

Admitted Facts

[15] It is common ground between the parties that:

- (i) the Suttles executed an agreement for the sale and purchase of the larger area *less lots 1 and 2*;
- (ii) at the initial meeting between Mr. Suttle and Mr. Gittens, the latter was given a copy of the Suttle Plan;
- (iii) the initial offer of System Sales to Mr. Suttle reflecting what transpired at that initial meeting was based on the Suttle Plan showing the land divided into 13 lots;
- (iv) lots 1 and 2 both faced the south and adjoined the public road as shown on the Suttle Plan, but on the SSL Plan they both faced East and only lot 1 adjoined the public road;
- (v) the area of land (not including road reserve and road) contained in both lots 1 and 2 on the Suttle Plan is larger than that shown on the SSL Plan;
- (vi) the execution of the works being carried out with a view to obtaining a certificate of compliance was the responsibility of System Sales and the works had been in progress for about 7 months when they were stopped by Mr. Suttle.