



In The Supreme Court of Bermuda

CIVIL JURISDICTION

2020: No. 5

BETWEEN:

HSBC BANK OF BERMUDA LIMITED
(Formerly The Bank of Bermuda Limited)

Plaintiff

and

(1) RICARDO RAMPERSAD
(2) TANISHA SHERALL RAMPERSAD

Defendants

RULING (EX TEMPORE)

Date of Hearing: 1 May 2025

Date of Ruling: 1 May 2025

Appearances:

Sean Dunleavy, Marshall Diel & Myers Limited, for Plaintiff

Craig Rothwell, Cox Hallett Wilkinson Limited, for Defendants

RULING of Mussenden CJ

1. This is the Defendants' application for a stay of a writ of execution for a possession order for six (6) months as the circumstances of the Defendants will change as their two (2) adult children may return or are prepared to return to Bermuda to assist with payments to the mortgage.
2. RSC Order 45 is now relied on although Order 47 was originally relied on. The case law sets a high bar in mortgage proceedings for a stay based on Order 45. However, I am of the view that I should grant the application for a stay for six (6) months based on the doctrine of equity. This is a case that is reflective of a family doing their best to satisfy the mortgage whilst concurrently seeking to achieve their commendable goals.
3. I recognize the rights of the Bank which has engaged in discussions over the years as to how to restructure the mortgage. A lot now turns on the son Hezekiah Rampersad returning to Bermuda to take up employment [as a power engineer] at Tynes Bay Waste to Energy Facility. Presently, he is in Canada gaining valuable experience in managing waste plants and he is supported by the Bermuda Government in that training, and he is highly positioned to obtain employment at Tynes Bay with a sufficient salary to satisfy the commitments to the Bank. Mr. Wade's letter is not speculation. In my view, it places Hezekiah in a solid position, after qualification, to obtain a job at Tynes Bay for which not many Bermudians are qualified to obtain. Further, he is torn between training in Canada and returning to Bermuda to assist his parents but is prepared to cut short the training to return to Bermuda to assist. The daughter is due to return to Bermuda to assist also¹. In my view, the family has set a steady course for success for the family and for a home.
4. In my view, relying on the case of *Molly White and Stephen White v Denise Priscilla Trew* [2021] Bda LR 65: (i) the Defendants have satisfied me that they have the ability to pay; (ii) The job prospects of Hezekiah at an attractive salary is not speculation, it is strong

¹ The daughter will have graduated from college with a Masters Degree in Forensic Psychology and will return to Bermuda in the summer of 2025 to reside and take up employment.

evidence; and (iii) Hezekiah returning to Bermuda based on a successful stay application is also strong evidence. The crucial time has arrived for him and he is prepared to act.

5. I accept the principle that there should be certainty between the parties as I pointed out in *White and White v Trew*. In my view, that certainty is clear now and will be more clear in six (6) months. Thus, I am satisfied that I should exercise my discretion in equity to grant the application and I so do.

Dated 1 May 2025



HON. MR. JUSTICE LARRY MUSSENDEN
CHIEF JUSTICE