

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

CIVIL DIVISION

BUILDING AND PROPERTY LIST

VCAT REFERENCE NO. BP 310/2016

CATCHWORDS

CO-OWNED DOG; Part IV of the *Property Law Act 1958*; decision as to co-ownership.

FIRST APPLICANT	Ms Ankika Grover
SECOND APPLICANT	Ms Danyala Justine Grover
FIRST RESPONDENT	Mr Dean Robert Grover
SECOND RESPONDENT	Miss Martha Smith
WHERE HELD	Melbourne
BEFORE	Member C Edquist
HEARING TYPE	Hearing
DATES OF HEARING	15 April 2016, 26 April 2016 and 21 June 2016
DATE OF ORDER	6 July 2016
DATE OF REASONS	6 July 2016
CITATION	Grover v Grover (Building and Property) [2016] VCAT 1122

ORDERS

- 1 Pursuant to s 124 of the *Victorian Civil and Administrative Tribunal Act 1998*, I declare that the First Applicant and the Second Respondent are now co-owners of the dog Jep.
- 2 **The proceeding is listed for further hearing at 9:30am on 19 July 2016, 55 King Street, Melbourne, before Member C Edquist, with an allowance of 90 minutes.**
- 3 Pursuant to s 115B(1)(b) of the *Victorian Civil and Administrative Tribunal Act 1998*, the Second Respondent must pay the whole of the hearing fee (if any) payable in connection with the further hearing on 19 July 2016.
- 4 Order 3 made on 21 June 2016 which restrains the Second Respondent, until further order of the Tribunal, from disposing of the dog, whether by sale, gift or otherwise, or allowing any party to dispose of the dog on her

behalf, remains in force until 5.00pm on 19 July 2016 or until further order of the Tribunal.

MEMBER C EDQUIST

APPEARANCES:

For First Applicant:	In person on each occasion
For Second Applicant:	In person on each occasion
For First Respondent:	No appearance on 15 April 2016; Mr R Burns of Counsel on 26 April 2016; Mr Faltermaier solicitor, on 30 May 2016; Mr Faltermaier solicitor, on 6 June 2016; Mr Faltermaier solicitor, on 21 June 2016
For Second Respondent:	In person on 30 May 2016; no appearance on 6 June 2016; in person 21 June 2016

REASONS

- 1 The First Applicant, Ankika Grover (Ann Grover), initially came to the Tribunal with the Second Applicant, Danyala Justine Grover (Danyala Grover), for an order that the First Respondent, Dean Robert Grover (Dean Grover), should deliver into their possession a bull terrier named Jep.
- 2 The background to the dispute is that Ann Grover was married to Dean Grover. Danyala Grover is their daughter. Jep was the family dog.
- 3 The matter first came on before me on Friday 15 April 2016. Having heard the evidence from Ann Grover and Danyala Grover, I made an order restraining Dean Grover from disposing of the dog, whether by sale, gift or otherwise or allowing any party to dispose of the dog on his behalf until a hearing took place on 26 April 2016.
- 4 The Tribunal was advised, on the evening of 15 April 2016, that Danyala Grover had not been able to serve Dean Grover with the order, but he had later called her and said he had ‘already signed the dog over to someone else’.
- 5 The proceeding came on for hearing again before me on 26 April 2016. Having heard evidence from Mr Grover that he had delivered possession of the dog to Miss Martha Smith of Warragul, I joined Miss Smith as Second Respondent to the proceeding. Miss Smith was restrained, by order, from disposing of the dog until 5.00pm on 30 May 2016, or until further order of the Tribunal.
- 6 On 26 April 2016, I made a finding that the dog is, or at least was, jointly owned, and that the owners include, or at least included, Ann Grover and Dean Grover. I noted that no determination had been made regarding the issue of whether Danyala Grover had become a part owner of the dog. That issue remained for determination. An application made on behalf of Dean Grover to have Danyala Grover’s claim against him summarily dismissed or struck out under s 75 of the *Victorian Civil and Administrative Tribunal Act 1998* (‘the VCAT Act’) was dismissed. No determination was made in respect of the separate issue of whether Dean Grover had passed good title to Miss Smith, and that issue also remained to be determined.
- 7 The primary issue to be determined in the proceeding initially was whether the dog was co-owned. If it was co-owned by Dean Grover *and* Ann Grover, or Dean Grover *and* Ann Grover and Danyala Grover, then the Tribunal would have been vested with jurisdiction to make orders with respect to the dog as co-owned goods pursuant to Part IV of the *Property Law Act 1958*.
- 8 Having regard to Dean Grover’s evidence that he had disposed of the dog to Miss Smith, issues arose as to whether property in the dog had passed from

him to Miss Smith, and if so, whether Miss Smith was now the sole owner of the dog or whether she was a co-owner with Ann Grover, or with Ann Grover and Danyala Grover.

- 9 The proceeding was listed for further hearing on 30 May 2016, but the hearing could not proceed. An application for adjournment was successfully made by Dean Grover through his solicitor on the basis of Mr Grover's ill-health, and the adjournment was granted.
- 10 The proceeding was adjourned for further hearing on 6 June 2016, but this hearing could not proceed because of the illness of Miss Smith.
- 11 The proceeding was listed for further hearing on 21 June 2016. On this occasion both Ann Grover and Danyala Grover were present, Dean Grover was present and was represented by his solicitor, and Miss Smith was also present.
- 12 The hearing on 21 June 2016 was largely taken up with the evidence of Miss Smith. Evidence was also given by Danyala Grover and Ann Grover regarding the residual question of whether Danyala Grover had acquired an interest in the dog. Another matter dealt with was an ultimately unsuccessful application by Dean Grover to re-open the finding made on 26 April 2016 regarding joint ownership of the dog.
- 13 At the conclusion of the evidence on 21 June 2016, there was insufficient time for the parties to make submissions regarding the critical question of who owns the dog. For this reason, the parties were given until 4.00pm on 28 June 2016 to send to the Tribunal and to each other written submissions on that issue.
- 14 The Tribunal has received submissions from each of Ann Grover and Danyala Grover, Dean Grover and Miss Smith.

The submissions made by Ann Grover and Danyala Grover

- 15 Ann Grover and Danyala Grover made separate submissions. Ann Grover had much to say about the history of the case, about Dean Grover's allegations about her and about the affidavit of Jeanette Grover (Dean Grover's mother). She made no submission directly related to the question of the nature of the ownership received by Miss Smith when the dog was surrendered to her.
- 16 Danyala Grover addressed the question to why Jep should be returned to her, and also what had been said about her mother. Like her mother, she did not make any submission directly related to the issue of what property in the dog passed from her father to Miss Smith.

The submissions made on behalf of Dean Grover

- 17 The submissions prepared by Mr Grover's solicitor ran to 5 pages, but can be dealt with quickly. The first section of the submissions was broadly concerned with the finding that the Tribunal has already made to the effect that at the time of the surrender of the dog he was jointly owned by at least Ann Grover and Dean Grover. In this connection there was a reference to the alleged role of Dean Grover's mother, Jeanette Grover, in providing funds for the purchase of the dog, and a submission that the gift of money to her son by Jeanette Grover did not make the funds joint funds. It was said that the finding by the Tribunal was that there was a purchase made with joint funds, and the dog was, at that point, jointly owned. It was contended that 'this appears to be incorrect in fact and law'. This submission was effectively repeated in the concluding section of the submissions.
- 18 It is clear that Dean Grover is attempting to use the leave granted to file submissions as an opportunity to re-litigate the issue of whether Ann Grover was a co-owner with him. This issue has been resolved by the Tribunal on 26 April 2016. Mr Grover has already attempted to re-open this finding as to co-ownership, and has been rebuffed.¹ That matter remains closed. It is neither necessary nor appropriate to deal with the arguments raised yet again.
- 19 Regarding the issue of the ownership of the dog at the time it was surrendered by Dean Grover to Martha Smith, the following further submissions were made:
- (a) Mr Grover left the matrimonial home on either 2 or 9 October 2015;
 - (b) As he thought he would end up in a hotel or motel he could not take 'his' dog with him;
 - (c) By 26 October 2015, Ann Grover had sought to give the dog away to Miss Smith. She indicated that she could not look after the dog. She also, for a period of time, placed the dog in a boarding kennel;
 - (d) Ann Grover's act of giving the dog away was thwarted by the actions of the police and Dean Grover. On this day 'any possible ownership of Jep' by Ann Grover ceased, and Dean Grover then became the sole owner, 'even if it is accepted that Jep was jointly owned, which we do not'.
- 20 This argument, in my view, fails on the facts. Ann Grover's evidence given on 26 April 2016 was that she put the dog in a boarding kennel, as she was going to stay with her sister and her mother for a time after the breakup of her marriage. There is no evidence she gave him to the boarding kennel operator on a permanent basis. Furthermore, she did not sign any papers in an attempt to transfer ownership of the dog.

¹ See the Tribunal's Order 4 made 21 June 2016, at Order 4.

- 21 I accordingly find that the evidence does not support the further contention put forward on behalf of Mr Grover that, at the time he purported to transfer ownership of the dog to Miss Smith, Ann Grover had given away her interest in the dog.
- 22 In any event, if Ann Grover had given away her interest in the dog, she must have given it to someone. There is no evidence she gave her interest in Jep to Dean Grover.
- 23 A further argument put forward on behalf of Dean Grover was derived from the definition of ‘owner’ contained in the *Domestic Animals Act 1994* (Vic). Section 3 of that Act relevantly provides:
- owner* in respect of a dog or cat, includes a person who keeps or harbours the animal or has the animal in his or her care for the time being whether the animal is at large or in confinement;
- 24 I consider that this does not assist Mr Grover’s argument because the issue in the present proceeding is whether the dog was co-owned. Evidence of which person keeps or cares for the animal may be relevant to the issue of ownership, but does not necessarily assist in relation to the question of whether the animal is co-owned.
- 25 The balance of the submissions made on behalf of Dean Grover are relevant to the issue of where the dog should ultimately reside, and in particular whether Ann Grover in the future wants to be the owner, and whether she has a suitable residence, and the financial resources, to house the dog. They may be relevant to the question of what orders, if any, should be made regarding the sale of Jep, but they are not relevant to the question of who now owns the dog.

The submissions made by Miss Smith

- 26 Miss Smith began her submissions with the contention that she obtained all relevant and necessary information and paperwork in regards to the issue of ownership of Jep. She stated:
- Ann Grover’s evidence of being an owner of Jep is completely inconsistent and she has virtually no elements of being or ever being Jep’s owner. At the time of surrender, Mr Dean Grover was the legal owner of Jep.
- 27 Miss Smith did not elaborate on the proposition that Ann Grover’s evidence was ‘completely inconsistent’ and why she had ‘no elements of being or ever being Jep’s owner’.
- 28 Miss Smith’s observation that Mr Grover was the legal owner of the dog was apposite, but was not conclusive of the underlying issue of whether he was the sole owner of the dog at the time of surrender.
- 29 The balance of Miss Smith’s submissions were concerned with the question of whether it is appropriate for Jep to go and live with Ann Grover and

Danyala Grover. They are submissions relevant to the balance of the case. They do not need to be considered now.

Overview of the submissions

30 Although the submissions received from the parties were in total voluminous, they were, with the exception of part of the submissions made on behalf of Dean Grover, not relevant to the question of the nature of the ownership transferred from Mr Grover to Miss Smith. It is necessary for me to review the evidence given by Miss Smith and Mr Grover about this issue.

Evidence regarding the transfer of the dog from Mr Grover to Miss Smith

- 31 Miss Smith began her evidence by stating that when the bull terrier rescue service (which she runs)² receives a request to take a dog, they ask for the relevant paperwork, which includes its pedigree and its de-sexing certificate. She said that she received these documents. She tendered both of them. The pedigree certificate was issued by the Australian National Kennel Council Limited and related to a male bull terrier named Strongproud Jep Grover coloured black brindle, born 5 January 2015, and referred to a specific microchip number. The registered owner was recorded as Dean D Grover. The pedigree certificate accordingly clearly relates to the dog at the centre of this proceeding.
- 32 The de-sexing certificate received by Miss Smith was also tendered. It also recorded Dean Grover as the owner. Miss Smith said she did not receive at that time the local council registration certificate.
- 33 Miss Smith further deposed that the rescue centre's process is to send out a surrender contract. She tendered such a document which had been signed by Dean Grover. Reference to that document indicates that it was signed by Mr Grover on 11 April 2016. I comment that this date is consistent with the statement reportedly made by Dean Grover to his daughter on 15 April 2016 that he had 'already signed the dog over to someone else'.
- 34 Miss Smith also tendered the current Australasian Animal Registry registration certificate in respect of the dog Jep which recorded her as owner. The microchip number on that form, namely, 953010000286069, is identical to that contained in the pedigree certificate, thereby confirming the two documents relate to the same dog.
- 35 On the basis of the Australasian Animal Registry registration certificate, I am satisfied that Miss Smith became the *registered* owner of the dog. The date that Miss Smith became registered as the owner of the dog with the Australasian Animal Registry does not appear on the registration certificate.
- 36 Miss Smith tendered another document issued by Australasian Animal Registry headed Individual Change of Ownership/Details Form. This

² Known as the Victorian Bull Terrier Rescue Service or VBTR.

document had been signed by Dean Grover. The date of signing was not shown. Someone had noted on the top of the form 'emailed 21.4.16'. This was acknowledged by Miss Smith when it was pointed out to her. The inference to be drawn is that Miss Smith became registered with the Australasian Animal Registry as the owner of the dog at some point after 21 April 2016.

- 37 Another document prepared by the Australasian Animal Registry titled Change of Ownership for Welfare Agencies, Rescue Agencies and Councils, was tendered by Miss Smith. This form had been completed in Miss Smith's name and had been signed. It did not carry a date, and accordingly throws no light on the date that the change of registration of ownership was effected.

Does any party other than Miss Smith have an interest in the dog?

- 38 A question remains whether Miss Smith's ownership of the dog, as evidenced by her registration as owner with the Australasian Animal Registry, is affected by any interest of Ann Grover, alternatively any interest of Ann Grover and Danyala Grover.
- 39 In connection with this issue, it is relevant to note that Miss Smith tendered a set of screen shots taken from the rescue centre's Facebook page.
- 40 The first screenshot evidences that the first contact with the rescue centre was received not from Dean Grover, but from a person who identified herself as Ann Kufner. Ann Grover confirmed at the hearing on 21 June 2016 that this was her Facebook identity. Miss Smith said the date of this contact was 26 October 2015, but this was not legible on the screenshot tendered to the Tribunal. In the screenshot Ann Grover (under the name Ann Kufner) said that:
- we need to sell our dog as my husband has had problems and can no longer look after him and I can't either ou daughter will be sad but we can't do it. (Sic)
- 41 There was then an exchange of Facebook messages confirming that the dog was a pure breed and had been de-sexed.
- 42 Miss Smith gave evidence that after this nothing happened until 8 March 2016. On this date, Dean Grover called the rescue service and spoke to a volunteer called Darren. Miss Smith tendered a file note relating to this conversation.
- 43 Mr Grover said that the dog was with his mother as he was overseas, that she could not look after him, and he wanted to surrender him. The procedure was explained to Dean Grover and his brother-in-law, namely, a surrender form had to be filled in, and de-sexing, vaccination and pedigree paperwork provided.
- 44 On 8 March 2016, Darren Khan posted on the rescue centre's Facebook site a notice about the dog. The screen shot of this notice was tendered. The

notice said that the owner was going through a messy divorce, and was overseas, and had decided to surrender Jep.

45 Miss Smith deposed that, on 16 March 2016, the rescue centre received a phone call from Ann Grover. She tendered a file note concerning this conversation. The file note indicates that Ann Grover told Darren of the rescue service that she wanted Jep for her daughter Danyala. The note also records that Ann Grover was told that the rescue service needed to discuss this ‘only with Dean as he was the owner’ on the pedigree and de-sex certificates.

46 Miss Smith’s further evidence was that, on 18 March, Ann Grover called her. A file note about this conversation was also tendered. The file note is quite long and indicates that a number of topics were discussed. Relevantly, the file note records that Miss Smith said to Ann Grover:

if you believe truly that you have a claim to be a co-owner of Jep, then you will need to do something about that with legal aid or VCAT, this is not up to me to decide ...

This file note concluded:

She [Ann Grover] said “no worries, I’m going to VCAT then”.

47 Miss Smith said that later that night she received a text from Ann Grover. A screenshot of this text was tendered. Relevantly, it began:

Hi martha its ann grover here I have done what you said and put in an urgent affidavit to vcat re jep. So you won’t be able to take him. (Sic)

48 The tendered screenshot contains the following note, presumably from Miss Smith:

I ignored this message and informed the VBTR board of what was going on.

49 On 8 April 2016, Miss Smith took a call from Dean Grover. She tendered a file note concerning this message. The file note indicates that he mentioned that he was wanting to surrender Jep and to have him picked up from the kennels on the following Monday, 11 April. The file note also indicates that Miss Smith spoke to Dean Grover about Ann Grover’s call and:

how she is going to VCAT but that him being the surrendered owner now is all we need to think about here ...

So basically I arranged that we would send the surrender form to the kennels for them to print and Dean sign in person over the weekend before we collect Jep.

50 The next development was that, on 10 April 2016, Miss Smith received a phone call from Ann Grover but did not answer it, but let it go to voice mail. Miss Smith tendered a file note which set out the text of the voice mail. Relevantly, it included the following statement from Ann Grover:

Now we have a VCAT application in, and we are going to VCAT this week, so I would suggest that you guys don't get involved because I am actually telling VCAT that you guys are getting involved ...

- 51 The tendered file note relating to the phone call on 10 April 2016 also contains this notation under the date 11 April 2016:

Dean went in to sign the papers around 10:30am at Badger Creek Boarding Kennels and we collected Jep from the kennels around 4pm the same day.

- 52 I comment that this file note is consistent with the surrender contract signed by Dean Grover, which is dated 11 April 2016.

- 53 The tendered file note indicates that, on 12 April 2016, Ann Grover started calling members of the board of the rescue service. Miss Smith asked all board members 'not to enter into conversation with her'.

- 54 Miss Smith tendered a Facebook screenshot from Ann Grover (under her Facebook identity Ann Kufner) dated 13 April 2016. This read as follows:

Hi, on the 8/4 you posted for a carer for a male bully, This better not be jep as we're going vcat this Friday to get an injunction to get him back, so if you have him I would appreciate you letting me know thanks ann (Sic)

- 55 Miss Smith gave evidence that further communications were received on 14 April 2016, but they were deleted from the rescue service's Facebook page.

- 56 Miss Smith tendered a file note indicating that, on 15 April 2016, she received communications from four board members that they had had missed calls from Ann Grover's phone.

- 57 The file note of 15 April 2016 records the contents of a voicemail received by Miss Smith at 7.58pm on that day as follows:

Hi Martha, It's Ann Grover, I'm ringing to tell you I've got a court order to get Jep back, I was wanting you to give me a phone call back and urgently before I send the police around, Thank you

- 58 Miss Smith tendered a further file note evidencing that, on 15 April 2016, at 8.30pm, Ann Grover sent the VCAT order dated 15 April 2016 to the rescue service's email address.

- 59 Miss Smith said that she acknowledged this email at 9.34pm when she sent an email back to Ann Grover in these terms:

We acknowledge receipt of your email, we will forward this on to our Solicitor, who will be in contact with you in due course.

- 60 Miss Smith was cross-examined by Ann Grover, and then by Dean Grover's solicitor. One of the questions put to her by Dean Grover's solicitor is particularly relevant. He reminded Miss Smith that Ann Grover said she wanted the dog for her daughter. He then asked:

Has she ever said she is the owner?

- 61 The answer I recorded from Miss Smith was to the effect that Ann Grover referred to ‘our’ dog and did not refer to herself as the sole owner.
- 62 From this response, it is clear that Miss Smith was aware that Ann Grover asserted an interest in the dog, but was not contending that she was the sole owner.
- 63 I comment that this response from Miss Smith is not surprising, in the light of her evidence, as supported by the snapshots from the rescue service’s Facebook page, and the file notes of conversations tendered. In particular, it is to be noted that:
- (a) Miss Smith herself told Ann Grover on 18 March 2016 that if she believed she had a claim to be a co-owner then she should go to legal aid or VCAT.
 - (b) Ann Grover told Miss Smith on 18 March 2016 that she was going to VCAT.
 - (c) On 10 April 2016, Ann Grover confirmed to Miss Smith that a VCAT application had been lodged, and ‘we are going to VCAT this week’.
 - (d) On 15 April 2016, Ann Grover emailed to the rescue service VCAT’s order made that day, and Miss Smith acknowledged receipt that evening.
- 64 In these circumstances, it is clear that Miss Smith accepted delivery of the dog together with a signed surrender contract when she was aware that Ann Grover was asserting co-ownership of the dog. Furthermore, she effected a transfer of registration of ownership of the dog after 15 April 2016 when she had received a copy of the Tribunal’s order restraining Mr Grover from disposing of the dog.
- 65 I have indicated above (at paragraph 35) that I am satisfied that Miss Smith, at some point, became the *registered* owner of the dog. However, this conclusion does not mean that she became the sole owner of the dog.
- 66 Dean Grover gave evidence that he considered that he was the owner of the dog when he transferred it to Miss Smith. However, I have already found on 26 April 2016, that:
- The dog Jep is, or at least was, jointly owned. The dog owners include, or at least included, the First applicant and the Respondent, for the reasons given at the hearing.
- 67 The reference to the dog having possibly been jointly owned in the post reflected the fact that I had not heard evidence as to the nature of the ownership, if any, which Miss Smith might have received. I was not pre-judging that matter.
- 68 As noted, a further argument was raised on behalf of Dean Grover in the written submissions filed by his solicitor to the effect that, in late October 2015, Ann Grover disposed of her interest in the dog. I have found against Mr Grover in respect of that argument also. It follows that Ann Grover, at

least, was still a co-owner of the dog at the time he was surrendered to Miss Smith.

69 I heard further evidence from Danyala Grover at the hearing on 21 June 2016, regarding the issue of whether she was a joint owner of the dog. She confirmed the evidence she had given earlier on 26 April 2016, which was that Jep was a family dog. She confirmed that she had said on the earlier occasion:

It's my mum's dog and my dad's dog. It's not mine. It's ours.

70 On the basis of this evidence, I find that Danyala Grover has no interest in the dog as a co-owner. She clearly has an emotional investment in the dog, but that is not the same thing.

71 The upshot of this finding is that the co-owners of the dog, prior to the transfer of registration to Miss Smith, were Dean Grover and Ann Grover, but not Danyala Grover.

72 Dean Grover could not transfer to Miss Smith any greater interest or title in the dog than that which he possessed at the time he signed the surrender contract. I accordingly find and declare that Miss Smith became a co-owner of the dog with Ann Grover. I consider that Miss Smith became a co-owner of the dog when she took possession of him together with the signed surrender contract. I also declare that Ann Grover and Miss Smith are now co-owners of the dog.

Part IV of the *Property Law Act 1958*

73 As I have found that the dog Jep is co-owned by Miss Smith and Ann Grover, it is necessary to consider what order should be made with respect to the dog under Part IV of the *Property Law Act 1958* ('the PLA').

74 Pursuant to s 225(1) of the PLA a co-owner of goods may apply for an order to be made in respect of those goods under Division 2 of Part IV of the PLA, which relates to sale and division.

75 Section 225(2) provides that such an application (in respect of goods) may request:

- (a) the sale of the goods and the division of the proceeds among the co-owners; or
- (b) the physical division of the goods among the co-owners; or
- (c) a combination of these.

76 Physical division of the dog is clearly not an option, so the real question is whether a sale of the dog should be ordered.

77 The Tribunal's powers regarding any proceeding under Division Part IV of the PLA are wide. Section 228(1) provides:

In any proceeding under this Division, VCAT may make any order it thinks fit to ensure that a just and fair sale or division of land or goods occurs.

- 78 The parties have addressed in their respective written submissions the question of where the dog should reside in the future. However, the co-owners have not been given an opportunity to address the Tribunal regarding a sale of the dog. The issues arising may include:
- (a) should there be a public auction; or
 - (b) should Ann Grover sell her share to Miss Smith; or
 - (c) should Miss Smith sell her share to Ann Grover; and
 - (d) if there is to be a sale by one co-owner to the other, what should be the price?
- 79 There must be a further hearing to afford the co-owners an opportunity to address the Tribunal regarding these and any other issues which they think are relevant.
- 80 Dean Grover is no longer a co-owner of the dog, and as such may have no standing to make submissions regarding the sale of the dog. However, he should be given the opportunity to make submissions about his standing to make submissions if he wishes to do so.
- 81 If either Ann Grover or Miss Smith considers Dean Grover might be a relevant witness regarding the issue of sale of the dog, they will be given an opportunity to address the Tribunal on that matter. If they think Mr Grover might be a relevant witness, it is their responsibility to ensure that he is present at the further hearing.
- 82 At the further hearing of the proceeding, any application by any party for costs or for an order for reimbursement of filing fees or hearing fees paid will be determined, and for this reason all parties should attend.
- 83 To this point of the proceeding, the Applicants Ann Grove and Danyala Grover, have borne the burden not only of the filing fee but also of each hearing fee. As Ann Grover has established that she is a co-owner of the dog with Miss Smith, and as Miss Smith has at least the same interest as Ann Grover in being heard regarding the issues set out in paragraph 78 above, I will order that Miss Smith is to pay any hearing fee associated with the next hearing.

MEMBER C EDQUIST