b. Prioritizing vacancies that should be filled;
 - c. Reviewing the formula for the pricing of lots
- J. The Committee recommends that a fee system be established for persons who have been granted a Certificate of Comfort to assist the LSA in generating revenue to offset the cost of developing squatter sites.

EXECUTIVE SUMMARY

1.1. At its fourth meeting held on Wednesday 24 February, 2016, the Committee resolved to inquire into the administration and operations of the Land Settlement Agency (LSA) in relation to squatter regularization and agreed that the following 4 objectives would guide the inquiry:

- i. **to assess the current state of squatting on State Land in Trinidad;**
- ii. **to evaluate the effectiveness of the Agency in executing its mandate, particularly in relation to the:**
 - a. regularization of eligible squatters and
 - b. the containment of squatting
- iii. **To determine whether the resources, systems and procedures of the LSA are sufficient to allow it to operate efficiently;**
- iv. **To assess the adequacy of the current legislative framework governing the agency.**

1.2. The Committee agreed that the officials from the LSA were to be invited to a public hearing on Wednesday 23 March, 2016.

1.3. The Committee obtained both oral and written evidence based on the objectives listed above. Some of the significant issues that were discussed were:

- ***The Prevalence of Squatting***

There are over 250 squatting sites on State Lands in Trinidad with approximately 60,000 families currently squatting on State land, approximately 30,000 acres of land that has been “lost” by the State¹ as a result of indiscriminate squatting.
- ***The need for greater collaboration between the LSA and other state bodies involved in the management and oversight of state land***
- ***The need for urgent amendments to the associated Act***

1.4. The Committee submits its findings and recommendations with respect to the inquiry in Chapters 4 and 5.

¹ <http://www.trinidadexpress.com/news/Govt-to-protect-land-against-squatters-241566741.html>

INTRODUCTION

Background

2.1. The Land Settlement Agency (LSA) was established by the State Land (Regularisation of Tenure) Act, 1998² ('the Act'), and commenced formal operations in 1999. The LSA falls under the purview of the Ministry of Housing and Urban Development. The Agency is responsible for *inter alia* "administering and carrying out the provisions of this Act with respect to State Land in the Island of Trinidad." In the case of Tobago, this function is vested in the Tobago House of Assembly³.

2.2. In particular, the LSA is mandated to:

- "protect eligible squatters from being ejected off State Lands;
- to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas and,
- to provide for the establishment of land settlement areas".

2.3. The core goals of the LSA are as follows:

- To regularize squatter families under an Inter-American Development Bank (IDB) funded Programme. This programme has been ongoing since 2003;
- To provide a more streamlined programme for the execution of statutory leases and Deeds of Lease;
- To Partner with State Agencies to ensure the containment of further squatting on State Lands;
- To reduce the incidences of squatting through public education and information.

2.4. The primary services of the LSA are as follows:

- Squatter Regularization and Squatter Containment;
- Land for the Landless Programme;
- Construction Skills Development Initiatives (CSDI);
- Housing and Support Center (HSC).

² http://rgd.legalaffairs.gov.tt/Laws2/Alphabetical_List/lawspdfs/57.05.pdf

³ Ibid Section 5(4) to (5)

Jurisdictional Limitations

2.5. Although the agency is mandated to regularize and manage squatting on state lands, it is not empowered to eject or evict illegal squatters. In a Statement to the House of Representatives on 4th February 2011 the then Minister of Housing and the Environment made reference to the findings of the High Court in CV 2009-02059 regarding the restrictions placed on the LSA to effect evictions or ejections from state land. The Minister stated that “the LSA acted outside of its jurisdiction by ejecting, evicting or demolishing the homes of squatters”.⁴

2.6. The Minister also stated that:

“...The LSA has over the years recognized the very weakness of the Act which never gave the LSA the teeth to carry out its mandate. As such, numerous amendments were proposed, most notably – state land that there should be a clear definition of state land.”

Squatting and Land Use Planning

2.7. There must be effective coordination among government agencies responsible for the management of state lands to ensure that scarce state lands are used for the most feasible and productive purposes. Paragraph 1.4 of the “Government’s Land Policy, 1992” provides some data on the quantity of land available for ‘economic’ purposes:

“State lands other than constituted forests cover 129,288 hectares in Trinidad and 3,665 hectares in Tobago. This broadly represents the extent of the land resources available to the state for the promotion of productive activity and generation of income and employment. Of the total land area of the country, only an estimated 178,897 hectares or 35% is suitable for cultivation.”

Organizational Structure

2.8. The operations of the LSA are governed by a Board of Directors. The Minister and the Permanent Secretary of the Housing and Urban Development would exercise a supervisory role over the LSA. Section 6 of the Act states that:

⁴ Hansard Transcript of sitting of the HOR held on 04.02.2011

In the performance of its functions and in the exercise of its powers the Agency shall act in accordance with any special or general directions, not inconsistent with the provisions of this Act, given to it by the Minister, in writing.

2.9. A new Board of Directors was appointed on January 13, 2016.

Fiscal Expenditure

2.10. The expenditure of the Land Settlement Agency for the period 2012 – 2016⁵ is outlined in Table 1 below:

Table 1

2012 (Actual)	2013 (Actual)	2014 (Actual)	2015 (Actual)	2016 (Estimate)
\$66, 486, 544	\$48, 441, 306	\$80, 087, 949	\$52, 996, 400	\$44, 188, 700

2.11. According to the Public Sector Investment Programme-2016, the Land Settlements Agency (LSA), which has responsibility for the Squatter Settlements Regularization component of the Neighbourhood Upgrading Programme (NUP), awarded ten (10) civil works contracts to local contractors totaling \$132 million over the period January to April 2015. The LSA also expended \$32.1 million of the \$40 million allocated to commence infrastructural upgrade works on five (5) sites at Arena, Freeport (3 Packages); St. Mary's Village, Moruga (3 packages); La Savanne, Guayaguayare (2 Packages); Kangalee Village, Valencia and Ramlal Trace/Sunrees Road, Penal. Works on these sites were expected to be completed by March 2016 and will result in an output of 988 upgraded lots.⁶

Objectives of the inquiry

2.12 The Committee agreed that the objectives of the inquiry will be as follows:

- i. to evaluate the effectiveness of the Agency in executing its mandate, particularly in relation to the:

⁵ Public Sector Investment Programme 2016 (PSIP)

⁶ PSIP 2016 - Ministry of Planning and Development

- a. regularisation of eligible squatters and
- b. the containment of squatting
- ii. to determine whether the resources, systems and procedures of the LSA are sufficient to allow it to operate efficiently;
- iii. to assess the adequacy of the current legislative framework governing the agency.

Conduct of the Inquiry

2.13 A public hearing was held with representatives of the LSA on Wednesday 25 March, 2016 at which time the Committee questioned the officials on the various issues related to the inquiry objectives. Prior to the public hearing, the Committee wrote to the Agency requesting written responses to certain preliminary questions. The written responses submitted by the LSA provided a frame of reference for the questions pursued at the hearing.

2.14 The LSA was represented by the following five (5) officials:

- i. Mr. Hazar Hosein, Chief Executive Officer, LSA;
- ii. Ms. Sasha Darbeau, Manager, Tenure Regularisation Unit;
- iii. Mr. Satchianand Bassaw, Senior Design Engineer;
- iv. Mr. Everson Beeda, Land Use Planner; and
- iv. Ms. Oma Moonoo, Senior Accountant

2.15 The Minutes and Verbatim Notes are attached as Appendix I and Appendix II respectively.

SUMMARY OF EVIDENCE, FINDINGS AND RECOMMENDATIONS

Objective 1: To assess the Current State of Squatting on State Land in Trinidad

3.1.1 The estimated number of squatters on state land as at December 2015 is approximately **55,000 households**. Calculated at an estimate of 4 persons per household, there are **220,000 persons squatting in Trinidad**. During the period 1998 to 2012, the

number of squatting sites increased from 251 to 350. The Committee was advised by the LSA that the 251 designated areas listed in the scheduled of the Act were identified by Members of Parliament within respective constituencies and not by an official survey. Subsequently, in 2009 an official “Survey of Squatter Sites” was not conducted and upon the completion of this extensive survey in 2012, 350 squatter sites were recorded. The top five (5) geographical regions by Constituency with the greatest numbers of squatter households were:

1. Sangre Grande
2. Point Fortin
3. Diego Martin – North East
4. Port of Spain South
5. D’abadie / O’mera

3.1.2 Sangre Grande is the fastest growing squatting area in Trinidad. There are approximately **7, 000 to 10, 000 squatting families in Sangre Grande**. In the Valencia and Sangre Grande region there is a lot of unoccupied forested land, the squatters clear the forests to erect structures thereby destroying the forest reserves. In River Estate, Diego Martin there are approximately 3, 000 squatting families.

3.1.3 Whereas, in the area of “Kantanga” and the hillsides of Port of Spain there is an estimated 20, 000 squatters, however, no comprehensive survey was done to determine whether the lands are private lands which were abandoned estates or state land. In the D’Abadie/O’mera area the village of Carapo has 7, 000 to 10, 000 squatting households.

3.1.4 In the area of Bon Air, 450 lots were reserved for low-income citizens and the relocation of other squatters, however, persons indiscriminately occupied the land and the LSA to date has been unable to recover the land. The LSA in an attempt to curb illegal squatting, has submitted a list of new illegal structures to each Regional Corporation and the Commissioner of State Lands for action to be taken.

Table 2

Year	No. of new squatters
2015	1,011
2014	1,167
2013	944
2012	822

The Contributors to the Increase in Squatting

3.1.5 The LSA advised the Committee, that one of the main factors that has contributed to the significant increase in squatting over the years is the **failure of the state agencies to implement the existing laws**. These agencies include the Commissioner of State Lands, Regional Corporations and the Town and Country Planning Division who are vested with certain powers which if exercised effectively can assist with containing the unabated escalation in the number of squatters the. The CEO of the LSA also suggested that the practice of granting water and electricity connections to any person on land within a specified distance encourages squatting on state lands because squatters are able to acquire two essential amenities.

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Findings

3.1.8 The information received suggests that there has been a consistent increase in the number of squatting sites in a number of regions across Trinidad over the last decade. The consistent increase in squatters can be attributed to a lack of a cohesive inter-agency approach to squatter containment. The LSA's lack of legal authority to effectively contain the proliferation of squatter settlements was a major source of concern for the Committee and would be addressed further in a subsequent section of the report. The Committee also took note of the areas throughout the country where squatting was on the rise. There may be a number of determinants affecting squatter settlement distribution in Trinidad, but ultimately the Committee is persuaded that areas with an abundance of unsecured or unoccupied land are the areas that these squatters would gravitate towards.

3.1.9 The LSA statistics on the number of squatters in the country also appeared to be inconclusive and unsubstantiated. This may be linked to a lack of resources and or inter-

agency coordination required to conduct a comprehensive assessment of the squatting situation in Trinidad.

Recommendations

A. The Committee recommends that regular monitoring of all state lands be conducted and that annual formal surveys also be conducted. This may require some inter-agency collaboration in that the manpower and expertise required ought not to be derived solely from the LSA but rather the LSA may collaborate with:

- i. The Central Statistical Office (CSO);**
- ii. Town and Country**
- iii. Municipal Corporations;**
- iv. The Commissioner of State Lands**

B. The first recommendation should be complimented by the establishment of an arrangement that will facilitate inter-agency coloration between the LSA and other entities with an interest in proper management of state lands. The LSA should be the convener of these inter-agency deliberations which should be held on a continuous basis within an acceptable timeframe e.g. One meeting every three months.

Objective 2: To evaluate the effectiveness of the Agency in executing its mandate, particularly in relation to the regularization of eligible squatters and the containment of squatting

Regularisation of Eligible Squatters

3.2.1 “Regularisation” as defined in Section 2 of the State Land (Regularisation of Tenure) Act, Chapter 57:05, Act No. 25 of 1998, means the incremental physical upgrading of and provision of services to, designated areas and land settlement areas and the provision of leasehold title thereto. This means that regularisation has two components:

- (a) improvement of basic infrastructure and basic amenities such as paved roads, drainage, and potable water, electricity; and
- (b) security of tenure, where the lot is surveyed and a Deed of Lease is granted.

3.2.2 The Committee was advised that only squatters who applied for regularisation before October 27, 2000 and who were residing on lands before the appointed date 1st January 1998 are eligible for regularisation. When all of the infrastructural works are completed and the site has been surveyed and approved by the Director of Surveys and the necessary statutory approvals received, the Agency can begin to secure tenure to complete the regularisation process.

The Regularisation Process

3.2.3 All squatters and the sites that fulfil the criteria are entitled to be regularised. In this regard, the processes involves:

- a. applying for and obtaining a criteria for the Certificate of Comfort (COC);
- b. obtaining Statutory Lease and Deed of Lease,
- c. making the necessary payments for the Land (for a Deed of Lease); and
- d. the site must be listed as a Designated Area

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- i. applying for and obtaining a criteria for the Certificate of Comfort (COC);
- j. obtaining Statutory Lease and Deed of Lease,
- k. making the necessary payments for the Land (for a Deed of Lease); and
- l. the site must be listed as a Designated Area

The Number of Squatters that have been Regularised

3.2.8 The Committee was informed that there are approximately 10,000 squatters that have been regularised or are at varying stages of the regularisation process. The estimated number of squatter households in 2015 was 55,000, this comprised 22,732 applications which were initially received by the LSA who applied for Certificates of Comfort before the “cut-off date”. Therefore it is estimated that approximately 37,000 squatter households did not apply for a COC and cannot be regularised given the current law.

3.2.9 It should be noted that not all squatters who applied would be regularised as an applicant in addition to meeting the statutory deadline, must satisfy the other requirements detailed above. The LSA has distributed approximately 7, 700 Certificates of Comfort to date, but only 11 leases. The LSA has 3, 000 lots that are currently being developed and awaiting approval.

3.2.10 There are a number of challenges that affect the LSA's ability to efficiently and effectively execute its mandate of regularization. These include:

- i. **Financing for Infrastructure Upgrade** - At present, it costs the LSA approximately \$130,000 to \$160,000 to develop one (1) lot of land. To date the LSA has developed twenty-one (21) sites with 3000 lots and another seven (7) Projects with approximately 1500 lots are currently being developed. The Agency was allocated \$72 million to finance its squatter regularization programme.
- ii. **Statutory Approvals** - Areas physically regularized by the LSA, i.e. upgraded or developed with physical infrastructure require approval from the regulatory and statutory authorities such as the Municipal Corporations and Town and Country Planning Division. Only then will the beneficiaries be able to receive a lease.
- iii. **Standards of Development** - Due to the terrain and high population density in many sites especially along the hillsides, it is difficult to improve the infrastructure to the full standards which is required by the various regulatory bodies.
- iv. **Receiving a Title for the Allocated Plots** - Squatter regularisation in the legal sense involves the process which culminates with a legal title or interest being vested in an eligible beneficiary under the LSA legislation. Some of the issues that have arisen include:
 - The LSA is not legally vested with title to any lands and therefore there was apprehension regarding the issuance of leases in respect of State Land;
 - A pricing formula for Lands occupied by Squatters was only finalised in 2013;
 - Squatters with non- residential, commercial and industrial structures;

- Squatters in occupation/ ownership/ management of other types of structures e.g. religious buildings, Humanitarian Homes (e.g. Homes aged, Orphanages, for victims of Domestic Violence), Nursery Schools
 - Squatters with multi-family residential structures;
 - Squatters with semi-residential and semi-commercial structures;
 - The Boundaries of Sites were not defined in the Act
 - Thousands of squatters reside on the outside of defined sites but who are unaware that they are on intermingled private lands, or otherwise;
 - Persons occupying lands vested in other State entities, including PSAEL, Petrotrin, Caroni (1975) Ltd., EMBD, Ministry of Agriculture, other Ministries, etc.; and
- v. **Issues to Determine the Status of Lands** - Determining the status of lands occupied by squatters involve using information within the historical records of LSA and other State Agencies / Ministerial Departments as well as conducting title searches.

The Containment of Squatting

3.2.11 The LSA lamented the fact that the provisions of its governing legislation are inadequate to allow to the Agency to play an active role in the containment and or eviction of squatters. Notwithstanding, the LSA advised that other state entities such as the Commissioner of State Lands and Regional/Municipal Corporations are vested with the powers to better regulate the erection of structures on state land.

Strategies for Reducing Squatting

The Land for the Landless Programme

3.2.12 Launched in 2012, one of the objectives of the Land for the Landless Programme (LFL) is to “*set aside and develop land settlement areas within which eligible squatters may be relocated*”. The CEO informed the Committee that under the Programme, ten (10) sites are currently being developed and some have been approved.

3.2.13 The LSA has developed approximately 1385 Lots with 400 lots from Greenfield Development and 988 lots formerly developed by the EMBD which were upgraded to meet the requirements of the various Statutory Agencies. A further 2084 lots are at the pre-construction stage of development and 578 lots are under construction. It is estimated that 1900 families will benefit from the LFL programme when these Lots are completed and distributed. Approximately 56,000 applications have been submitted under the LFL programme but no lots have been distributed to date.

Challenges Associated with the Implementation of the LFL Programme

3.2.14 The efficient and effective execution of the programme is being affected by the following:

- i. Statutory Approvals;
- ii. Land grabbing and new squatters encroaching on developed lots while approvals are being sought;
- iii. Financial Challenges.

3.2.15 The Committee acknowledged that the LSA does not have the statutory authority or the administrative capacity to contain squatting and requested the Agency identify some measures that will make the Agency more effective and more effectively address the squatting situation. The Manager of the Tenure Regularisation Unit highlighted the following:

- i. Developing stronger working relationships with other state agencies, especially those responsible for state lands including the Commissioner of State Lands;
- ii. The need for greater enforcement by state officers of the current legislation;
- iii. Lack of political will;
- iv. Improvement in the administrative procedures related to data collection, updating the data collected and the serving of notices;

- v. Lack of resources at certain state offices that have a working relationship with the LSA such as of the Office of the Commissioner of State Lands;
- vi. Public Education on the interpretation of the related law and regulations; and
- vii. A review of the legislation with regard to “adverse possession”.

Findings

3.2.16 With regards to the Agency’s efforts to facilitate the regularization of squatters, evidence suggests that the majority of eligible applicants have not completed the regularization process. Due to a number of hindrances, most applicants are at various stages of the process. The Committee was concerned that only 11 leases have been issued in the Agency’s 15 years of existence. Although approximately 7, 700 Certificates of Comfort were issued, this document does not afford clients any legal interest or title to the land. The delays experienced by clients in the period between the issuing of COC and the issuing of a lease must be closely examined with a view to executing the necessary procedures more expeditiously.

3.2.17 The Committee was alarmed that there are 37,000 squatter households that have not applied for a COC and cannot be regularised since the statutory deadline has elapsed. This situation is untenable since as it stands, there are five times the number of illegal and unprocessed squatters on state land than there are squatters protected under the COC arrangement. As such, it was evident to the Committee that modifications to the governing Act to modify the statutory period should be pursued.

3.2.18 The Committee questioned how feasible it was to vest the LSA with the responsibility of squatter containment when in reality the agency is powerless to effectively execute this responsibility. While other state bodies may have the power to prevent squatting or eject illegal squatters, the LSA would possess the technical expertise, records and experiences in dealing with squatters. In view of this, there is a need for the unification of efforts among the agencies or alternatively vesting one body with the

power to regularize and contain squatters. The internal administrative challenges faced by other state agencies involved in the squatter regularization process also lend further justification to this Committee's call for more effective inter-agency collaboration.

Recommendations

- A. With respect to the lag time between receiving a COC and receiving a lease, we suggest that the LSA conduct a process review exercise and submit its recommendation for expediting the processes involved to its line Ministry. In turn, the Ministry of Housing and Urban Development should convey same for executive action.**
- B. A reliable and safe records management system is an imperative for a body like the LSA that is required to store, monitor and retrieve records for over 30,000 clients or potential clients. As such, the Committee considers that an investment in this area of the agency's operations to be justified and one that should be prioritize.**
- C. The Committee noted that there appears to be no empirical research on the real and potential impact 50,000 plus squatters may be having on sustainable development and proper land use planning. As such, the Committee recommends that LSA in collaboration with its line Ministry, explore options for engaging in empirical research. In this regard, technical assistance from international organizations such as the Inter-American Development Bank should be sought. Decisions regarding a scarce and invaluable resource such as land must be data driven.**
- D. The Committee recommends that the LSA in collaborations with its line Ministry submit a note to Cabinet proposing that the State Land (Regularisation of Tenure) Act be amended to provide for the following:**
 - Vesting the LSA with the power to approach the Court for an "Eviction or Ejection Order"**

- Make recommendations to the Commissioner of State Lands and Municipal Corporations regarding the ineligibility of squatters to occupy land;
 - Extend the statutory period (retroactively) for squatters to be eligible to participate in the regularization process. The period of extension beyond 1998 should be determined following the necessary research and consultation;
- E. In pursuing greater inter-agency collaboration, the Committee recommends that initial deliberations take into consideration the impact of squatting and the work of the LSA on:
- Regional Development Planning as envisioned under the Planning and Facilitation of Development Act, 2014; and
 - The National Spatial Development Strategy;
 - Other land use policies.
- F. The Committee recommends that the Minister of Housing and Urban Development in his response to this report, provide the Parliament with a status update on the implementation of the *Land for the Landless programme* including:
- a. The total amount spent to date on the programme;
 - b. The number of lots that have been prepared for distribution to date;
 - c. The number of lots that have been distributed;
 - d. The name of the contractors awarded contracts to execute work under this programme and the value of each contract;
 - e. Whether the programme will be sustained, modified or disbanded.

Objective 3: To Determine Whether the Resources, Systems and Procedures of the LSA are Sufficient to Allow it to Operate Efficiently

The Human Resource Capacity

3.3.1 The CEO advised the Committee that there are 193 contracted positions on the organizational chart which is adequate to treat with the Agency's needs. Currently there are 90 positions which are filled; 30 temporary posts; and approximately 30 OJTs.

Vacancies at the LSA

3.3.2 There are currently 103 vacant posts within the LSA of which one is a senior managerial post (the Manager of Corporate Services). There are ten (10) vacant middle management positions. The CEO indicated that although the Agency has advertised these positions, the Agency has not been able to fill the managerial positions for a number of years because the remuneration packages are not attractive and many professionals are hesitant to take up contract positions.

Financial Resources

3.3.3 The funding required by the LSA to successfully execute projects was estimated as follows:

- i. Squatters Settlement Regularisation (IDB Funded) – \$93 Mn TT
- ii. Residential Lots Programme (Land for the Landless) – \$40 Mn TT
- iii. Survey of Squatter Sites - \$5 Mn TT

However, the actual allocation received by the Agency from the Government for this fiscal year and for previous years was woefully inadequate. In 2010 the Government arranged a loan agreement with the Inter-American Development Bank (IADB) for \$40,000,000US with counterpart funding of \$10,000,000US from the Government to supplement its financing. The expenditure of the LSA for the years 2011 -2015 is outlined in Table 1 above.

Policies and Procedure in Place to Ensure Accountability, Transparency in the Procurement of Goods and Services for the LSA

3.3.4 In an organisation such as the LSA where a number of contracts are issued for construction and legal matters, the LSA has established Rules and Procedures for the Procurement of Goods, Works and Services. The Policy was approved by the previous Land Settlement Committee and endorsed by the Permanent Secretary in 2011. In order to further strengthen its procurement policies the LSA has also undertaken the following:

- i. A Procurement Specialist was hired to assist with procurement related activities;
- ii. The Agency adheres to the IDB Procurement Rules and Procedures for the Procurement of works and services under the IDB funded program;
- iii. The Policy is currently being reviewed in accordance with the new Public Procurement and Disposal of Property Act, 2015.

3.3.5 The LSA has a number of challenges that impact the manner in which the Agency is able to effect its mandate, other than insufficient statutory authority, the number of vacancies and the lack of financial resources. These challenges relate to the process of squatter regularisation:

- i. in reference to the issuance of a Certificate of Comfort in cases where the applicant or the recipient has passed away and the “bare licence” protection from ejectment is voided;
- ii. It is estimated that only 1/3 of the squatters on developed sites could benefit from security of tenure and title under the existing law of the State Land (Regularisation of Tenure) Act Chapter 57:05, Act 25 of 1998.

Findings

3.3.6 Although the Chief Executive Officers of the LSA indicated that the current number of employees was sufficient, the Committee considered this position contradictory taking into consideration that there is a lack of a meaningful research capacity within the agency to monitor the status of squatting in Trinidad. This statement is further conflicted by the fact that applicants seeking to be regularized experienced a number of delays, some of which are linked to the internal operations of the agency. The gap is demonstrated in the lack of staff available to perform the field work, such as surveys and site visits and certain legal functions such as title searches.

3.3.7 The fact that the LSA requires additional funding is axiomatic and is a common position amount the majority of state agencies. What concerned the Committee was

whether the funds at the LSA's disposal are being used as efficiently as possible. The average cost of developing a lot of land was reported as between \$130, 000 to \$160, 000 per lot. However, the squatter pays a subsidized rate of average \$50, 000 to \$80, 000 per lot. Thus even on a long-term horizon, the agency is anticipated to spend over 50% more than it earns.

3.3.8 Thus, the Committee is questioning the sustainability of the LSA model. The Executive should consider the following question in assessing the viability of the LSA's operations:

- i. Should tax payers be paying for the illegal occupancy of state land?
- ii. Are persons deliberately squatting because the cost of occupying state land is more than 50% below the market rate?
- iii. Is the proliferation of squatters linked to the significant shortfall in the supply of state housing solutions?
- iv. Are there political considerations involved in the decisions related to the containment of squatters?

Recommendations

- A. Given prevailing financial challenges, the Committee recommends that the LSA's line Ministry undertake/facilitate a review of the operations of the agency with a view to:**
 - a. Identifying performance deficits and wastages within the operations of the agency;**
 - b. Prioritizing vacancies that should be filled;**
 - c. Reviewing the formula for the pricing of lots**
- B. The Committee recommends that a fee system be established for persons who have been granted a Certificate of Comfort to assist the LSA in generating revenue to offset the cost of developing squatter sites.**

Objective 4: To Assess the Adequacy of the Current Legislative Framework Governing the Agency

3.4.1 There exist several gaps and inconsistencies in the existing legislation that impede the LSA from effectively achieving all of its objectives. Furthermore, the expanded and revised mandate of the LSA has grown exponentially over the years but the commensurate changes to the agency governing legislation have not been implemented.

3.4.2 The objective of the **State Land (Regularisation of Tenure) Act**, of the Laws of Trinidad and Tobago, Chapter 57:05 ("the Act"), is as follows:

"An Act to protect certain squatters from ejectment from State Land; to facilitate the acquisition of leasehold title by both squatters and tenants in designated areas and to provide for the establishment of land settlement areas."

The Current Application of the Act

3.4.3 In summary, the Act applies to the following:

- i. SQUATTERS - in occupation of *State Land* generally, who have submitted an application to the LSA for protection from ejectment and may be eligible to receive a Certificate of Comfort;
- ii. SQUATTERS AND TENANTS - in occupation of certain State Land ⁷*"Designated Areas"* and *"Land Settlement Areas"* who may be entitled to or become eligible for a Statutory Lease and Deed of Lease.

The Limitations in the Application of the Act

3.4.4 Information provided to the Committee by the agency highlighted several jurisdictional and operational limitations in the application of the Act and in meeting the objectives of the Act. According to the Act, only squatters and tenants in occupation of a *Designated Area* or a *Land Settlement Area* have met the stipulations of the Act and who are

covered by the provisions of the Act, can become eligible for a Statutory Lease or a Deed of Lease. A Statutory Lease or Deed of Lease, is the tangible product of regularisation, being title to the parcel of land occupied.

Limitations in the Application of the Act as it Pertains to Squatters

3.4.5 The LSA advised the Committee that the Act only applies to squatters who applied for protection from ejectment in accordance with the provisions of the Act.

The Act does not address the following occupants of State Land:

- i. Squatters who applied for a Certificate of Comfort (COC) after the October 27, 2000 deadline but have been residing on State Lands before January 1, 1998;
- ii. Squatters who applied for a COC after the October 27, 2000 deadline and commenced occupation of State Lands after January 1, 1998;
- iii. Squatters who did not apply at all for a COC but were in occupation of State Lands prior to 1998;
- iv. Squatters who did not apply for a COC and commenced occupation of State Lands after January 1, 1998;
- v. Squatters who applied but were unsuccessful in their application;
- vi. Squatters who applied and have since died, whether before or after the issuance of a COC;
- vii. Squatters with non-residential, commercial and industrial structures;
- viii. Squatters in occupation/ ownership/ management of other types of structures e.g. Churches (religious buildings), Humanitarian Homes (e.g. Homes for the ill and/or aged, Orphanages, for victims of Domestic Violence), Nursery Schools, etc.;
- ix. Squatters with multi-family residential structures. (Sometimes what seems to be a single dwelling house is not and may house different applicant squatters and households);
- x. Squatters with semi-residential and semi-commercial structures (rental apartments);

- xi. Squatters who reside on State Lands of different types of jurisdiction e.g. Agriculture and Forest Reserve;
- xii. Persons who applied for regularisation under other housing or land settlement programmes prior to the Act or the establishment of the LSA or outside of the current scope of Act 25 of 1998;
- xiii. Persons who occupy lands vested in other State entities, whether as squatter, tenant, licensee, or otherwise, where such entities may have had other programmes of regularization;
- xiv. Persons directed to be relocated onto State land for various reasons e.g. by LSA or HDC/ NHA, some of whom would have applied for a COC and others did not.

Limitations in the Application of the Act as it Pertains to Tenants

3.4.6 Tenants are not squatters. Tenants on State land have pre-existing legal arrangements with terms and conditions that were negotiated with an arm or the State and not the LSA. The LSA cannot “regularize” a tenant in the way prescribed by the Act for a squatter.

Limitations of the Application of the Act as it Pertains to State Land and Lands Under the Control of other State Agencies

3.4.7 Under the Act the LSA was established as a body corporate was not legally vested with title to any State Lands. All lands to be regularized under the Act are State Lands. This poses several administrative and legal challenges as the LSA must largely depend and wait on the Commissioner of State Lands to make lands available to be surveyed, etc. and to become “Designated Areas” and “Land Settlement Areas” in order for the Act to apply.

3.4.8 In order for a squatter or tenant to move to a Statutory Lease or a Deed of Lease under the Act he must be in occupation of a *Designated Area or Land Settlement Area*.

Also, the application of the Act depends on the actual process of conducting title searches to determine the status and jurisdiction of land as State or otherwise. This is a very long and difficult process.

Findings

3.4.9 Based on the Committee's review of the evidence received from the LSA concerning the operation of its governing legislation, it is clear there is an urgent need for the Act to be amended to address meet the present realities involved in the management of the "squatter population". The Act requires realignment to address the omissions and misnomers contained therein. After over 15 years in operation and the issuing of only 11 leases, the Committee strongly believes that a comprehensive review of the Act and by extension the operations of the LSA should be a priority item for the Ministry of Housing and Urban Development.

Recommendations

- A. The Committee recommends that the Ministry of Housing and Urban Development take the necessary action to finalise the proposed amendments to the Act and cause same to be submitted for the consideration of Cabinet. (See Appendix IV)**
- B. The Committee recommends that the Minister of Housing and Urban Development in his response to this report provide the Parliament with a status update on the approving and drafting of amendments to the Act and other related legislation.**

Your Committee respectfully submits this Report for the consideration of Parliament.

Mr. H. R. Ian Roach
Chairman

Approved: September 28, 2016

Appendix I

Minutes

MINUTES OF THE FIFTH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT ON LOCAL AUTHORITIES, SERVICE COMMISSIONS, STATUTORY AUTHORITIES (INCLUDING THE THA) HELD IN THE ARNOLD THOMASOS ROOM (EAST) LEVEL 6 AND THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, 1A WRIGHTSON ROAD, PORT OF SPAIN HELD ON WEDNESDAY 23 MARCH, 2016

PRESENT

Members

Mr. H. R. Ian Roach	Chairman
Ms. Ramona Ramdial, MP	Vice-Chairman
Mr. Faris Al-Rawi, MP	Member
Mr. Darryl Smith, MP	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Stuart Young, MP	Member
Mr. Nigel De Freitas	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Ms. Gina Marajh	Research Assistant

ABSENT

Mr. Daniel Solomon, MP	Member (Excused)
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Also present were:

THE OFFICIALS FROM THE LAND SETTLEMENT AGENCY (LSA)

Mr. Hazar Hosein	Chief Executive Officer
Ms. Sasha Darbeau	Manager, Tenure Regularisation Unit
Mr. Satchianand Bassaw	Senior Design Engineer
Mr. Everson Beeda	Land Use Planner
Ms. Oma Moonoo	Senior Accountant

COMMENCEMENT

- 1.1 The Chairman called the meeting to order at 1:22 pm and welcomed those present.
- 1.2 The Chairman informed Members that Mr. Solomon, asked to be excused from the meeting.

CONSIDERATION OF THE MINUTES OF THE 5th MEETING HELD ON FEBRUARY 24, 2016

- 2.1 The Chairman asked Members to examine, page by page, the Minutes of the Meeting held on Wednesday February 24, 2016.
- 2.2 There being no corrections or omissions, the Minutes were confirmed on a motion moved by Mrs. Baptiste-Primus and seconded by Ms. Ramdial.

MATTERS ARISING FROM THE MINUTES

The Chairman referred the Committee to the following paragraphs of the Minutes:

- 3.1 **Item 4.3, page 2** – with regard to the Legal Opinion on *the Committee's jurisdiction to examine the THA*, the Opinion was circulated via email on Thursday March 17, 2016. The Committee agreed to revert to this item later in the proceedings.

When the Committee resumed its discussion on the legal opinion they agreed to the following:

- It would revert to its original work schedule and conduct the inquiry into the THA on April 27, 2016 instead of the South-West Regional Health Authority (SWRHA).
- the Secretariat shall inform the Clerk of the THA that the Committee intends to conduct an inquiry into the administration of the THA, in Tobago and whether their office can assist with certain logistical arrangements.

- that the Committee will not meet concurrently with the Public Administration and Appropriations (PAAC) Committee to examine the THA as it may not be an efficient exercise.

3.2 **Item 7.1 page 10** - The Chairman informed the Committee that the PCA provided a response to the Committee's request for additional information on March 11, 2016. The document was circulated to Members.

The Committee then agreed that letters should be forwarded to the Director of Public Prosecution (DPP) and the Police Commissioner's Office soliciting feedback on:

- a. the PCA's recommendations for the improvement of its operations;
- b. the number of files forwarded by the PCA that have not been attended to.

3.3 The Committee also agreed that depending on the response received from the two entities, they may be invited to appear before the Committee.

CONSIDERATION OF THE DRAFT INQUIRY PROPOSAL ON THE SOUTH-WEST REGIONAL HEALTH AUTHORITY (SWRHA)

4.1 The Chairman indicated to Members that they should submit their comments and or suggestions on the draft inquiry proposal to the Secretariat.

PRE-HEARING DISCUSSIONS RE: THE LAND SETTLEMENT AGENCY (LSA)

5.1 The Chairman informed the Committee that five (5) officials of the Land Settlement Agency (LSA) were expected to be present at the hearing. The list of Witnesses was circulated to Members for their information.

5.2 The Chairman informed Members that the LSA's pre-hearing submission was circulated via email on March 14, 2016 and hard copies were delivered.

- 5.3 The Chairman indicated that an Issues Paper was prepared by the Secretariat based on the LSA's submission, to assist Members in highlighting key aspects of the document. He also suggested that it be used as a guide to keep the inquiry focused.
- 5.4 There being no further business for discussion *in camera*, the Chairman suspended the meeting at 1:41 p.m.

OTHER BUSINESS

- 6.1 The Chairman indicated that the next meeting of the Committee will be held on Wednesday April 27, 2016, in Tobago at 9:30am and at that meeting, the Committee will convene a public hearing with officials of the THA at 10:00 am.

PUBLIC HEARING WITH OFFICIALS OF THE LAND SETTLEMENT AGENCY (LSA)

- 7.1 The Chairman reconvened the public meeting at 1:43 p.m.
- 7.2 The Chairman welcomed and thanked the officials from the LSA for attending and introductions were made.
- 7.3 The Chairman reminded those concerned that the objectives of the hearing were:
- a. To assess the current state of squatting on State Land in Trinidad;
 - b. To evaluate the effectiveness of the Agency in executing its mandate, particularly in relation to the: regularization of eligible squatters and the containment of squatting; and
 - c. To determine whether the resources, systems and procedures of the LSA are sufficient to allow it operate efficiently.

OPENING STATEMENT

7.4 The Chairman invited the CEO of the LSA, Mr. Hazar Hosein to make a brief opening statement. Mr. Hazar's gave a brief overview of the Land Regularisation Act. He also informed the Committee of the following:

- i. there are approximately 55, 000 squatting households in Trinidad and 220, 000 squatters in total based on an average of four persons per household;
- ii. the number of squatters continues to increase as new persons occupy lands without the state's authorisation; and
- iii. the number of squatting sites have increased from 251 to 350.

7.5 The following issues/inquiries arose from the discussions held with the LSA officials:

i. **The Relationship between the LSA and the Ministry of Planning**

The Land Use Planner, Mr. Beeda stated that the LSA has a good working relationship with the Ministry of Planning because the Agency adheres to the rules and regulations of the Town and Country Planning Division. The LSA would request approval before work can commence on a Development.

ii. **Approval for Squatting Communities**

The Committee sought further clarification on whether approval was obtained for the development of the squatting Communities listed in the Act. The CEO advised that the LSA regularizes squatting sites on an incremental basis, to date the Agency has regularised and placed infrastructure in 30 out of the 251 squatting settlements listed in the Act. The Agency has received planning permission for the development of seven new sites. The LSA has not approached Town and Country Planning for approval of all the squatting sites.

iii. **Squatter Tracking Mechanisms**

- a. The Committee enquired into the tracking methods used by the LSA to locate squatters. The CEO indicated that the Containment Unit of the LSA

visits sites on a daily basis to identify new squatters. However, the Unit is under staffed, at present there are 13 officers to patrol the entire country. The officers have identified 700 to 800 new squatting families over the past eight to nine months. The CEO also indicated that there may be more squatting families in Trinidad than are recorded.

- b. The LSA stated that during the period 2009 to 2012, a survey was conducted which covered 80% of Trinidad, 300 out of the 350 squatting sites and identified 25, 000 squatter families, although only 7, 000 of those families were recorded on the LSA's database. The LSA estimated that the number of squatter families were increased from 25, 000 to 55, 000 during the period 2009 to 2015; there was a noted increase in the number of housing structures on the sites. The CEO indicated that they do not have jurisdiction over all state lands, such as Caroni lands where there are approximately 3,000 spontaneous settlers.

iv. The Land for the Landless Programme

The Programme was launched in 2012 as a mechanism to curb the flagrant squatting across Trinidad and Tobago. The CEO informed the Committee that under the Programme, ten sites are currently being developed and some have been approved. There were approximately 56, 000 applicants to the Programme but no lots have been distributed to date.

v. Statistics as per Squatting Area

- a. The Committee enquired about the number of squatters in the following regions in Trinidad: Sangre Grande, Point Fortin, Diego Martin, Port of Spain and D'Abadie/O'mera. The CEO pointed out that Sangre Grande is the fastest growing squatting area in Trinidad. There are approximately 7, 000 to 10, 000 squatting families in Sangre Grande. In the Valencia and Sangre Grande region there is a lot of unoccupied forested lands the

squatters clear the forests to erect structures thereby destroying the forest reserves. In River Estate, Diego Martin there are approximately 3, 000 squatting families.

- b. Whereas, in the area of “Kantanga” and the hillsides of Port of Spain there is an estimated 20, 000 squatters, however, no comprehensive survey was done to determine whether the lands are private lands which were abandoned estates or state land. In the D’Abadie/O’mera area the village of Carapo has 7, 000 to 10, 000 squatting households.
- c. The LSA has also recorded the following data annually, in 2012 there were 822 new squatting structures; 2013 - 944; 2014 -1,167 and in 2015 there were 1,011.
- d. The CEO informed the Committee that within the area of Bon Air, 450 lots were reserved for low-income citizens and to relocate other squatters, however, persons started to occupy the land indiscriminately and the LSA has been unable to recover the land.
- e. In an attempt to curb illegal squatting, the LSA submits a list of new illegal structures to each Regional Corporation and the Commissioner of State Lands.

vi. Proposed Mechanisms to Reduce Squatting

The Committee acknowledged that the LSA does not have the legislative or manual power to contain squatting and requested the Agency identify some measures that will make the Agency more effective. The Manager of the Tenure Regularisation Unit, Ms. Darbeau made the following suggestions:

- Developing stronger working relationships with other state agencies, especially those responsible for state lands including the Commissioner of State Lands;
- The lack of enforcement by state officers of the current legislation;

- Lack of political will;
- Improvement in the administrative procedure with regard to data collection, updating the data collected and the serving of notices;
- Lack of resources at certain state offices that have a working relationship with the LSA such as of the Office of the Commissioner of State Lands;
- Public Education on the interpretation of the law and regulations; and
- A review of the legislation with regard to “adverse possession”.

vii. Staffing at the Land Settlement Agency (LSA)

- a. The Committee enquired about staffing at the Agency. The CEO stated that there are 193 contracted positions on the organizational chart. Currently there are 90 positions which are filled and 103 vacant posts; 30 temporary posts; and approximately 30 OJTs.
- b. There is one vacant senior managerial post – the Manager of Corporate Services. There are also ten (10) vacant middle managerial positions. The CEO indicated although the Agency has advertised the positions, the Agency has not been able to fill the positions for a number of years.
- c. The CEO also indicated that as far as the records of the Agency are concerned no employee of the LSA was dismissed.

viii. The Factors that have Contributed to the Increase in Squatting

- a. The Committee sought to determine the factors that have contributed to the significant increase in squatting. The CEO indicated it was mainly due to the failure of the state agencies to implement the current legislation. Such as the Commissioner of State Lands who has the power to contain and follow-up on the process; the Regional Corporations and the Town and Country Planning Division.
- b. The Chairman enquired whether the increase in the allocation of HDC houses made an impact on squatting sites. The CEO indicated that the LSA has worked with the HDC but it has not reduced the number of applicants seeking to be regularized.

ix. **The criteria applied for defining who is a Squatter**

- a. The Committee sought clarification on the definition of a squatter, according to the interpretation section of the *State Land (Regularisation of Tenure) Act Chapter 57:05* ("The Act"), it refers to persons in occupation of state land without legal title or the probability of one.
- b. To be classified as a "squatter" under the Act, a person must meet the following criteria:
 - the application should have been completed by October 27, 2000, in accordance with the Act;
 - documentary evidence that he have occupied the land since January 01, 1998;
 - the land must be owned by the state;
 - must be over the age of 18;
 - a citizen of Trinidad and Tobago; and
 - landless.
- c. If a person's application is unsuccessful a letter is issued from the Tenure Regularisation Unit stating the reason(s) the application for a *Certificate of Comfort* was unsuccessful. Ms. Darbeau indicated that in most cases an application is denied because the land is privately owned, it is considered sensitive state land; or the land is not under the LSA's jurisdiction.
- d. Other factors that have led to an application being denied is the submission of an application without a signature or a person who is discovered to own other property after a search by the Registrar General's Department and the Commissioner of State Lands. Usually an thorough search is conducted on the name of the applicant and co-applicant.
- e. It was noted that no action will be taken to remove a person if the application is denied. The legislation does not address the removal of persons from the lands and due to the sensitive nature these issues are not addressed. For this mater to be resolved the involvement of the policy

makers is required. It was proposed that it may be more feasible to have persons who occupy land but have not been regularized to pay a fee in order to remain on the lands.

x. **The effect of Budgetary Shortfalls on the Operations of the LSA**

- a. The Committee sought to determine how the shortfalls have affected the LSA. The CEO indicated that it has affected the Agency's ability to develop the number of squatting sites it was mandated to. He reiterated that although the LSA has been in existence for 16 years, it has only been able to develop 30 sites. This was due to the lack of adequate funding to conduct its developmental works. The Agency is in the process of developing eight sites. The average cost to develop a lot per squatter is \$130, 000 to \$160, 000 per lot. However, the squatter pays a subsidized rate of average \$50, 000 to \$80, 000 per lot.
- b. Members further questioned the LSA on whether the Agency has failed to meet the nation's needs. The CEO insisted that due to the lack of funding over the years it has caused the Agency to under-perform. He noted that the largest budgetary allocation the LSA received was \$72M in fiscal 2015/2016 through the IDB Fund. This is compared to the \$40M and \$10M that was allocated in 2013/2014 and 2014/2015 respectively. Though the allocation for the 2016 fiscal year was an increase, the CEO indicated that \$200M is required to complete infrastructural works.
- c. Under the *Land for the Land Landless Programme* the LSA also received \$5M which is not adequate, since \$100M is required to complete the work required and \$1.5M to conduct squatter surveys.
- d. In accordance with the Act a condition for obtaining "security of tenure" by a deed of lease, is that the regulatory standards of agencies such as required by the Town and Country Division, the Environmental

Management Authority; the Drainage Department, WASA and T&TEC must be satisfied. This is also a condition of the IDB agreement.

xi. **The Provision of Water and Electricity Connections**

The Committee sought to determine whether there is a correlation between access to utilities such as water and electricity and the proliferation of squatting. The CEO indicated that the LSA believes by providing water and electricity connections to a person who is squatting does encourage squatting because these are the two basic needs required for a settlement.

xii. **Payment for Lands Occupied**

The Committee inquired about the cost incurred by squatters for a lot of land, the CEO informed Members that it is based on the value of the land. There is a \$5 per square foot infrastructure cost and a premium of 20% that is determined by the land value. The price of land varies according to the location, it is determined by the valuation performed by the Valuation Department, Ministry of Finance.

xiii. **The Regularisation Process**

- a. The CEO indicated that the tenure process commences when a person has received a Certificate of Comfort. When the site has been regularised the person receives a lease. The LSA has distributed approximately 7, 700 Certificates of Comfort to date and 11 leases. The LSA has 3, 000 lots that are currently being developed and awaiting approval.
- b. Members enquired further to determine whether checks to determine prior land ownership cannot be done at an earlier stage. It was determined that there were certain anomalies in the legislation which were not considered at the time the law was enacted. For instance, the predetermination of landlessness was not considered a criterion for application.

xiv. **The LSA moving to become more Self-efficient**

Members sought to ascertain how the LSA plans to become more self-sufficient. The CEO informed the Committee that each squatter should make a payment towards the land and a pricing policy established. The State should be able to recover the infrastructural cost and reinvest the monies collected into other settlements.

xv. **Squatting in Tobago**

Squatting in Tobago is under the jurisdiction of the Tobago House of Assembly. Squatting is not as widely reported in Tobago as in Trinidad because the nature of squatting is quite different in Tobago. The issues regarding land ownership is mainly associated with “family land”. Tobago is comprised of large estates that have issues with family ownership, without probate or an Administrator and no legal documentation to dispose of the property.

xvi. **Upgrades to lands Formerly Developed by EMBD**

- a. The Committee sought clarification on the upgrades required to the 400 lots at Green Field Development, in order to confirm whether it was due to contractor error or inaccurate project design specifications. The Design Engineer stated that the changes were required to meet regulatory standards of other state agencies. These standards have changed over the years such as the Drainage Division, WASA who implemented certain requirements to prevent flooding which have to be adhered to in order to receive the necessary approvals.
- b. The Committee also questioned whether the approval requirements and standards for the EMBD and LSA were different. Mr. Basaw informed the Committee that standards were similar to both agencies. He stressed that reason for the delay in providing infrastructure to the site was the four year period for work to actually commence on the site and the need for the LSA to meet the necessary statutory requirements.

7.6 There being no further questions, the Chairman then invited the CEO to make closing comments.

7.7 The Chairman thanked the LSA officials for their attendance.

REQUEST FOR ADDITIONAL INFORMATION

8.1 Based on the Committee's deliberations, the Land Settlement Agency (LSA) was requested to provide the following additional information:

- a. Provide a list of the top ten (10) contractors hired by the LSA to execute land development and infrastructural development works.

ADJOURNMENT

9.1 The Chairman thanked all present and adjourned the meeting.

9.2 The meeting was adjourned at 3:21 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

April 25, 2016

Appendix II

Verbatim Notes

VERBATIM NOTES OF THE FIFTH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT ON LOCAL AUTHORITIES, SERVICE COMMISSIONS AND STATUTORY AUTHORITIES (INCLUDING THE THA) HELD IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR (IN PUBLIC) TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, MARCH 23, 2016 AT 1.22 P.M.

OFFICIALS OF THE LAND SETTLEMENT AGENCY

Mr. Hazar Hosein	Chief Executive Officer
Ms. Sasha Darbeau	Manager, Tenure Regularization Unit
Mr. Satchianand Bassaw	Senior Design Engineer
Mr. Everson Beeda	Land Use Planner
Ms. Oma Moonoo	Senior Accountant

Mr. Chairman: Good afternoon everybody. We are about to commence the fifth meeting of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities including the THA. I would like to indicate that this meeting is being broadcast live on Parliament Channel 11, Parliament radio 105.5 FM and the Parliament YouTube Channel *ParlView* for those interested in following this live hearing. I would also like to inform that the audience, the public can send comments via email at Parliament 101@tpparliament.org or our facebook page @facebook.com/tpparliament or on Twitter at tpparliament.

My name Ian Roach and I am the Chairman of this Committee. I am assisted by other members who I will ask to introduce themselves. Before, I would like to welcome you to this hearing and thank you for your presence, we hope to have a fruitful public hearing this afternoon and deal with it within the time allotted which is about, I think,

we have about two hours here this afternoon. Hopefully it will be very well informative. I will start by asking the members of the Joint Select Committee to introduce themselves starting with our Vice-Chair.

[Members of the Committee introduce themselves]

Mr. Chairman: Mr. Chairman, I would like you—CEO. Sorry. I would like you to introduce yourself and your other members with you, but put on your mike, please, so it can be recorded.

[CEO introduces himself and other Officials of the Land Settlement Agency]

Mr. Chairman: I would like to remind members as to why you are here. This enquiry is to assist the current state of squatting on state land in Trinidad; to evaluate the effectiveness of the agency in executing its mandate particularly in relations to, (a) regularizing of eligible squatters, and (b) the containment of squatting; also to determine whether the resources, systems and procedure of the Land Settlement Agency, LSA, are sufficient to allow it to operate efficiently.

I would like to thank you. We received your submissions and acknowledged it. It was dated March 14, 2016, and we have had an opportunity to go over it, and I guess you will get some questions from it itself. I will now invite you, Mr. Hosein as CEO, to make a brief opening statement.

Mr. Hosein: Okay. We are indeed pleased, my team and myself, are indeed pleased to be here and to present before the Committee. The LSA has been in operation since 1999. The Act was passed in 1998, Act 25 of 1998. At that time members of the public who were squatting were invited to apply for regularization. And you had until October 27 in the year 2000 to do so. The LSA received some approximately 23,000 applications as at that time for regularization.

Since then the number of squatting households have increased to our best estimate to approximately 55,000 households in Trinidad. And if we use the average of four persons to one household, we are talking approximately 220,000 persons squatting in Trinidad. It is indeed a major issue that the State needs to put resources to deal with, both

financial and human resources. Because this is an issue that affect all of us and the numbers keep growing, and we are of the opinion that if we do not put a stop to it, we will continue down this road for a very long time.

1.50 p.m.

The present state of regularization is affected by the increase in squatting because as we regularize, new persons are coming into sites and the number of sites are growing. We started with 251 sites that were listed in the Act. Our best estimate puts the number of sites at this time at 350 sites in Trinidad.

Mr. Chairman: Thank you very much. I will now invite members of this Committee to ask questions, well through the Chairman.

Mr. Young: Thank you very much. Mr. Chair, through you, one of my first questions, I see we have the Land Use Planner here, Mr. Beeda, I would like to know what your interaction is with the Ministry of Planning. Because as people may or may not know, under the planning Act, of course, we are supposed to have a master plan that sets out how we are supposed to deal with certain areas of Trinidad and Tobago, and then we have squatting communities that have developed over time. Certainly in the capacity of the LSA, what is the interaction with the Ministry of Planning?

Mr. Beeda: Good afternoon, everyone. We follow the rules set by the Town and Country Planning Division. Whenever we start a development, we would apply for an outline planning permission. This would give us whether we can go with residential based on present planning policy. When we get the go-ahead, we will do our plans and we will submit for final planning and permission. So we stick within all the rules set by the Town and Country Planning Division.

We used to do small plans based on our sites and in the past, we used to send some of these plans to the Town and Country Planning Division. For example, we did a study of squatting in Port of Spain and we supplied a copy to the Town and Country Planning Division as well as other State agencies.

Mr. Young: Thanks. So what you have confirmed there is that there is a very interactive

and current relationship going on between yourselves and the Ministry of Planning, and you are always keeping them, not only aware of what is going on by the latter part of what you just said but also, in fact, before you commence any development, you go through the normal process like everyone else which is seeking the planning permission.

Mr. Beeda: Even before we submit the final, we have built relationships with members of Town and Country. We actually could go in now and sit with one of the planners and look at—because we use standards that are sometimes different from the normal standards and try to get buy-in from these technical persons before we actually make the official submission.

Mr. Young: Thank you very much.

Mr. Al-Rawi: Thank you. Good afternoon, again, everyone and to the listening public. We are dealing with a very important issue and I would like to just take a little step back into some of the data that has been provided. Thank you, first of all, for a very well-written report presented to this Committee in answer to our several enquiries. You have stated at page 1 of your enquiry that the social survey done, the last extensive one in the period 2009 to 2012, evidenced somewhat a number close to 25,000 squatter families over 300 squatter sites.

It is now estimated at page 1, again, that there are approximately 55,000 households, so that figure has gone up from 25,000 to double that figure, 55,000, and we are now looking at approximately 220,000 persons if you go with just a multiplier of four persons per household. It may, in fact, be more. What I am concerned to know, in following on upon Mr. Young's question, in relation to the requirement to have Town and Country scheduled approval, a master approval for squatting communities, the LSA Act only prescribes a certain number in the Act. My first question is: was there an approval process that has confirmed now the planning authority for those existent sites described in the legislation? So is there the requisite Town and Country identification for those particular sites as listed in the legislation?

Secondly, insofar as, specifically, the proposal on the last Parliament's agenda

table was for a broadening of the number of sites with an invitation that—in fact, a schedule was produced in an amended Bill which described a significant increase in that number. Was there similarly Town and Country Planning approval within the contemplation of the Act for that broadened list of sites? And the question following from that is: what mechanisms were put in place to track and monitor the number of applicants invited to go on to those broadened sites to become regularized under the proposed legislation which did not launch off the last Parliament's table? I will start with those three questions.

Mr. Hosein: Okay. With respect to the Town and Country and planning authority, as I pointed out earlier on, there are 251 sites listed in the Act. The LSA has been doing regularization on an incremental basis, meaning that it is impossible for us to approach all 251 sites. So what we do, we plan a number of sites, as what we are doing right now, for example, we are planning approximately 30 sites out of 251. Over the years of operation of the LSA, the LSA has regularized and put in infrastructure in approximately 30 communities, 30 sites. So we have not approached Town and Country for approval for all of the sites.

Secondly, with respect to what was attempted to be brought before the Parliament. Now, a number of sites was listed and parliamentarians, as far as we understand, submitted names of sites. Now, as far as tracking the number of squatters or squatting families, what the LSA has done over the years is that we have gone out to the sites, as we have showed in the social survey and we have picked up all squatting structures and have attempted to pick up social data on all squatters.

The information we have, as you pointed out here, 25,000 squatting families were social surveyed back in the years 2009 to 2012. That was an 80 per cent survey, it was not 100 per cent survey. Many parts of Trinidad, especially in the northern parts of Trinidad, we were unable and advised not to social survey certain areas because of certain issues.

The survey was 80 per cent. We did about 300 out of 350 sites. Out of that 25,000 that were surveyed, 7,000 of those persons matched our database. That is the reason you

are seeing the discrepancy now between the 25,000 and what we estimate at 55,000, only 7,000. It means that there were 16,000 families that did not match the database that we had at the LSA and we assumed that they are in various parts of the country, not necessarily what we describe as a site. Hence the numbers from 25,000 to 55,000.

So if we add the 25,000 to 16,000 that we did not find, that gives us approximately 41,000. During the years 2009 to 2015, the number of squatting households grew by approximately 6,000, and that is factual data that we have actually picked up on the ground, new structures, bringing the number closer now to 50,000 or thereabout, and there are certain jurisdictions that we do not have control over. For example, there are squatters on Caroni lands described as spontaneous settlers approximately 3,000 families. Those numbers add up to 55,000.

Mr. Al-Rawi: Sorry, Mr. Chairman, just to get the answer. Thank you very much on the numerical point. Is there planning permission within the context of the Act for the 251 sites listed right now and was there planning permission for the additional 100-plus sites to be added on?

Mr. Hosein: There is no planning permission for all 251 sites. The planning permission exists for the sites that we have actually put in infrastructure works. That is approximately 30 sites. We are currently doing seven new sites. We have planning permission for those sites.

Mr. Al-Rawi: And the question that was last left – thank you very much – perhaps in the run up, it got lost. What tracking mechanism and phenomenon did you see from the launch or the expectation in people’s minds that look, there are going be more of us regularized when the last Bill came out? What kind of numbers did you get? And the tail end question is: what sort of invitation was made to parliamentarians and who were the parliamentarians that actually submitted these proposed sites for regularization?

Mr. Hosein: Okay. And the question of tracking mechanism, the LSA has, what we have is our containment division that goes out into sites. Limited staff. We go out and see sites on a daily basis and attempt to pick up all new squatting. We have a total of 13 officers at

this time trying to patrol the whole of Trinidad. The numbers have increased tremendously. From our estimate over the last eight or nine months, the numbers have gone up. We probably have about 700 or 800 new squatting families and that is only what we have picked up. There are many more.

Mr. Chairman: Thank you. Miss Ramdial would like to ask you a question.

Miss Ramdial: Thank you. Mr. Hosein, in your introduction, you mentioned about the explosion of squatter settlements and putting a halt to this. The Land for the Landless Programme was one mechanism by which it was supposed to assist with respect to halting the wanton squatting across Trinidad and Tobago. Can you given me an update with respect to this programme? What is happening with that Land for the Landless Programme?

Mr. Hosein: The Land for the Landless Programme was launched in 2012. We have gone through three years of that programme and we are developing sites as we speak. In fact, we are developing close to 10 sites at this time. Some of the sites have received full approval as we speak.

Miss Ramdial: Just a follow-up question. So those applicants relating to those sites, at what stages are the process for the applicants, their application? At what stage are they at this point in time? Have you been able to distribute any of the lots?

Mr. Hosein: We have approximately 56,000 applicants since the start of the programme. No lots have been distributed to date. As I said before, what we have been doing is developing lots and trying to get the necessary approvals before lots are distributed.

Miss Ramdial: So the programme is on-going. Right?

Mr. Hosein: We are continuing with our programme.

Miss Ramdial: Okay, great. Thanks.

Mr. Smith: Good evening. In your report, you suggested that the top five geographical regions and municipalities/corporations and constituencies were Grande, Point Fortin, Diego Martin—which I was formally the Chairman of—Port of Spain South and D’Abadie/O’Meara. The reason why I brought this up is we used to have a meeting on

the corporation level called co-ordinating meeting and every now and then – that is once a month, the last Thursday – and LSA will send a representative every now and then, not as consistent as we would have liked.

But one of the things that we constantly asked for was figures in terms of how many squatters were in the geographical areas so we could assist, and we used to try to work with them with our municipality police to see how we could try and stop it from happening. Because once anchor is laid, it is difficult to remove and so on and so forth.

But in those five areas, I always ask because we were trying to push a proper database and database analysis because what we found was most of the issues that we got in the local government avenue were in those areas that were squatting in terms of lack of infrastructure. But they would build up, build up, build up over the years and of course, they may get regularized or not but they become part of the voting public and so on, and we will have to go in there and do major work because of that. But do you have any figures with regard to those five areas: Grande, Point Fortin, Diego Martin, Port of Spain and D'Abadie/O'Meara?

Mr. Hosein: Yes, I can give you estimates and we could provide further details in writing but I can give you some estimates of what we estimate the numbers are. The area of Sangre Grande – and I will probably make this statement – is the fastest growing squatting area in the country, because there are lots of forestry lands in that area in Valencia, Sangre Grande area and persons are going to those areas. They are actually destroying our forest reserves as we speak. We estimate that they are somewhere between 7,000 to 10,000 squatting families in that entire area. Point Fortin, another very large area, we have over 3,000 squatting families in that area. It could be more because Point Fortin, the number of squatters are increasing.

Diego Martin, in the River Estate area especially, we have approximately 3,000 squatting families. Port of Spain South, I will have to provide those details for you but it is a huge number.

Now, we talk about Port of Spain South and probably we looked at “Kantanga”

and those areas but if we look at the hillsides and Port of Spain, some estimates – and we are not sure about this because we are unable to do the survey. Some estimates put the number of squatters in the hillsides of Port of Spain and environs as close to 20,000. However, not all of those are on state lands because you have state lands intermingled with private lands, and no comprehensive survey, perimeter survey has been done to establish the squatters on State lands as opposed to the squatters on private lands, old abandoned estimates. I will continue. D’Abadie/O’Meara is another large area. I will give you one example, at D’Abadie/O’Meara would be the area of Carapo. That is an area that we have developed. Over seven to 1,000 squatting households in that one vicinity alone.

Now, you mentioned the regional corporations. On a weekly basis, we have taken a decision, the LSA submits to every regional corporation the number of new structures – new illegal structures that we pick up. It is submitted to both the regional corporations and to the Commissioner of State Lands. I am glad to hear that there was some cooperation in the past and that is one of the areas that we are looking forward to get cooperation, where the corporations, within their power, can deal with illegal structures but we have had very limited successes in dealing with illegal structures.

The LSA itself, Chairman, does not have the power to contain squatting. We have never been given that power in our Act.

Mr. Chairman: I realize this is one of the amendments you all are seeking.

Mr. Hosein: Exactly.

Mr. Chairman: I mean, you are like a bulldog without any teeth eh.

Mr. Hosein: Exactly.

Mrs. Baptiste-Primus: Thank you, Chairman. My first question would have been the question, given the response that you just give, Mr. Hosein, to outline some of the squatter containment initiatives. Notwithstanding the fact that the LSA does not now possess such authority, what would be some of the containment measures would you like to see in place? Because it is very clear that squatting has spiral completely out of control in this country.

Mr. Hosein: Chairman, with your permission, can I ask Ms. Darbeau to answer that question?

Mr. Chairman: Sure. Yes, please.

Ms. Darbeau: Good afternoon, members. In terms of mechanisms to approach—I am sorry. I am an attorney-at-law. I have been with the Land Settlement Agency for 10 years. I have been in practise for approaching 17 years.

Some of the mechanisms apart from legislative review, which I can discuss in a little more further detail, we need to establish stronger alliances and networking relationships with other State entities and administrators of State land. Starting with the top, the Commissioner of State Lands is the custodian of State land as ordained in the State Lands Act, and all the ultimate responsibility for squatting actually resides with the Commissioner of State Lands.

As a matter of fact, under the Land Settlement Agency governing legislation, we are referred to section 20 of the State Lands Act to address any non-compliance with relocation or any matters that may involve containment, we are directed to refer such matters to the Commissioner of State Lands. What can the commissioner do? The commissioner can institute proceedings before a Magistrates' Court. That has its own small success and more challenges than that we are aware of for several reasons. So the commissioner is currently also in need of some legislative attention to give him some sharper teeth and more summary powers when it comes to dealing with squatting on State land.

Therefore, in our time or in my time, I should say, in looking at legislative review, we have looked at it collectively. I have looked at it, not just on behalf the Land Settlement Agency being given stronger teeth but more so, the Land Settlement Agency and the Commissioner of the State Lands be given wider powers, more summary powers, more immediate powers, for reasons because of the challenges that they face. For instance, to commence a summons, to serve a summons on someone, a squatter who is not giving their name, it stops right there; it stagnates.

The DPP's office has been swarmed with matters that have gone nowhere because they do not have a name to go forward. State land inspectors sometimes face challenges, they face threats. They face other forms of incentives to prevent them from dealing with taking the next step to commence summary court proceedings. Therefore, the legislative review that has been proposed over the years has looked at all the challenges and we have proposed other ways of dealing with legislative review for the Land Settlement Agency and the Commissioner of State Lands.

Now, we are also seeing, in my respectful view, that creating legislation or enhancing legislation is not a new thing. We already have legislation that the CEO intimated earlier which resides with the municipal corporations and, to some extent, Town and Country Planning as well. The municipal corporations do have the authority to address persons who construct any building on any form of land, any tenure, without the relevant permissions and approvals. Unfortunately, it is a very difficult decision to arrive at when you have—it is a political decision. It is a council having to pass a resolution that may very well wipe out an electoral district in the event of a decision to demolish or to remove a structure but that is, in fact, the powers that currently reside with municipal corporations. A building inspector in a corporation could identify an illegal structure without an approval, state or private and the council can take a decision accordingly. So creating legislation for the LSA and the Commissioner is not going to resolve the problem if we have not resolved how to enforce existing legislation and to enforce the sanctions that currently exist.

We also have to be more aware and responsive in terms of reporting matters, having stronger administrative procedures in place to address collecting data, updating data collected, the service of notices. There are several procedural things that could be enhanced as well. Resources: the Commissioner of State Lands office, as far as I am aware, has been severely depleted over the years. I do not want to speak on behalf of that office but we have had a very close interaction because of the fact that we work on State lands. As a matter of fact, when the Commissioner of State Lands was first removed from the

Ministry of Agriculture and put in its own Ministry in 2013, I think it hit home that many of the officers who were actively working on State lands were actually employees of the Ministry of Agriculture and not of the Commissioner of State Lands.

So it is a holistic approach. I think we cannot also ignore public education strategies. I think our public need to be bombarded with information of what is not acceptable, what is acceptable, what must be done. There must be some form of training because, at end of the day, we could make the best laws but we have officers who have to implement them. We have to be sure that an officer understands what an abandoned structure is, what is a structure in the course of development, to know what action to take. Your view of abandon may not be somebody else's. So we have to be very careful how we write these laws for the average layman to implement, to understand and to enforce.

I would respectfully suggest that I have personally, in my time, had an opportunity to look at all these areas and there is another big monster called adverse possession which has also come into play in the proposals and I would like to see that go forward actively.

Mr. Chairman: Ms. Darbeau, have you – well, this is a very comprehensive answer. I mean it is very enlightening eh. A lot of what you say is very –

Ms. Darbeau: Forgive me for rambling, it is very passionate, Chairman.

Mr. Chairman: I can see that and we appreciate that somebody like you is part of the agency. But have you given some of those views put forward that – ?

Ms. Darbeau: Yes.

Mr. Chairman: You have? Okay. I have a further question from Mrs. Baptiste-Primus.

Mrs. Baptiste-Primus: Mr. Chairman, I would just look to thank Ms. Darbeau for such a very frank and comprehensive response and one recognizes that you bring a certain level of caring in what you do. So thank you very much.

Ms. Darbeau: Thank you.

Mrs. Baptiste-Primus: Mr. Hosein, on page 27 of your written submissions, you indicated

in response to the question: is the current staffing arrangement at the LSA adequate to treat with its various activities? You would have indicated that the current organizational structure comprises 193 positions which really those positions are adequate to meet and treat with the coreresponsibilities of the LSA. May I enquire how many of these positions from the 193 are vacant and what percentage, if any at all, are contract as against permanent positions? And thirdly, how many of the vacant positions are managerial positions.

Mr. Hosein: Okay. To answer your question –

Mrs. Baptiste-Primus: Wait, hold, please. I want to link it to page 29. I do not want to engage in asking you – or question by question, but I hope you would have listed the three.

Mr. Chairman: But I think you better give short for him because – yeah, break it up for him.

Mrs. Baptiste-Primus: Well, no. It is how many of the 193 are vacant, how many are contract, how many are permanent, how many are managerial. I also want to link it to page 29 of your written submissions and to enquire – this fourth question is in reference to Roman (vi). What are the policies and procedures in place to ensure accountability, transparency in procurement of goods and services for the LSA? Among other things, you responded by indicating the LSA has also engaged the services of a procurement specialist to assist with procurement-related activities. Who is the procurement specialist?

Mr. Hosein: Okay. So I will start with the first question regarding the number of staff. There are 193 positions but not all of that is full. In fact, we have at this time, approximately 90 contract positions which are full at the agency.

Mrs. Baptiste-Primus: Ninety are filled?

Mr. Hosein: Nine zero. We have, at this time, approximately 30 temporary staff at the agency. We also have with us OJTs, close to 30 OJTs at the agency at this time. The number of managerial positions that are vacant at this time and if we look at senior manager

positions, we have one senior manager position which is vacant at this time, Manager of Corporate Services.

Mrs. Baptiste-Primus: So only one managerial position?

Mr. Hosein: Senior manager position, yes.

Mrs. Baptiste-Primus: No, senior. Are there other lower level managerial positions?

Mr. Hosein: Yes, we have a number of other middle manager positions which are vacant, especially within the technical side. Even a senior attorney position is vacant at this time. We have been unable to full a number of these positions over the years. We have advertised and we have been unable to attract persons to these positions.

Mrs. Baptiste-Primus: How many of the middle managers' positions are vacant?

Mr. Hosein: At this time, we would have approximately 10 middle managers' positions vacant.

Mr. Chairman: Mr. Hosein, what would you say have contributed to the significant increase in squatting in Trinidad? There seems to be an explosion.

Mr. Hosein: I think Ms. Darbeau answered a lot of that in that we really do not have laws and it is really the implementation of the laws that we do have. It is not being implemented. As she pointed out, the Commissioner of State Lands has the power to contain and to follow the process. The regional corporations have powers built in. The Town and Country has powers, but there has been —

Mr. Chairman: It is an unwillingness is what you are saying basically?

Mr. Hosein: Well, you can put it that way.

Mr. Chairman: Or they are not motivated to be politically correct? They are not sufficiently motivated?

Mr. Hosein: Probably that. *[Laughter]*

Mr. Chairman: I see.

Mr. Young: Mr. Chair, sorry, if I may? It is really to follow up on a point Ms. Darbeau made towards the end of her very useful submission. The public education point. I think that I would like to respectfully suggest that that is a very, very big element of it because

I think the majority of Trinidad and Tobago, at all levels, is not aware of the full extent of the law. Right? And you all would face this, I am certain, on a daily basis, of people thinking they can come in, get certificates of comfort, that you could provide them with some level of regularization, not realizing the period for that left about 16, 17 years ago. So I think I would like to suggest we have a bigger public education process. I am certain you all have done it before, but this, as you have pointed out, is a live issue, because every day, if every day you all are picking up more and more squatters, and I am certain you are having people come in on a daily basis seeking regularization and not being aware of the law, I would like to suggest that you focus some effort on the public education process. That is the first point.

The second point that interests me is that you said that on a daily basis, we have people out in the field trying to ascertain what is going with squatting, et cetera, and you have established quite clearly here that your agency is not the one that has the powers to stop and to make people not – to enforce the law, let me put it that way.

2.20 p.m.

One of my colleagues said a short while ago, there has been an explosion – I think it might have been the Chairman. Based on your statistics there was an explosion. You used the period of the last nine months and he was asking, why do you think there was such an explosion?

In the period of last year, in 2015, in particular, say the first half of 2015, was there any abnormal rise in the level of persons being picked up for squatting?

Mr. Hosein: If I can just give you some of the statistics that we have. In 2015, the LSA picked up 1,011 new squatting structures. I would just go back a little bit to emphasize the point.

Mr. Young: Can you give us the areas, if you have the areas where they were?

Mr. Hosein: I do not have those details here. In 2014, 1,167 new structures; 2013, 944 new structures and most of these are now occupied. In 2012, 822 new structures; 2011, 447 new structures; 2010, 996 new structures.

Mr. Young: So based on those statistics you have just given us, it shows that in 2014/2015, there was an abnormal rise in the number of squatting establishments set up, and as you quite rightly pointed out, occupation of these establishments.

Mr. Hosein: And also, if I might point out, we are doing an exercise right now where we are attempting to pick up more data and there is also a tremendous amount of structures, unoccupied structures as well. It shows that people are speculating. They are speculating. They are putting down frames in the hope that no action would be taken and at some point in time they are going to occupy, or maybe dispose of those structures, sell those structures to other persons. We saw in the press just recently where persons are actually selling structures. So they are building and selling.

Miss Ramdial: Mr. Hosein, just drawing from what member Baptiste-Primus was asking you about employment and vacancies, it has come my attention that over the past couple of months at least 25 to 30 employees of the LSA have been sent home. Is this true? And if so are they contract employees, from what departments? Can you identify and clarify?

Mr. Hosein: No employees from the LSA have been sent home, as far as our records show.

Miss Ramdial: Thank you.

Mr. Chairman: Mr. Hosein, what impact has the HDC housing scheme had or is having on the squatting? Is there any tempering of it? Is there a sort of synergy working with the HDC and your agency?

Mr. Hosein: Definitely we have synergies where we work with the HDC but to say that has had any impact with the growth in numbers, I would say no. Because if the numbers have increased from 23,000 applicants back in the year 2000, October of 2000, to what it is now, the numbers have grown steadily and there has not been much of an impact.

Mr. Chairman: Now, in terms of the squatting, probably Miss Darbeau may be able to answer this, there is a qualification to be a squatter, to be regularized. There is a time limit?

Ms. Darbeau: Yes.

Mr. Chairman: And there is a certain profile, social and economic, am I right?

Ms. Darbeau: Yes, Chairman. I am answering partially because in terms of our ability to regularize certain persons who are squatting in accordance with the provisions of the Act, there are certain characteristics that we need to meet for those persons to be eligible. So it is not just squatting, roving squatting. Persons must have applied with a proper application. There are several persons who applied and their applications are faulty. They have to have applied within the requisite time frame. Mr. Hosein indicated earlier in his opening submission, the 27th of October, 2000. Actually what the Act prescribes is a one-year period and a late application period of an additional year. So if the Act was enacted in 1998, one year and an additional year takes us to the 27th of October, 2000. The person must have attached certain requisite documentary proof showing that they were in fact on those lands by the 1st of January, 1998. So even though the application period was the 27th of October, 2000, the presence and occupation of a dwelling house on state land must have been by the 1st of January, 1998. And, of course, the most challenging issue is it must be state land.

Mr. Chairman: Now, tell me what happens where persons who are applying do not qualify? What happens to them? Do they remain squatters? How are they regularized? Are they evicted? What happens in those circumstances?

Ms. Darbeau: Persons who have submitted applications and they are not successful for one reason or the other, each of those persons, a letter is written under the hand of – well, coming from my unit. We inform the person of the reasons for their lack of being recommended for a Certificate of Comfort, which is the first stage of regularization.

Some persons, unfortunately are on state lands but it is on sensitive state lands that are not eligible to support regularization. Persons sometimes have applied and it turns out that they are on private lands, they are not eligible. Persons have applied without a signature. We tell them what the reason is and we direct them, if necessary, to the Commissioner of State Lands for assistance if in fact they are on lands that are not under the jurisdiction of the Land Settlement Agency.

In terms of removal, no, there is no action taken. However, if the person is in occupation of land that subsequently turns out to be a site that has received approvals for development, that person – are you hearing me clearly? – would be able to be regularized but not through the traditional course by the LSA. That person may receive regularization directly from the Commissioner of State Lands.

Mr. Chairman: So basically, what you are saying is that there is not a clear consequence if you do not qualify? I mean, you are a squatter per se. That means your chances either way are still kind of, not granted?

Ms. Darbeau: That issue, Sir, is encompassed in some of the holistic recommendations in reviewing the legislation. It does not speak to how to address matters such as those. As a matter of fact, it is a sensitive issue that needs to be addressed and there needs to be buy-in and sponsorship from the policy makers.

Very hesitantly, I would call it the need to look at extended regularization to address persons in that category or alternative forms of removing them from those lands and understanding what the ramifications would be. Because at the end of the day, those persons are in occupation, sometimes, of lands that have already received physical infrastructure upgrades, development and, perhaps, the State may be better served by having those persons pay for their occupation of state land, perhaps at a different rate.

Mr. Chairman: That is a very good suggestion.

Mrs. Baptiste-Primus: Thank you very much, Chairman. Mr. Hosein, I was assessing the information flow from you a short while ago and I do not think you answered my question. How many of the positions are vacant? You indicated to me that there are 90 contract positions filled; 30 temporary with 20 OJTs. But actually how many of the 193 positions are vacant?

Mr. Hosein: If we look at the organization structure, 193, and if we have approximately 90 full, it means that we have 103 vacant positions at this time, contract positions.

Mrs. Baptiste-Primus: The 193 positions are contract positions?

Mr. Hosein: All 193 are contract positions. All employees at the LSA, on the organization

structure, are contracted.

Mrs. Baptiste-Primus: So you have approximately 120 vacant positions still, you said?

Mr. Hosein: One hundred and three.

Mrs. Baptiste-Primus: Having said that, Mr. Chairman through you, Mr. Hosein, I am still on page 27 of your report. It deals with the shortfalls in your developmental programme and it states by how much. My question is: how will these shortfalls that you have identified impact on the delivery of the projects you have in mind? That is one. And two, given the downturn in the economic situation in the country, have you all sat down and reviewed the plans that you would have developed?

Mr. Hosein: Let me answer the first question. The shortfall has had an impact on our delivery. I just want to go back a little bit, in that the LSA has only been able to develop approximately 30 sites over the 16 years of operation and that is because we have been financially starved for funds to continue our development work.

It costs the LSA at this time approximately \$130,000 to \$160,000 to develop each lot for a squatter. And when we are given such limited funds it is impossible for us to continue our development programme. We would have started a number of preconstruction activities on a number of sites. In fact, as I said before, approximately 30 sites. And we have only been able, for this particular year we are working on eight projects. Now, when you look at the number of squatting sites and if we are doing eight now, we have done eight in five sites and we have done 30 in the past. If one tries to project when we are going to finish regularizing what we have now, bearing in mind the number of new squatters that are coming on, I am not sure when we are going to finish because we are starved for resources.

Mrs. Baptiste-Primus: But why does it cost \$130,000 to develop per lot or per squatter. What are the embedded costs inside that figure?

Mr. Hosein: To answer that question, the main thing goes back to standards of development. We are required, if we are going to give the squatter, according to the Act, security of tenure by a deed of lease at the end of the day, in order do that you have to

bring each squatting lot up to the full regulatory standards as required by the Town and Country, the EMA, Drainage Department, WASA, et cetera. So each lot must come up to the full standard. So what you have in any squatting site that we have finished developing, Milton Village, Cashew Gardens, you have a lot that is fully developed with full standards at the end of the day and to do so requires that funding.

Mr. Chairman: Is it not also that the IDB has stated a standard as well in order to release to get access to the funding, which you should incorporate into that?

Mr. Hosein: Exactly. One of the measurables under the particular loan is that we are required to give leases. And to give a marketable lease it means that we must meet all the development standards.

Mr. Smith: Thank you, Chairman. What is the relationship and alignment you all have with the Ministry of Public Utilities and the Ministry of Agriculture, with regard to firstly, the illegal hooking-up of water and electricity, and so on, very, very soon with regard to the workers and even with agriculture? I know it would be difficult if somebody is squatting and they are doing very well with farming but they do it very quickly. What is the alignment you all have with regard to that?

Mr. Hosein: Member, that is a huge issue and one that we have raised. Persons who are within a certain distance of electricity poles for instance, according to the law, can have electricity connection, similarly with WASA connections. And that, in our mind, has encouraged squatting as well. Because if persons are getting connections, getting water and electricity – two of the basic things that you need for survival and you can get this once you are within a certain distance from these utilities – then they will continue to squat.

Mr. Chairman: Mr. De Freitas.

Mr. De Freitas: Coming out of the response that you gave with regard to having different rates, I wanted to ask the question: in your submission in response to the question how many squatters were regularized over the past 10 years, you indicated that there were 25 squatters that had paid in full and that the LSA had granted 11 deeds of lease. My

question is: what is the average cost a squatter would be required to pay for a lot of land situated in, let us say Sangre Grande or Port of Spain South, which was part of the list of the top five areas that you had given earlier? Also, is there a standard selling rate or pricing formula, for example, cost per square foot?

Mr. Hosein: Okay. Now there is a policy in place for payment for squatters. The price is based on a per square foot cost. There is a \$5 per square foot infrastructure cost and a premium of 20 per cent, which is based on the value of the land. So, for instance, if a squatter is squatting in the Port of Spain area and that lot is fully developed, the price is based on the value of the land in that area. So the price that a squatter will pay for his lot in Port of Spain or in the borough of Chaguanas, for instance, would be more than a squatter would be paying for in Moruga or La Savanne because it is based on value that is put by the valuation department of the Ministry of Finance.

Now, one of the questions asked before was in relation to what are we doing? We are short of funding. And one of the things that the LSA, that we have been pushing for, is to have squatters pay for their lands, have them pay for their lands and we can reinvest that same funds that we get, when we receive those funds to reinvest and develop the other squatting sites.

Miss Darbeau mentioned the differential pricing. Now, there is a price for squatters who are eligible under the Act and we also said that for those who are not eligible, who came after the year 1998, we have suggested that they pay a different price, or higher price for the lands, but there are issues involved in that as well, which must be addressed because we have squatters who have come on to some of the developed sites this year, last year. Are we going to allow them to get a subsidized price also? That has to be addressed.

Mr. Chairman: Is it not that one of the criteria is that you must not own other lands or any other property?

Mr. Hosein: Definitely. That is one of the stipulations in the Act.

Mr. Chairman: But from my information, I mean, I have heard there are people who own

property who are actually squatting as well. What assistance do you require or what agency would necessarily be required to be informed and seek these people out and do something about it?

Mr. Hosein: We have close relationships with the Registrar General Department, the Commissioner of State Lands Office, with other state enterprises and before a lease is granted an actual search is done to ascertain whether that squatter who is now moving from Certificate of Comfort to a deed of lease, to ascertain whether he owns other property. And if it is that he owns other property and it is picked up, he would not be entitled to a deed of lease.

Mr. Chairman: Just engage me here a second. I saw in the criterion assessing in giving, there was a sort of a point system in determining whether a person would be qualified to get –

Mr. Hosein: That is under the Land for the Landless programme. That is not with squatters.

Mr. Chairman: Okay. Because what I wondered, even in that, just based on what you are saying, one person – you may have cohabitants – the land may be in his or her name and the other one may not. So how do we deal with that?

Mr. Hosein: We search both applicant and co-applicant, the name of both persons. We conduct in-depth searches at the Registrar General Department to ascertain whether they own other property.

Miss Ramdial: Mr. Hosein, with respect to the regularized settlements, as I understand it, there is a letter of comfort that is distributed and then after that a deed of lease. How has that been with respect to your regularized settlement? How has that process been going to date and how many, if you can tell me at this point in time, have been distributed to these persons within these regularized settlements.

Mr. Hosein: The first part of the tenure process is a Certificate of Comfort, and from the Certificate of Comfort you can only move to a marketable deed of lease when we get the full approval for the sites. We have regularized a number of sites, that means putting in

infrastructure in these sites and we are working with the regulatory agencies to bring these sites up to the full standard so that we can give marketable leases. As Ms. Darbeau pointed out, we have given out just 11 leases so far, but we have close to 3,000 lots that we have regularized and put in infrastructure and we are working with WASA, drainage department at this very time, trying to get the final approval for these sites so we can now offer the occupants, who are eligible under the Act, leases.

Miss Ramdial: And what about the letters of comfort, that first process, that first stage? Have those been distributed to those persons?

Mr. Hosein: The agency has processed some 7,700 approximately, Certificates of Comfort to date and we continue to process the balance of Certificates of Comfort.

Miss Ramdial: Thank you.

Mr. Smith: Thank you, Chairman. I saw in your strat plan one of the things that you brought up was for you all to become a self-sufficient agency. What is your strategy? How are you all going around getting to that point?

Mr. Hosein: And the strategy, as I pointed out before, is once members of the public contribute towards this asset that they are getting—land, a valuable asset—and they contribute by making their payment towards that and with an adequate pricing policy, the State can recover at least the infrastructure cost that we are putting into each development and if we can recover the infrastructure cost it means that we can reinvest that into other settlements and we can manage ourselves at some point in time.

Mrs. Baptiste-Primus: Thank you, Mr. Chairman. Mr. Hosein, I want to play agent provocateur here. Thirty sites in the past 16 years? One would say that the Land Settlement Agency has failed in this regard? Would you agree with that school of thought?

Mr. Hosein: No, we would not say that.

Mrs. Baptiste-Primus: Share your perspective.

Mr. Hosein: Again, I would go back to the issue of being starved for resources, where we have not received adequate resources to do our operations. I would just give you some

statistics just to prove the point here. Now, provisions to the Land Settlement Agency over the last five years: 2015/2016, \$72 million, and that is the highest provision that the agency has received.

Mrs. Baptiste-Primus: How much?

Mr. Hosein: \$72 million. 2014/2015, \$40 million under the squatter reg component; 2013/2014, \$10 million. I gave you before the example, how much it costs the agency to develop one lot of land to full standards; 2012/21013, \$20 million; 2011/2012, \$15 million; 2010/2011, \$8.5 million. The sums that we received over the last five years or so have hardly been enough to develop one squatting site and hence the reason we have not been able to develop more than 30 over the years.

Mrs. Baptiste-Primus: So these squatters, is it that they pay the market value for the land or a subsidized sum for the land? Because it is costing the Land Settlement Agency, based on what you said, \$130,000 to develop for one squatter. So what are they paying, market rate or subsidized rate for the land?

Mr. Hosein: It is a subsidized rate, as I pointed out before. It is based on a pricing policy that has been approved at \$5 a square foot plus a premium of 20 per cent based on the value of the land.

If I take an average lot, the squatter will pay somewhere between \$50,000 to \$80,000 for that lot of land. So it is still a subsidized price. We also drew the example of the persons who do not qualify under the Act but are benefiting from the state resources because when we put in infrastructure, we put in infrastructure for an entire site. Thirty per cent may qualify under the Act and 70 per cent does not qualify under the Act and they continue to live anyhow without paying. We have suggested, at the LSA, that they should make a contribution and those persons who do not qualify under that Act should pay a higher price, closer to the market value or closer to the infrastructure cost that we have put in so we can recover.

And in that way as well, if we have that sort of scenario, we can have cross subsidization where you have persons are contributing a higher amount who do not

qualify under our particular Act and that revenue can go towards developing further sites.

Mr. De Freitas: Just in keeping with what you are saying, I just wanted to ask a few questions if you can indulge me for a bit. The first question I wanted to ask really is what exactly is the definition of a squatter? Because you were talking about having individuals on the land that may not qualify for whatever reason, and other individuals who are squatting but they have land elsewhere. The reason I am asking for the definition of a squatter is because inherent in the name it tends to suggest an individual in need of living space, and in keeping with what we are seeing, in terms of data from the HDC where the need for living space by individuals is more than the supply, that seems to correlate with what we are seeing with the alarming increase in the number of squatters I am asking that question, what is the exact definition of a squatter? Is it somebody who puts up, let us say an animal pen on state lands and grows food, in terms of agriculture, is that person qualified as a squatter? Because that person could be living somewhere else and then utilizing state lands where they are not paying.

Secondary to that, you were indicating that you do the check to find out whether somebody who is squatting has land elsewhere at the point where you want to issue the Certificate of Comfort. What I am asking is if that can be done at an earlier date. So for example, when you collect that data to say there has been an increase in 100, 200 or 1,000 squatters on particular sites, if you get name and information from them and you do the check at that point to realize that they have land elsewhere, maybe that could be a way of containing the increase or enforcing because you know that they are not going to make it through the entire process.

Mr. Hosein: I would let Ms. Darbeau give you the legal definition of what we consider a squatter to be.

Ms. Darbeau: Thank you, CEO. Member, I would read from the Act. The interpretation section defines squatter as a person who is in actual occupation of state land without probable claim or pretence of title thereto. In a nutshell, it means in accordance with the

definition in this Act perhaps there may be another definition elsewhere but we are bound by the confines of the Act that governs the Land Settlement Agency. It refers to persons in occupation of state land without legal title or a probability of one.

In terms of doing the checks prior, unfortunately once more it does make a lot of sense what you are recommending and that is again where legislative review must catch those anomalies. The Act asks us to determine ownership of other lands or landlessness at the point at which a deed is being contemplated, not to the stage of the Certificate of Comfort. Why? Because the Certificate of Comfort does not vest any legal interest at that point. It simply confirms or grants protection to that squatter from ejectment. At that point, the Act did not contemplate or the legislators at the time did not contemplate determining landlessness as a criterion or a precondition. They simply determined whether your application was in time, the component elements of your application are properly done, that you are on state land and that you can supply proof that you were there before the 1st of January, 1998. At the stage at which you are being contemplated for a deed, you have to show that you are over 18, a citizen, landless and that you are in occupation of state land that is within a designated area now, eligible for full regularization and security of tenure.

As a matter of fact, Sir, we do not even have to determine ownership of the structure. The squatter has to show he was in occupation of a dwelling house as at the 1st of January 1998. That has its own challenges because you find persons have applied and a real owner comes forward when the person is being engaged in the lease process. It is a very difficult piece of legislation to manoeuvre and we have consistently worked on all these little areas that need to be addressed.

Mr. Chairman: Mr. Hosein, I know that the LSA is concerned with state land in Trinidad; and Tobago House of Assembly is in charge of Tobago, but have you all communicated with Tobago? Is there a similar problem of squatting in Tobago as severe as it is in Trinidad?

Mr. Hosein: You are right. We do not have jurisdiction over squatting in Tobago but from

our information, it is not that severe a problem at all in Tobago, as we have in Trinidad.

Mr. Chairman: Why do you think so?

Mr. Hosein: Why do we think so? Ms. Darbeau can probably answer that.

Ms. Darbeau: We had a conference in 2014, and we invited members of the THA to make presentations and papers were presented on, specifically, squatting in Tobago and the Tobago House of Assembly recognized that whereas there is a squatting problem, it is not widely reported because the nature of the squatting is a little different from the squatting in Trinidad. Their challenge is what they familiarly call “family land”.

Apparently Tobago is made up of several large unmanned estates that have been caught up in family ownership, perhaps, without administration, without probate, without proper passing and disposing of one’s interest to another generation, and persons live without knowing clearly where defined boundaries are or who is the clear owner. So it is a different nature of squatting.

2.50 p.m.

Mr. Chairman: So it is a dispute, title disputes, as opposed to a squatter?

Ms. Darbeau: Correct, and it is within families. That is just the general trend we get coming from the THA. However, at that conference I did have some discussions with one of officials and they did indicate that the problem is growing. I do not know where this 30,000 figure came from, but I am remembering a figure of issues that surround that figure of squatting. It may not be state land however, but there is a growing problem. It probably has not reached to such alarming stages as in Trinidad.

Miss Ramdial: Mr. Hosein, just going back to the Land for the Landless programme. I know that you were telling me that those sites still need approval. How soon before they get approval so that these lots can be distributed? Do you have a timeline? Do you have an estimation of how soon before you get approvals for these sites?

Mr. Hosein: Well we are working with the regional corporations along with the other statutory agencies to get the approval, final approval for all the sites, and get all the approvals before we can issue a marketable lease. And time frame, it is a continuous

process. We have gone through selection in terms of draws, et cetera, persons have been shortlisted, and as we get the approvals, I guess, the distributions will take place.

Miss Ramdial: Okay.

Mr. Chairman: Could you tell us in terms of your contractors that you use, who are the top 10 contractors you use in effecting your mandate?

Mr. Hosein: Chairman, we have an open and transparent process where we have conducted prequalification exercises over the years to attract contractors, consultants to do work for the LSA. In fact, the present IDB loan it is – our contractors are preapproved by the IDB because we have done prequalification exercises. I can certainly provide the names of the contractors who are presently working with the LSA that is has been approved through that process.

Mr. Chairman: Okay. You have a question. Yes.

Mrs. Baptiste-Primus: Thank you, Chairman. Mr. Hosein, page 10 of your submission you spoke about, under the Land for the for Landless programme, the LSA has developed approximately 1,385 lots with 400 lots from Green Field Development, 988 lots formerly developed by the EMBD which have undergone upgrades to meet the requirements for the various statutory agencies. And I see that you have here with you Mr. Satchianand Bassaw, Senior Design Engineer. I trust that I have pronounced your name correctly?

Mr. Bassaw: Close enough.

Mrs. Baptiste-Primus: Not too – Okay, but close enough. Were these, through you Mr. Hosein, upgrades required due to inaccurate project design specifications or contractor error?

Mr. Bassaw: Good afternoon, members. Most of these upgrade works would have been to satisfy the regulatory agency's approval process. A lot of the standards would have changed over time when we inherited those lands from the EMBD. For instance, the drainage division, they had upgraded their standards. So a lot of these developments were done to more or less meet the requirements of the drainage division, and even WASA. So they would have done to prevent flooding, downstream flooding. But we have

completed a lot of the works on those sites and now it is just now for the agencies to provide us with the relevant approval.

Mrs. Baptiste-Primus: So is it that you are saying that it was not as a consequence of contractor error or inaccurate project design? I have not been able to discern either?

Mr. Bassaw: Definitely not. Over the years they would have updated, as I said, their standards for development and we would now have to upgrade. The problem was that the approval process was not started post construction at that time. So when we inherited the lands from the EMBD we now had to initiate the process of the approval, and standards would have changed. So we had to now meet those standards. So once those deficiencies in the standards were identified, we went in and we did the repair work. So on certain sites we had to do detention ponds, we had to upgrade WASA installation, we had WASA come back in and update some of the sites for us, but all of those works have been completed.

Mrs. Baptiste-Primus: The intention of the EMBD was to do the same as the LSA.

Mr. Bassaw: Correct.

Mrs. Baptiste-Primus: So, I am trying to grapple with the change in standards. In that space of time standards would have changed that would have made the LSA have to do, engage in these upgrades? Should the EMBD not be following the same standards that the LSA is following? Help me?

Mr. Bassaw: Well the standards would be guided by the statutory agencies like WASA, the drainage division. So there standards would have changed. Now the process for development would started four years prior to actual construction. So you are looking at about probably four years of planning and design and then probably one year of construction. So you are looking at about five years. So within that five-year period for us to get the final approvals standards would have changed. Now EMBD would not have applied post construction for their approvals. When we inherited the lands, we now had to take up from where they left off and then invite the agencies now to do inspections on the site and identify what deficiencies there were, so that we could now effect the repairs

so that we could get the regulatory approval.

Mrs. Baptiste-Primus: Mr. Bassaw, the public service does not change as rapidly as we would like the public service to change, and we are talking about statutory agencies here. Are you saying that the standards would have changed under the statutory authorities, that the EMBD would not have had to follow those standards that the LSA is following?

Mr. Bassaw: It would be fine tweaking of the standards to prevent mostly mitigation measures for flooding, for like drainage division, and those were some of the things that had changed. The EMBD would have followed together with their consultants, their engineering consultants, they would have followed the procedures for the development, but because some of those lands sat there for some time, standards would have changed. Because we are now moving to do more drainage development within Trinidad because there is a flooding problem. So over the years there are more stringent regulations regarding flooding especially for land developments. So those would have changed.

Mrs. Baptiste-Primus: I thank you for the explanation, Mr. Bassaw, but I am not fully influenced. But by your explanation it reinforces that the LSA is very concerned about following procedures. I do not know that I am in a position to draw a similar conclusion with regard to the EMBD's responsibilities that I know are not the LSA's responsibility.

Mr. Chairman: Miss Ramdial.

Miss Ramdial: Thank you. Mr. Hosein, you cited challenges with respect the funding for your agency as one of the hiccups in getting your projects and your plans implemented. What has been your budgetary allocation for this fiscal year? And in your estimation, what would have been a satisfactory budgetary allocation for your agency in this fiscal year?

Mr. Hosein: Okay. So I can get into the development programme budget for this fiscal year. We, under our squatter regularization programme and under the vote that is there for the IDB programme we have \$72 million. What would have been an adequate budgetary allocation under that vote, maybe \$200 million, so we would have be able to do our projects. But I have given some numbers of budgetary allocations in previous

years as well which was woefully short in terms of meeting our mandate. This year, this financial year has been the best year in terms of budgetary allocation for us for that squatter regularization programme, \$72 million.

Under our Land for the Landless programme we got \$5 million this year. Again, that is short. Adequately we would have needed more than \$100 million to complete what we are doing. And then we have – there is another vote squatter reg vote which is meant for projects not under the IDB programme. That vote was not funded in this particular year. And then there is the survey of squatter sites vote, and I am dealing here with the development programme. We got \$1.5 million which is enough to meet our present requirement.

On our recurrent side, we did receive most of what we required and it is adequate to fund our operations for the year.

Member: What was that sum?

Mr. Hosein: Forty-one million dollars.

Mr. Chairman: Mr. Hosein, I think your agency is in a very unenviable position in executing your mandate and it seems to be at odds. Because in particular your mandate basically empowers you to protect eligible core squatters from being ejected from state land. Right? That is one. And to facilitate the acquisition of leasehold titles by both squatters and tenants in designated areas, and to provide the establishment of land settlement areas. Is that so? Right?

Mr. Hosein: Exactly.

Mr. Chairman: Yeah. But that is at odd with containing the increase in settlement. I mean, some agency has to work hand in hand with you all to help to bring this under control. Other than that, this is something like dipping a bucket into the sea and hoping to empty the ocean.

Mr. Hosein: Chairman, you are so right. Let me again, it is only examples can help us to understand what we are facing. I give the example of the racecourse. When the LSA was finished with the racecourse development in 2009, we had approximately 400 vacant lots

which were earmarked for poor citizens, to relocate other squatters into those areas and to make those lands available for eligible persons. Every single one of those lots were lost between the years 2010 and thereafter. We lost every single one. I give you the example of Bon Air.

Mr. Chairman: Could you clarify for us “lost”.

Mr. Hosein: Squatters have invaded and took every single one of the lots. And these are lots that the State has put out and I give the example of the amount of money that we spent for each lot, \$130,000 to \$160,000 at this time. So it means that the State has put out this money to develop these lots and we are losing them to new squatters. I can give the example of Bon Air. When the LSA was finished with Bon Air somewhere around the year 2009/2010 financial year, we developed approximately 450 lots. We had approximately 250 vacant lots on that site. Every single one of those has gone to squatters. And the LSA, as we have said before, does not have the power to protect them and to stop the new squatters. So we are indeed hampered.

And I need to make this point that as we develop sites, as we develop squatting sites we approximately, it varies from site to site, but approximately 30 per cent of those persons are eligible under the Act to be regularized. You have the other 70 per cent of the persons who are residing on the sites, who have come after the creation of the Act who are also benefiting from all the state resources that we are putting in. So we need to make some adjustments.

Mrs. Baptiste-Primus: Chairman, in light of the response, the statement made by Mr. Hosein, would you agree that as alternative to eviction, because you are saying, depending on the these lots that have been prepared, they have been invaded by squatters. In order to contain and prevent squatters from occupying lands, state lands, and ensuring that they do not enjoy the facilities free, would you recommend or agree to the implementation of a squatters’ levy or squatters’ tax for existing squatters to generate some much needed income for the LSA?

Mr. Hosein: Certainly. And if I get what you are saying, everyone should contribute —

Mrs. Baptiste-Primus: Until, I mean, until they are regularized.

Mr. Hosein: – through some sort of property tax towards whatever building that you have.

Mrs. Baptiste-Primus: I am saying, they are not regularized, but they are enjoying the benefits. It is \$160,000 to develop per squatter. So they are enjoying the benefit of the developed state of the lots. And in order to enjoy that, should they not be contributing until they are regularized?

Mr. Hosein: I agree with you, but we will have to find the legal mechanism to do that.

Mr. Chairman: I hear what you say. Is that part of your recommendations to have that incorporated?

Mrs. Baptiste-Primus: I am sure the passion of Ms. Darbeau will work on that with a sense of expediency.

Ms. Darbeau: It may not have been called a levy or tax, but certainly it would have required persons to start paying some as of now. Because the only challenge would be that we have to be certain that the expectation which will be grounded in the minds of those persons would be that they would be leading towards some legal tenure. The challenge is, and I think it was an argument that arose during the property tax debate about squatters paying taxes, is that once somebody starts paying taxes there is an expectation that they are investing in this land, they are putting money towards their ownership in this land. So that needs to be managed well, in terms of the type, the colour of that levy, what exactly it is for. But I am certainly an advocate of paying for your occupation and presence on the land.

I wanted to also add to what the CEO said earlier about the 7,000-odd certificates of comfort that have been prepared. That does not reflect the number of applications that have been processed. There are just as many processed applications which have not been successful and there at least 2,000 persons who have not been able to be located on lands. From time to time we do publish names of persons. So it is not a reflection of 7,000 applicants that have been processed. It is 7,000 that have been successful to date. We do

have challenges in finding persons, determining their status and other issues that touch and concern that. But, member Baptiste-Primus, I do agree with your recommendation and it is part of the proposals in addressing persons who are currently in occupation of those lands.

Mr. Chairman: Yeah. Mr. Hosein, I think you and your team have been very informative. I mean, I am sure the public that is listening is very much enlightened by what has been ventilated this afternoon. It certainly has me a bit anxious. I saw a number of other persons including my members here too who would be also anxious, given the current situation that we are faced with, that we are hearing. It is quite alarming, you know, because it raises, I guess, deeper issues of constitutionality. Whether people are constitutionally entitled to have property. Once you squat you are entitled to have land, you know, as opposed to persons who are paying for other uses of land and so forth. So we have to find some sort of remedy that equates with being humanistic, but at the same time being responsible, you know, in settling something like this because it cannot be just go without consequences, that you could just go on land like that. It will never end. It could never end. I mean, no budget will be big enough for you, you see.

So I want to thank you and your members for coming this afternoon and I will invite you to make any closing remarks you would like to share with us and the public.

Mr. Hosein: Chairman, I think you have said it. No budget will be big enough for us if we do not contain further squatting. And that is the first and foremost the area that we must address. There must be relevant laws and there must be the will to implement to prevent further squatting. There must be viable alternatives provided to squatting such as what the HDC is implementing. There are issues regarding financial resources, human resources that the LSA must be provided if we are to do our job and to adequately regularize the squatters who are eligible under the law. The relevant agencies involved must come together if we are to address this problem. There are a number of agencies, Commissioner of State Lands, the LSA, other state enterprises must come together if we are to deal with this problem of squatting. We must think about appropriate standards

for squatting settlements.

If we are going to develop squatting sites and put in full infrastructure to get to the level we are required to put in at this time, it is very difficult to contain the cost of development. So that is something that we must look at, appropriate standards for squatting settlements. There are other issues such as the de-reservation of sites that we must deal with. The squatters have taken over a number of sites, forestry lands that must be addressed. Those sites must be de-reserved, if we are going to move the process forward for regularization. No site has been declared as a land settlement area after 16 years of the passage of the Act, hence the reason that the LSA itself is unable to grant a lease to other programmes, such as the Land for the Landless programme, and we are dependent and we implement that programme under the powers of the Commissioner of State Lands.

So although the LSA is the developer and we are administering the programme, we do so on behalf of the Commissioner of State Lands. We are suggesting that the move must be that we have these sites declared as land settlement areas so the LSA itself can adequately deal with those.

So those are some of the broad statements I would like to leave with you where we require assistance from all.

Mr. Chairman: Just one clarification. These amendments that were suggested, have they been forwarded to the relevant Ministry for attention?

Mr. Hosein: As we speak now, the issue of laws pertaining to containment are before the Legislative Review Council committee and that is being addressed. And we have put forward, over the years, a number of amendments to the Act and we are, in fact, at our parent Ministry, a Cabinet Note is being prepared at this very time to address that issue.

Mr. Chairman: Okay. Thank you very much, Mr. Hosein. Thank you very much other members. I would like to thank the media for your participation this afternoon and hopefully, as I said, I think from my part and certainly from other members here, we have certainly been enlightened, and we hope that what has been discussed here, whatever we

can do as a joint select committee in moving forward and motivating a much more amenable, a much more assertive solution to our immediate problem in squatting, I mean, which is a major concern for all of us. The budgetary allocation is one part. But I mean, as I said before, you can get as much money, if the squatting does not stem, you will never have enough.

So with that I will like to declare this meeting as being adjourned. Thank you and good afternoon to everyone.

Mr. Hosein: Thank you very much.

3.21 p.m.: *Meeting adjourned.*

Appendix III

Statistical Data

- **Pre-Construction Activities**
- **Infrastructure Works**
- **Areas/towns and villages where Certificates of Comfort were granted**
- **Beneficiaries of the Land for the Landless Programme**
- **Approved lots for the land for the landless programme**

Squatter Sites Where Pre-Construction Activities/Works are being conducted

No.	Site Name	Lots/ Ha	Statutory Approval Status (✓ - Received, X- Pending)					
			TCPD Final	CEC	WASA Completion	Drainage Final	Fire Final	Regional Corp
1.	Dookiesingh Street, St. Augustine	108 Lots	X	X	X	X	X	X
2.	Diamond Picton (Temple 2)	39 Lots	X	X	X	X	X	X
3.	Lawrence Wong, Longdenville	80 Lots	X	X	X	X	X	X
4.	Five Rivers, Arouca	46 Ha	X	X	X	X	X	X
5.	Guapo, Point Fortin	30 Ha	X	X	X	X	X	X
6.	Heights of Guanapo – • Maturita • Dump Road	100 Lots 200 Lots	X	X	X	X	X	X
7.	Sahoodeen Trace	127 Lots	X	X	X	X	X	X
8.	Demerara, Arima	215 Lots	X	X	X	X	X	X
9.	Jean Avenue, Diego Martin	64 Lots	X	X	X	X	X	X
10.	Bois Bande, Sangre Grande	41 Ha	X	X	X	X	X	X
11.	Off Rochard Road, Penal (Manohar)	211 Ha	X	X	X	X	X	X
12.	Moonan Road, Wallerfield	57 Ha	X	X	X	X	X	X
13.	Greater Valencia Planning Study	290 Ha	n/a	n/a	n/a	n/a	n/a	n/a
14.	Point Fortin Planning Study	2422 Ha	n/a	n/a	n/a	n/a	n/a	n/a
15.	Couva Planning Study	1800 Ha	n/a	n/a	n/a	n/a	n/a	n/a
16.	Ponderosa, Golconda	173 Lots	Design Phase	X	X	X	X	X
17.	La Phillipine, Gran Couva	199 Lots	Design Phase	X	X	X	X	X

Sites with Infrastructure Works On-going (IDB Loan Funded Projects)

NO	SITE NAME	VACANT LOTS ESTIMATED	Percentage (%) Infrastructure Works Completed	Statutory Approval Status (✓ - Received, X- Pending)					
				TCPD Final	CEC	WASA Completion	Drainage Final	Fire Final	Regional Corp
1	La Savanne, Guayaguayare	111	98 %	✓	✓	X	X	X	X
2	Nurse Trace, Guayaguayare	64	40 %	✓	✓	X	X	X	X
3	Ramlal Street/Sunrees Penal	76	21 %	X	✓	X	X	X	X
4	Kangalee Street, Valencia	98	60 %	X	✓	X	X	X	X
5	Gomez Trace, St.Mary's Village, Moruga	133	95 %	✓	✓	X	X	X	X
6	Preau Village, St. Mary's Village, Moruga	187	16 %	✓	✓	X	X	X	X
7	Weston Trace, St. Mary's Village, Moruga	34	70 %	✓	✓	X	X	X	X
8	Arena – Site B	91	50%	✓	✓	X	X	X	X
9	Arena – Site C	92	70 %	✓	✓	X	X	X	X
10	Arena – Site A	102	Tendered	✓	✓	X	X	X	X
	TOTAL	988							

The areas/towns and villages where the approvals for Certificates were granted

TOWN OR CITY	Total
ARIMA	759
AROUCA	375
BAGATELLE	2
BALANDRA	4
BARATARIA	301
BARRACKPORE	97
BEETHAM	2
BELMONT	2
BICHE	8
BRAZIL	10
CALIFORNIA	18
CAPARO	1
CAP-DE-VILLE	2
CARAPICHAIMA	5
CARAPO	5
CARENAGE	101
CARLSEN FIELD	18
CARONI	76
CASCADE	4
CHAGUANAS	146
CHAMPS FLEURS	41
CHASE VILLAGE	1
CLAXTON BAY	90
COCORITE	76
COUVA	227
CROSS CROSSING	1
CUMUTO	2
CUNUPIA	21
CUREPE	5
DABADIE	2
DEBE	2
DIEGO MARTIN	801
DIEGO MARTIN	267
EAST DRY RIVER	1
EMBACADERE	1
ENTERPRISE	7
ERIN	1
FIVE RIVERS AROUCA	4

TOWN OR CITY	Total
FREEPORT	129
FYZABAD	2
GASPARILLO	58
GOLCONDA	2
GONZALES	1
GRAN COUVA	29
GUANAPO	1
GUAPO	72
GUAYAGUAYARE	69
LA BREA	2
LA ROMAIN	3
LAS CUEVAS	13
LAVENTILLE	24
LONGDENVILLE	21
LOS BAJOS	1
MACAULAY	1
MALABAR	3
MALICK, BARATARIA	12
MARACAS	24
MARAVALL	16
MATURA	4
MAYARO	1
MAYO	20
MISSION ROAD	1
MORUGA	68
MORVANT	136
MT. HOPE	50
NEW GRANT	1
PALO SECO	22
PENAL	368
PETIT VALLEY	4
PIARCO	32
PLEASANTVILLE	12
POINT FORTIN	1042
POINT-A-PIERRE	18
PONDEROSA	1
POOLE	3
PORT-OF-SPAIN	171
PREYSAL	2
PRINCES TOWN	25

TOWN OR CITY	Total
RIO CLARO	66
ROUSILLAC	1
SAN FERNANDO	287
SAN JUAN	123
SAN RAFAEL	27
SANGRE GRANDE	418
SANTA CRUZ	48
SANTA FLORA	7
SIPARIA	96
SOUTH OROPOUCHE	1
SPRING VILLAGE	1
ST GEORGE	1
ST. ANNS	2
ST. AUGUSTINE	45
ST. JAMES	44
ST. JOSEPH	112
TABAQUITE	3
TABLELAND	5
TACARIGUA	16
TAMANA	3
TOCO	3
TUNAPUNA	1
VALENCIA	313
VALSAYN	24
WALLERFIELD	15
WHITELAND	2
WILLIAMSVILLE	101
WOODLAND	1
TOTAL 109	7716

No. of beneficiaries of the Land for the Landless Programme since its inception

NO.	SITE	NUMBER OF LETTERS OF OFFER
1.	Cashew Gardens, Carlsen Field	88
2.	Chin Chin, Phase 2	52
3.	Diamond Picton	10
4.	Jerningham, Chin Chin	75
5.	Kangalee Village	6
6.	KP Lands	8
7.	Milton Village, Couva	137
8.	Orange Field	55
TOTAL		431

Approved lots for the land for the landless programme

#	PROJECT NAME	NUMBER OF LOTS ⁸
A. PROJECTS BEING FINALISED - CONSTRUCTION COMPLETED		
1	FACTORY ROAD I, CHAGUANAS	270
2	ORANGE FIELD II, CARAPICHAIMA	160
3	WATERLOO I, ST. MARY'S	26
4	PICTON EXTENSION, DIAMOND	32
5	BEAUCARRO ROAD, COUVA	222
6	ROOPSINGH ROAD	53
7	CHIN CHIN (2 SITES)	222
	TOTAL	985
B. PROJECTS UNDER CONSTRUCTION		
1	CORINTH VILLAGE, CORINTH, SITE A	63
2	CORINTH VILLAGE, CORINTH, SITE B	81
3	CORINTH VILLAGE, CORINTH, SITE C	98
4	GLENROY II, PRINCES TOWN	167
5	BALMAIN, COUVA	169
	TOTAL	578
C. PRE-CONSTRUCTION - PROJECTS IN DESIGN STAGE		
1	FELICITY II, CHAGUANAS, SITE A	277
2	FELICITY II, CHAGUANAS, SITE B	348
3	ARENA ROAD II, FREEPORT	95
4	ALLAMBY STREET, COCOYEA	87
5	LA PHILLIPINE II, GRAN COUVA	267
6	KOREA VILLAGE	545
7	LA ROMAIN II	465
	TOTAL	2084

⁸ On sites where surveys have not yet been completed, an approximation of the number of lots was calculated as 6 lots per acre.

Appendix IV

Proposed Amendments to Act 25 of 1998

Proposed Amendments to Act 25 of 1998

1. The purpose of the Act may be amended to read as follows: “An Act to protect eligible squatters from ejectment from State land and to facilitate the acquisition of Statutory Leases and/or Deeds of Lease by squatters in designated areas”.
2. In the interpretation section a definition of the word “premium” should be included as well as other terminology used in the approved Pricing Policy which will find its way into the legislation.
3. At Section 3 of the Act all references to the term “tenant” should be deleted.
4. Section 4(4) of the Act should be deleted in its entirety. Pursuant to this the Regulations contained in Legal Notice No. 36 of 2000 should also be amended to delete Section 4 of the Regulations in its entirety. The aforementioned Section 4 of the Regulations contain procedural requirements for the determination of a quasi-contractual relationship as is referred to in Section 4(4) of the Act.
5. Section 4(5) of the Act should be deleted in its entirety, with all its references to “tenants” and “settlement areas”.
6. Consideration should be given to the deletion of the one-year time constraint given for the application of a Certificate of Comfort, imposed at Section 12 of the Act. This will allow squatters to whom the Act applies, who have failed to make the necessary application, to commence the process of regularization.
7. Part IV of the Act should be amended to delete all references to the words “tenant or tenants”, and “Land Settlement Area”, and should be further amended to delete in its entirety Section 14(2) (b).
8. Part IV of the Act should further be amended at Section 15 to assist the Minister in the exercise of his power in the setting of a premium at Subsection (2) by making that power subject to the advice of the Commissioner of Valuations. This will enable the Minister to have the guidance of the Commissioner of Valuations in the setting of premiums payable. The particulars of the Pricing policy are to be included.

9. Part VI of the Act should be amended to remove the time constraint of 28 days for the publication of notices indicated at Section 22(1) and further delete Section 22(2) (b) in its entirety and the word “tenant” at Section 23(5).
10. Part VII of the Act should be deleted having regard to the new mandate of the LSA. Programmes commenced under the LSA which involved Land Settlement may possibly be continued under the relevant Ministry.
11. References contained in Sections 27 and 28 of the Act to “Land Settlement Areas” should be deleted.
12. Section 29 of the Act indicates that “A State Agency may permit the Agency or the Assembly to enter upon its land to carry out any work referred to in Section 10 for the purpose of regularization under this Act”. It is desirable that the word “may” be replaced on amendment with the word “shall” thereby making the desired cooperation imperative, once the area identified is deemed eligible for regularization and is being excised for that purpose.
13. Existing Regulations must be amended to include procedures for the containment of squatters.
14. The LSC/ Board should in addition to the disciplines set out in the current Act include the COSL, representatives of various State Land Agencies, Utility Companies, Town and Country Planning Division and even National Security.
15. Amendments must be made to the Schedule of the Act to achieve the following:
 - i. Greater accuracy in the description of the Designated Areas listed.
 - ii. The elimination of areas being listed that are not State Lands.