

**Karl St.Ange,
La Misere, Mahe,
Seychelles.**

**Hon President of
the Republic of Seychelles,
State House,
State House Avenue,
Victoria.**

10th March 2023

Dear Hon. President,

Re: Grievance

Brief facts

I am the Director of Intendance Retreat Limited ('the Company'), duly registered in Seychelles with its registered office situated at Intendance, Mahe, Seychelles, which owns "Residence on the Rocks" (the 'Villa') situated on parcel T3051. I write to you in this capacity.

The operation of the Villa is bound by the terms of the relevant Sanction agreement and Villa Policy at the time (**both annexed hereto**), which require that the Villa operates under an approved Resort's Hotel license, namely that of Banyan Tree Resort/ Hill View Resorts (Seychelles) Limited (**as confirmed by letters written by Mr. Patrick Lablache, annexed hereto**).

Following the transfer of ownership from Banyan Tree to Hill View Resorts in or around 2018/ 2020, the new owner of the Resort has refused to abide by the requirements of the Company's grant of sanction dated 9 July 2010 and the applicable Villa Policy. Hill View Resorts have also on several occasions deliberately and/or maliciously disconnected water and electricity services to the Villa, has disconnected the internet, telephone, and television cable link, has refused and/or failed to clean the access road to the Villa, and refused and/or failed to provide the regular landscaping services previously offered.

As a result, we have been unable to operate our Villa and derive an income therefrom since the year 2020.

It is our understanding that there is a 2011 sanction for the Ocean Estate Residential development, and the new owners have made it clear that they plan to reactivate it. This would reasonably be expected to be done under the villa policy. The Residence is in the

center of this residential estate and we are directly impacted by any proposed developments.

By letter dated 3rd August 2022 (**annexed hereto**), the Government informed us that they would not be able to assist us, and advised us to either sell the Villa, or to negotiate an agreement with the new Resort owner. Kindly note that all attempts at negotiation with Hill View Resorts have proven unsuccessful; they have indicated their refusal to abide by the agreement that had existed for decades with Banyan Tree Resort, irrespective of the requirements of our grant of sanction to operate our Villa under the wing of a licensed Resort. The new owners were content, however, to extend two lowball offers to purchase our property, which we declined.

By way of the above-mentioned letter, the Minister responsible indicated that it would be possible for the Villa to be operated independently from the Resort while the arbitration hearing before the London International Center for Arbitration between the parties was ongoing. However, operating independently from the Resort's hotel license would not only be contrary to the Villa's Sanction requirements, rendering it unlawful, but it would also be contrary to the terms and conditions of the applicable Government's Villa Policy.

Moreover, operating independently from the Resort's hotel license would be impractical and would diminish the value of the Villa by approximately 40%, on the basis of valuation and industry norms. The Villa policy demands a service agreement; this 40% reduction in price is the premium for a resort integrated villa with corresponding services versus a free standing property with no services. In other words, if the Villa were to stand-alone now, it would operate at a loss. This is particularly in light of the fact that the Villa was not designed to stand-alone; it is not equipped with a commercial kitchen or laundry.

Government's oversight

A Government representative aptly used the term "oversight" to describe their failure in imposing or enforcing a condition of our sanction (**see attached letter**), namely that we operate solely under the Resort's license, upon the new owners of the Banyan Tree Resort, at the time of granting them the requisite sanction. This is particularly so in light of the fact that we are still bound by the conditions of our original grant of Sanction.

It is our position that the Government has acted arbitrarily and unfairly in failing to apply the same Villa Policy terms and conditions to the new owner of the Resort and other Villa owners similarly-placed to ourselves (**The 2003 Agreement and the Addendum to the Tourism Investment Promotion Act are annexed hereto**).

How may this be corrected?

A just and reasonable course of action moving forwards, in our humble view, would be for the Government to rectify its self-proclaimed oversight with the new Resort owner at the time of possible renewal of their hotel license in or around April 2023. That way, the Villa's servicing arrangement would continue, and the Villa would be permitted to operate once more.

Legal action

Should the new Resort's licence be renewed without first being amended to include a servicing arrangement for our Villa, as per the terms of our sanction and the applicable Villa policy, we are prepared to immediately escalate matters through the appropriate legal channels. The Villa has been non-operational since 2020, and we have been advised by a team of local attorneys to proceed through the appropriate legal channels to seek recourse should the matter not be dealt with fairly and treated with the urgency it warrants.

Please do not hesitate to contact me if you require further information or clarification. I may be reached on **Tel No.2505095** or via **tikarlst.ange@gmail.com**.

Yours sincerely,

Karl St. Ange

Director of Intendance Retreat Limited.