



## CARIBBEAN COURT OF JUSTICE

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**MEDIA RELEASE**  
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### **CCJ UPHOLDS FINDING OF NEGLIGENCE AGAINST BARBADOS HOTEL**

**Port of Spain, Trinidad and Tobago.** On Tuesday, 18 March 2025, the Caribbean Court of Justice (CCJ) delivered reasons for dismissing the appeal of *BBCV2024-001 Sandy Lane Hotel Co Ltd v Sonia Eversley* in a case involving an injury sustained by former housekeeper, Mrs Sonia Chase née Eversley. The appeal was against the finding of the High Court and Court of Appeal of negligence for failure to provide a safe place and system of work. The CCJ upheld the rulings of the courts below that the hotel had breached its duty to provide a safe workplace.

The matter arose from an incident on 4 December 2010, at the Sandy Lane Hotel in Barbados, when a piece of marble above the doorway of Room 417 fell and struck Mrs Chase while she was cleaning. She sued the hotel for negligence and breach of statutory duties under the Occupiers Liability Act. The High Court held that the evidence adduced by Mrs Chase established negligence on the part of Sandy Lane. The High Court, as an alternative, applied the principle of *res ipsa loquitur*, meaning the thing speaks for itself, in ruling in her favour, finding that Sandy Lane Hotel had failed to provide a safe place and system of work. This decision was upheld by the Court of Appeal. Sandy Lane then appealed to the CCJ.

The CCJ examined key issues, including whether the hotel had breached its duty to provide a safe workplace, whether the legal principle of *res ipsa loquitur* was properly applied despite not being explicitly pleaded, and whether the Court of Appeal erred in affirming the lower court's findings.

The Honourable Mr Justice Burgess delivered the lead judgment, with President Saunders and Justices Anderson and Ononaiwu concurring. In its judgment, the CCJ reaffirmed that *res ipsa loquitur* is not an independent rule of law but rather a statement that expresses a reasoning process that allows courts to infer negligence from the circumstances of an accident. The Court found that Mrs Chase's claim adequately set out the facts necessary to support such an inference. The Court also reiterated its principle that an apex court should only disturb concurrent factual findings, that is, instances where both the trial and appellate court agree on factual determinations, in exceptional cases, and in this case, there were none that applied. The

CCJ typically refrains from interfering with concurrent findings unless there is a clear legal or procedural error.

The Honourable Mr Justice Saunders, President of the CCJ, in a concurring opinion, noted that Sandy Lane failed to provide any evidence supporting its initial claim that Mrs Chase contributed to the accident. He also dismissed the hotel's assertion that it was denied a fair trial.

In a dissenting opinion, the Honourable Mr Justice Barrow found that the evidence did not support a conclusion of negligence. He opined that the cause of the marble falling was known—failure of the adhesive agent—and that the principle of *res ipsa loquitur* was misapplied. He would have allowed the appeal.

Following the hearing, the CCJ had ordered an interim payment of BDS \$100,000 to Mrs Chase.

The members of the CCJ panel were CCJ President, the Honourable Mr Justice Adrian Saunders, and Honourable Justices Anderson, Barrow, Burgess, and Ononaiwu. Mrs Marguerite Woodstock-Riley KC and Mrs Amanda R. Riley-Jordan appeared for the Appellant and Ms Yasmin S. Brewster and Ms Rhea A. Cheltenham appeared for the Respondent.

The full CCJ judgment is available on its website at [www.ccj.org](http://www.ccj.org).

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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