



Residential Tenancies Program

Policy and Procedure Guide

Policy Number: 08-003
Subject: Enforcement of Orders
Chapter: Orders of Director

Legislation	s. 47
Definitions	Enforcement: to compel compliance with an order.
Purpose	The purpose of this policy is to provide direction on filing and enforcing an order issued by Residential Tenancies.
Policy	<p>After an order is issued by the Director, if that order is not complied with, it may be enforced in the same manner as a judgement of the Supreme Court of Newfoundland and Labrador.</p> <p>Before an order can be enforced, it must first be certified by this Section (see policy 08-002).</p> <p>After certification, the order is registered for enforcement, as follows:</p> <ul style="list-style-type: none">(a) If the order is for a payment of an amount which is less than \$25,000.00, it is to be filed with Smalls Claims Court at The Provincial Court of Newfoundland and Labrador,(b) If the order is for a payment of an amount that is greater than \$25,000.00, it is to be filed with the Office of the High Sheriff of Newfoundland and Labrador,(c) If the order is for the recovery of personal property or for an order for vacant possession of residential premises (eviction), it is also filed with the Office of the High Sheriff. <p>A landlord or tenant who wishes to have an order enforced is required to:</p> <ul style="list-style-type: none">a) make application for certification;b) file the order with the Court and/or the Sheriff's Office; andc) provide instructions for enforcement to the Sheriff's Office. <p>This is not the responsibility of the Residential Tenancies Office.</p>
Procedure Overview	<p><u>Fees and Forms</u></p> <p>Small Claims</p> <p>When filing an order for enforcement at Small Claims Court, the applicant will be required to fill out a Judgement Form, a Judgement Registration Form, and a fee of \$25.00 also must be paid. This fee is recoverable and will be added to amount in the order.</p>



	<p>Office of the High Sheriff</p> <p>When filing an order at the High Sheriff's Office, the Judgement Registration Form must also be filled out, and that Office will also require information about the identity and financial details of the person named in the order. This information is provided in an Enforcement Instruction Form (Installment/Garnishment). If the order is for the recovery of personal property or for possession of residential premises, the applicant would fill out the Enforcement Instruction Form (Seize/Sell).</p> <p>A registration filing fee of \$75.00, or 0.5% of the money judgement, whichever is greater, up to a maximum of \$1500.00, must be paid to register a judgement with the Office of the High Sheriff.</p> <p>The Office of the High Sheriff may also charge additional fees to enforce a recovery order or an order of possession (e.g., the costs of changing locks). These costs, as well as the registration fee, are also recoverable, and may be added to the amount awarded in the Order of Director (money judgement). It is advisable that a landlord who seeks to recover these fees wait until after the recovery order or the possession order is enforced by the Sheriff, and then the receipted enforcement costs may be added to the Order of Director prior to registration.</p>
Forms & Form Letters	<ul style="list-style-type: none">• Judgement Form• Judgement Registration Form• Enforcement Instruction Form (Installment/Garnishment)• Enforcement Instruction Form (Seize/Sell)
X-Reference	See section 12 of this manual - Filing Fees, Costs and Interest
Policy Developed	September, 2000
Last Revision	January, 2024
Other Resources	<ul style="list-style-type: none">• Small Claims Act• Attachment of Wages Act• Judgment Enforcement Act• Garnishment, Attachment and Pension Diversion Act• Locations of Provincial Courts in Newfoundland and Labrador• Office of the High Sheriff of Newfoundland and Labrador