IN THE COURT OF APPEAL
OF NEWFOUNDLAND AND LABRADOR

Citation: *Sampson v. D. Sportsworld Ltd*., 2026 NLCA 5
Date: March 10, 2026
Docket Number: 202601H0015

BETWEEN:

LORI SAMPSON

APPLICANT/APPELLANT

AND:

D. SPORTSWORLD LTD.

RESPONDENT

Coram: D.M. Boone J.A.

Court Appealed From:	Supreme Court of Newfoundland and Labrador, Corner Brook, General Division 202604G0031
Application (Ex Parte) Filed:	March 6, 2026
Judgment Rendered:	March 10, 2026
Reasons for Judgment by:	D.M. Boone J.A.
Counsel for the Applicant:	Self-Represented

Authorities Cited:

CASES CITED: *Johnson v. Johnson*, 2023 NLCA 16; *Steele v. Rendell*, 2016 NLCA 70; *Moore v. Cheung*, 2025 BCCA 39; *Douglas v. Anavets Senior Citizens' Housing Society*, 2002 BCCA 486; *Federation of Newfoundland Indians Inc. v. Benoit*, 2024 NLCA 13; *Labatt Breweries of Canada Ltd. v. Attorney General of Canada*, [1980] 1 S.C.R. 594.

STATUTES CONSIDERED: *Residential Tenancies Act, 2018*, SNL 2018, c. R-14.2, sections 10, 50; *Court of Appeal Act*, SNL 2017, c. C-37.002, sections 8(1), 9.

RULES CONSIDERED: *Court of Appeal Civil Rule, 2025*, NLR 44/25, rule 30(11).

D.M. Boone J.A.:

[1] The Applicant appeals a decision (issued by endorsement) of a Supreme Court judge that refused to stay a decision of the Director of Residential Tenancies. The decision of the Director allowed the Respondent's application for vacant possession of residential premises that the Respondent leases to the Applicant. The lease runs until May 31, 2026.

[2] The Applicant has also applied to this Court, without notice to the Respondent, for a stay of the decision of the judge.

Background

[3] The Respondent evicted the Applicant by termination notice served on January 22, 2026, and requiring vacant possession by January 28, 2026.

[4] The Respondent based its claim for vacant possession on the Applicant's alleged breach of statutory condition 7(a) of the lease, incorporated in the lease by operation of the *Residential Tenancies Act, 2018*, SNL 2018, c. R-14.2, section 10, which provides:

> 7. Peaceful Enjoyment and Reasonable Privacy -

> (a) The tenant shall not unreasonably interfere with the rights and reasonable privacy of a landlord or other tenants in the residential premises, a common area or the property of which they form a part.

[5] The Respondent said that the Applicant had violated statutory condition 7 in five different ways:

1. Making false complaints against the tenant of the adjoining property;

2. Making false complaints regarding deficiencies in the residential premises;

3. Contacting the landlord at inappropriate times of the day;

4. Installing a security camera pointed at another tenant's door; and

5. Making false claims against the landlord to the RCMP.

[6] The Applicant refused to vacate the premises and the Respondent applied to the Director of Residential Tenancies for an order of vacant possession. The Director ordered a hearing before a Tribunal to determine the validity of the eviction notice.

[7] The Tribunal consisted of a Residential Tenancies Adjudicator. The Tribunal held a hearing on February 20, 2026. The Tribunal sorted the Respondent's complaints against the Applicant into three categories: contacting the landlord at inappropriate times; the installation of the security camera; and false allegations.

[8] The Tribunal determined that the delivery of emails and the installation of the security camera did not constitute a breach of statutory condition 7(a).

[9] The Tribunal decided that the individual events leading to complaints did not constitute a violation of statutory condition 7(a), but that the Applicant's actions cumulatively did so because she acted unreasonably. The Tribunal also found that the Applicant had violated statutory condition 7(a) by insisting on certain repairs and then not allowing the repairman entry because he showed up later than had been agreed.

[10] The Director of Residential Tenancies therefore ordered that the Applicant provide vacant possession.

[11] Pursuant to the *Residential Tenancies Act, 2018*, section 50, an appeal of a decision of the Director lies to the Supreme Court, but only on a question of jurisdiction or law. The Applicant appealed the decision of the Tribunal to the Supreme Court. She also sought a stay of the decision of the Director pending appeal.

[12] The judge denied the Applicant's application for a stay. He applied the three-part test for a stay stated by this Court in *Johnson v. Johnson*, 2023 NLCA 16:

> [2] The three-part test for a stay of enforcement of an order pending appeal is well established and as stated by the Supreme Court of Canada's decision in *RJR — MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311. The test has been repeatedly applied by this Court (see e.g. *Weir's Construction Limited v. Warford Estate*, 2016 NLCA 65, 1 C.A.N.L.R. 282).
>
> [3] The first question is whether the applicant has established that there is a serious issue to be argued on appeal. This question requires a preliminary but not a detailed or extensive investigation of the merits of the appeal.
>
> [4] Secondly, the applicant must establish that he would suffer irreparable harm if no stay is granted. In that regard, the nature of the harm is considered not the magnitude of the harm.
>
> [5] Thirdly, the applicant must establish that the balance of inconvenience as between the parties favours imposing a stay of the order. That is, will the applicant be more inconvenienced because the stay is not granted, or would the respondents be more inconvenienced if the stay is granted?

[13] The judge found that the Applicant had not established that there was a serious issue to be tried because her Notice of Appeal took issue only with the Tribunal's findings of fact. He also found, relying on *Johnson*, at paragraph 9, that the Applicant had not established irreparable harm because having to move from leased premises can, if the eviction is found to have been invalid, be redressed through monetary damages.

This Application

[14] The Applicant appeals from the decision of the judge denying her application for a stay. She also filed an *ex parte* application to this Court for a stay of the Supreme Court order.

[15] Rule 30(11) of the *Court of Appeal Civil Rules, 2025*, NLR 44/25, provides that where it is authorized by an order or direction of the Court, by a statute, or a rule, an "application may be filed without notice to other parties." In *Steele v. Rendell*, 2016 NLCA 70, this Court allowed, on the basis of the predecessor to rule 30(11), an application to proceed without notice and in writing where the effect of that order would not affect the substantive interests of the other party.

[16] I will allow this application to proceed without notice and in writing. I will discuss the terms and directions to be imposed once I deal with the application.

[17] I would grant the Applicant's application for a stay until an *inter partes* application hearing is heard in this Court. Such a hearing should be scheduled as soon as possible.

[18] The Applicant's Notice of Appeal, as well as disputing the Tribunal's findings of fact, also says that the Tribunal applied the wrong legal test on the question whether the Applicant's conduct amounted to breach of the statutory condition. There is a serious issue as to whether the cumulative effect of conduct, each event of which would not be a breach, would constitute breach of the condition. There is also a serious issue whether the tenant's refusal to allow a repairman entry to investigate her complaint when the repairman showed up at a time other than the previously set time, would constitute breach of the condition. On the hearing of the appeal, the Supreme Court may find that these questions are mixed questions of fact and law and not questions of law. However, whether a question of law can be extracted presents a serious (i.e., a non-frivolous) issue.

[19] As noted by the judge, in *Johnson*, this Court found that merely being required to move from rented premises did not in that case amount to irreparable harm because it can be compensated in monetary damages. However, I agree with the British Columbia Court of Appeal that whether an eviction amounts to irreparable harm depends on the circumstances, and "[w]here a vulnerable person has no other place to go, an eviction …[can] constitute an irreparable harm" (*Moore v. Cheung*, 2025 BCCA 39, at para. 36; and *Douglas v. Anavets Senior Citizens' Housing Society*, 2002 BCCA 486, at paras. 16-17).

[20] The Applicant has established irreparable harm. The Applicant presented evidence to the judge that her bank account had a very low balance. It would ignore reality to expect that a renter can find a new place to live with little money and no means to pay a damage deposit or first (and maybe last) month's rent. The Applicant

claims that eviction would leave her homeless and her lack of any means to find a new place to live supports her assertion. Being forced into homelessness would constitute irreparable harm.

[21] The judge did not deal with the balance of inconvenience because he did not find that the Applicant had established harm. The evidence before the judge established that the Applicant had paid her rent. There was no evidence of ongoing or future harm to the Respondent; its complaints against the Applicant are all in the past. The lease, and with it the Applicant's right to occupy the premises, is due to expire on May 31, 2026. In this case, I would find that the Applicant's pending homelessness outweighs the inconvenience to the Respondent if the eviction order is stayed.

[22] Merely staying the judge's refusal to stay the order for vacant possession issued by the Director of Residential Tenancies would provide no practical relief. She could still be evicted. Only an order staying the decision of the Director would preclude her eviction. The question is whether this Court can order a stay of the Director's decision and subsequent orders in this current proceeding. I find that we can do so.

[23] The *Court of Appeal Act*, SNL 2017, c. C-37.002, provides for the powers of this Court, including that:

> **8.** (1) The court may give any judgment which ought to have been pronounced, and may make further or other orders that it considers just.
>
> **9.** For all the purposes of, and incidental to, the hearing and determination of any cause or matter, and the amendment, execution, and enforcement, of any judgment or order, and for the purpose of every other authority expressly or impliedly given to it by this Act, the court has the power, authority, and jurisdiction, vested in the court appealed from.

[24] As noted by this Court in *Federation of Newfoundland Indians Inc. v. Benoit*, 2024 NLCA 13, at paragraph 16, in *Labatt Breweries of Canada Ltd. v. Attorney General of Canada*, [1980] 1 S.C.R. 594, "the Supreme Court recognized (at 601) the authority of an appellate court to prevent proceedings pending before it from being aborted by unilateral action by one of the parties."

[25] This Court therefore has the power vested in the Supreme Court judge to stay the order of the Director and to make any order that the judge ought to have

pronounced, and it should do so to prevent the parties from taking any actions that would make the pending appeal of no practical use or effect.

[26] I therefore order a stay of the orders for eviction and vacant possession set out in Decision 25-1147-NL under application numbers 2025-1147-NL and 2026-0002-NL of the Residential Tenancies Tribunal.

[27] That stay will remain in effect until the parties appear before this Court for an *inter partes* hearing for further argument as to whether it ought to remain in place. That hearing should take place as soon as possible. The Applicant must serve the Respondent with copies of all documents filed with the Court of Appeal forthwith, and before March 13, 2026, and provide them with a copy of this decision.

_____

D.M. Boone J.A.