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<i>Judgment: approved by the court for handing down (subject to editorial corrections)*</i>	ICOS No: 24/96232/A01
	Delivered: 08/05/2025

IN HIS MAJESTY’S COURT OF APPEAL IN NORTHERN IRELAND

**THE TRUSTEE OF THE ROMAN CATHOLIC PARISH OF LARNE
THE DIOCESE OF DOWN & CONNOR**

Plaintiffs/Respondents

and

EDUARDO YANGA

Defendant/Appellant

**Mr Yanga appeared as a Litigant in Person
Mr Conor Lockhart (instructed by Napier Solicitors) for the Respondent**

Before: Keegan LCJ, Horner LJ and Humphreys J

KEEGAN LCJ *(delivering the ex-tempore judgment of the court)*

Introduction

[1] The court is in a position to provide a ruling in this appeal which we will, after I deliver the unanimous decision of the court, have typed and sent to the parties.

[2] This is an appeal from a decision of Mr Justice Huddleston (“the judge”) sitting in the Chancery Division. Mr Lockhart appeared at the lower court for the plaintiff/respondent, the Trustees of the Roman Catholic Parish of Larne and Diocese of Down and Connor and, the defendant to the original application under appeal and the appellant in this court, is Mr Eduardo Yanga, who appeared as a litigant in person in the court below, and who appears as a litigant in person in this court.

[3] We have had the benefit of reading the file of papers in this case which includes a position paper from both parties as to the case that they wish to make to us on appeal. We have also invited both parties to provide oral submissions to us and we have considered those as well as the written material.

[4] Additionally, in terms of the material that we have, we have a transcript of the hearing that took place before Mr Justice Huddleston and a ruling which he gave which informs us of his decision.

Factual background

[5] The background to this case is set out in the position paper filed by Mr Lockhart which I will summarise. The summons for relief was brought under Order 113 Rule 6 of the Rules of the Court of Judicature (Northern Ireland) 1980. This is a summary procedure. The summons sought an order for possession of a property at 6 Princes Gardens in Larne. This property is owned by the plaintiffs and there is no issue in relation to that. The property was historically occupied by the Reverend Patrick Buckley until his death on 17 May 2024.

[6] There has been some previous litigation in relation to this which is explained in the papers. We note that the Reverend Buckley had previously brought legal proceedings against the plaintiffs in respect of the property. Those were by way of adverse possession proceedings. These were settled pursuant to a caretaker agreement signed on 12 January 2012. The terms of the agreement are clear. It acknowledged the plaintiffs, that is the Trustees of the Roman Catholic Parish of Larne and the Diocese of Down and Connor, to be the full legal and beneficial owners of the property but granted Reverend Buckley a licence to live in the property until certain events including his death transpired.

[7] The agreement also acknowledged that the defendant, Mr Yanga, lived in the property at the invitation of Reverend Buckley. It is understood that Reverend Buckley married the defendant in a civil ceremony in and around 2010 and, as I have said, he died on 17 May 2024. By that stage he had become a suspended priest in the Catholic church.

[8] Under the terms of the caretaker agreement, the deceased's estate was to deliver up possession of the property within three months of the death of Reverend Buckley, that would be 17 August 2024 and, thereafter, there was correspondence between the plaintiffs' solicitors and the defendant asking for vacant possession which we have seen and that has not come to pass.

[9] The position in this case, which is an unassailable, unambiguous legal position is that the defendant, now appellant, Mr Yanga, has never been a tenant of the property nor has he ever had any right to reside in the property other than at the invitation of Reverend Buckley as a licensee. That is the issue that the judge had to deal with at first instance.

[10] We have read the transcript of the judge's ruling. It is, firstly, not suggested that he has failed to take any relevant matter into account or failed to afford the parties an opportunity to make their case. Parts of this ruling are important to restate. In particular, at page 3 of the transcript the judge sets out the background

history as I have set out. He then refers to that the plaintiffs' case that Mr Yanga does not have any legal right. He refers to the fact that no legal right has been articulated within the replying affidavit which Mr Yanga has provided. He summarises that it is on that basis that the plaintiffs sought summary relief in the form of an order under Order 113 for possession of the property.

[11] At the lower court and, again, at this court, Mr Yanga makes a point in relation to his relationship with Reverend Buckley and whether or not that has influenced this exercise and should, in fact, influence this court. What the judge said about that is at page 4 of the transcript as follows:

"So you can be in no better position than Bishop Buckley was and that agreement was terminable upon his death. So upon his death, his rights obviously ended but your right to be in the property ended notwithstanding the fact that you were married, that's it. He had no right to be there beyond that and, therefore, you have no right to be there beyond it. So, in short, you have no defence to the claim that is being brought by the Parish for possession of the property regardless of whether you are married or not to Bishop Buckley. So, you don't have a defence and I am going to grant the order sought."

[12] The judge then gave a stay of execution for one month to allow vacation of the property but said after that Mr Yanga had to vacate.

[13] The judge goes on to repeat this position of the bottom of page 5 of the transcript in answer to Mr Yanga, who raised his civil partnership or marital status, and the judge said:

"Your marital status to him does not protect you in these circumstances, because he was a licensee he had no legal interest in the property either, he was there basically as a caretaker as the document says and the domestic chores to which you refer, the housekeeping, gardening etc, those are consistent with a caretaker's agreement."

[14] The above is a synopsis of the background and the judge's ruling. The judge had the benefit of hearing from the parties. He also had the summons which grounded the application of 1 November 2024 and the supporting affidavit of Gareth Hughes of 31 October 2024. In addition, he had a reply from Mr Yanga dated 4 December 2024. We have also read those documents, and, in addition, we have position papers which have been filed by both parties for this appeal.

This appeal

[15] The notice of appeal which we then turn to relies on the fact that Mr Yanga is, as he describes himself, a legal husband of the deceased Reverend Patrick Buckley, and the property is his house. This is expanded upon in the position statement to some extent whereby Mr Yanga states the Catholic church should have issued him with a tenancy agreement and he also makes a subsidiary point that this court should not hear the case that it should be heard in England.

[16] Dealing with the latter point, which is a jurisdictional point, there is no basis whatsoever to suggest that this court does not have jurisdiction or is biased in some way given the subject matter of this case. We wholly reject that aspect of the argument that Mr Yanga put before us and have proceeded to decide the case.

[17] The substantive points on appeal, are not well articulated in the appeal notice. However, as we see it, they really boil down to a reiteration of the arguments made at the lower court and the ultimate question for us on appeal is whether the judge was wrong in his assessment. We are quite clear that the judge was entirely right to make the order that he did and was not wrong for the following core reasons which are matters of law.

[18] Firstly, the occupation of this property following the disagreements between Reverend Buckley and the church were on the basis of a caretaker agreement. That document shows that the Reverend Buckley had a licence to occupy the property only which ended on his death.

[19] Secondly, the caretaker agreement shows that legal and beneficial ownership of the property remained with the Trustees of the Roman Catholic Parish of Larne and the Catholic diocese of Down and Connor.

[20] Thirdly, it shows clearly that the licensee's estate agreed to deliver up vacant possession of the premises to the licensors within three months of the death of the licensee.

[21] Fourthly, the licensees had informed the licensors that Mr Yanga resided at the premises and that he did so at the invitation of Reverend Buckley.

[22] The judge covered all of the above territory and made an order which is unassailable in law given the foundational facts of this case. There is absolutely no basis upon which an appeal could be successful in this case and we, therefore, dismiss the appeal and affirm the order of the judge.

Conclusion

[23] At the lower court the judge allowed for one month by way of stay. We will order the possession on or before 9 June 2025. That will allow Mr Yanga to get his

affairs in order and is proportionate. We will make an order of costs against Mr Yanga as that follows the event given the appeal has been dismissed.