



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2022: No. 179

**IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR
JUDICIAL REVIEW AND IN THE MATTER OF THE COMMISSIONS OF
INQUIRY ACT 1935**

BETWEEN:

LEYONI JUNOS

Applicant

-and-

(1) THE PREMIER OF BERMUDA E. DAVID. G. BURT

**(2) COMMISSION OF INQUIRY INTO HISTORIC LOSSES OF LAND IN
BERMUDA**

Respondents

Before:

Assistant Justice David Hugh Southey KC

Appearances:

Ms. Lauren Sadler-Best for the First Respondent

Mr. Delroy Duncan KC and Mr. Ryan Hawthorne for
the Second Respondent

Date of Hearing: 21 October 2022

Date of Judgment: 24 October 2022

SOUTHEY, AJ

1. On 5 August 2022 I refused leave to apply for judicial review. The judgment refusing leave should be read with this judgment. As a consequence, I will not repeat that judgment.
2. On 5 August 2022 I indicated that any argument regarding costs would be heard on 21 October 2022. The Respondent sought their costs of preparing a skeleton argument. On 7 October 2022 I set directions for the hearing of the costs application. It appears that the Applicant did not get notice of the hearing on 7 October 2022. I have checked the court records and it appears that she was not sent the Zoom link for the hearing. However, she was able to participate in the hearing as she was in the court building and contacted by a litigant in another linked matter. The arrangements for attendance were not ideal as she had to communicate using that other litigant's mobile telephone.
3. On 13 October 2022 the Respondent filed written submissions in support of its application. On 19 October 2022 Ms Junos filed submissions in reply.
4. Ms Junos did not attend the hearing on 21 October 2022. I initially decided to proceed in the absence of Ms Junos. The date of 21 October had been twice set (albeit on 1 occasion in less than ideal circumstances). Ms Junos appeared to have been aware of the obligation to file a skeleton as she had filed a skeleton argument. No message had been sent seeking to explain non-attendance.
5. Having heard brief written submissions, I indicated that I was minded to accept the submissions of the Commission and would deliver judgment later in the day.
6. Having reviewed the history of this matter, I am concerned that the Applicant may not have been aware of the hearing. Although it was mentioned in court twice, the 1st date was not certain as it was dependent upon an application for costs being made. The manner in which the 2nd hearing was conducted was not ideal. The order of the court did not include the hearing date (although it

did contain the deadlines for skeleton arguments). In light of this, subject to representations, I propose to give Ms Junos 7 days to explain her non-attendance in an affidavit. In the event that her non-attendance is satisfactorily explained, I will then fix the matter for further argument regarding the costs of the leave application.

Dated this 24th day of October 2022



DAVID HUGH SOUTHEY KC
ASSISTANT JUSTICE