Index

ABANDONED CHATTELS, ABUSE OF PROCESS—Cont'd **CONVERSION OF** Cause of action—Cont'd distinguished from other torts—Cont'd Generally, § **4:13** malicious prosecution, § 1:1, § 1:2, **ABATEMENT** § 15:5 See remedies vexatious use of process, § 1:4 wrongful process of law, § 1:6 ABATEMENT OF NUISANCE elements of, § 1:1, § 1:8 Generally, § 20:23 origin of, § 1:1 ABNORMAL SENSITIVITY Caveat, wrongful filing of, § 1:8, § 1:10, See thin-skull plaintiff § 1:11 Collateral purpose, requirement for, § 1:1, ABSENCE FROM JURISDICTION, § 1:8, § 1:9 EFFECT OF ON LIMITATION Crown, § 1:12 PERIOD Damages Generally, § 31:30 compensatory, § 1:10 ABSOLUTE PRIVILEGE punitive, § 1:11 See privilege, defence of Defences, § 1:9 Agents, § 6:32 Definition, § 1:8 General, § 6:26, § 6:28 Elements of cause of action, § 1:1, § 1:8 Judicial proceedings, § 6:29 Execution, excessive, § 1:8 Legislative proceedings, § 6:31 Extraneous purpose, see purpose of Official communications, § 6:32 proceedings Quasi-judicial proceedings, § 6:30 False imprisonment, § 1:5 Solicitor-client, § 6:33 Garnishment, § 1:9 Standard of review on appeal, § 6:28 Improper process, what constitutes, § 1:8 Improper purpose for proceedings, § 1:8 ABUSE OF LEGAL AUTHORITY Intention of defendant, see motive Tort of, see misfeasance in public office Judicial officers, liability of, § 1:6 Trespass ab initio, as, § 26:10 Jurisdiction of court to prevent, § 1:7 **ABUSE OF POWER** Libel, § 1:8, § 1:9 See misfeasance in public office Liens, wrongful filing of, § 1:8 Limitation periods, § 1:13 ABUSE OF PROCESS Malice, § 1:2, § 1:5, § 1:9 See purpose of proceedings Malicious arrest, § 1:1 Acts in furtherance of improper purpose, § 1:8 Malicious intent, see malice Arrest, § 1:1, § 1:3 Malicious process, § 1:3 Attachment, § 1:8 Malicious prosecution Bankruptcy proceedings, § 1:2 civil proceedings, § 1:2 Case, action on, § 1:1, § 1:5 distinguished from abuse of process, Cause of action § 1:1, § 1:2 distinguished from other torts Motive of defendant, § 7:8

Origin of action, § 1:1

Parties, § 1:12

false imprisonment, § 1:5

malicious arrest, § 1:1

ABUSE OF PROCESS—Cont'd

Public officers, liability of, § 1:6

Punitive damages

claim for abuse of process, § 1:8 entitlement to, § 1:11

Purpose of proceedings, § 1:1, § 1:8, § 1:9

Reasonable and probable cause for proceedings, § 1:1, § 1:2

Termination of proceedings, § 1:1

Test for, § 1:8

Threats in furtherance of improper purpose, § 1:8

Trespass and case, § 1:5

Vexatious proceedings, § 1:4

Witness immunity, § 1:9

Wrongful process of law, § 1:6

ABUSE OF PUBLIC OFFICE

See misfeasance in public office Breach of statutory duty, § 27:30

Damages awarded to, § 27:32

Defences, § 27:31

Development of, § 27:29

Elements of

improper purpose, § 27:30 malice and intent, § 27:30

Intention, § 27:30

Malice, § 27:30

Misfeasance in public office, § 27:29

Nature of, § 27:29

Parties, § 27:33

Punitive damages, § 27:32

Ultra vires acts as, § 27:30

ACCELERATED DEPRECIATION, DAMAGES FOR

Generally, § 30:96

Trespass to chattels, in action for, § 25:12

ACCELERATION OF INHERITANCE, DAMAGES FOR

Generally, § 30:80, § 30:86

ACCIDENT, FATAL

See fatal accidents

ACCIDENTAL DESTRUCTION OF CHATTELS

Generally, § 4:10

ACCIDENT NEUROSIS

Generally, § 30:17

ACCIDENTS

Fatal, § 16:5

Inevitable, defence of

trespass to chattels, in action for, § 25:11

Multiple, assessment of damages for, § 30:21

ACCORD AND SATISFACTION

Generally, § 29:40, § 31:23

Deceit vitiating, § 5:14

Extinction of cause of action by, § 29:40

ACCOUNTING

Remedy of for passing off, § 22:22, § 22:23

Waiver of tort, in action for, § 31:19

ACCOUNT OF PROFITS

Generally, § 22:23

ACCOUNTS RECEIVABLE, CONVERSION OF

Generally, § 4:8

ACCRUAL OF CAUSE OF ACTION

See limitation of actions

Generally, § 29:45, § 31:26, § 31:27

Conspiracy, for, § 3:15

Contract, in, § 29:45

ACCUMULATED WEALTH, DAMAGES FOR LOSS OF

Generally, § 30:80

ACKNOWLEDGMENT OF CAUSE OF ACTION, EFFECT OF ON LIMITATION PERIOD

Generally, § 31:31

ACQUIESCENCE, DEFENCE OF

See also consent

Passing off, to, § 22:18

Trespass, to, § 26:9

ACQUITTAL

Generally, § 15:8, § 15:9

ACT OF GOD

See also defences, statutory

Generally, **24:14**

ACTS IN FURTHERANCE OF IMPROPER PURPOSE

Generally, § 1:8

ACTUAL KNOWLEDGE OF LIBEL, NO NECESSITY FOR

Generally, § 6:88

ACTUAL POSSESSION, REQUIREMENT OF

Generally, § 25:8

ADMINISTRATIVE PROCEEDINGS, PRIVILEGE IN RESPECT OF DEFAMATION DURING

Generally, § 6:30

ADMINISTRATIVE TRIBUNALS, RIGHT OF ACTION OF FOR DEFAMATION

Generally, § 6:84

ADMISSIBILITY OF EVIDENCE

Certificate of conviction, § 3:2 Co-conspirators, § 3:15

ADVERTISING

Liability for unauthorized use of name or likeness in, see appropriation of personality

Misleading, see passing off

ADVICE

Giving as basis for liability, § 8:11
Interference with contractual relations, liability for in action for, § 8:11
Negligent misrepresentation, as, see negligent misrepresentation

AFFIRMATIVE ACTION, DUTIES OF

Control of others

parent, on, § 16:9

Defective products, warning as to, § 23:9, § 23:13 to § 23:18

Public authorities, see negligence Statutory duties, § 16:25, § 16:26

AGENTS

Act of as basis of liability, § 7:10, § 7:20, § 15:7, § 15:13

Crown, of, § 32:7 to § 32:10, § 32:20 Duty of disclosure, effect of breach of, § 5:8

Employees distinguished from, § 29:36 Independent contractors distinguished from, § 29:36

Liability for acts of, § 13:13 Liability of, § 29:36

agents of Crown, § 32:30

AGENTS—Cont'd

Liability of, § 29:36—Cont'd conversion, for, § 4:25 deceit, for acts of, § 5:9 defamation, § 6:49 personal, § 5:18

Principal's personal liability for acts of, § 29:36

Vicarious liability for acts of generally, § 29:36
Crown, of, § 32:6 to § 32:28
deceit, § 5:18
false imprisonment, § 7:10, § 7:20
intimidation, § 13:13
malicious prosecution, § 15:7, § 15:13
solicitor's, § 18:41

AGGRAVATED DAMAGES

See damages

Generally, § 30:9

definition, § 30:9

quantum, § 30:9

when awarded, § 30:9

Assault and battery, for, § 2:22

Defamation, for, § 6:60, § 6:62, § 6:74

False imprisonment, for, § 7:14

Nervous shock, for intentional infliction of, § 10:11

AGGRAVATION OF PRE-EXISTING CONDITION OF PLAINTIFF, EFFECT OF ON DAMAGES

Generally, § 16:34, § 30:21

AIR SPACE, TRESPASS TO

Generally, § 26:2, § 26:6

ALCOHOL

See intoxication Vendors, § 16:26

ALLERGIC REACTIONS

Generally, § 16:18, § 16:34

"ALLUREMENT," DOCTRINE OF Generally, § 21:23

ALTERATION OF ANOTHER'S GOODS AS PASSING OFF

Generally, § 22:14

AMBULANCES

Generally, § 16:21

AMBULANCES-Cont'd

Transport of schizophrenic patients, § 16:33

AMENITIES, DAMAGES FOR LOSS OF

Generally, § 30:16, § 30:19

ANAESTHETIC, DOCTOR'S DUTY TO ADVISE AS TO CHOICE OF

Generally, § 18:62

ANIMAL KEEPERS

See defences, statutory

ANIMALS

See also defences, statutory Highway, on, § 16:20

APOLOGY, EFFECT OF IN DEFAMATION ACTION

Generally, § 6:62, § 6:74, § 6:76

APPEALS

Effect of availability, § 15:8
Favourable result obtained on, § 15:8,
§ 15:9

APPEARANCE OF GOODS, RIGHT TO EXCLUSIVE USE OF

Generally, § 22:14

APPORTIONMENT OF DAMAGE

See contributory negligence; damages
Between concurrent tortfeasors, § 29:28
Between separate causes of action,
§ 29:46

Damages, of

pre-existing condition of plaintiff, attributable to, § 30:21 successive torts, for, § 30:21

Legislation

application of

construction of, § 29:21

contractual liability, to, § **29:46**, § **29:47**

intentional torts, to, § 29:22

operation of, § 29:20

Liability, of

plaintiff and defendant, between, see contributory negligence

tortfeasors, between, § 16:21, § 29:19 to § 29:29

APPROPRIATION OF PERSONALITY

See privacy, invasion of

APPROVED PRACTICE

See custom

ARCHITECTS AND ENGINEERS

Generally, § 18:50

Defences

Errors of Judgement, § 18:60 Misuse of Structure. § 18:59

Elements of Case of Action

Causation, § 18:57

Duty of Care, § 18:51

Remoteness, § 18:58

Standard of Care, § 18:52

Errors, § 18:54

General Practice and Knowledge, § 18:53

General Standard, § 18:52 Instances of Liability, § 18:56 Special Steps, § 18:55

Remedies

Heads of Damage, § 18:62 Measure of Damages, § 18:62 Remuneration, § 18:62

ARMED FORCES

Members of as Crown servants, § 32:7 Vicarious liability for acts of, § 32:10

ARREST

See also assault and battery; false imprisonment

Abuse of process, § 1:1, § 1:3

False imprisonment

assistance in arrest, § 7:12

police officer, § 7:12

private citizen, § 7:12

property trespass, § 7:12

statutory authority, § 7:12

Reasons for, § 7:12

Use of force in effecting, § 2:18

Warrant for

notice of, § 7:12

validity of, § 7:12

ASSAULT AND BATTERY

Aggravated damages, § 2:22

Arrest, use of force in effecting, § 2:18

ASSAULT AND BATTERY—Cont'd	ASSAULT AND BATTERY—Cont'd
Cause of action	Consent—Cont'd
criminal proceedings, effect of on,	validity of, § 2:20
§ 2:3	Constructive intent, § 2:7
definition, § 2:6	Contact, § 2:2
distinguished from	Contributory negligence, § 2:19, § 2:24,
intentional infliction of nervous	§ 2:26
shock, § 2:4	Corporal punishment as, § 2:18
negligence, § 2:2	Criminal injuries compensation
elements of, § 2:6	availability, § 2:24
apprehension of imminent contact, § 2:10	contributory negligence, effect of, § 2:24
conditional, § 2:6	effect of claim on tort action, § 2:24
definition, § 2:10	reporting of incident as prerequisite,
future harm, § 2:10	§ 2:24
words, § 2:10	time for applying, § 2:24
contact	Criminal liability for, § 2:3
awareness of, § 2:9	Crown liability
imminent, § 2:10	aggravated damages, § 2:22
means of effecting, § 2:9	non-delegable duty, § 2:26
offensive nature of, § 2:8	punitive damages, § 2:23
damage	vicarious, § 2:26
foreseeability, § 2:2, § 2:22	Damages
necessity for, § 2:2, § 2:11	aggravated, § 2:22
intention	apportionment, § 2:19
generally, § 2:7	cases, § 2:21
constructive, § 2:7	compensatory, § 2:22
definition, § 2:7	measure of, § 2:22
transferred, § 2:7	necessity for, § 2:2, § 2:11
motive, § 2:7	non-pecuniary damages, § 2:22
negligence, § 2:1	provocation, effect of on, § 2:22
onus of proving, § 2:1	punitive
pleading, § 2:2, § 2:27	criminal prosecution, effect of, § 2:3,
volition, § 2:7	§ 2:23
history of, § 2:1	provocation, effect of on, § 2:23
nature and purpose of, § 2:1	remoteness, § 2:2, § 2:22
Chattels, recovery of, § 2:15	sexual assault, § 2:22, § 2:23, § 2:27
Children	victims of crime, § 2:24
discipline of, § 2:18	Defences
liability of, § 2:26	consent
Clinical records, production of, § 2:27	effect of, § 2:20
Conditional threat, § 2:10	express, § 2:20
Consent	form of, § 2:20
effect of, § 2:20	fraud, obtained by, § 2:20
express, § 2:20	inferred from conduct, § 2:20
form of, § 2:20	medical treatment, to, § 2:2, § 2:20
inferred from conduct, § 2:20	onus of proving, § 2:20
medical treatment, to, § 2:2, § 2:20	sexual assault, to, § 2:20
minor intrusions, § 2:8	validity of, § 2:20
onus of proving, § 2:20	contributory negligence, § 2:19

ASSAULT AND BATTERY—Cont'd	ASSAULT AND BATTERY—Cont'd
Defences—Cont'd	Liquor control legislation, § 2:18
defence of property, § 2:15	Medical treatment
defence of third parties, § 2:14	battery, as, § 2:2
illegality, § 2:21	consent as defence, § 2:20
legal authority	emergencies, § 2:20, § 2:21
arrest, for, § 2:18	limitation periods applying to, § 2:2,
common law, under, § 2:18	§ 2:27
corporal punishment, for, § 2:18	mental incompetence, effect of, § 2:26
Criminal Code, under, § 2:18	mistake as defence, § 2:16
nature and scope of defence, § 2:18	motive, relevance of, § 2:7
onus of proving, § 2:18	necessity as defence, § 2:17
provincial legislation, under, § 2:18	negligence, § 2:2
reasonableness of force, § 2:18	occupier of property, liability of, § 2:15
liquor control legislation, § 2:18	onus of proof, § 2:1, § 2:2, § 2:18,
mistake, § 2:16	§ 2:20, § 2:27
necessity, § 2:17	Non-delegable duty, § 2:26
self-defence	Parents
availability of, § 2:12	discipline by, § 2:18
defendant as aggressor, § 2:12	liability for act of child, § 2:26
serious injury resulting, § 2:12	liability for sexual assault of child,
definition, § 2:12	§ 2:5, § 2:26
reasonableness of force, § 2:12	Parties, § 2:26
spousal immunity, § 2:26	Pleadings, § 2:2, § 2:27
statutory bar of proceedings, § 2:3	Police officers, liability of, § 2:18
Discovery, § 2:27	Privilege, § 2:27
Distinguished from nervous shock, § 2:4, § 10:2	Property, protection or recovery of, § 2:15 Provocation
Doctors, see medical treatment	definition, § 2:13
Employer, liability of, § 2:26	effect of, § 2:13, § 2:22, § 2:23
Evidence, § 2:27	psychiatric illness, § 2:7
Exemplary damages, see punitive dam-	Punitive damages
ages	awards, § 2:23
Ex turpi causa, § 2:21	criminal proceedings precluding, § 2:3, § 2:23
Federal Court, jurisdiction of, § 2:27	Crown, awarded against, § 2:23
Fiduciary duty, breach of, § 2:5, § 2:27	effect of provocation, § 2:23
Foreseeability of damage, § 2:1, § 2:2,	employer awarded against
§ 2:22	complicity or blameworthiness in
Illegality, § 2:21	some degree required, § 2:23
Independent contractor, liability for act of, § 2:26	motive, § 2:7
Injunctions, § 2:24	negligence, § 2:2
Intention, § 2:7, § 2:19	related actions
	breach of fiduciary duty, § 2:5
Intentional infliction of nervous shock	criminal proceedings, § 2:3
distinguished from, § 2:4	intentional infliction of nervous
Intoxicated persons, use of force in detention of, § 2:18	shock, § 2:4
Joint tortfeasors, § 2:26	Related actions
Leave to bring action, § 2:27	breach of fiduciary duty, § 2:5
Limitation of actions, § 2:2, § 2:5, § 2:27	criminal proceedings, § 2:3
LINITERIOR OF CONTROL & MOMO & MONO & MONO	. CIMINIA DIOCCCAMICO, X #05

ASSAULT AND BATTERY—Cont'd Related actions—Cont'd intentional infliction of nervous shock. § 2:4 negligence, § 2:2 Remedies, see damages Sexual assault actions arising from, § 2:5, § 2:27 consent as defence, § 2:20 damages, § 2:22 limitation period, § 2:27 vicarious liability for, § 2:26 Spectators, right of action of, § 2:20 Sports, liability for injuries during, § 2:20 Spouse, liability of, § 2:26 Statutory authority arrest, for, § 2:18 corporal punishment, for, § 2:18 Criminal Code, under, § 2:18 limitation periods, § 2:27 nature and scope of defence, § 2:18 onus of proving, § 2:18 provincial legislation, under, § 2:18 reasonableness of force, § 2:18 Teachers, liability of, § 2:18, § 2:26 Transferred intent, § 2:7 Trespass, § 2:1 Trespassers, expulsion of, § 2:15

ASSETS, DISCLOSURE OF AS MAINTENANCE AND CHAMPERTY

Words as assault, § 2:10

Vicarious liability, § 2:22, § 2:26

Generally, § 14:2

ASSIGNMENT

Contractual claims, § 29:42 Tort claims, § 29:42

ASSIGNMENT OF CAUSE OF ACTION

Contract, in, § 29:42

Maintenance and champerty, as, § 14:6, § 14:7

Nuisance, for, § 20:1

Personal actions, § 29:42

Property, loss or damage to, § 29:42

Tort, in, § 29:42

ASSIGNMENTS OF CLAIM AS

Generally, § 14:6, § 14:7

ASSISTANCE, DUTY TO RENDER

Generally, § 7:13

ASSISTED SUICIDE

Generally, § 18:54

ASSOCIATIONS

Capacity to sue, § 32:55
Definition, § 32:54
Liability of, § 32:56
Right of action of for defamation, § 6:82
Voluntary organization, § 32:56

ASSUMPTION OF RISK

See defences, statutory

ATTEMPT

Generally, § 13:10

ATTORNEY GENERAL

See also Crown
Liability of
malicious prosecution, for, § 15:13
Public nuisance, right of action of for,
§ 20:15, § 20:16

Vicarious liability for acts of, § 32:7

AUCTIONEERS

Generally, § 4:13, § 4:14

AUDITORS

See accountants; financial statements, reliance on

BAILEES

Gratuitous bailees, § 4:25
Involuntary bailees, § 4:25
Liability of for conversion, § 4:25
Right of action of for conversion, § 4:9,
§ 4:24

BAILIFFS, DEFENCES OF

Generally, § 25:11

BAILIFFS, LIABILITY OF

Conversion, for, § 4:11 Trespass to chattels, for, § 25:11 Trespass to land, for, § 26:9

BAILORS, RIGHT OF ACTION OF FOR CONVERSION

Generally, § 4:24

BALANCE OF CONVENIENCE, EFFECT OF ON AVAILABILITY OF INJUNCTION

Generally, § 31:3, § 31:11

BANKRUPT

Capacity to sue, § 32:62 Tortious liability of, § 32:63

BANKRUPTCY

Capacity to sue, effect of on, § 32:62 Liability, effect of on, § 32:63 Malicious prosecution, as, § 15:7 Proceedings, § 1:2

Proceedings for as malicious prosecution, § 15:7

BARRATRY

Generally, § 14:1

BARRISTERS, LIABILITY OF

Generally, § 7:10, § 7:12

BATTERY

See also Medical Practitioners Negligence and, § 2:1, § 2:2

BENEFIT TO DEFENDANT

Effect of on damages property, to, see betterment trespass, for, § 26:11 Recovery of, see waiver of tort

BETTERMENT

Effect of damages, § 25:12 property of, effect of on damage award, § 30:98 trespass to chattels, for, § 25:12

BIOLOGICAL PRODUCTS

Generally, § 23:2

BOATS

Generally, § 21:9

BREACH OF CONFIDENCE

Confidential information, § 27:17, § 27:21

Defences

consent to disclosure, § 27:18 equitable estoppel, § 27:18 public interest, § 27:18 required by law, § 27:20 Detriment, § 27:17

BREACH OF CONFIDENCE—Cont'd

Duty of confidentiality personal information, § 27:16 unintentional breach, § 27:17 when absent, § 27:17 when arising, § 27:16 Elements of, § 27:17, § 27:21 Equity, § 27:16, § 27:19 Financial compensation, § 27:19 General, § 27:16 Injunction, § 27:19 Measure of damages, § 27:19 Nature of, § 27:16 Parties, § 27:20

Remedies, § 27:16, § 27:19

Sui juris hybrid, § 27:16 Trade secrets, § 27:16

Unpatented inventions, § 27:16 necessity for, § 8:1, § 8:9

BREACH OF CONTRACT

See concurrent tort/contract liability; contractual relations, interference with

Necessity for, § 8:1, § 8:9

BREACH OF FIDUCIARY DUTY

Related action to assault, § 2:5, § 2:27

BUILDING CONTRACTS

See buildings

BUILDINGS

See also architects and engineers; negligence (general) Conversion of, § 4:8 Defects in, liability for, § 23:5

BURDEN OF PROOF

See onus/burden of proof Generally, § 5:21

BUS DRIVERS/BUSES

Generally, § 16:30

BUSINESS

See also injurious falsehood; passing off Liability for disparagement of reputation in, § 6:7, § 6:11

CANADA PENSION PLAN BENEFITS

Deductibility of, § 30:62, § 30:92 Effect of payment of on right of action, § 32:14

CANADA POST

Liability of, § 32:7

CANADA SHIPPING ACT

Liability under, § 15A:3

CARRIERS, LIABILITY OF FOR CONVERSION

Generally, § 4:25

CASE, ACTIONS ON

Abuse of process as, § 1:1, § 1:5, § 1:13

Assault and battery as, § 2:1

Conspiracy as, § 3:9

Injurious falsehood as, § 9:9

Intentional infliction of nervous shock as, **§ 10:14**

Limitation periods in, § 31:25

Malicious prosecution as, § 15:2, § 15:16

Trespass and, § 10:14, § 26:1

CATTLE TRESPASS

See defences, statutory

CAUSATION

See also elements of negligence; foreseeability; intervening causes; nervous shock; proximate cause/remoteness of damage

Generally, § 16:27

Basic rule, § 16:28

"But for" test, § 16:28 to § 16:33

"Causa causans," § 16:28

Cook v. Lewis, rule in, § 16:30

Inferences, § 16:28

Joint liability, § 16:31

Loss of chance, § 16:32

Material contribution, § 16:28, § 16:30,

§ 16:32

Medical malpractice, § 16:32

Nexus, § 16:28

Onus of proof, shifting of, § 16:23

Operating cause, § 16:28

Substantial connection, § 16:28, § 16:32

CAUSE OF ACTION ESTOPPEL

See also issue estoppel

Basis of, § 29:41

Consent orders, § 29:41

Requirements for, § 29:41

CAVEAT, WRONGFUL FILING OF

Generally, § 1:8, § 1:10, § 1:11

CHAMPERTY

See maintenance and champerty Definition, § 14:1, § 14:6

CHARACTER OF PLAINTIFF, ADMISSIBILITY OF EVIDENCE AS TO

Defamation, in action for, § 6:69 Malicious prosecution, in action for, § 15:9

CHARITABLE MOTIVE AS DEFENCE TO MAINTENANCE AND CHAMPERTY

Generally, § 14:8

CHARITY

Generally, § 14:8

CHARTER OF RIGHTS AND FREEDOMS

Breach of as cause of action, § 15A:4, § 27:35

effect of on tort law generally, § 15A:4 limitation periods, effect of on, § 31:25

Effect of on limitation periods, § 31:25

Issues, § 6:1, § 6:45

contract law, distinguished from, § 15A:1

criminal law, distinguished from,

§ 15A:1 maritime law, § 15A:3

CHATTEL LESSOR, RIGHT OF ACTION OF FOR CONVERSION

Generally, § 4:9

CHATTEL MORTGAGEE, RIGHT OF ACTION OF FOR CONVERSION

Generally, § 4:9, § 4:24

CHATTELS

Conversion of, see conversion and detinue Damages for loss or injury to, see property loss or damage, damages for

Recovery of, § 2:15, § 2:17 see replevin

Trespass to, see trespass to chattels

CHEQUES, CONVERSION OF

Generally, § 4:8

CHILDREN

See sexual abuse/assault

CHILDREN—Cont'd	CHILDREN—Cont'd
Actions	Settlements, § 30:63
generally, § 32:35, § 32:36	Supervision of, duty of, § 32:39
against others, § 32:36, § 32:37,	Teachers/schools, § 16:9, § 16:20
§ 32:43	"Tender age," § 32:41
against parents, § 32:36, § 32:37,	Tortious liability of
§ 32:43	generally, § 32:39, § 32:42
against third parties, § 32:38	capacity for, § 32:39 to § 32:41
Adult activities, § 32:41	contributory negligence, § 32:36
Capacity to sue, § 32:35 to § 32:38	intentional torts, § 32:40
Claims in respect of death or injury of,	negligence, § 32:41
§ 30:81 Consent of to medical treatment § 18:54	parental responsibility, for, § 32:39
Consent of to medical treatment, § 18:54 Contract liability, § 32:42	Unborn, right of action of
Contributory negligence of, § 32:36	pre-natal injuries, for, § 16:26, § 32:43
Discipline of, § 2:18	Want of prosecution, § 32:36
Discipline of as defence to assault or bat-	CHOICE OF LAW
tery, § 2:18	See conflict of laws
Doctrine of identification, § 32:36	
Duty to supervise, § 16:9	CHOSES IN ACTION, CONVERSION
En ventre sa mere, § 30:45	OF
Foetus, § 16:26	Generally, § 4:8
Illegitimate, entitlement of to dependants'	CHRONIC PAIN SYNDROME
compensation, § 30:68	Generally, § 30:17
Immunity, § 32:41	
rights of unborn, § 32:43	CIVIL PROCEEDINGS AS BASIS OF
Liability of	ACTION
generally, § 32:39, § 32:42	Generally, § 15:7
adult activities, where engaged in,	CLASS, DEFAMATION OF
§ 32:41	Injunctive relief for, § 6:75
assault and battery, for, § 2:26	Right of action for, § 6:23 to § 6:25 ,
contractual, § 32:42	§ 6:85
conversion, for, § 4:25	CLASS DEDDESENTATION TO
intentional torts, for, § 32:40	CLASS, REPRESENTATION TO
negligence, for, § 32:41	Generally, § 5:11, § 5:17
Parental responsibility for, § 16:9, § 32:39	CLASS ACTIONS
Parent's or caretaker's negligence, effect	Defamation, for, § 6:25, § 6:75, § 6:85
of on recovery by, § 32:36	Negligent misrepresentation, § 19:9
Postponement of limitation periods in	Products liability, in action for, § 23:32
respect of, § 31:29	•
Products liability, § 23:11 to § 23:13	CLINICAL RECORDS, PRODUCTION
Right of action of	OF 11 ° 2 27
generally, § 32:35	Generally, § 2:27
against occupier	CO-DEFENDANTS
invitees and licensees, § 21:22,	Admissions of, § 3:15
§ 21:23	Trial, § 3:15
trespassers, § 21:23	
against parents, § 32:36, § 32:37	COHABITEE, ENTITLEMENT TO
against third parties, § 32:38	DEPENDANTS' COMPENSATION
unborn, § 32:43	Generally, § 30:68

COLLATERAL BENEFITS

Employment benefits, § 30:61, § 30:92 Government assistance, § 30:62, § 30:92 Gratuitous assistance, § 30:60, § 30:79, § 30:84

Insurance, § 30:61, § 30:92 Medicare benefits, § 30:62

Payments made pursuant to statute, § 30:62

Pension benefits, § 30:61, § 30:62, § 30:92

Principles governing deductibility of, § 30:57 to § 30:59, § 30:61

Private insurance policies, under, § 30:58, § 30:61

Unemployment Insurance benefits, § 30:62

COLLATERAL NEGLIGENCE OF INDEPENDENT CONTRACTORS

Generally, § 29:37

COLLATERAL PURPOSE

See purpose of proceedings

COLLATERAL WARRANTIES

Generally, § 23:2

COLLECTION AGENTS, LIABILITY OF FOR MAINTENANCE AND CHAMPERTY

Generally, § 14:6

COLLECTIVE AGREEMENT, PARTIES TO

Generally, § 32:54

COLOUR OF RIGHT

See trespass

COMMERCIAL DISPARAGEMENT

See injurious falsehood

COMMERCIAL HOST LIABILITY

Generally, § 16:18, § 16:26

COMMON DESIGN

§ 29:11

Conspiracy as intentional participation in, § 3:6 proof of, § 3:6 what constitutes, § 3:6

Defence of, see illegality, defence of

Joint liability arising from, § 16:31,

COMMON INTEREST

Maintenance and champerty, as defence to commercial interest, § 14:7 definition, § 14:7 familial relationship, § 14:8, § 14:9 Occupiers' liability, effect of on status of entrant for purposes of, § 21:14

COMMON LAW AND STATUTE

General, § 6:1
Presumption of damage, § 6:4

COMMON LAW OFFENCE

Generally, § 14:1

COMMON-LAW SPOUSE, ENTITLEMENT OF TO DEPENDANTS' COMPENSATION

Generally, § 30:68

COMPARATIVE ADVERTISING, LIABILITY WITH RESPECT TO

Generally, § 9:7, § 9:10

COMPENSATION NEUROSIS

Generally, § 30:17

COMPENSATION ORDER IN CRIMINAL PROCEEDING

Generally, § 5:14

COMPENSATORY DAMAGES

Generally, § 4:20, § 4:21, § 25:12

COMPETITION ACT

Generally, § 3:4, § 3:7

COMPLAINANT, LIABILITY OF

False imprisonment, for, § 7:10 Malicious prosecution, for, § 15:7

CONCEALMENT OF CAUSE OF ACTION, EFFECT OF ON LIMITATION PERIODS

Generally, § 31:28

CONCEALMENT OF FACTS AS DECEIT

Generally, § 5:8

CONCURRENT TORT/CONTRACT LIABILITY

See also disclaimers

Generally, § 16:3, § 19:4, § 29:43, § 29:44

Accountants, of, § 18:35

CONCURRENT TORT/CONTRACT LIABILITY—Cont'd

Accrual of cause of action and, § 29:45 Action in either or both, § 19:4 Contributory negligence and, § 29:46, § 29:47

Damages and, § 29:47

Duty of care, § 19:4

Limitation of actions and, § 29:45

Medical practitioners, of, § 18:70

Misrepresentation inducing entry into contract, § 19:4

Post-contractual misrepresentations, § 19:4

Pre-contractual misrepresentations, § 19:4, § 19:8, § 19:11

Terms of contract barring, § 19:4

CONCURRENT TORTFEASORS

Generally, § 6:21

CONDITIONAL THREAT

Generally, § 2:10

CONDUCT

Directed at third parties, § 10:2, § 10:13 Pleadings, § 10:14 Required for tort, § 10:4, § 10:5

CONDUCT, MISLEADING

Generally, § 19:7

CONDUCT, MISREPRESENTATION BY

Generally, § 5:7, § 18:6

CONDUCT, REPRESENTATION BY

Generally, § 5:7

CONFIDENTIALITY, DUTY OF

Breach of, liability for, see breach of confidence

CONFINEMENT

Awareness of, § 7:9

Extent of, § 7:7

Failure to provide assistance, by, § 7:8

Means of, § 7:7

Plaintiff having means of escaping from, § 7:7

Segregated custody, § 7:7

Voluntary submission to, § 7:8, § 7:9

CONFIRMATION OF CAUSE OF ACTION, EFFECT OF ON LIMITATION PERIODS

Generally, § 31:31

CONFLICT OF LAWS

Choice of law, § 29:51 to § 29:53

Class actions, § 29:49

Concurrent liability, § 29:43

Contribution, § 29:60

Contributory negligence, § 29:56

Court, constitutional jurisdiction, § 29:61

Defences, § 29:56 to § 29:58

Defined, § 29:48

Exemption clauses, § 29:57

Foreign law, determination of, § 29:61

General, § 29:54

Indemnity, § 29:60

Jurisdiction, § 29:49, § 29:50

forum non-conveniens, § 29:49

forum selection clauses, § 29:50

land, § 29:49

real and substantial connection, § 29:49

Limitation periods, § 29:55

Probate, § 29:39

Statutory provisions, § 29:58

Vicarious liability, § 29:59

CONSENT

See breach of confidence; privacy, invasion of

as defence

see breach of confidence; privacy, invasion of

Absence of as element, § 7:9

As defence, § 10:10, § 19A:2 to § 19A:4

Confinement, to, § 7:8, § 7:9

Effect of, § 2:20

Express, § 2:20

Form of, § 2:20

Inferred from conduct, § 2:20

Medical treatment, to, § 2:2, § 2:20

Minor intrusions, § 2:8

Onus of proving, § 2:20

Reality of, § 7:8

Validity of, § 2:20

CONSENT, DEFENCE OF

Generally, § 19A:2 to § 19A:4, § 25:11

Assault and battery, to, § 2:2, § 2:20

Breach of confidence, to, § 27:18

CONSENT, DEFENCE OF—Cont'd	CONSPIRACY—Cont'd
Defamation, to, § 6:58	Cause of action—Cont'd
Invasion of privacy, to statutory action	elements of—Cont'd
for, § 27:10	intention or purpose
Mistake as to, § 29:7	injury to plaintiff, § 3:8
Nervous shock, to intentional infliction of,	where means lawful, § 3:8, § 3:10
§ 10:10	where means unlawful, § 3:8
Trespass to chattels, to, § 25:11	merger, § 3:1
Trespass to land, to, § 26:9	scope, § 3:1
CONSENT TO DEFAMATION	Co-defendants
Generally, § 6:58	admissions of, § 3:15
·	trial of, § 3:15
CONSENT TO MEDICAL	Common design
TREATMENT	intentional participation in, § 3:6
Children, by, § 18:54	proof of, § 3:6
Effect of absence of, § 2:2, § 2:20	what constitutes, § 3:6
CONSPIRACY	Constructive intent, § 3:8
Admissibility of evidence	Contracts
certificate of conviction, § 3:2	concurrent liability for breach, § 3:1
co-conspirators, § 3:15	Conviction
Agreement as element of cause of action	admissibility of certificate of, § 3:2
intentional participation in, § 3:6	effect of on punitive damages, § 3:11
nature of, § 3:6	Corporations
proof of, § 3:6	liability of, § 3:14
Availability	parent and subsidiary, § 3:14
conduct where tortious, § 3:1, § 3:7	shareholders' action for injury to, § 3:13
statutory limitations, § 3:10	vicarious liability of, § 3:14
Cause of action	Criminal conspiracy distinguished from,
accrual, § 3:15	§ 3:2
availability	Criminal liability for, § 3:2
statutory limits on, § 3:10	Damages
where conduct tortious, § 3:1, § 3:7	causation, § 3:9, § 3:11
case, as action on, § 3:9	double recovery, avoidance of, § 3:11
definition, § 3:5	heads of, § 3:11
distinguished from	nature of, § 3:9, § 3:11
criminal conspiracy, § 3:2	necessity for, § 3:9
inducing breach of contract, § 3:3	non-pecuniary, § 3:15
intimidation, § 13:3	pleading, § 3:15
elements of	presumption of, § 3:9
act pursuant to agreement	punitive, § 3:11
necessity for, § 3:7	remoteness, § 3:11
proof of, § 3:2	Defences
tort as, § 3:1, § 3:7, § 3:9	immunity from suit, § 3:10, § 3:14
unlawfulness of, § 3:7, § 3:8	labour legislation, under, § 3:10
agreement	legal authority, § 3:10
intentional participation in, § 3:6	mistake, § 3:10
nature of, § 3:6	plaintiff's participation in act, § 3:10
proof of, § 3:6	self-interest, § 3:8, § 3:10
damage. § 3:9	Definition, § 3:5

CONSPIRACY—Cont'd	CONSPIRACY—Cont'd
Evidence, admissibility	Right of action—Cont'd
agreement, of, § 3:6, § 3:15	statutory limits on, § 3:10
certificate of conviction, § 3:2	Scope of cause of action, § 3:1
co-conspirators, admissions of, § 3:15	Secondary picketing as unlawful means,
onus of adducing, § 3:10	§ 3:7
Inducing breach of contract	Self-interest
distinguished from conspiracy, § 3:3,	onus of proving, § 3:10
§ 8:2	where conduct lawful, § 3:8, § 3:10
unlawful means, as, § 3:7	where conduct unlawful, § 3:10
Infants, liability of, § 3:14	Shareholders, right of action of, § 3:13
Injunctions, § 3:12	Special damage
Intention	necessity for, § 3:9
constructive, § 3:8	presumption of, § 3:9
where means lawful, § 3:8, § 3:10	Statement of claim, content of
where means unlawful, § 3:8	generally, § 3:15
Interference with contractual relations	successive conspiracies, pleading of,
distinguished from, § 3:3, § 8:2	§ 3:15
Intimidation distinguished from, § 13:3	where conduct criminal, § 3:15
Jurisdiction, § 3:15	Statute breach of as unlawful means, § 3:7
Labour legislation	limitations on right of action under,
damage action under, § 3:4 limitations on action under, § 3:10	§ 3:10
Merger, § 3:1, § 3:15	remedies under, § 3:4
Mistake, defence of, § 3:10	Statutory limits on right of action, § 3:10
Motive, § 3:8, § 3:10	Tort as unlawful means, § 3:7
Municipality, right of action of, § 3:13	Trade unions
Nature and purpose, § 3:1, § 3:15	liability of, § 3:14
Offence, as, § 3:2, § 3:4	status of, § 3:14
Onus of proof, § 3:10	statutory protection for acts of
Overt act	Criminal Code, under, § 3:2
lawfulness of, § 3:7	labour legislation, under, § 3:2,
proof of, § 3:2	§ 3:10
tort as, § 3:1, § 3:7, § 3:9, § 3:10	Trial, § 3:15
Parties	Unlawful means
defendants, § 3:14	effect of, § 3:8, § 3:10
plaintiffs, § 3:13	elements of action, § 3:5, § 3:15
Pleadings, § 3:15	mistake of fact as defence, § 3:10
Privilege, solicitor-client, § 3:15	mistake of law as defence, § 3:10
Related actions	tort as, § 3:1, § 3:7, § 3:15 what constitutes, § 3:7, § 3:15
breach of contract, § 3:1	Witness immunity rule, § 3:10
Remedies	Withess ininumity fule, § 3:10
damages, see damages	CONSTRUCTION, NEGLIGENT
statutory remedies, § 3:4	Generally, § 23:5
Right of action	CONSTRUCTION AND
consumers, § 3:13	INTERPRETATION
corporations, § 3:13	See defamatory meaning
individuals, § 3:13	
municipalities, of, § 3:13	CONSTRUCTION CONTRACTS
shareholders, § 3:13	See buildings

CONSTRUCTIVE INTENT

Generally, § 2:7, § 10:6, § 32:5 Conspiracy, in, § 3:8 Nervous shock, in intentional infliction of, § 10:6

CONSTRUCTIVE POSSESSION

Generally, § 25:8

CONSULTANTS, LIABILITY OF

Generally, § 18:80

CONTACT

Generally, § 2:2 Requirement of, § 7:8

CONTAINERS

Liability for injuries caused by, § 23:5
Sealed, effect of on liability for injuries
caused by defective products, § 23:7,
§ 23:10

CONTEMPTUOUS DAMAGES

See also damages Generally, § 30:2 Defamation, for, § 6:66 Definition, § 30:2 Effect of award of, § 30:2 Quantum, § 30:2 When awarded, § 30:2

CONTINGENCIES, EFFECT OF

Generally, § 30:46, § 30:54, § 30:89

CONTINGENCY FEES AS MAINTENANCE AND CHAMPERTY

Accountants' fees, § 14:3 Legal fees, § 14:6

CONTINUING CAUSES OF ACTION

Damages for, § 26:11 Effect of on limitation periods, § 31:26 Nuisance as, § 20:1 Successive actions for, § 31:23 Trespass to land as, § 26:6

CONTRACT AND TORT

Apportionment of liability, § 29:46
Assignment of right of action, § 29:42
Concurrent or alternative, § 29:43
Conflict of laws, § 29:43
Contribution, § 29:22
Damages in, § 29:47
Limitation of actions, § 29:45

CONTRACTORS

Duty owed to by architects and engineers, § 18:80

Liability of for injuries caused by defective product, § 23:23

CONTRACTS

See also concurrent tort/contract liability
Adequacy of remedies under, § 13:8
Breach of as unlawful act, § 13:8
Concurrent liability for breach, § 3:1
Contingency fees, § 14:3
Enforceability generally, § 14:1
Inducing breach of, § 13:2
see contractual relations, interference with
Necessity for, § 25:9
Remedy in, effect of on right of action for

two-party intimidation, § 13:8
Requirement of, § 7:8

Threat of breach of as unlawful act for purposes of intimidation action, § 13:8

CONTRACTS, BREACH OF

Concurrent liability, § 16:3

CONTRACTUAL ENTRANTS, OCCUPIERS' LIABILITY TO

Generally, § 21:11 to § 21:13

CONTRACTUAL LIABILITY

Generally, § 23:2, § 23:24

CONTRACTUAL LIMITATION OF LIABILITY

See disclaimers

CONTRACTUAL RELATIONS, INTERFERENCE WITH

Advice, giving of as basis for liability, § 8:11

Causation, § 8:12

Conspiracy distinguished from, § 3:3, § 8:2

Contract

awareness of, § 8:8
breach of
acquiescence in by party to contract,
effect of, § 8:11
nature of, § 8:9
necessity for, § 8:1, § 8:9
enforceable, § 8:7

existing, § 8:7

CONTRACTUAL RELATIONS,	CONTRACTUAL RELATIONS,
INTERFERENCE WITH—Cont'd	INTERFERENCE WITH—Cont'd
Contract—Cont'd	Statutory defences, § 8:11, § 8:13
formation of, interference with, § 8:6	Strikes
performance of, interference with,	damages for, § 8:15
§ 8:1, § 8:9	statutory exemption in respect of,
void, § 8:7	§ 8:13
Damages 6: 4 8 9 17	Unions, liability of, § 8:18
effect of recovery of in contract, § 8:15	see also picketing; strikes
measure of, § 8:15	Unlawful interference with economic
necessity for, § 8:12	interests distinguished from, § 8:3
non-pecuniary loss, § 8:15	Unlawful means in conspiracy action, as, § 3:7
punitive, § 8:15	Validity of contract, § 8:7
Defences, § 8:13	Void contract, effect of, § 8:7
justification, § 8:13	
moral duty, § 8:13	CONTRIBUTION AMONG
public interest, § 8:13	TORTFEASORS
public policy, § 8:13 statutory, § 8:11, § 8:13	Basis of apportionment, § 29:28
Direct interference by defendant, § 8:11	Common law, § 29:19
Directors, liability of, § 8:18	Conflict of laws issues, § 29:60
Elements of cause of action, § 8:6	Exemptions, § 29:23 to § 29:26
Employees, liability of, § 8:18	Ex turpi causa, application of, § 29:20
Exemplary damages, § 8:15	"Fault," § 29:21
Inconsistent dealings as basis of liability,	Indemnity, § 29:29
§ 8:11	Legislation, § 29:20, § 29:22
Indirect interference by defendant, § 8:11	Liability, preconditions for, § 29:22
Inducement, § 8:11	Limitation of action, § 29:27
Intention, § 8:8	Mothers, § 29:25
Interference with economic interests	Non-parties, § 29:21
distinguished from, § 8:3	Spouses, § 29:24
Interference with employment relations	Statutory provisions for, § 29:20, § 29:22
distinguished from, § 8:5	Vicarious liability, § 29:28, § 29:29 Who may claim, § 29:21
Intimidation distinguished from, § 8:4,	Workers' compensation legislation, effect
§ 13:2	§ 29:26
Jurisdiction of court, § 8:19	
Knowledge of existence of contract, § 8:8	CONTRIBUTION AND INDEMNITY
Nature and scope of action for, § 8:1	See also joint and several liability
Negligence, liability for, § 8:10	Generally, § 23:21, § 29:19 to § 29:29
Per quod servitium amisit action	CONTRIBUTORY NEGLIGENCE
distinguished from, § 8:5	Generally, § 2:19, § 2:24, § 2:26, § 5:12,
Picketing, § 8:11, § 8:13	§ 5:14, § 19A:6, § 21:12, § 21:16,
Public interest, defence of, § 8:13	§ 21:18, § 21:24, § 21:30, § 23:21,
Public policy, defence of, § 8:13	§ 29:46
Recklessness, liability for, § 8:8	Automobile accidents, § 19A:8
Remedies	Children, § 19A:7
damages, § 8:15	Defence of, § 19A:6 to § 19A:9
injunction, § 8:14	Elements of Defence
specific performance, § 8:16	children, § 17:8
Shareholders, liability of, § 8:18	causation, § 17:10

CONTRIBUTORY NEGLIGENCE	CONVERSION AND DETINUE—Cont'd
—Cont'd	Bailees—Cont'd
Elements of Defence—Cont'd	liability, § 4:25
children, § 17:8—Cont'd	right of action, § 4:9, § 4:24
emergencies, § 17:9	Bailors, § 4:24
introduction, § 17:5	Carriers, liability of, § 4:25
reasonable care, § 17:6	Cause of action, elements of
traffic accidents, § 17:11	conversion, § 4:10
passengers, § 17:11	detinue, § 4:11
imputed negligence, § 17:12	intention, § 4:1, § 4:7, § 4:10
pedestrians, § 17:11	possession by defendant
seat belts and other safety equip- ment, § 17:11	conversion, § 4:10
unreasonable risk, § 17:7	detinue, § 4:11
Emergencies	possessory interest in plaintiff, § 4:7, § 4:9
generally, § 19A:9	specific personal property, § 4:7, § 4:8
Introduction	strict liability, § 4:1, § 4:18
generally, § 17:1	wrongful act by defendant
Nature of Contributory Negligence	conversion, § 4:1, § 4:10
history, § 17:3	detinue, § 4:11
legislative schemes, § 17:4	Cheques, § 4:8
Occupiers' liability, § 21:12, § 21:16,	Children, liability of, § 4:25
§ 21:18, § 21:24, § 21:30	Compensatory damages, § 4:20, § 4:21
Parties, see imputed negligence between	Continuing cause of action, § 4:26
parties	Conversion and detinue distinguished,
Practice, § 17:13	§ 4:1
Reasonable reliance, § 19:9	Conversion definition, § 4:1
Related Defences	Conversion distinguished from trespass to
generally, § 17:2	chattels, § 25:2, § 25:4
Unreasonable Risk, § 17:7	Corporate liability, § 4:25
CONTROL OF OTHERS, DUTIES	Crown, liability of, § 4:25
RELATING TO	Damages
Parents, § 16:9	date of assessment, § 4:19 to § 4:21
CONTROL OF PREMISES, EFFECT	interest, § 4:20
OF ON LIABILITY AS OCCUPIER	measure of damages, § 4:20 mitigation, § 4:20
Generally, § 21:7, § 32:11, § 32:22	nominal damages, § 4:17
• • • • • • • • • • • • • • • • • • • •	punitive damages, § 4:17
CONVENTIONAL AWARD FOR	special damages, § 4:20
NON-PECUNIARY DAMAGES	Damage to chattels, § 4:10
Generally, § 30:24	Debentures, enforcement of, § 4:24,
CONVERSION AND DETINUE	§ 4:25
Abandoned chattels, § 4:13	Debts, enforcement of, § 4:24 , § 4:25
Accidental destruction of chattels, § 4:10	Defences
Accounts receivable, conversion of, § 4:8	abandonment by plaintiff, § 4:13
Agents, liability of, § 4:25	conduct of plaintiff, § 4:13
Auctioneers, § 4:13, § 4:14	contributory negligence, § 4:18
Bailees	delay, § 4:16
gratuitous bailees, § 4:25	estoppel, § 4:13
involuntary bailees, § 4:25	ex turpi causa non oritur, § 4:13

CONVERSION AND DETINUE—Cont'd	CONVERSION AND DETINUE—Cont'
Defences—Cont'd	Intermingling of chattels, § 4:10
good faith, § 4:10	Joint liability, § 4:25
innocent wrongful act, § 4:1	Jus tertii, § 4:14
jus tertii, § 4:14	lienholders, liability of, § 4:14, § 4:25
laches, § 4:16	Limitation of actions, § 4:26
licence fraud, § 4:13	Lost chattels, § 4:9, § 4:24
mistake, § 4:10, § 4:12	Negligence, § 4:10, § 4:18
necessity, § 4:15	Parties to action, see also right of action
possessory lien, § 4:14	conversion of cheque, to, § 4:8
reasonable doubt as to plaintiff's right	defendants, § 4:25
to goods, § 4:10	joint liability, § 4:25
return of chattel, § 4:17, § 4:23	plaintiffs, § 4:24
right of defendant to goods, § 4:14	Possession by defendant
right of third party to goods, § 4:14	conversion, § 4:10
statutory, § 4:12	detinue, § 4:11
waiver, § 4:13	possessory interest in plaintiff, § 4:7,
Delay, § 4:16	§ 4:9
Delivery to third party, § 4:10	Property subject to action
Demand and refusal	accounts receivable, § 4:8
as evidence of conversion, § 4:10	bank drafts, § 4:8
nature of refusal, § 4:10	cheques, § 4:8
necessity for, § 4:10, § 4:11	choses in action, § 4:8
reasonableness of refusal, § 4:10	fixtures, § 4:8
sufficiency of demand, § 4:10	intellectual property, § 4:8
Destruction of chattels	knowledge, § 4:8
accidental destruction, § 4:10	money, § 4:8
co-owner, by, § 4:24	shares, § 4:8
test for, § 4:10	specific personal property, § 4:7
wilful, § 4:10	Punitive damages, § 4:22
Detention of goods as conversion, § 4:10	Receivers
Detinue	appointment of as conversion, § 4:24
definition, § 4:1, § 4:9	liability of, § 4:25
delay as defence, § 4:16	Recovery of property action, statutory
elements, § 4:4, § 4:7 to § 4:11	action for, § 4:5
forms of, § 4:23	Refusal to return chattel, see demand and
history, § 4:1, § 4:4	refusal
limitation period, § 4:26	Remedies
remedies, § 4:19, § 4:23	damages for conversion
valuation of property, § 4:21, § 4:23	date of assessment, § 4:19 to § 4:21
Disposition by non-owner, § 4:10	interest, § 4:20
Distinguished, § 4:1	measure of damages, § 4:20
Elements of cause of action, § 4:7	mitigation, § 4:20
Employee, § 4:25	nominal damages, § 4:17
Execution, § 4:24	punitive damages, § 4:22
Executors, § 4:25	special damages, § 4:20
Exemplary damages, § 4:22	damages for detinue
Fixtures, § 4:8	date of assessment, § 4:19, § 4:21
Intellectual property, § 4:8	goods increasing in value, § 4:23
Intention, § 4:10	replaceable goods, § 4:23

CONVERSION AND DETINUE—Cont'd	CONVERSION AND DETINUE—Cont'o
Remedies—Cont'd	Trespass to chattels, § 4:2, § 4:25, § 25:2
election of, § 4:19	to § 25:4
restitution on defendant's application, \$ 4:17	conversion distinguished from, § 25:2, § 25:4
return of chattel, § 4:19, § 4:23	Trover, § 4:4
self-help, § 4:23	Valuation of chattel, § 4:20
waiver of tort, § 4:6	Waiver of tort, § 4:6
Replevin	Withholding possession, § 4:10
availability of action	CONVICTION
co-executor, § 4:5	Admissibility of certificate of in conspir-
co-owner, § 4:5	acy action, § 3:2
defendant in action, § 4:5	Effect of on damages
seller of goods, § 4:5	assault and battery, for, § 2:3, § 2:23
termination of contract making pos-	conspiracy, for, § 3:11
session wrongful, § 4:5	punitive damages, § 3:11
wrongful distress, § 4:5	punitive damages generally, § 30:7
wrongful taking or detention, § 4:5	trespass to land, for, § 26:4
definition, § 4:5	Malicious prosecution, effect of on action
demand and refusal, § 4:5	for, § 15:8, § 15:9
distinguished from conversion, § 4:5	CORONERS, LIABILITY OF FOR
interim order, § 4:5	FALSE IMPRISONMENT
legislation, § 4:5	Generally, § 7:18
nature of action for, § 4:5	•
ownership, § 4:5	CORPORAL PUNISHMENT AS
possession, entitlement to, § 4:5	ASSAULT OR BATTERY
property subject to replevin, § 4:5 wrongful detention, proof of, § 4:5	Generally, § 2:18
Restoration of chattel, § 4:17	CORPORATE LIABILITY
Right of action	Generally, § 4:25
actual possession as prerequisite to,	CORPORATIONS
§ 4:9	
bailee, of, § 4:9 , § 4:24	Capacity to sue, § 32:51, § 32:52 Charitable, § 32:53
bailor, of, § 4:24	Defamation, § 32:53
chattel lessor, of, § 4:9	Directors' liability, § 32:53
chattel mortgagee, of, § 4:9, § 4:24	see also directors, corporate
co-owner, of, § 4:24	Liability of
employee, of, § 4:25	generally, § 32:53
finder, of, § 4:9, § 4:24	conspiracy, for, § 3:14
holder of reversionary interest, § 4:24	conversion/detinue, for, § 4:25
occupier of property, § 4:24	deceit, for, § 5:18
owner, of, § 4:9	defamation, for, § 32:53
right to possession as prerequisite to,	defamation by employee, for, § 6:49
§ 4:9	false imprisonment, for, § 7:20
Sale to third party, § 4:10, § 4:11	injurious falsehood, for, § 9:16
Seizure, § 4:11, § 4:24, § 4:25	malicious prosecution, for, § 15:13
Shares, conversion of, § 4:20	passing off, for, § 22:25
Statement of claim, sufficiency of, § 4:26	right of action, § 9:16
Strict liability, § 4:1	Officers
Theft by conversion, § 4:3	liability of, § 32:53

CORPORATIONS—Cont'd

Parent and subsidiary, § 3:13, § 3:14

Right of action of

deceit, for, § 5:17

defamation, for, § 6:64, § 6:80, § 6:82

injurious falsehood, for, § 9:16

invasion of privacy, for, § 27:10

Shareholders' action for conspiracy injuring, § 3:13

Tortious liability of, § 32:53

Vicarious liability, § 3:14

COST OF FUTURE CARE, DAMAGES FOR

Assessment

duration of incapacity, effect of on, § 30:29, § 30:48

expenses recoverable, examples of, § 30:28

interest, § 30:31

principles governing, § 30:28, § 30:48, § 30:49

Definition, § 30:27

Gross-up for income tax, § 30:49

COSTS

Generally, § 6:93, § 6:101, § 22:29

Payment of as maintenance and

champerty, § 14:2, § 14:6

Recovery of in action for malicious prosecution, § 15:14

Recovery of in maintenance and champerty action, § 14:10

CREDIT, INJURIES TO

Defamation, § 6:11

CREDIT CHECKS, LIABILITY FOR DEFAMATION ARISING FROM

Generally, § 6:36

CREDIT RATING, RECOVERY FOR DAMAGE TO MALICIOUS PROSECUTION

Generally, § 15:14

CRIME, LIABILITY FOR IMPUTATION OF

Generally, § 6:6

Burden of proof in justification of, § 6:27

Nature of imputed offence, § 6:6

Words imputing offence generally, § 6:6

Words imputing propensity for crime,

§ 6:6

CRIMINAL CODE

Generally, § 27:7, § 27:8

CRIMINAL CONSPIRACY DISTINGUISHED FROM CIVIL CONSPIRACY

Generally, § 3:2

CRIMINAL INJURIES COMPENSATION

Availability, § 2:24

Contributory negligence, effect of, § 2:24

Effect of claim on tort action, § 2:24

Reporting of incident as prerequisite, § 2:24

Time for applying, § 2:24

CRIMINAL LIABILITY FOR

Assault, § 2:3

Conspiracy, § 3:2

Contributory negligence, effect of, § 2:24

Effect of on punitive damages, see punitive damages

Maintenance and champerty, for, § 14:1

CRIMINAL NEGLIGENCE

Civil action distinguished, § 16:2

CRIMINAL PROCEEDINGS

Administering surgical or medical treatment, § 18:66

Effect of on punitive damages, § 25:6, § 25:13

Effect on civil action, § 25:6

Evidence of, § 25:6

Medical assistance in dying, § 18:67

CROPS, CONVERSION OF

Generally, § 4:8

CROWN

Generally, § 1:12, § 6:100

Federal

Attorney General, § 32:7

"Crown," definition, § 32:1

departments, § 32:9

immunity, § 32:3, § 32:15

invasion of privacy, § 32:13

jurisdiction of Federal Court, § 32:16

jurisdiction of provincial courts, § 32:16

legislation affecting liability, § 28:8,

§ 32:2, § 32:4 to § 32:6, § 32:8,

§ 32:11, § 32:12, § 32:17

CROWN—Cont'd	CROWN COUNSEL
Federal—Cont'd	Liability of
limitation of actions, § 32:2, § 32:17	malicious prosecution, for, § 15:7,
Ministers, § 32:6, § 32:7, § 32:9,	§ 15: 1 3
§ 32:30	Vicarious liability for acts of, § 32:7
motor vehicle accidents, § 32:12	CROWN LAND
occupiers liability, § 32:11	Liability of Crown as occupier of,
pension schemes, § 32:14	§ 21:17, § 21:35, § 32:11
police officers, § 32:2, § 32:6, § 32:7	Trespass to
provincial law applicable to, § 32:2,	possession of plaintiff for purposes of
§ 32:5, § 32:12, § 32:14	action, § 26:7
servants and agents generally, § 32:7 to § 32:9	right of action for, § 26:14
Crown corporations, § 32:7	CROWN LIABILITY
definition, § 32:7, § 32:8	See also duty of care (statutory)
judicial officers, § 32:7	Generally, § 4:25
scope of employment, § 32:10	Assault and battery
vicarious liability for acts of, § 32:6,	aggravated damages, § 2:22
§ 32:9	non-delegable duty, § 2:26
Policy vs. operational decisions, § 28:8,	punitive damages, § 2:23
§ 32:3, § 32:17, § 32:18, § 32:32	vicarious, § 2:26
Provincial	CROWN SERVANTS
defences available, § 32:28	See Crown
employer, liability as, § 32:21, § 32:29	
immunity, § 32:18	CRUMBLING SKULL PLAINTIFF
indemnity and contribution, § 32:27	Generally, § 30:21
judicial duties, § 32:25	CURRENCY OF DAMAGE AWARD
legislation affecting liability of, § 32:18	Generally, § 31:36
non-delegable duty, § 32:19	·
occupiers liability, § 32:22 public officers	CUSTOM
immunity, § 32:25, § 32:26	See standard of care (reasonable person)
liability of, § 32:30	Generally, § 16:19
limitation of action, § 32:25	DAMAGES
right of action against, § 32:18	See also family and dependants'
servants and agents	compensation; personal injury
Crown corporations, § 32:20	Aggravated, § 2:22, § 30:9
definition, § 32:20	definition, § 30:9
immunity of, § 32:30	quantum, § 30:9
judicial duties, § 32:24, § 32:25	when awarded, § 30:9
police, § 32:26, § 32:29	Aggregate, § 31:19
statutory torts, § 32:23	Apportionment, § 2:22
vicarious liability for, § 32:18 to	Assessment of, § 10:11 At large, § 30:2, § 30:8, § 30:11
§ 32:20	At large, § 30.2, § 30.8, § 30.11 Availability of, § 14:10
	Causation, § 3:9, § 3:11, § 13:14
CROWN, LIMITATION PERIODS	Chattels as conversion, to, § 4:10
Generally, § 7:22	Compensatory, § 1:10, § 2:22, § 10:11,
CROWN, MINISTERS	§ 25:12
Generally, § 32:6, § 32:7, § 32:9, § 32:19,	Contemptuous
§ 32:29, § 32:30	definition, § 30:2

DAMAGES—Cont'd	DAMAGES—Cont'd
Contemptuous—Cont'd	Non-pecuniary damages, § 2:22, § 3:15
effect of award of, § 30:2	Non-pecuniary loss, § 8:15
quantum, § 30:2	Parasitic, § 30:10
when awarded, § 30:2	Pecuniary losses, § 30:25 to § 30:65
Dependants' claims, § 30:67 to § 30:93	Personal injury, § 30:14
Deprivation	Presumption of, § 3:9
exaggeration of injury not grounds to,	Property damages, § 30:94 to § 30:106
§ 30:1	Property loss or damage
Double recovery, avoidance of, § 3:11	measure of damage
Effect of recovery in contract, § 8:15	diminution of value, § 30:96
Element of cause of action as, § 10:7,	Provocation, effect of on, § 2:22
§ 14:5	Punitive, § 1:11, § 3:11, § 8:15, § 10:12,
Estates	§ 29:35, § 29:47, § 30:5 to § 30:8
administration costs, recovery of,	availability
§ 30:93	generally, § 30:6
recovery of damages against, § 30:66	criminal proceedings taken, where,
recovery of damages on behalf of,	§ 30:7
§ 30:64, § 30:65	Crown, against, § 30:7
Foreign currency, in, § 31:36	fatal accidents cases, § 30:6,
Foreseeability of, § 10:6, § 10:11	§ 30:65, § 30:67
General, § 3:11, § 30:11	plaintiff suffering no damage, where
Heads of, § 3:11	§ 30:7
Interest, § 30:24, § 30:31, § 30:51	public deterrence, as means of,
Loss of opportunity to marry	§ 30:7
effect on pecuniary losses, § 30:34	statutory prohibition of, § 30:6
Measure of, § 1:10, § 2:22, § 13:14, § 14:10, § 29:47	criminal prosecution, effect of, § 2:3, § 2:23
Measure of generally	defendant profiting from misconduct,
damages exceeding, § 30:12	§ 30:8
diminution of value, § 30:96	evidence, § 30:8
inducing breach of contract, § 8:15	grounds for award, § 30:7
limitations on, § 30:12	negligence, § 30:7
limits on recovery, § 30:16	provocation, effect of on, § 2:23
nervous shock, § 10:11	punishable conduct, § 30:7
personal injury, with respect to, § 30:15	purpose of, § 30:5
principle of, § 30:12	quantum, § 30:8
property damage, with respect to,	who to determine, § 30:8
§ 30:94	Real, § 30:4
recovery exceeding loss suffered,	Reasonably contemplated, § 29:47
§ 30:12	Reasonably foreseeable, § 29:47
restitutio in integrum, § 30:12	Remoteness, § 2:2, § 2:22, § 3:11,
Mitigation of, § 1:10, § 30:13, § 30:17, § 30:100, § 30:107 to § 30:123	§ 10:11, § 29:47
Moral, § 30:3	Requirement of, § 23:22
Nature of, § 3:9, § 3:11, § 9:9	Sexual abuse, § 30:44
Necessity for, § 2:2, § 2:11, § 3:9, § 8:12,	Sexual assault, § 2:22, § 2:23, § 2:27
§ 25:10	Special damages, § 30:93
at common law, § 9:9, § 9:13	calculation, § 30:11
statutory provisions affecting, § 9:3,	definition, § 30:11
§ 9:13	loss of earnings as, § 30:52

DAMAGES—Cont'd	DEBTS, ENFORCEMENT OF
Special damages, § 30:93—Cont'd	Abuse of process, as, § 1:8
pleading, § 30:11	Conversion, as, § 4:24, § 4:25
pretrial expenses as, § 30:26	False imprisonment, as, § 7:13
proof of, § 30:11	Maintenance and champerty, as, § 14:2,
structured settlements, § 30:63	§ 14:6
trespass to land, § 30:18, § 30:36	Trespass to chattels, as
Sufficiency of evidence of, § 9:9	damages for, where wrongful, § 25:12
Symbolic, § 30:3	§ 25:13
Taxation, effect of, § 30:49, § 30:63, § 30:91	defences relating to, § 25:11
Travel expenses, recovery of, § 30:93	Trespass to land during, § 26:12
Upper limit, § 30:24	DECEIT
Victims of crime, § 2:24	Generally, § 19:2
· -	Accord and satisfaction and, § 5:14
DAMAGES, COMPENSATORY	Active concealment, § 5:7, § 5:8
See remedies	Agents
DANGEROUS ANIMALS, LIABILITY	duty of disclosure of, effect of, § 5:8
IN RESPECT OF	liability for acts of, § 5:18
See animals	personal liability of, § 5:18
DANGEROUS GOODS, LIABILITY IN	Bribery, § 5:2
RESPECT OF	Burden of proof, § 5:21
Generally, § 23:24	Cause of action
DANGEROUS OBJECTS, USE OF	definition, § 5:1, § 5:6
Generally, § 16:16	distinguished from
• • •	fraud as ground of equitable relief,
DEATH	§ 5:2
Common law, at, § 29:39	injurious falsehood, § 5:5, § 9:2
Defamation, for, § 6:2, § 6:78	negligence, § 5:4
Effect of on cause of action	passing off, § 22:1, § 22:9
generally, § 30:64 employee, § 12:1	elements of
injurious falsehood, for, § 9:16	damage, § 5:13
invasion of privacy, statutory action for,	false representation of fact, § 5:7
§ 27:10	fraud, § 5:1
legislation, § 29:39	inducement
punitive damages, for, § 30:65	extinguished, § 5:12
survival of actions, for, § 29:39,	necessity for, § 5:12
§ 30:64 to § 30:66	proof of, § 5:12
Pension benefits paid on, effect of on right	intention, § 5:1, § 5:11
of action against Crown, § 32:14	knowledge of falsity
Plaintiff, effect of, § 9:16 Wrongful, action in respect of see family	carelessness as evidence of, § 5:10
Wrongful, action in respect of, see family and dependants' compensation	necessity for, § 5:10
	recklessness as, § 5:1, § 5:6, § 5:10
DEBENTURES, ENFORCEMENT OF	misrepresentation
AS CONVERSION	form of, § 5:7, § 5:8
Generally, § 4:24	materiality
DEBT COLLECTION	necessity for, § 5:12
Generally & 14.6	question of fact as 8 5:12

DECEIT—Cont'd
Defences, § 5:14, § 5:15—Cont'd
negligence of plaintiff, § 5:12
Statute of Frauds, § 5:14
statutory requirement of writing, § 5:8
Defendants
agents, § 5:18
corporation, § 5:18
infant, § 5:18
joint tortfeasors, § 5:18
Estoppel, defence of, § 5:14
Exclusion clauses, § 5:14
Fiduciary duty of disclosure, effect of,
§ 5:8
Fraud
bankruptcy, § 5:19
contractual remedies for, § 5:3
equitable or constructive, § 5:2
nature of, § 5:2
pleading, § 5:21
proof of, § 5:21
Independent inquiry, effect of, § 5:12
Infants, liability of, § 5:18
Injurious falsehood distinguished from, § 5:5, § 9:2
Intention, § 5:11
Invasion of privacy and, § 27:2
Joinder, § 5:18
Knowing assistance, § 5:2
Knowing assistance, § 5.2 Knowing receipt, § 5:19
Knowledge of falsity
carelessness as evidence of, § 5:10
necessity for, § 5:10
recklessness as, § 5:10
Law, misrepresentation of, § 5:9
Limitation of actions, § 5:21
Loss of profits, recoverability of, § 5:19
Motive, relevance of, § 5:11
Negligence distinguished from, § 5:4,
\$ 5:10
Negligent misstatement, § 19:2
Onus of proof, § 5:21
Opinion, liability for statement of, § 5:9
Parties
defendants, § 5:18
plaintiffs, § 5:17
Passing off distinguished from, § 22:1,
§ 22:9
Privacy, § 27:10
Puffery, § 5:9

DECEIT—Cont'd	DEFAMATION—Cont'd
Recklessness, liability for, § 5:10	Absolute privilege—Cont'd
Remoteness of damage, § 5:19	reports of, § 6:29—Cont'd
Representation	statements preceding initiation of,
communication of, § 5:11, § 5:17	§ 6:29, § 6:33
concealment of facts, by, § 5:8	solicitor-client, § 6:33
conduct, by, § 5:7	standard of review on appeal, § 6:28
failure to advise of change in circumstance, by, § 5:8	Administrative proceedings, privilege in respect of, § 6:30
failure to correct false statement, by, § 5:8	Administrative tribunals, right of action of for, § 6:84
half-truths, by, § 5:8	Agent, by, § 6:49
materiality, § 5:12	Apology, § 6:62, § 6:74, § 6:76
non-compliance with duty of	Association, right of action of for, § 6:82
disclosure, § 5:8	Business, disparagement of reputation in,
reliance on, § 5:12, § 5:13	§ 6:7, § 6:11
silence, by, § 5:8	Business interest, privilege pertaining to
subject matter of	communications in pursuance of,
opinion, § 5:9	§ 6:40
promise, § 5:9	Calling
sales talk, § 5:9	disparagement of reputation in, § 6:7, § 6:11
statement of fact, § 5:9	what constitutes, § 6:7
statement of law, § 5:9	Cause of action
suppression of information, by, § 5:8	
writing, statutory requirement of, § 5:8	purpose and nature, § 6:1
Shareholders, right of action of, § 5:17	threshold for, § 6:16
Silence, representation by, § 5:8	Charter issues, § 6:1
Standard of proof of, § 5:21	Class, of
Statute of Frauds, § 5:8, § 5:14	injunctive relief for, § 6:75
Statutory duty to disclose, effect of, § 5:8 Suppression of facts, § 5:8	right of action for, § 6:23 to § 6:25, § 6:85
Third party, representation relating to,	Common law and statute
§ 5:8	general, § 6:1
Vicarious liability for, § 5:18	presumption of damage, § 6:4
DECLARATION	Concurrent tortfeasors, § 6:21
Generally, § 9:15	Consent to defamation of, § 6:58
DEFAMATION	Construction and interpretation, see defamatory meaning
Absolute privilege	Corporations
agents, § 6:32	actions by, § 6:64, § 6:80, § 6:82,
general, § 6:26, § 6:28	§ 6:83
inferior court proceedings, § 6:30 judicial proceedings, § 6:29	malice of employee, vicarious liability for, § 6:49
legislative proceedings, § 6:31	Costs, § 6:93, § 6:97, § 6:101
malice, effect of on, § 6:29	Counsel, absolute privilege of, § 6:29
official communications, § 6:32	Court, jurisdiction of, § 6:101
quasi-judicial proceedings, § 6:30	Credit, statements injuring, § 6:11
reports of, § 6:29	Credit checks, liability arising from,
statements during course of 8 6.29	8 6.36

DEFAMATION—Cont'd	DEFAMATION—Cont'd
Criminal conduct, imputation of	Damages, § 6:59 to § 6:74 —Cont'd
burden of proof in justification of,	words actionable per se—Cont'd
§ 6:27	factors in assessment—Cont'd
nature of imputed offence, § 6:6	upper limit, § 6:62
words imputing offence generally,	general principles, § 6:5, § 6:60
§ 6:6	heads of damage, § 6:61
words imputing propensity for crime,	presumption of damage, § 6:59
§ 6:6	words not actionable per se, where,
Crown, § 6:81, § 6:100	§ 6:63, § 6:64
Damages, § 6:59 to § 6:74	Death, effect of on cause of action for,
aggravated, § 6:61, § 6:62	§ 6:78
apology, effect of on, § 6:74	Defamatory meaning
character of plaintiff, relevance of,	categories of statement, § 6:11
§ 6:69	circumstances, relevance of in
contemptuous damages, § 6:66	determining, § 6:10
corporate plaintiff, § 6:64	defined, § 6:10
damages previously recovered, effect	determining, § 6:10, § 6:14
of on, § 6:73 equitable relief, § 6:76	function of jury, § 6:15 inferential, § 6:12
extemporaneous comments, effect of	
on, § 6:72	innuendo, § 6:12, § 6:13 intention of defendant, relevance of in
internet publication affecting, § 6:62	determining, § 6:16
jury assessment, § 6:100	judge, function of, § 6:15
mitigation	jury, function of, § 6:15
apology, § 6:60 , § 6:64 , § 6:74	natural and ordinary meaning, § 6:12,
damages recovered for similar libel,	§ 6:92
§ 6:73	objective test of, § 6:10, § 6:15, § 6:16
lack of planning, § 6:72	ordinary meaning, § 6:12
plaintiff's reputation, § 6:69	pleading, § 6:95
provocation, § 6:68	standard of opinion, § 6:10, § 6:16
republication, § 6:71	surrounding circumstances, § 6:2
unintentional defamation, § 6:70	question of law, capacity for as,
nominal damages, § 6:65	§ 6:15
provocation, effect of on, § 6:68	reasonableness of interpretation
punitive damages, § 6:64 , § 6:67	alleged to constitute, § 6:15,
republication, effect of on, § 6:71,	§ 6:16
§ 6:74	time for ascertaining, § 6:19
special damages, § 6:2, § 6:4, § 6:5,	Defences
§ 6:61	absolute privilege, § 6:28 to § 6:33
unintentional defamation, effect of on,	consent, § 6:58
§ 6:70	election to proceed with as admission
words actionable per se	of publication, § 6:19
factors in assessment	fair comment, § 6:50 to § 6:56, § 6:92
apology, § 6:62	§ 6:96
conduct of defendant, § 6:62	justification, § 6:27, § 6:90, § 6:96
economic consequences, § 6:62	qualified privilege, § 6:34 to § 6:49
extent of publication, § 6:62	responsible communication on matters
parties' community standing,	of public interest, § 6:57
§ 6:62	Defendant's identity, § 6:26, § 6:95
political context, § 6:62 , § 6:67	Dependant's liability, § 6:26, § 6:95

DEFAMATION—Cont'd	DEFAMATION—Cont'd
Discovery	Fair comment—Cont'd
defamation during course of, § 6:29	pleading of, § 6:96
fair comment on particulars, § 6:91	public interest, necessity for, § 6:53
internet defendants, § 6:95	website postings, § 6:51
jurisdiction, § 6:90	False innuendo, § 6:13
newspaper rule, § 6:89	Falsity of words, presumption of, § 6:27
particulars of justification, § 6:90	Financial interest, privilege pertaining to
responsible communication defence,	communications in pursuance of,
§ 6:101	§ 6:40
state of mind, § 6:92	General, § 6:1
Disease, imputation of, § 6:8, § 6:9	Hatred, promotion of as basis for injunc-
Dishonesty in business or calling, imputa-	tive relief, § 6:75
tion of, § 6:7, § 6:11	Immorality, imputation of, § 6:9, § 6:11
Dismissal of employee, privilege pertain-	Imputations of crime
ing to communications relating to, § 6:36	burden of proof, § 6:27
Distinguished from injurious falsehood,	general, § 6:6
§ 9:3	slander, § 6:6
Elected officials, privilege of, § 6:31	when defamatory, § 6:11
Elements of tort	Imputations of disease, § 6:8
defamation, § 6:3	Injunctions, § 6:75, § 6:100
injurious falsehood, § 6:2	Injurious falsehood
libel or slander, § 6:3	distinguished from libel and slander,
Email, § 6:4 , § 6:18 , § 6:88	§ 6:2
Employment reference checks, privilege	elements of action, § 6:2
pertaining to, § 6:36	nature of action, § 6:2
Evidence	survival of action, § 6:2
hearsay, § 6:19	Innuendo
Fair comment	defamatory meaning, § 6:12, § 6:13
authorities, § 6:56	false, § 6:12
basis in fact, § 6:51	ignorance of facts giving rise to, § 6:13
discovery, § 6:92	language used giving rise to, § 6:12
fairness, § 6:54	pleading and proof, § 6:13 , § 6:16 ,
function of jury, § 6:56	§ 6:19, § 6:95
general, § 6:50	publication to persons aware of facts
judge, function of, § 6:56	giving rise to, § 6:19
justification, distinguished from, § 6:27	true, § 6:13
loss of	Internet
character of comment, by, § 6:52	damages, § 6:62
character of imputation, by, § 6:55	discovery, § 6:95
erroneous facts, by, § 6:51	practice matters, § 6:88 , § 6:95 ,
intermingling of facts and opinion,	§ 6:101
by, § 6:52	publication on, § 6:10, § 6:18, § 6:21,
malice, by, § 6:50, § 6:55	§ 6:51
onus on defendant, § 6:50	service providers, § 6:77 , § 6:95
opinion	Joinder of actions, § 6:98
comment recognizable as, § 6:52	Joint tort, § 6:22
necessity for honest belief in, § 6:50,	Journalist source privilege, § 6:89
§ 6:54	Judges, privilege of, § 6:29

DEFAMATION—Cont'd	DEFAMATION—Cont'd
Judicial proceedings	Malice—Cont'd
fair and accurate reports of, privilege	aggravated damages, § 6:62
pertaining to, § 6:42	burden on plaintiff, § 6:46
privilege in respect of, § 6:29	definition, § 6:46, § 6:47
Jurisdiction of court, § 6:83, § 6:101	discovery, § 6:92
Jury trials	evidence
assessing damages, § 6:100	disbelief by defendant, § 6:47
defamatory meaning, § 6:15 , § 6:100	dominant motive, § 6:47
fair comment, § 6:56	extrinsic or intrinsic, § 6:47
function of judge, § 6:15 , § 6:57	recklessness, § 6:47
general verdict, § 6:100	relevancy of words, § 6:47
malice, § 6:48	strong language, § 6:47
proof of publication, § 6:19	fair comment, § 6:50
responsible communication defence,	function of judge and jury, § 6:48
§ 6:57	imputed, § 6:49
when available, § 6:100	joint malice, § 6:49
Justification	Media, § 6:18, § 6:22, § 6:45, § 6:89
generally, § 6:26, § 6:27	Notice of action, § 6:88
authorities, § 6:27	Parties
burden of proving, § 6:27	associations, § 6:83
criminal offence and, § 6:27	class actions, § 6:25, § 6:85
discovery of particulars, § 6:90	corporations
fair comment, distinguished from,	generally, § 6:80
§ 6:27	municipal, § 6:81
injunctions, § 6:75	non-profit, § 6:80, § 6:82
onus of proof, § 6:27	deceased persons, § 6:78
pleadings, § 6:96	general, § 6:77
provincial legislation, § 6:27	government, § 6:81
subsequent facts, relevance of, § 6:27	mentally ill persons, § 6:79
substantial truth, sufficiency of proof	municipalities, § 6:81
of, § 6:27	non-profit corporations, § 6:80, § 6:82
Lawyers, see solicitors, privilege of in	police officers, § 6:86
judicial proceedings	professional organizations, § 6:84
Legal innuendo, see true innuendo	trade unions, § 6:83
Legislative proceedings	Pleadings
privilege pertaining to, § 6:31	general, § 6:94
reports of, privilege pertaining to,	statement of claim
§ 6:43	general, § 6:95
Libel and slander	identity of defendant, § 6:89, § 6:95
damages, § 6:4	intention of defendant, § 6:95
distinction between, § 6:4	material facts, § 6:95
publication, § 6:4	meaning of words, § 6:13, § 6:95
reasonable knowledge of, § 6:88	particulars, § 6:95
Limitation periods, § 6:87, § 6:88,	reference to plaintiff, § 6:24, § 6:95
§ 6:101	specific words, § 6:95
Loss of reputation, § 6:69	statement of defence
Malice	fair comment, § 6:96
actual malice, § 6:46	general, § 6:96
agent's liability for, § 6:49	particulars of justification, § 6:96
agent 5 natinty 101, 8 0:49	particulars of Justification, 8 0:90

DEFAMATION—Cont'd	DEFAMATION—Cont'd
Pleadings—Cont'd	Publication—Cont'd
statement of defence—Cont'd	what constituting, § 6:18—Cont'd
qualified privilege, § 6:96	successive actions in respect of,
rolled-up plea, § 6:96	§ 6:21
Presumption of damage, § 6:4	Public interest
Privilege, see absolute privilege; journal-	fair comment, § 6:53
ist source privilege; qualified privi- lege	responsible communication defence, § 6:57
Professional organizations, of, § 6:84	stategic litigation against public
Professional reputation, disparagement of,	participation, § 6:97
§ 6:7, § 6:11	Public interest responsible journalism
Publication	defence, § 6:45
accidental or inadvertent, § 6:20	see also responsible communication on
agent, to, § 6:18	matters of public interest
apology and retraction, § 6:74	Public meetings, privilege pertaining to
burden of proving, § 6:19	reports of, § 6:43
deemed admission of by proceeding	Public officials
with defence, § 6:19	allegations of misconduct by, privilege
definition, § 6:18	pertaining to, § 6:39 privilege of, § 6:32
evidence	
admission by defendant, § 6:19	Qualified privilege
burden of proof, § 6:19	common interest, § 6:34, § 6:40
hearsay, § 6:19	communication to general public, § 6:45
inference of from proven facts, § 6:19	0
knowledge of third persons, § 6:19	duty, statements in discharge of
proof essential, § 6:17	answers to inquiries, § 6:36
subsequent facts, § 6:19	general, § 6:35
understandability, § 6:19	moral or social duty, § 6:35
indirect, § 6:18 , § 6:22	public duty, § 6:38 , § 6:45
inferred, § 6:19	sexual abuse, suspicions re, § 6:35
	statutory duty, § 6:37
internet, § 6:10, § 6:18, § 6:21, § 6:51, § 6:101	voluntary statements, § 6:39
joint, § 6:22	effect of, § 6:44
lawyer, to, § 6:18	effect of on inference of malice, § 6:34
libel or slander, § 6:4	excessive publication, § 6:44
means of publication, § 6:16 to § 6:18	fair comment distinguished from,
place of publication, § 6:18 , § 6:101	§ 6:45
reference to plaintiff	informing public, § 6:43 , § 6:45
evidence, § 6:24	judicial proceedings, § 6:42
, •	legislative proceedings, § 6:43
general, § 6:23	public meetings, § 6:43
group defamation, § 6:25	general, § 6:34
specific only in subsequent publica-	government publications, reports of,
tion, § 6:24	§ 6:43
remedies, see damages	judicial proceedings, reports of, § 6:42
republication, § 6:18, § 6:22	legislative proceedings, reports of,
single publication rule, § 6:21	§ 6:43
what constituting, § 6:18	loss of
slander, of, § 6:4	excessive publication, by, § 6:44

DEFAMATION—Cont'd	DEFAMATION—Cont'd
Qualified privilege—Cont'd	Sexual abuse, suspicions re, § 6:35
loss of—Cont'd	Slander, actionable per se
malice, by, § 6:34, § 6:42, § 6:46 to	libel distinguished from, § 6:4
§ 6:49	general, § 6:5
onus of proving, § 6:34	imputations of crime, § 6:6
protection of own interest, § 6:41	imputations of disease, § 6:8, § 6:9
public meetings, reports of, § 6:43	injury to reputation, § 6:7
public officials, complaints relating	unchastity, § 6:9
to conduct of, § 6:39	Slander of goods
media, § 6:18, § 6:34, § 6:45, § 6:89	nature of action, § 6:2
municipal councillors, § 6:38	special damages required, § 6:2
onus of proving damage from, § 6:44	Slander of title, § 6:2 , § 9:3
protection of own interest, § 6:41	Solicitor-client communications, privilege
public or private duty	pertaining to, § 6:33
answers to inquiries, § 6:36	Solicitors, privilege of in judicial proceed
general, § 6:35	ings, § 6:29
public duty, § 6:38	Special damage
sexual abuse, suspicions re, § 6:35 statutory duty, § 6:37	necessity for in respect of slander, § 6:4, § 6:5
voluntary statements, § 6:39	recovery of, § 6:63
work references, § 6:36	Statement of claim, see pleadings
quasi-judicial proceedings, privilege in	Statement of defence, see pleadings
respect of, § 6:30	Survival of actions
race, injunctive relief against libel	injurious falsehood, § 6:2
based on, § 6:75	libel or slander, § 6:2 , § 6:78
standard of review on appeal, § 6:34	Television, § 6:4, § 6:14, § 6:22
when arising, § 6:34	Trade, disparagement of plaintiff's reputa-
Reference to plaintiff	tion in, § 6:7
necessity for, § 6:23	Trade unions, right of action of, § 6:83
proof of	Trial, § 6:100, § 6:101
where plaintiff not named, § 6:24	True innuendo
where words defamatory of group or	categories of, § 6:13
class, § 6:25	definition, § 6:13
Remedies	Truth of words
damages, § 6:59 to § 6:74	complete defence, as, § 6:27
injunction, § 6:75	imputations, of, § 6:27
publication of apology, § 6:76	multiple allegations, of, § 6:27
Representative action for, § 6:75, § 6:85	onus on defendant, § 6:27
Republication	opinion, of, § 6:27
liability of original publisher for, § 6:22	presumption against, § 6:27
liability of republisher for, § 6:27,	presumption of falsity, § 6:26
§ 6:71, § 6:74	repetition of slander, § 6:27
words intended for, § 6:4	subsequent facts, § 6:27
Responsible communication on matters of	trust or substance, of, § 6:27
public interest, § 6:57	Unchastity of, § 6:9
Rolled-up pleas, § 6:96	Venue, change in, § 6:99
Self-defence, malice in context of, § 6:47	Witnesses, § 6:29, § 6:33
Self-interest, privilege pertaining to com-	DEFAMATORY MEANING
munications in protection of, § 6:41	Categories of statement, § 6:11

DEFAMATORY MEANING—Cont'd

Definition, § 6:10
Function of jury, § 6:15
Innuendo, § 6:13
Ordinary meaning, § 6:12
Pleading, § 6:95
Standard of opinion, § 6:10, § 6:16
Surrounding circumstances, § 6:10

DEFENCES

See also absolute privilege, consent, fair comment, justification, qualified privilege, responsible communication on matters of public interest

Generally, 24:11 Act of God, 24:14 Act of stranger, 24:15 Cattle trespass, 24:24 Consent, § 19A:2 express, § 19A:4 implied, § 19A:3 Consent of plaintiff, 24:12 Contributory negligence, § 19A:6 automobile accidents, § 19A:8 children, § 19A:7 emergencies, § 19A:9 reasonable care, § 17:6 unreasonable risk, § 17:7 Default of plaintiff, 24:13 Illegality, § 19A:5 Inevitable accident, § 19A:10 Scienter action, 24:25

DEFENCES TO

Charity, § 14:8 Common interest, § 14:7 Kinship, § 14:9

Statutory authority, 24:16

DEFENDANTS

See also plaintiffs; third parties
Agents, § 5:18
Corporation, § 5:18
Directors/officers, § 19:6, § 19:12
Foreseeability, § 19:6, § 19:9
General, § 19:6
Government officials, § 19:6, § 19:7,
§ 19:41
Infant, § 5:18
Joint tortfeasors, § 5:18
Professionals, § 19:1

DEFENDANT'S IDENTITY

Generally, § 6:26, § 6:95

DELAY

Generally, § 4:16
In prosecution of action, solicitor's liability for, § 18:15

DELEGATION OF DUTIES

Negligence, effect of on liability for, § 16:26

DELIVERY TO THIRD PARTY

Generally, § **4:10**

DEMAND AND REFUSAL

As evidence of conversion, § 4:10 Nature of refusal, § 4:10 Necessity for, § 4:10 Reasonableness of refusal, § 4:10 Sufficiency of demand, § 4:10

DEMAND FOR PAYMENT, UNREASONABLE TIME FOR COMPLIANCE WITH

Generally, § 4:24

DENTISTS

See medical practitioners

DEPENDENT ADULTS

See damages; family and dependants' compensation; limitation of actions, disability of plaintiff; mentally disabled persons

DEPRECIATION, DAMAGES FOR

Generally, § 30:95, § 30:96 Trespass to land, in action for, § 26:11

DERIVATIVE ACTIONS

Contributory negligence, effect of on, § 30:67

Dependants' compensation claim as, § 30:67

Expiry of, § 31:34

Wrongful death action as, § 30:67

DESCRIPTIVE LANGUAGE, RIGHTS IN FOR PURPOSES OF PASSING OFF ACTION

Generally, § 22:14

DESIGN, DEFECTS

Generally, § 23:8

DESIGN, LIABILITY FOR DEFECTIVE

Architects, of, § 18:86
Products liability, in action for, § 23:8

DESTRUCTION OF CHATTELS

Conversion, as accidental destruction, § 4:10 co-owner, by, § 4:24 test for, § 4:10 wilful, § 4:10

Damages for, see property loss or damage, damages for

DETENTION OF GOODS AS CONVERSION

Generally, **§ 4:10**

DETENTION WITHOUT ARREST AS FALSE IMPRISONMENT

Generally, § 7:7, § 7:12

DETINUE

See conversion and detinue
Definition, § 4:1, § 4:9
Distinguished from trespass to chattels,
§ 25:2, § 25:3
Forms of, § 4:23

DEVELOPING TORTS

Abuse of public office, see misfeasance in public office

Appropriation of personality, see also privacy, invasion of

Breach of confidence

confidential information, § 27:17, § 27:21

defences

consent to disclosure, § 27:18 equitable estoppel, § 27:18 public interest, § 27:18 required by law, § 27:18

detriment, § 27:17

duty of confidentiality personal information, § 27:16 unintentional breach, § 27:17

when absent, § 27:17 when arising, § 27:16

elements of, § 27:17, § 27:21

equity, § 27:16, § 27:19

financial compensation, § 27:19

general, § 27:16

injunction, § 27:19

DEVELOPING TORTS—Cont'd

Breach of confidence—Cont'd measure of damages of, § 27:19 nature of, § 27:16

parties, § 27:10

remedies, § 27:19

sui generis hybrid, § 27:16

trade secrets, § 27:16

unpatented inventions, § 27:16

Consent, see breach of confidence; privacy, invasion of

Criminal Code, § 27:7, § 27:8

Damages

appropriation of personality, § 27:4, § 27:10

breach of confidence, § 27:19

interference with economic interests, § 27:24, § 27:26

misfeasance in public office, § 27:32 privacy, invasion of, § 27:3, § 27:4, § 27:10

proof of, § 27:4, § 27:11 punitive, § 27:3, § 27:7, § 27:10, § 27:26

Deceit

invasion of privacy and, § 27:2

Discrimination

Charter, § 27:35

development of, § 27:35

human rights legislation and, § 27:35 sexual harassment, § 27:35

Duty of confidentiality, see breach of confidence

Electronic surveillance, § 27:2, § 27:7, § 27:10

Harassment, § 27:35

Immunity of government officials, § 27:6, § 27:31

Inducing breach of contract, distinguished from, § 27:29

Injurious falsehood

invasion of privacy and, § 27:2

Interference with economic interests, see interference with economic interests

Invasion of privacy, see privacy, invasion of

Misfeasance in public office damages for, § 27:32

defences to, § 27:31, § 27:34

development of, § 27:29

EVELOPING TORTS—Cont'd	DEVELOPING TORTS—Cont'd
Misfeasance in public office—Cont'd	Privacy, invasion of, see also appropria-
elements of	tion of personality—Cont'd
bad faith conduct, § 27:30	nuisance, and, § 27:2
improper purpose, § 27:30	other countries, developments in,
malice and intent, § 27:30	§ 27:1
failure to act, § 27:30	passing off, and, § 27:4
limitation of actions, § 27:34	personal information protection legisla-
pleadings, § 27:33, § 27:34	tion
policy and political decisions, § 27:30	federal, § 27:6 to § 27:9
public officer, § 27:33	provincial, § 27:13
purpose of, § 27:29	public disclosure of private facts,
rationale for tort, § 27:30	§ 27:1, § 27:5
ultra vires action, § 27:30	Quebec, § 27:10
Nuisance, invasion of privacy and, § 27:2	statutory tort, federal, § 27:6
Parties, § 27:27	statutory tort, provincial
Passing off, see appropriation of personal-	damages, § 27:10
ity; privacy, invasion of	defences, § 27:10
Privacy, definition, § 27:1	elements of, § 27:10
Privacy, invasion of, see also appropria-	limitation of actions, § 27:10
tion of personality	other legislation, relationship to,
appropriation of personality	§ 2:18
damages, § 27:4	parties, § 27:10, § 27:13
defamation and, § 27:4	remedies, § 27:10
defences, § 27:4	right of survivorship, § 27:10,
elements, § 27:4, § 27:11	§ 27:11
passing off, and, § 27:4	trespass, and, § 27:2
remedies, § 27:4	voyeurism, § 27:7
right of publicity, § 27:4	Privacy legislation
right of survivorship, § 27:4	federal, § 27:6 to § 27:8
statutory, § 27:1, § 27:11	provincial, § 27:10 to § 27:13
Charter, and, § 27:1, § 27:9	Public interest
common law tort, generally, § 27:1,	defence as, § 27:4, § 27:10, § 27:18
§ 27:2	Punitive damages
criminal offences, § 27:7	abuse of office, § 27:32
cyberbullying, § 27:5, § 27:12	Qualified privilege
deceit, and, § 27:2	defence, § 27:10
defamation and, § 27:2, § 27:4	Remedies, § 27:26
defences	see also damages
	appropriation of personality, § 27:10
common law, at, § 27:4	breach of confidence, § 27:19
statutory tort, to, § 27:10	equitable, availability of, § 27:16
electronic surveillance, § 27:2, § 27:7,	misfeasance in public office, § 27:32
§ 27:10	_
false light doctrine, § 27:1	Right of publicity, § 27:4
freedom of information, § 27:13	see also privacy, invasion of
injurious falsehood, and, § 27:2	Scope of tort, § 27:23, § 27:24
intimate images, distribution of,	Sexual harassment, § 27:35
§ 27:12	Statutory breaches, § 27:24
intrusion upon seclusion, § 27:1, § 27:3, § 27:10	Tort injury to economic interests, see interference with economic interests

DEVELOPING TORTS—Cont'd

Trade secrets, breach of confidence, § 27:16

Ultra vires action, see misfeasance in public office

Unlawful interference with economic interests, see unlawful means

Unlawful means tort

criminal offences, § 27:24

defences, § 27:25

development of, § 27:23

elements of, § 27:24

damages, proof of, § 27:24

intent to injure, § 27:24

interference through third party, § 27:24

"unlawful means," § 27:23, § 27:24

"Wilkinson principle"

privacy interests protected by, § 27:2

DIRECT INTERFERENCE

As basis of action, § 25:7 Forms of, § 25:9

DIRECTORS, CORPORATE

Injuries to, corporation's right of action for, § 10:3

Liability of

generally, § 3:14, § 8:18, § 32:53

conspiracy, for, § 3:14

interference with contractual relations,

for, § 8:18

passing off, for, § 22:25

DIRECTORS/OFFICERS

Generally, § 19:6, § 19:12

DISABILITY

Limitation of actions and

effect of, § 31:29

limitation periods affected by, § 31:29

personal representative, where, § 31:29

physical, where, § 31:29

temporary, where, § 31:29

what constitutes, § 31:29

when arising, § 31:29

Negligence, effect of on liability for

mental disability, § 16:12

physical disability, § 16:11

DISALLOWANCE OF LIMITATION DEFENCE UNDER NOVA SCOTIA LIMITATIONS LEGISLATION

Generally, § 31:33

DISCLAIMERS

See also releases; voluntary assumption of risk; concurrent tort/contract liability

Deceit, as defence to, § 5:14

Duty negatived by, § 19:11

Reliance negatived by, § 19:11

DISCLAIMERS/EXCLUSION CLAUSES

See contracts, breach of; releases; sportsrelated injuries; volenti non fit injuria

DISCOUNTING OF DAMAGE AWARD

Generally, § 30:47, § 30:90

DISCOVERABILITY RULE

Generally, § 31:26

Application of, § 31:34

Defamation re, § 6:87

Nature and effect, § 31:26

DISCOVERY

Generally, § 2:27, § 15:16

Fair comment on particulars, § 6:91

Internet defendants, § 6:95

Jurisdiction, § 6:90

Newspaper rule, § 6:89

Particulars of justification, § 6:90

State of mind, § 6:92

DISCRIMINATION

Charter, § 27:35

Development of, § 27:35

Human rights legislation and, § 27:35

Liability for, § 27:35

Sexual harassment, § 27:35

DISEASE, LIABILITY FOR IMPUTATION OF

Generally, § 6:8

DISHONESTY IN BUSINESS OR CALLING, LIABILITY FOR IMPUTATION OF

Generally, § 6:7, § 6:11

DISMISSAL

Of case, effect of, § 15:7

Of employee, privilege pertaining to communications relating to, § 6:36

DISPOSITION BY NON-OWNER

Generally, § 4:10

DISTINCTIVE WORDS OR MARKS, LOSS OF RIGHT TO EXCLUSIVE USE OF

Generally, § 22:14

DOCTORS

See health practitioners; medical malpractice: medical treatment

DOGS

See also animals, dangerous

DONOGHUE V. STEVENSON, RULE IN

Generally, § 16:22, § 23:1, § 23:6, § 23:10, § 23:22

DRUNKENNESS

See intoxication

DUTY OF CARE (GENERAL)

See also elements of; negligent misrepresentation; statements

Generally, § 16:22

Anns test, § 16:23

Burden of proof, § 16:23

Cooper v. Hobart, § 16:23

Donoghue v. Stevenson, § 16:22

Proximity, § 16:25

Reasonable foreseeability, § 16:24

Residual policy issues, § 16:26

DUTY OF CONFIDENTIALITY, LIABILITY FOR BREACH OF

See breach of confidence

DUTY TO WARN, SCOPE OF

See warning

EARNING CAPACITY, DAMAGES FOR LOSS OF

See damages, pecuniary damages

EASEMENT

Interference with, liability for, § 20:8 to § 20:10, § 26:14

Right to as defence to trespass action, § 26:8

ECONOMIC INTERESTS, UNLAWFUL INTERFERENCE WITH

See interference with economic interests

ECONOMIC LOSS

Generally, § 19:15

ECONOMIC LOSS—Cont'd

Duty of care, § 16:26

Recovery of consequential economic losses, § 19:16

Recovery of pure economic losses

generally, § 19:17

negligent misrepresentation, § 19:18 negligent performance of service,

§ 19:19

negligent supply of shoddy products, § 19:20

Relational economic loss, § 19:21

ECONOMIC LOSS, RECOVERY OF

Consequential losses, § 19:16

Products liability, in action for, § 23:22 to § 23:24

Pure economic losses, § 19:17 to § 19:21

EDUCATION

See teachers/school boards

EDUCATIONAL MALPRACTICE

Generally, § 16:20

EJECTMENT

Generally, § 26:14

ELECTED OFFICIALS, PRIVILEGE OF FOR DEFAMATORY STATEMENTS

Generally, § 6:31

ELECTION OF REMEDIES

Contract or tort, § 29:45 to § 29:47

Conversion or detinue, § 4:19

Restitutionary remedy, § 31:17 to § 31:22

ELECTRICAL INSTALLATIONS

See powerlines/lightning wires

ELECTRONIC SURVEILLANCE

Generally, § 27:2, § 27:7, § 27:10, § 32:13

Protection against unlawful, § 27:2, § 27:7, § 27:10

ELEMENTS OF

Cause of action, see also duty of care (general)

generally, § 19:5

damages, § 19:10

duty of care, § 19:6

standard of care, § 19:8

ELEMENTS OF—Cont'd

Negligence, § 16:6

see also damages; duty of care (general); proximate cause/remoteness of damage; standard of care (reasonable person)

Negligent misrepresentation, § 19:7 reliance on misrepresentation, § 19:9

Reliance, § 19:9

Tort

injurious falsehood, § 6:2 libel or slander, § 6:3, § 6:26

EMAIL

Generally, § 6:4, § 6:18, § 6:88

EMERGENCIES

See also rescuers; standard of care Ambulances, § 16:21
Duty to intervenors, § 19:43
Standard of care (general), § 16:21

EMPLOYEES

See also employers

Generally, § 4:25
Agents distinguished from, § 29:36
Duty of confidentiality of, § 27:16
Liability for acts of, see also employers

Liability for acts of, see also employers Liability of, § 8:18

indemnification of employer, § 29:29, § 29:34

interference with contractual relations, for, § 8:18

EMPLOYER AND EMPLOYEE

Common law liability, § 32:49 Workers' compensation legislation, § 32:50

EMPLOYERS

See also employees

right of action of for injury to employee, see employees vicarious liability of, see also Crown

Assistance from as maintenance and champerty, § 14:9

Indemnification by employee, right to, § 29:29, § 29:34

Liability for injuries to employees, § 32:48 to § 32:50

Liability of, § 2:26, § 15:7, § 15:10, § 15:13

EMPLOYERS—Cont'd

Vicarious liability of, see also Crown acts prohibited by employer, for, § 29:32

assault or battery, for, § 2:26 borrowed employees, for acts of, § 29:33

course of employment, acts committed during, § 29:32

effect of, § 29:31

employment relationship, § 29:31, § 29:33

indemnification of for, § 29:29, § 29:34 intentional acts, for, § 29:32 malicious prosecution, for, § 15:7, § 15:13

nature of liability, § 29:31 negligent acts, for, § 29:32 passing off, for, § 22:25 theft, for, § 29:32 trespass, for, § 26:15

EMPLOYMENT

See vicarious liability

EMPLOYMENT REFERENCE CHECKS, PRIVILEGE PERTAINING TO

Generally, § 6:36

ENFORCEABLE CONTRACT, NECESSITY FOR

Generally, § 8:7

ENGINEERS

See architects and engineers

ENTRANCE FEE, EFFECT OF ON STATUS OF ENTRANT

Generally, § 21:11

EQUALITY RIGHTS, EFFECT OF ON LIMITATION PERIODS

Generally, § 31:25

ERROR IN JUDGMENT, DEFENCE OF

Architects and Engineers, § 18:60

ESCAPE

Availability of means of, § 7:7 Use of force in effecting, § 7:15

ESCAPE OF DANGEROUS THINGS, STRICT LIABILITY FOR

See strict liability

ESTATE ADMINISTRATION COSTS, RECOVERY OF

Generally, § 30:93

ESTOPPEL

Generally, § 5:14, § 29:41

EVIDENCE

See causation; onus/burden of proof; standard of care (reasonable person); res ipsa loquitur

Generally, § 2:27

Admissibility

character evidence, § 15:9

Agreement, of, § 3:6, § 3:15

Certificate of conviction as, § 3:2

Co-conspirators, admissions of, § 3:15

Discovery, § 15:16

Onus of adducing, § 3:10

Onus of proof, § 15:2, § 15:16

Provision of as maintenance and champerty, § 14:2

Termination of proceedings, § 15:16

EXCLUSION CLAUSES

See also contracts, breach of; releases; res ipsa loquitur; volenti non fit injuria; voluntary assumption of risk

Deceit, as defence to, § 5:14

EXCLUSION OF DUTY OF CARE

See defences, statutory

EXECUTION

Generally, § 4:24

Abuse of process, as, § 1:8

Assistance in as maintenance and champerty, § 14:2

Damages for wrongful execution, § 25:12, § 25:13

Defences relating to, § 25:11

Trespass to chattels, as

damages for, § 25:12, § 25:13

defences relating to, § 25:11

Trespass to land during, § 26:12

EXECUTION, EXCESSIVE

Generally, § 1:8

EXECUTORS, CONVERSION BY

Generally, § 4:25

EXEMPLARY DAMAGES

See punitive damages

EXEMPLARY DAMAGES—Cont'd

Generally, § 3:11, § 4:22, § 5:20, § 8:15, § 10:11, § 15:15

EXPECTATION OF LIFE, LOSS OF

Generally, § 30:16

EXPROPRIATION, WRONGFUL

Generally, § 26:6, § 26:10, § 26:11

EXTENSION OF LIMITATION PERIOD

See limitation of actions; limitation periods

EXTINCTION OF LIABILITY

See also cause of action estoppel; issue estoppel

Accord and satisfaction, § 29:40

Assignment, § 29:42

Death, § 29:39

Judgment, § 29:41

Release, § 29:40

EX TURPI CAUSA

See illegality, defence of

Generally, § 2:21, § 29:20

Assault or battery, for, § 2:21

Conspiracy, to, § 3:10

FAILURE TO PROSECUTE

Generally, § 15:4

FAIR COMMENT

Authorities, § 6:56

Basis in fact, § 6:51

Corrupt motives, imputation of, § 6:55

Defence of

defamation, to, § 6:50 to § 6:56, § 6:92, § 6:96

invasion of privacy, to, § 27:10

Discovery, § 6:92

Fairness, § 6:54

Function of jury, § 6:56

General, § 6:50

Matter of public interest, § 6:53

Onus on defendant, § 6:50

Pleading, § 6:96

Recognizable as criticism, § 6:52

Website postings, § 6:51

FALSE ARREST

Generally, § 7:5

ALSE IMPRISONMENT	FALSE IMPRISONMENT—Cont'd
Abuse of process distinguished from,	Confinement—Cont'd
§ 1:5	failure to provide assistance, by, § 7:8
Acquiescence, see consent	plaintiff having means of escaping
Agent, act of as basis of liability, § 7:10,	from, § 7:7
§ 7:20	segregated custody, § 7:7
Arrest	voluntary submission to, § 7:8, § 7:9
assistance in, § 7:12	Consent
Criminal Code, under, § 7:12	absence of as element of cause of
definition, § 7:12	action, § 7:9
lawfulness of, § 7:12	confinement, to, § 7:8, § 7:9
common law, § 7:12	reality of, § 7:8
Criminal Code, under, § 7:12	Contact, requirement of, § 7:8
onus of proving, § 7:12	Coroners, liability of, § 7:18
reasons for, § 7:12	Corporations, liability of, § 7:20
right of	Crown
police officer, § 7:12	limitation periods, § 7:22
private citizen, § 7:12	Damages
property trespass, § 7:12	aggravated damages, § 7:14
warrant for	considerations in awarding, § 7:14
notice of, § 7:12	heads of damage recoverable, § 7:14
validity of, § 7:12	jury, role of, § 7:22
Assistance, duty to render, § 7:13	measure of damages, § 7:14
Cause of action	presumption of damage, § 7:14
definition, § 7:1, § 7:6	punitive damages, § 7:14
distinguished from	unaware plaintiff, § 7:14
malicious process, § 7:3	Debts, enforcement of, § 7:13
malicious prosecution, § 7:2	Defences, § 7:11 to § 7:13
wrongful process of law, § 7:4	lawful arrest/detention
elements	Criminal Code, under, § 7:12
compulsion by legal authority, § 7:8	provincial legislation, under, § 7:12
confinement	legal authority, § 7:12
agreement, by, § 7:8	mistake, § 7:10, § 7:12
availability of means of escape,	onus of proving, § 7:11
§ 7:7	pleading, § 7:22
extent of, § 7:7	reasonable conditions for release,
mental health facility, § 7:7	§ 7:13
nature of, § 7:7	Definition, § 7:1
non-action, by, § 7:8	Detention without arrest, § 7:7, § 7:12
plaintiff's awareness of, § 7:9	Distinguished from malicious prosecu-
reasonableness of means of	tion, § 15:2
escape, § 7:7	Escape
segregated custody, § 7:7	availability of means of, § 7:7
direct act of defendant, § 7:10	use of force in effecting, § 7:15
intention, § 7:10	False arrest, § 7:5
negligent act of defendant, § 7:10	Habeas corpus, § 7:16
physical contact, § 7:8	Intention, § 7:10
Confinement	Intervening acts, § 7:10
awareness of, § 7:9	Joint tortfeasors, § 7:17
extent of. § 7:7	Judges, liability of for. § 7:18

FALSE IMPRISONMENT—Cont'd	FALSE IMPRISONMENT—Cont'd
Judicial act, effect of, § 7:10	Statutory protection
Jurisdiction of court, § 7:22	judicial officers, § 7:18
Jury, role of, § 7:22	peace officers, § 7:12
Justification, see defences, statutory	private citizen effecting arrest, § 7:12
Legal authority	Vicarious liability for, § 7:20
assertion of as means of imprisonment, § 7:8	Wrongful process of law distinguished from, § 7:4
defence, as, § 7:12	FALSE INNUENDO
detention without arrest, § 7:12	Generally, § 6:13
Limitation of actions, § 7:22	
Magistrates, liability of for, § 7:18	FAMILY, ASSISTANCE FROM
Malicious process distinguished from,	Generally, § 14:8, § 14:9
§ 7:3	FAMILY AND DEPENDANTS'
Malicious prosecution distinguished from,	COMPENSATION
§ 7:2	Acceleration of inheritance, § 30:80,
Mistake, § 7:10, § 7:12	§ 30:86
Motor vehicle legislation, § 7:12	Accumulated wealth, loss of, § 30:80
Municipal corporations	Apportionment of loss, § 30:88
liability of, § 7:21	Beneficiaries entitled to cohabitee,
limitation periods, § 7:22	§ 30:68
Negligence, § 7:10	common-law spouse, § 30:68
Onus of proof, § 7:2, § 7:11, § 7:12,	divorced spouse, § 30:68
§ 7:22	illegitimate child, § 30:68
Parties	person in loco parentis, § 30:68
corporations, § 7:20	Child, loss of or injury to, § 30:81
joint tortfeasors, § 7:17	Collateral benefits
judicial officers, § 7:18	employment benefits, § 30:92
municipal corporations, § 7:21, § 7:22	government assistance, § 30:92
police, § 7:19	gratuitous provision of services
Pleadings, § 7:22	generally, § 30:79
Police	parenting services, § 30:84
intervention of, § 7:10	insurance proceeds, § 30:92
liability of, § 7:12, § 7:19	Contingencies, § 30:89
Questions of fact, § 7:22	Discounting of award, § 30:90
Questions of law, § 7:22	Duration of dependency, § 30:87 Employment, effect of beneficiaries
Remedies	obtaining, § 30:85
aggravated damages, § 7:14	Estate administration costs, recovery of,
compensatory damages, § 7:14	§ 30:93
habeas corpus, § 7:16	Funeral expenses, recovery of, § 30:93
punitive damages, § 7:14	Gross-up for income tax, § 30:91
self-help, § 7:15	Guidance, care and companionship
Restraint, means of	non-pecuniary loss, as, § 30:77
failure to act, § 7:8	pecuniary loss, as, § 30:76
moral pressure, § 7:8	quantum, § 30:77
physical contact, § 7:8	recoverability of damages for, § 30:75
Self-help, § 7:15	to § 30:77
Solitary confinement/segregated custody,	Homemaker, loss of services of, § 30:78
§ 7:7	§ 30:79

FAMILY AND DEPENDANTS' COMPENSATION—Cont'd

Income, loss of dependency on deductions, § 30:73 gross income, § 30:72

portion of income available to dependants, § 30:73, § 30:74

Income tax, effect of, § 30:91

Inheritance

acceleration of, § 30:80, § 30:86 loss of, § 30:80

Marriage breakdown, deduction for possibility of, § 30:89

Medical expenses, recovery of, § 30:93 Nature of claim, § 30:67, § 30:88

Non-pecuniary losses, recoverability of, § 30:69, § 30:77

Ontario Family Law Act, under, § 30:26 Parents

loss of services of, § 30:75, § 30:76, § 30:79

surrogate, § 30:84, § 30:89

Pecuniary benefit, loss of

as basis of claim, § 30:69

factors considered in quantifying, § 30:69

loss of child, in respect of, § 30:81 Punitive damages, § 30:6, § 30:67

Quantification of claim

loss of child. § 30:81

loss of dependency on income, § 30:71 to § 30:74

loss of guidance, care and companionship, § 30:77

loss of homemaker, § 30:78

loss of inheritance, § 30:80

loss of opportunity, § 30:69

period of loss, § 30:87

Reasonable expectation of benefit as grounds for, § 30:69

Remarriage, effect of on, § 30:83, § 30:89 Scope of recovery, § 30:69

Services, loss of dependency on

gratuitous provision of replacement services, effect of, § 30:79, § 30:84, § 30:89

guidance, care and companionship, § 30:77

nature of services for which damages recoverable, § 30:75 services of child, § 30:81

FAMILY AND DEPENDANTS' COMPENSATION—Cont'd

Services, loss of dependency on—Cont'd nature of services for which damages recoverable, § 30:75—Cont'd services of homemaker, § 30:78 services of parent, § 30:76
Special damages, § 30:93
Taxation, effect of, § 30:91
Travel expenses, recovery of, § 30:93

FAMILY LAW DISPUTES

Generally, § 10:1

FARM LAND, DAMAGES FOR TRESPASS TO

Generally, § 26:11

FATAL ACCIDENTS

Generally, § 16:5

FATAL INJURY DAMAGES

See damages; family and dependants' compensation

FEDERAL COURT, JURISDICTION OF

Generally, § 2:27

Federal Crown, in action against, § 32:16 Passing off, in action for, § 22:27 Trespass, in action for, § 26:16

FEDERAL LEGISLATION, ACTIONS UNDER

Canada Business Corporations Act, § 22:5 Competition Act, § 22:4 Consumer protection legislation, § 22:6 Copyright Act, § 22:7 Criminal Code, § 22:3 Trade-marks Act, § 22:2

FERTILITY, LOSS OF

Generally, § 30:16

FIDUCIARY DUTIES

Accountants, of, § 18:37
Barristers and solicitors, of, § 18:4
Breach of, § 2:5

FIDUCIARY DUTY

See accountants; barristers and solicitors

FIDUCIARY DUTY TO DISCLOSE, EFFECT OF

Generally, § 5:8

FIGHTS

See assaults/fights

FINANCIAL ASSISTANCE IN LITIGATION

See maintenance and champerty

FINANCIAL INTEREST

See common interest

FINANCIAL STATEMENTS, LIABILITY FOR NEGLIGENT PREPARATION OF

See accountants

FINANCIAL STATEMENTS, RELIANCE ON

Generally, § 19:6 to § 19:8

FINDER, RIGHT OF ACTION OF FOR CONVERSION

Generally, § 4:9, § 4:24

FIRST NATIONS LAND

Trespass to, § 26:8, § 26:14 to § 26:16

FIXTURES

Conversion of, § 4:8

Defective, liability in respect of injuries caused by, § 23:5

FOETUS, PROTECTION OF

Generally, § 16:26

FORCIBLE ENTRY, EFFECT OF IN TRESPASS ACTION

Generally, § 26:6, § 26:10

FOREIGN LAND, JURISDICTION OVER TORTS INVOLVING

Generally, § 29:49

FOREIGN TORTS

See conflict of laws

FORESEEABILITY

See also duty of care (general); nervous shock; proximate cause/remoteness of damage

Generally, § 16:24, § 19:6, § 19:9, § 23:5, § 23:16

Damage, of, § 2:1, § 2:2, § 2:22

Duty of care and, § 16:24

Nervous shock, of, § 10:6, § 10:11, § 19:24

Proximate cause/remoteness of damage, § 16:33

FORESEEABLE DANGER

Generally, § 21:24

FORMATION OF CONTRACT, EFFECT OF INTERFERENCE WITH

Generally, § 8:6

FRANCHISES

See business

FRAUD

Contractual remedies for, § 5:3

Equitable or constructive, § 5:2

Nature of. § 5:2

Pleading, § 5:21

Proof of, § 5:21

"FRAUD ON THE MARKET" THEORY

Generally, § 19:9

FRAUDULENT CONCEALMENT OF CAUSE OF ACTION, EFFECT OF ON LIMITATION PERIODS

Generally, § 31:28

FRAUDULENT

MISREPRESENTATION

See deceit

FUMES, LIABILITY FOR ESCAPE OF

See also nuisance

FUNCTIONAL APPROACH ASSESSING DAMAGES

Generally, § 30:15

FUNERAL EXPENSES, RECOVERY OF

Generally, § 30:93

FUTURE EVENT

Generally, § 19:7

GARNISHMENT AS ABUSE OF PROCESS

Generally, § 1:9

• • •

GENERAL DAMAGES Generally, § 3:11

GEOGRAPHIC OR PHYSICAL ORIGIN, RIGHT TO EXCLUSIVE USE OF WORDS DESCRIBING

Generally, § 22:14

GOVERNMENT OFFICIALS

Generally, § 19:6, § 19:7, § 19:41

GROSS-UP FOR INCOME TAX, AVAILABILITY OF

Generally, § 30:49, § 30:91

GUIDANCE

Care and companionship, damages for loss of, § 30:77

Care and training, damages for loss of, § 30:75, § 30:76

HABEAS CORPUS

Generally, § 7:16

HARASSMENT

Generally, § 27:35

HATRED, PROMOTION OF AS BASIS FOR INJUNCTIVE RELIEF

Generally, § 6:75

HEALTH PRACTITIONERS

See also medical malpractice Duty of care, § 16:26 Intervening medical error, § 16:35

HEDLEY BYRNE

Generally, § 19:1, § 19:6, § 19:11

HIGHWAYS, LIABILITY FOR NON-REPAIR OF

See streets and highways, liability for non-repair of

HISTORICAL DEVELOPMENT

See nature of action Generally, § 19:1

HISTORY OF TRESPASS TO CHATTELS

Generally, § 25:1, § 25:2

HOMEMAKER, DAMAGES FOR LOSS OF SERVICES

Generally, § 30:16, § 30:32, § 30:78, § 30:79

HOSPITALS

See health practitioners; medical malpractice

HOSPITALS, LIABILITY OF HEALTH PRACTITIONERS; MEDICAL MALPRACTICE

See medical practitioners

HUNTING LICENCE

Generally, § 26:10

HUSBAND

Immunity of in tort, § 29:24, § 32:61 Right of action of wife, for injury to, § 30:75 to § 30:79

HUSBAND AND WIFE

Common law liability between, § 32:60 Doctrine of unity, § 32:60 Interspousal immunity, § 32:60, § 32:61

ILLEGALITY, DEFENCE OF

Generally, § 19A:5
Assault or battery, to, § 2:21
Conspiracy, to, § 3:10

IMMORALITY, LIABILITY FOR IMPUTATION OF

Generally, § 6:9, § 6:11

IMMUNITY FROM LIABILITY

Generally, § 9:17

IMMUNITY FROM SUIT

Conspiracy, in action for, § 3:10, § 3:14 Crown, of, § 32:15, § 32:25 Government officials, of, see also public authorities or officers abuse of office, in action for, § 27:31 Privacy Act, § 27:6 Spouses, § 29:24, § 32:61

IMMUNITY OF GOVERNMENT OFFICIALS

Generally, § 27:6, § 27:31

IMPAIRED DRIVING

Vendors, duty of, § 16:18, § 16:26

IMPECUNIOSITY

Effect of on duty to mitigate, § 30:122 Litigant, of

maintenance and champerty, as defence to, \S 14:8

Plaintiff, of

effect of on duty to mitigate, § 30:122

IMPUTATIONS OF CRIME

Burden of proof, § 6:27 Slander, § 6:6 When defamatory, § 6:11

IMPUTATIONS OF DISEASE

Generally, § 6:8

INCOME

See also profits, loss of

INCOME—Cont'd

Loss of dependency on, § 30:71 to § 30:74

Loss of earning capacity, damages for, § 30:33 to § 30:50

Loss of earnings, damages for, § 30:52 to § 30:54

Loss of property producing, damages for, § 30:99 to § 30:104

INCOME, LOSS OF

See damages

Generally, § 30:72 to § 30:74

INCOME TAX, EFFECT OF ON AWARD OF DAMAGES

Generally, § 30:49, § 30:55, § 30:91

INCONSISTENT DEALINGS AS BASIS FOR LIABILITY

Generally, § 8:11

INDEMNIFICATION OF LITIGANT AS MAINTENANCE AND CHAMPERTY

Generally, § 14:2

INDEMNITY

Contractual, § 29:29 Contribution and, § 29:29 Employer/employee, § 29:34 Joint tortfeasors, § 29:29 Vicarious liability, § 29:29

INDEMNITY, RIGHT OF

See joint and several liability

INDEPENDENT CONTRACTORS

Collateral negligence of, § 29:37
Hazardous activities, § 29:37
Highways, § 29:37
Liability for acts of, § 2:26, § 25:15
Limitation on liability, § 29:37
Miscellaneous cases, § 29:37
Non-delegable duties, § 29:37
Occupiers, liability for, § 21:24
Trespass to chattels, in action for, § 25:15
Unauthorized act, § 29:37

INDEPENDENT INQUIRY, EFFECT OF

Generally, § 3:3

INDIAN LANDS

Jurisdiction in actions relating to, § 26:16

INDIAN LANDS—Cont'd

Trespass to

band members, by, § 26:8, § 26:15 right of action for trespass to, § 26:14

INDUCEMENT DEFINITION

Generally, § 8:11

INDUCING BREACH OF CONTRACT

See contractual relations, interference with

unions, liability of

see also picketing; strikes

Advice, giving of as basis for liability, **§ 8:11**

Breach of contract, necessity for, § 8:1, § 8:9

Cause of action

distinguished from

conspiracy, § 3:3, § 8:2

interference with employment relations, § 8:5

intimidation, § 8:4

unlawful interference with economic interests, § 8:3

elements, § 8:6 to § 8:12

breach of contract, § 8:9

acquiescence in by party to contract, effect of, § 8:11

nature of, § 8:9

necessity for, § 8:1, § 8:9

causation, § 8:12

contact, valid and enforceable, § 8:7

damage, § 8:12

direct interference by defendant,

§ 8:11

existing contract, § 8:6

indirect interference by defendant, § 8:11

8 9.11

inducement, § 8:11

intention, § 8:8, § 8:10

knowledge of existence of contract

actual knowledge, § 8:8

imputed knowledge, § 8:8

malice, § 8:8, § 8:10

negligence, § 8:10

nature and scope, § 8:1

Conspiracy, distinguished from, § 8:2

Damages

effect of recovery in contract, § 8:15 measure of, § 8:15

INDUCING BREACH OF CONTRACT —Cont'd

Damages—Cont'd necessity for, § 8:12 non-pecuniary loss, § 8:15 punitive damages, § 8:15

Defences, § 8:13 justification, § 8:13 moral duty, § 8:13 public interest, § 8:13 public policy, § 8:13 statutory, § 8:11, § 8:13

Directors, liability of, § 8:18

Distinguished from conspiracy, § 3:3

Employees, liability of, § 8:18

Enforceable contract, necessity for, § 8:7

Exemplary damages, § 8:15

Formation of contract, effect of interference with, § 8:6

Inconsistent dealings as basis for liability, § 8:11

Inducement definition, § 8:11

Injunction, § 8:14

Intention, § 8:8

Interference with economic interests, distinguished from, § 8:3

Interference with employment relations, distinguished from, § 8:5

Intimidation, distinguished from, § 8:4, § 13:2

Jurisdiction of court, § 8:19

Malice, § 8:8, § 8:10

Motive for, § 8:10

Negligence, liability for, § 8:10

Performance of contract, interference with, § 8:1, § 8:9

Per quod servitium amisit action, distinguished from, § 8:5

Picketing, § 8:11, § 8:13

Plaintiffs, § 8:17

Public interest as defence, § 8:13

Public policy as defence, § 8:13

Punitive damages, § 8:15

Recklessness, liability for, § 8:8

Remedies

damages, § 8:15

effect of recovery in contract, § 8:15 measure of, § 8:15 non-pecuniary loss, § 8:15

punitive damages, § 8:15

INDUCING BREACH OF CONTRACT —Cont'd

Remedies—Cont'd injunction, § 8:14 specific performance, § 8:16 Shareholders, liability of, § 8:18 Specific performance, § 8:16 Statutory defences, § 8:11, § 8:13 Strikes

damages for, § 8:15 statutory exemption in respect of, § 8:13

Unions, liability of, § 8:18 Unlawful means, as, § 3:7 Validity of contract, § 8:7 Void contract, effect of, § 8:7

INDUSTRY PRACTICE

See custom

INDUSTRY STANDARDS

Generally, § 23:10

INEVITABLE ACCIDENT

See defences, statutory

INEVITABLE ACCIDENT, DEFENCE OF

Generally, § 19A:10, § 25:11 Trespass to chattels, to, § 25:11 Unlawful means as, § 3:7

INFANTS

See children

Liability of, § 3:14, § 5:18

INFORMANT, LIABILITY OF

Evidence, § 15:16

False imprisonment, for, § 7:10 Malicious prosecution, for, § 15:7

INFORMATION

Laying of, § 15:7 Provision of, § 14:2 Withdrawal of, § 15:7

INFORMED CONSENT

Generally, § 2:2, § 19:32 Causation, § 19:36 Disclosure, § 19:34 General rule, § 19:33 Pharmaceutical products, § 19:37

Reibl v. Hughes, § 19:32, § 19:33, § 19:35

INFORMED CONSENT—Cont'd	INJUNCTIONS—Cont'd
Standard of care, § 19:35	Nuisance, in action for
Therapeutic privilege, § 19:35	effect of, relevance of, § 20:21
INHERENTLY DANGEROUS	entitlement to, § 20:21
ACTIVITIES, STRICT LIABILITY	Passing off, in action for
IN RESPECT OF	interlocutory or interim, § 22:20, § 22:21
See also independent contractors	permanent, § 22:21
Generally, § 16:16, § 23:10, § 23:11	Permanent, § 31:14, § 31:15
INHERITANCE	Prejudice to defendant, effect of, § 31:2,
Acceleration of, § 30:80, § 30:86	§ 31:3
Loss of, damages for, § 30:80, § 31:21	Premature application for, effect of,
INJUNCTIONS	§ 31:6
See also remedies	Quia timet, § 31:6
Generally, § 2:24, § 8:14, § 13:15,	Time for application, § 31:6
§ 22:20, § 22:21, § 26:13	Trespass, for, § 26:13
Appellate review of, § 31:1	INJURIOUS FALSEHOOD
Assault and battery, in action for, § 2:25	Generally, § 19:3
Availability of alternative remedies damages, § 31:2	Case, injurious falsehood as action on, § 9:9
Balance of convenience, § 31:3, § 31:11,	Cause of action
§ 31:13	definition, § 9:1, § 9:6
Conspiracy, for, § 3:12	distinguished from
Crown, against, § 31:1, § 31:8	deceit, § 5:5, § 9:2
Damages in lieu of, § 31:16	defamation, § 9:3
Defamation, in action for, § 6:75, § 6:100	passing off, § 9:4
Delay in applying, effect of, § 31:6	elements of
Injurious falsehood, in action for, § 9:14	damage
Interference with contractual relations,	nature of, § 9:9
for, § 8:14	necessity for, § 9:3, § 9:9, § 9:13
Interim, § 31:7 Interlocutory	sufficiency of evidence of, § 9:9
availability	false statement
considerations, § 31:1, § 31:8	effect of honest belief in, § 9:8
balance of convenience, § 31:3,	subject matter of statement, § 9:7
§ 31:11	intention, § 9:2, § 9:12
irreparable harm, § 31:10	malice, § 9:8
merits of claim, § 31:9	definition, § 9:8
preservation of status quo, § 31:13	improper motive as, § 9:8
where constituting entire relief	proof of, § 9:8
sought, § 31:13	recklessness as, § 9:8
definition, § 31:7	onus of proving, § 9:3
undertaking as to damages, § 31:12	pleading, § 9:17
Intimidation, for, § 13:15	publication to third party, § 9:1, § 9:2
Judicial supervision, effect of necessity	scope of, § 9:1
for, § 31:5	survival of, § 9:16
Jurisdiction to grant, § 31:1	Comparative advertising as, § 9:7, § 9:10
Mandatory, § 31:9, § 31:14, § 31:15	Corporations
Mareva, § 31:9, § 31:13	liability of, § 9:16
Multiple actions, avoidance of, § 31:4	right of action of, § 9:16

INJURIOUS FALSEHOOD—Cont'd	INNUENDO
Damages	Defamatory meaning, § 6:13, § 6:14
nature of, § 9:9	Definition, § 6:13
necessity for	Ignorance of facts giving rise to, § 6:13
at common law, § 9:9, § 9:13	Language used giving rise to, § 6:12
statutory provisions affecting, § 9:3, § 9:13	Pleading and proof, § 6:13, § 6:16, § 6:19, § 6:95
particulars of, § 9:17	Publication to persons aware of facts giv-
sufficiency of evidence of, § 9:9	ing rise to, § 6:19
Death of plaintiff, effect of, § 9:16	INSANITY, DEFENCE OF
Deceit distinguished from, § 5:5, § 9:2	Generally, § 32:46
Declaration, § 9:15	
Defamation, distinguished from, § 6:2,	INSPECTIONS
§ 9:3	See intervening causes; standard of care
Defamation, distinguished from libel and slander, § 6:2	(reasonable person)
Defences	Effect of opportunity of in products liability cases, § 23:10, § 23:11
assertion of defendant's own rights,	
§ 9:11	INSURANCE BENEFITS, EFFECT OF
privilege, § 9:10	ON DAMAGE AWARD
comparative advertising, § 9:7,	Generally, § 30:61, § 30:92
§ 9:10	INTELLECTUAL PROPERTY,
judicial proceedings, § 9:10, § 9:17	CONVERSION OF
legislative proceedings, § 9:17	Generally, § 4:8
Immunity from liability, § 9:12	INTENTION
Injunction, § 9:14	Generally, § 2:7, § 2:19, § 4:10, § 8:8,
Inmates, see prisoners	§ 10:6, § 26:5
Intention, § 9:2	Accident negating, § 29:1
Invasion of privacy and, § 27:2	Actual intent, § 10:6
Lis pendens, filing of as, § 9:10	Constructive, § 10:6, § 29:3
Malice, § 9:1, § 9:8 definition, § 9:8	Conversion and detinue, in action for,
improper motive as, § 9:8	§ 4:1, § 4:7, § 4:10
proof of, § 9:8 , § 9:17	Deceit, in action for, § 5:11
recklessness as, § 9:8	False imprisonment, in action for, § 7:10
Nature of action, § 6:2	Injurious falsehood, in action for, § 9:2
Negligent misstatement, § 19:3	Interference with contractual relations, in
Onus of proof of, § 9:3, § 9:17	action for, § 8:8
Particulars, § 9:17	Intimidation, in action for, § 13:9
Parties, § 9:16	Meaning, § 29:2 Mistake, relationship, § 29:7
Passing off, distinguished from, § 9:4,	Motive distinguished, § 29:6
§ 22:10	Passing off, in action for, § 22:1, § 22:15
Pleadings, § 9:17	Transferred, § 29:4
Remedies	Trespass to chattels, requirement of,
damages, § 9:13	§ 25:7, § 25:9
declaration, § 9:15	Trespass to land, in action for, § 26:1,
injunction, § 9:14	§ 26:5
Slander of title, § 9:1, § 9:7	Volition distinguished, § 29:5
Statutory tort, § 9:5	Where means lawful, § 3:8
Survival of action for, § 6:2, § 9:16	Where means unlawful, § 3:8

INTENTIONAL INFLICTION OF NERVOUS SHOCK

See nervous shock, intentional infliction of

INTENTIONAL TORTS

Battery, § 29:4

Defences

consent, § 29:7

mistake, § 29:7

Employer's vicarious liability, § 29:32

Right of action after death, § 29:39

INTENTION OF DEFENDANT

See motive

INTERCEPTION OF PRIVATE COMMUNICATIONS

Invasion of privacy, as, § 27:2, § 27:7, § 27:10

Liability of Crown in respect of, § 32:13

INTERFERENCE WITH DOMESTIC RELATIONS

See domestic relations, interference with

INTERFERENCE WITH ECONOMIC INTERESTS

Breach of corporate policy, § 27:24 By illegal or unlawful means, § 27:23, § 27:24

Damages, § 27:24, § 27:26

Defences, absence of, § 27:25

Development of, § 27:23

Elements of, § 27:24

intention to injure, § 27:24

proof of damages, § 27:24

"unlawful means," § 27:23, § 27:24

General, § 27:23

Inducing breach of contract, distinguished from, § 8:3

Interference with contractual relations distinguished from, § 8:3

Intimidation and, § 27:23, § 27:24

Intimidation distinguished from, § 13:4

Parties, § 27:26

Problems regarding, § 27:24

Remedies, § 27:26

INTERFERENCE WITH EMPLOYMENT RELATIONS, DISTINGUISHED FROM

See employment relations, interference with

INTERIM INJUNCTIONS

See injunctions

INTERLOCUTORY INJUNCTIONS

See injunctions

INTERMEDIATE EXAMINATION, EFFECT OF OPPORTUNITY OF IN PRODUCTS LIABILITY ACTION

Generally, § 23:10

INTERMINGLING OF CHATTELS AS CONVERSION

Generally, § 4:10

INTERNET

Generally, § 6:10, § 6:18, § 6:62, § 6:77, § 6:88, § 6:101

INTERVENING ACTS

Generally, § 16:35

Criminal acts, § 16:35

False imprisonment, in action for, § 7:10

Medical error, § 16:35

Negligence, of, § 16:35

Plaintiff, of, § 16:35

Products liability, in action for, § 23:10, § 23:20

Rescuers, of, § 16:35

Third parties, of, § 16:35

INTERVENING CAUSES

See also causation; foreseeability; proximate cause/remoteness of damage

Criminal acts, § 16:35

Human intervention/rescue, § 16:35

Medical errors, § 16:35

Negligence of another party, § 16:35

"Novus actus interveniens," § 16:35

"Thin-skull" cases, § 16:35

INTIMIDATION

See interference with economic interests Agents, liability for acts of, § 13:13

Attempt, § 13:10

Cause of action

availability

breach of contract threatened, § 13:8 lawful act threatened, § 13:8 threat not acted upon, § 13:10

distinguished from

conspiracy, § 13:3

INTIMIDATION—Cont'd	INTIMIDATION—Cont'd
Cause of action—Cont'd	Threat—Cont'd
distinguished from—Cont'd	compliance with, § 13:10
inducing breach of contract, § 8:4,	conduct, by, § 13:8
§ 13:2	what constitutes, § 13:8
unlawful interference with economic interests, § 13:4	Three-party intimidation, § 13:6, § 13:8, § 13:11
elements of	Two-party intimidation, § 13:6, § 13:8,
generally, § 13:7	§ 13:11
compliance with threat, § 13:10	breach of contract, effect of, § 13:8
damage, § 13:11	definition, § 13:6
intention, § 13:9	Unlawful acts
threat of unlawful act	breach of contract as, § 13:8
conduct, by, § 13:8	defined, § 13:8
what constitutes, § 13:8	labour legislation, breach of, § 13:8
unlawful act, § 13:8	Unlawful interference with economic
nature and purpose, § 13:1	interests distinguished from, § 13:4
Conspiracy, distinguished from, § 13:3 Contract	Vicarious liability, § 13:13
	INTOXICATED PERSONS, USE OF
adequacy of remedies under, § 13:8 breach of as unlawful act, § 13:8	FORCE IN DETENTION OF
inducing breach of, § 13:2	Generally, § 2:18
Damages, § 13:14	INTOXICATION
Defences, § 13:12	Liability for supplying alcohol causing,
Inducing breach of contract, distinguished	§ 16:18, § 16:26
from, § 8:4, § 13:2	, , ,
Injunctions, § 13:15	INVASION OF PRIVACY
Intention, § 13:9	See privacy, invasion of
Jurisdiction of court, § 13:16	INVESTMENT COUNSELLING FEES
Justification, defence of, § 13:12	Generally, § 30:50
Labour legislation	•
breach of as unlawful act, § 13:8	INVESTMENTS
conduct prohibited under, § 13:5	See banks/financial institutions; financial statements, reliance on
Nature and purpose, § 13:1	Duty of care, § 16:18, § 16:23, § 16:25,
Picketing, § 13:5	\$ 16:26
Plaintiff, who may be, § 13:13	
Remedies	IRREPARABLE HARM AS
damages	PREREQUISITE TO INJUNCTIVE
causation, § 13:11	RELIEF
measure of, § 13:14	Generally, § 31:10
injunctions, § 13:15	ISSUE ESTOPPEL
Right of action	See also cause of action estoppel; extinc-
where contractual remedies adequate,	tion of liability
§ 13:8	Generally, § 29:41, § 31:23
where lawful act threatened, § 13:8	JOINDER OF ACTIONS
where plaintiff acts unreasonably,	
§ 13:12	Generally, § 6:98
where threat not acted upon, § 13:10	JOINDER OF PARTIES,
Threat	CONCURRENT TORTFEASORS
assertion of legal right as, § 13:8	Generally, § 29:15

JOINT ACTION, AVAILABILITY OF Generally, § 15:12

JOINT AND SEVERAL LIABILITY

Concurrent tortfeasors, § 29:10, § 29:13 Contribution between tortfeasors apportionment of fault, § 29:28 availability, § 29:21 to § 29:26 common law, at, § 29:19 conflict of laws and, § 29:56, § 29:59, § 29:60

Crown, liability of, for, § 32:27 definition, § 29:29 limitation of actions, § 29:27 spouses, between, § 29:24, § 32:61 statutory provisions, for, § 29:20 Conversion/detinue, for, § 4:25

False imprisonment, for, § 7:17 Indemnity

availability of, § 29:29 definition, § 29:29

Joinder of parties, § 5:18, § 29:15

Joint liability, § 4:25 Joint tort, § 6:22

Joint tortfeasors

definition, § 26:15, § 29:11 judgment against, effect of, § 29:16 liability of, § 16:31, § 29:13

release of, effect of, § 29:17

Onus of proof in cases of, **§ 29:18**Several tortfeasors, see also joint tortfeasors

definition, § 29:12 judgment against, effect of, § 29:16 release of, § 29:17

JOINT TORTFEASORS

Generally, § 2:26

Common design, § 16:31, § 29:11, § 29:12

Concurrent tortfeasors, § 29:10, § 29:13 Contribution among, see contribution among tortfeasors

False imprisonment, § 7:17

Jointly and severally liable, § 29:13, § 29:14

Judgment merger, § 29:16 Meaning, § 29:11

Onus of proof, § 29:18

Release, § 29:17

JOINT TORTFEASORS—Cont'd

Several tortfeasors, distinguished, § 29:10, § 29:12

JUDGES

Generally, § 32:7, § 32:24, § 32:25
Defamation, privilege of pertaining to, § 6:29
False imprisonment, liability of, § 7:18

False imprisonment, liability of, § 7:18 Statutory protection from suit, § 32:24, § 32:25

JUDGMENT

See also cause of action estoppel; extinction of liability; issue estoppel
Abuse of process, § 29:41

Assignment of as maintenance and champerty, § 14:6

Currency of, § 31:36

Damages, § 29:40, § 29:41

Extinction of liability, § 29:16, § 29:41

Res judicata

basis of doctrine, § 29:41 consent order, § 29:41 default judgment, effect of, § 29:41 estoppel by record, § 29:41 expiration of limitation period, § 29:41 historical background, § 29:41 jurisdiction of courts, § 29:49, § 29:50 question of law, § 29:41

rules of, § 29:41 Structured, § 30:63

JUDICIAL ACT, EFFECT OF

Generally, § 7:10

JUDICIAL OFFICERS, LIABILITY OF Generally, § 1:6

JUDICIAL PROCEEDINGS

Fair and accurate reports of, privilege pertaining to, § 6:42
Privilege in respect of, § 6:29

JURISDICTION

Generally, § 3:15, § 6:83, § 6:101; § 7:22, § 8:18, § 8:19 Court, § 22:27 Court to prevent, § 1:7 Effect of absence of, § 15:7 Intimidation, § 13:16

JURY, ROLE OF

Generally, § 7:22

JURY TRIALS

Function of judge, § 6:15 assessing damages, § 6:100 defamatory meaning, § 6:15 limitation periods, § 6:87 malice, § 6:48 proof of publication, § 6:19 when available, § 6:100

JUS TERTII, DEFENCE OF

Nuisance, in action for trespass to land, in action for, § 26:7, § 26:8

JUSTIFICATION, DEFENCE OF

See defences, statutory Generally, § 6:27 Authorities, § 6:27 Criminal offence and, § 6:27 Defamation, in action for, § 6:26, § 6:27 effect of on discovery, § 6:90 injunction, effect of on availability of, § 6:75 pleading of, § 6:27 Discovery of particulars, § 6:90 Injunctions, § 6:75 Onus of proof, § 6:27

Pleadings, § 6:96 interference with contractual relations, in action for, § 8:13

intimidation, in action for, § 13:12

Provincial legislation, § 6:27

Trespass to land, in action for onus of proving, § 26:10 preservation of life or property, § 26:10 repossession of stolen property, § 26:10 statutory authority, § 26:10

LABOUR LEGISLATION

Breach of as unlawful act in intimidation action, § 13:8

Conduct prohibited under intimidation action. § 13:5

Damage action under, § 3:4 Limitations on conspiracy action under, § 3:10

LANDLORDS

Liability of occupier, as, § 21:6, § 21:14, § 21:24 wrongful distress, for, § 26:11, § 26:12

LANDLORDS—Cont'd

Right of action of trespass to land, for, § 26:14

LATENT DEFECTS

Occupiers' liability for, § 21:13

LAW, MISREPRESENTATION OF

See barristers and solicitors; deceit; negligent misrepresentation Generally, § 5:9

LAWSUIT

See litigation

LAWYERS

Breach of contract, § 18:3 Breach of trust, § 18:1 Duties, § 18:3 Legal malpractice, § 18:1 Retainer. § 18:3 Elements of Cause of Action Duty of Care Duty to clients, § 18:5 Duty to non-clients, § 18:6

Remedies

Generally, § 18:20

Duty to other, § 18:6

Measure of damages, § 18:21

Cost of rectifying the solicitor's mistake, § 18:27

Criminal liability, § 18:28

Diminution in value of property, § 18:23

Inconvenience and distress, § 18:30

Loss of opportunity to acquire or renew an interest in property, § 18:22

Loss of opportunity to bring proceedings, § 18:24

Loss of opportunity to defend proceedings, § 18:25

Loss of some other financial advantage, § 18:26

Mitigation of damage, § 18:31 Nominal damages, § 18:32 Punitive damages, § 18:33

Wasted expenditure, § 18:29

Standard of Care

Carelessness

Acting for parties with opposed interests, § 18:10

LAWYERS—Cont'd

Elements of Cause of Action—Cont'd

Standard of Care—Cont'd

Carelessness—Cont'd

Creating unnecessary risks, § 18:9

Giving wrong advice, § 18:11

Causation, § 18:16

Defences

Acting on client's instructions, § 18:18

Contributory negligence, § 18:19

Failing to give advice, § 18:12

General standard, § 18:7

Making settlements, § 18:15

Mishandling litigation, § 18:13

Mishandling non-contentious business, § 18:14

Conveyancing, § 18:14

Investment counselling, § 18:14

Mortgages, § 18:14

Wills and estates, § 18:14

Negligence, § 18:7

Obligations of standard, § 18:7

Reasonable skill and care, § 18:7

Remoteness, § 18:17

Specialist, § 18:8

Specialized and technical expertise, § 18:7

Fiduciary Duties

Breach of, § 18:4

Duty of loyalty, § 18:4

Equitable duty, § 18:4

LEASED PREMISES, LIABILITY FOR INJURIES ON

Generally, § 21:6, § 21:14, § 21:24

LEAVE TO BRING ACTION

Generally, § 2:27

LEGAL ADVICE

Effect of on liability for malicious prosecution. § 15:9

Evidence of, § 15:9

Negligent, see barristers and solicitors

LEGAL AUTHORITY

See also statutory authority

abuse of, liability for, see misfeasance in public office

Abuse of as trespass ab initio, § 26:8

LEGAL AUTHORITY—Cont'd

Assertion of as means of effecting false imprisonment, § 7:8

Defence as

false imprisonment, in action for, § 7:12

Defence of

conspiracy, in action for, § 3:10 invasion of privacy, in action for,

§ 27:10

trespass to chattels, in action for, § 25:11

LEGAL COSTS, RECOVERY OF

Generally, § 15:14

LEGAL JUSTIFICATION, DEFENCE OF

Generally, § 25:11

LEGAL PROCEEDINGS

Costs of, see costs

Encouragement of as cause of action, see maintenance and champerty

Fair and accurate reports of, privilege pertaining to defamatory statements in, § 6:42

Improper use of, see abuse of process; malicious prosecution

Privilege in respect of defamatory statements during course of, § 6:29

LEGISLATIVE AUTHORITY, DEFENCE OF

See defences, statutory; statutory authority

LEGISLATIVE PROCEEDINGS

Privilege pertaining to defamation during, § 6:31

Reports of, privilege pertaining to defamation in, § 6:43

LESSEE

See tenants

LIABILITY

Accord and satisfaction, § 29:40

Agents, liability of, § 29:36

Apportionment

between concurrent tortfeasors, § 29:28

between separate causes of action,

§ 29:46

contributory negligence, § 29:46

Basis of, § 29:41

LIABILITY—Cont'd	LIABILITY—Cont'd
Collateral negligence of independent	Contribution among tortfeasors—Cont'd
contractors, § 29:37	vicarious liability, § 29:28 , § 29:29
Conflict of laws	who may claim, § 29:21
choice of law, § 29:51 to § 29:53	workers' compensation legislation,
class actions, § 29:49	effect, § 29:26
concurrent liability, § 29:43	Contributory negligence, § 29:46
contribution, § 29:60	Damages
court, constitutional jurisdiction,	measure of, § 29:47
§ 29:61	punitive, § 29:35, § 29:47
defences	tests for
contributory negligence, § 29:56	reasonably foreseeable, § 29:47
exemption clauses, § 29:57	remoteness, § 29:47
general, § 29:54	Death
limitation periods, § 29:55	common law, § 29:39
statutory provisions, § 29:58	legislation, § 29:39
defined, § 29:48	survival of action, § 29:39
foreign judgments, recognition, § 29:62	Estoppel, § 29:41
jurisdiction, § 29:49, § 29:50	Extinction of liability
forum non-conveniens, § 29:49	accord and satisfaction, § 29:40
forum of neccesity, § 29:49	assignment, § 29:42
forum selection clauses, § 29:50	death, § 29:39
land, § 29:49	judgment, § 29:41
real and substantial connection,	release, § 29:40
§ 29:49	Ex turpi causa, § 29:20
place of tort, § 29:53	Indemnity
probate, § 29:39	conflict of laws and, § 29:60
Contract and tort	contractual, § 29:29
apportionment of liability, § 29:46	contribution and, § 29:29
assignment of right of action, § 29:42 concurrent or alternative, § 29:43	employer/employee, § 29:34
contribution, § 29:22	joint tortfeasors, § 29:29
damages in, § 29:47	vicarious liability, § 29:29
limitation of actions, § 29:45	Independent contractors
Contribution among tortfeasors	collateral negligence of, § 29:37
basis of apportionment, § 29:28	hazardous activities, § 29:37
common law, § 29:19	highways, § 29:37
conflict of laws issues, § 29:60	limitation on liability, § 29:37
exemptions, § 29:23 to § 29:26	non-delegable duties, § 29:37
ex turpi causa, application of, § 29:20	nuisance, § 29:37
"fault," § 29:21, § 29:28	unauthorized act, § 29:37
indemnity, § 29:29	vicarious liability generally, § 29:37
•	Intention
legislation, § 29:20, § 29:22	accident negating, § 29:1
liability, preconditions for, § 29:22	constructive, § 29:3
limitation of action, § 29:27	
mothers, § 29:25	meaning, § 29:2
non-parties, § 29:21	mistake, relationship, § 29:7
spouses, § 29:24	motive distinguished, § 29:6
statutory provisions for, § 29:20,	transferred, § 29:4
§ 29:22	volition distinguished, § 29:5

JABILITY—Cont'd	LIABILITY—Cont'd
Intentional torts	Limitation of actions—Cont'd
battery, § 29:4	tort, § 29:45
defences	Malice
consent, § 29:7	intention and, § 29:6
mistake, § 29:7	Mistake, § 29:7
employer's vicarious liability, § 29:32	Motive, § 29:6
right of action after death, § 29:39	Motor vehicles, § 29:30, § 29:58
Issue estoppel, § 29:1, § 29:41	Negligence - see also vicarious liability
see also cause of action estoppel;	basis of liability, § 29:8
extinction of liability; issue estop-	contributory negligence
pel	contribution among tortfeasors,
Joinder of parties, concurrent tortfeasors,	§ 29:20, § 29:28
§ 29:15	definition, § 29:8
Joint tortfeasors	Non-delegable duties, § 29:32, § 29:37
common design, § 16:31, § 29:11,	Non profit organization, § 29:32
§ 29:12	Onus of proof, § 29:18
concurrent tortfeasor, § 29:10, § 29:13	Parents, vicarious liability of, § 29:38
contribution among, see contribution	Principal and agent
among tortfeasors	distinct from master servant relation-
jointly and severally liable, § 29:13,	ship, § 29:36
§ 29:14	vicarious liability, § 29:36
judgment merger, § 29:16	Release
meaning, § 29:11	extinction of liability, § 29:40
onus of proof, § 29:18	joint tortfeasors, § 29:17
release, § 29:17	
several tortfeasors, distinguished, § 29:10, § 29:12	Requirements for, § 29:41
Judgment, see also cause of action estop-	Res judicata, see judgment
pel; extinction of liability; issue	Several tortfeasors, see joint tortfeasors
estoppel	Sexual abuse, § 29:32, § 29:37
abuse of process, § 29:41	Spouses, § 29:24
damages, § 29:40, § 29:41	Strict liability
extinction of liability, § 29:41	conditions for
res judicata	abnormally dangerous activities,
basis of doctrine, § 29:41	§ 29:9
consent order, § 29:41	escape, § 29:9
default judgment, effect of, § 29:41	non-natural use, § 29:9
estoppel by record, § 29:41	function of, § 29:9
expiration of limitation period,	meaning, § 29:9
§ 29:41	Vicarious liability, see also independent
historical background, § 29:41	contractors
jurisdiction of courts, § 29:49,	agents, § 29:36
§ 29:50	apportionment of fault, § 29:28
question of law, § 29:41	automobile owners, § 29:30
rules of, § 29:41	borrowed employees, § 29:33
Limitation of actions	conflict of laws issues, § 29:59
conflict of laws, § 29:55	criminal offences, § 29:30
contract, § 29:45	duty and, § 29:30, § 29:32
contribution among tortfeasors, § 29:27	employer, of, § 29:31 to § 29:35
res judicata, § 29:41	course of employment, § 29:32

LIABILITY—Cont'd LIENHOLDERS, LIABILITY OF FOR Vicarious liability, see also independent **CONVERSION** contractors-Cont'd Generally, § 4:14, § 4:25 employer, of, § 29:31 to § 29:35 LIENS, WRONGFUL FILING OF AS —Cont'd ABUSE OF PROCESS employee/employer relationship, Generally, § 1:8 § 29:31 employee of two employers, LIMITATION OF ACTIONS § 29:33 Generally, § 2:2, § 2:5, § 2:27 tests for, § 29:31, § 29:32 Absence of defendant from jurisdiction. indemnity, § 29:29, § 29:34 effect of, § 31:30 prohibited activity, for, § 29:32 Accrual of cause of action, § 31:26 scope of employment, § 29:32 Acknowledgment of cause of action, workers compensation, § 29:30, effect of, § 31:31 § 29:32, § 29:34 Against Crown, § 32:2, § 32:17, § 32:25 Case, actions on the, § 31:25 immunity, § 29:31 indemnity, § 29:29, § 29:34 Charter, effect of, § 31:25 Children, § 31:29 independent contractors, § 29:37 Confirmation of cause of action, effect of, non-delegable duties, § 29:37 § 31:31 intentional wrongs, § 29:32 Conflict of laws, § 29:55 nature of, § 29:30 Continuing causes of action generally, non-delegable duties, § 29:32, § 29:37 § 31:26 non profit organizations, § 29:32 Continuing trespass, for, § 26:16 parents, § 29:38 Contract, § 29:45 pleading, § 29:30 Contribution among tortfeasors, § 29:27 policy considerations, § 29:30 Conversion, for, § 4:26 sexual abuse, § 29:32 Crown, in actions against federal, § 32:2, statutory imposition, § 29:30 § 32:17 Workers compensation, § 29:26, § 29:30, Deceit, for, § 5:21 § 29:32, § 29:34 Defamation, in action for, § 6:87 Disability of plaintiff LIBEL effect of, § 31:29 See also defamation limitation periods affected by, § 31:29 Generally, § 1:8, § 1:9 nature of, § 31:29 LIBEL AND SLANDER notice to proceed, § 31:29 Damages, § 6:4 personal representative, where, § 31:29 Distinction between, § 6:4 when arising, § 31:29 Publication, § 6:4 Discoverability rule, § 31:26, § 31:27, Reasonable knowledge of, § 6:88 § 31:34 Equality rights, infringement of, § 31:25 LICENSEES Equitable claims, § 31:25, § 31:28 Duty owed to, see occupiers' liability False imprisonment, in action for, § 7:22 Liability of Fiduciary duty, breach of, § 31:25, entry by for unauthorized purpose, § 31:26 Fraudulent concealment, effect on, failure of to leave after revocation of § 31:28 licence, § 26:6, § 26:9 Invasion of privacy, statutory action for, Right of action of § 27:10 trespass to land, for, § 26:14 Legislation, interpretation of, § 31:24

LIMITATION OF ACTIONS—Cont'd	LIMITATION OF ACTIONS—Cont'd
Limitation periods, § 1:13, § 6:87,	Municipal corporations—Cont'd
§ 10:14, § 22:26	limitation of actions, § 32:34, § 32:38
see practice	notice requirements, § 32:33
acknowledgment of cause of action, effect of on, § 31:31	parties, § 32:34 parties to collect agreement, § 32:54
basis on which imposed, § 31:25	ratepayers actions, § 32:31
commencement of, § 31:26	statutory authority, § 32:31
discoverability of cause of action,	tortious liability of, § 32:32
on, § 31:26, § 31:27, § 31:34	Nervous shock, for intentional infliction
discoverability of fraud, § 31:28	of, § 10:14
minors, in respect of, see children	Occupiers' liability, in relation to, § 21:36
conflicting, § 31:25	Passing off, for, § 22:26
constitutionality of, § 31:25	Payment in respect of plaintiff's claim,
expiry of, effect of, § 31:24	effect of, § 31:31
extension of	Physical disability, effect of, § 31:29
confirmation of cause of action, by,	Public officers, § 32:25
§ 31:31	Public Trustee, service of notice to
court, by Manitoba Limitation of Actions	proceed on, § 31:29
Act	Purpose of legislation, § 31:24
availability, § 31:32	Temporary disability, effect of, § 31:29 Tort, § 29:45
evidence on application,	Trespass and case, § 31:25
§ 31:32	Trespass to chattels, for, § 25:16
"material facts," § 31:32	Trespass to land, for, § 26:16
reasonableness of plaintiff's	
actions, § 31:32	LIMITATION PERIODS
Nova Scotia Limitation of Actions	See also practice
Act, under, § 31:33	Generally, § 1:13, § 6:87, § 6:101,
Ontario legislation, under	§ 10:14, § 21:36, § 22:26, § 25:16
Family Law Act, § 31:34	Defamation, § 6:87, § 6:88, § 6:101
Limitations Act, § 31:35	LIQUIDATORS
nature and effect of, § 31:24	Generally, § 32:66
postponement of	•
absence from province, by, § 31:30	LIQUOR CONTROL LEGISLATION AS DEFENCE TO ASSAULT OR
B.C. Limitations Act, under, § 31:27	BATTERY
disability, by, § 31:29 fraudulent concealment of cause	Generally, § 2:18
of action, by, § 31:28	
sexual assault, § 31:26, § 31:27	LIQUOR SALES
trespass to chattels, § 25:16	See also impaired driving
ultimate limitation period, § 31:26,	Generally, § 16:18, § 16:26
§ 31:27, § 31:29	LIS PENDENS
Malicious prosecution, for, § 15:16	Abuse of process, filing of as, § 1:8, § 1:9
Mental incapacity, effect of, § 31:29	Injurious falsehood, filing of as, § 9:10
Minors, see children	
Municipal corporations	LITIGATION
capacity to sue, § 32:31	See also legal proceedings
duty of care, § 32:32	Assistance in conduct of, § 14:1, § 14:2
immunity	Commencement prior to involvement of
statutory authority, § 32:32	defendant, § 14:3

LITIGATION—Cont'd

Common interest in, § 14:7 Costs of, § 14:2, § 14:6 Financial interest in, § 14:7 Financing of, § 14:2 to § 14:4 Funding, § 14:6, § 14:7 Intermeddling in, § 14:1, § 14:3 Sharing proceeds of, § 14:1, § 14:6

LOANS

Generally, § 14:3

LOCALITY, EFFECT OF

Nuisance, on liability for, § 20:10

LOSS OF PROFITS, DAMAGES FOR

Deceit, recoverability of, § 5:19 Trespass to land, in action for, § 26:11

LOSS OF REPUTATION

Generally, § 6:69

LOST CHATTELS, CONVERSION OF

Generally, § 4:9, § 4:24

MAGISTRATES, LIABILITY OF

False imprisonment, for, § 7:18 Statutory protection against, § 32:24, § 32:25

MAIL, LIABILITY FOR MISHANDLING OF

Generally, § 32:7

MAINTENANCE AND CHAMPERTY

Assets, disclosure of, § 14:2
Assignments of claim as, § 14:6, § 14:7
Barratry, § 14:1
Cause of action

assignment of, § 14:6, § 14:7 damage, requirement for, § 14:5 defences to, § 14:7 to § 14:9 elements of, § 14:2 to § 14:6 nature of, § 14:1

Champerty, definition, § 14:1, § 14:6

Charity, § 14:8

Common interest

commercial interest, § 14:7

definition, § 14:7

familial relationship, § 14:8, § 14:9

Common law offence, § 14:1

Contingency fees as

accountants' fees, § 14:3

legal fees, § 14:6

MAINTENANCE AND CHAMPERTY —Cont'd

Contracts

contingency fees, § 14:3, § 14:6 enforceability generally, § 14:1

Costs

payment of, § 14:2 recovery of, § 14:10

Criminal liability, § 14:1

Damages

availability, § 14:10

element of cause of action, as, § 14:5

measure of, § 14:10

Defence, as, § 14:12

Defences to

charity, § 14:8

common interest, § 14:7

kinship, § 14:9

Definitions

champerty, § 14:1, § 14:6 maintenance, § 14:1

Employer, assistance from, § 14:9

Evidence, provision of, § 14:2

Execution, assistance in, § 14:2

Family, assistance from, § 14:8, § 14:9

Financial assistance, see litigation

Financial interest, see common interest

Impecuniosity of litigant, § 14:8

Indemnification of litigant, § 14:2

Information, provision of, § 14:2

Judgment, assignment of, § 14:6

Lawsuit, see litigation

Litigation

assistance in conduct of, § 14:1, § 14:2 commencement prior to involvement of

defendant, § 14:3

common interest in, § 14:7

costs of, § 14:2

financial interest in, § 14:7

financing of, § 14:2 to § 14:4

funding, § 14:6, § 14:7

funding agreements, § 14:1, § 14:6,

§ 14:7

intermeddling in, § 14:1, § 14:3

sharing proceeds of, § 14:1, § 14:6

Loans, § 14:3

Malice, § 14:4

Motive, § 14:4, § 14:8

Nature of, § 14:1, § 14:12

Parties to action, § 14:11

MAINTENANCE AND CHAMPERTY	MALICE—Cont'd
—Cont'd	Evidence—Cont'd
Policy considerations, § 14:1, § 14:7	strong language, § 6:47
Relationship of parties, § 14:7, § 14:9	Fair comment, § 6:50
Relatives, assistance from, § 14:9	Function of judge and jury, § 6:48
Remedies, § 14:10	Imputed, § 6:49
Special damage, § 14:5, § 14:10	Injurious falsehood, in action for, § 9:1,
Success of proceedings, § 14:11	§ 9:8, § 9:12, § 9:17
Third party funding agreements, § 14:1,	Intention and, § 29:6
§ 14:6, § 14:7	Joint malice, § 6:49
Witnesses, location of, § 14:2, § 14:3	Maintenance and champerty, in action for § 14:4
MALICE	Malicious prosecution, in action for
Abuse of process, in action for, § 1:2,	definition, § 15:10
§ 1:5, § 1:9	determination of as question of fact,
Actual malice, § 6:46	§ 15:10
Agent's liability for, § 6:49	evidence of, § 15:10
Burden on plaintiff, § 6:46	jury's role in determining, § 15:10
Defamation, in action for	necessity for, § 15:10
absence of, necessity for proof of in	onus of proving, § 15:2, § 15:16
mitigation of damages, § 6:74	pleading, § 15:16
circumstances, relevance of in proving,	Necessity for, § 8:8
§ 6:47	Nervous shock, in action for intentional
co-defendants, of, § 6:49	infliction of, § 10:6
corporation, of, § 6:49	Notice of action, § 6:88
definition, § 6:46, § 6:47	
discovery, effect of on scope of, § 6:92	MALICIOUS ARREST
evidence of, § 6:47	Generally, § 1:1
false statement alone as, § 6:47	MALICIOUS FALSEHOOD
false statement believed to be true as,	See injurious falsehood
§ 6:47	
false statement known to be false as, § 6:47	MALICIOUS INTENT
•	See malice
false statement made recklessly as, § 6:47	MALICIOUS PROCESS
improper motive as, § 6:47	Generally, § 1:3
irrelevant or extraneous statements as,	False imprisonment distinguished from,
§ 6:47	§ 7:3
joint malice, § 6:49	Malicious prosecution distinguished from
judge, function of in determining,	§ 7:2, § 15:3
§ 6:48	MALICIOUS PROSECUTION
jury, function of in determining, § 6:48	Abuse of process distinguished from,
onus of proving, § 6:46	§ 15:5
vicarious liability for, § 6:49	Acquittal, § 15:8, § 15:9
Definition, § 6:46, § 6:47, § 15:10	Adverse consequences to plaintiff, neces-
Evidence	sity for, § 15:7
disbelief by defendant, § 6:47	Agent, act of as basis of liability, § 15:7,
dominant motive, § 6:47	§ 15:13
extrinsic or intrinsic, § 6:47	Appeal
recklessness, § 6:47	effect of availability of, § 15:8
relevancy of words, § 6:47	favourable result obtained on. § 15:9

IALICIOUS PROSECUTION—Cont'd	MALICIOUS PROSECUTION—Cont'd
Attorney General, liability of, § 15:13	Cause of action—Cont'd
Bankruptcy proceedings as, § 15:7	elements of, § 15:6 to § 15:10—Cont'd
Barristers and solicitors, see also Crown	reasonable and probable cause,
counsel; legal advice	§ 15:9—Cont'd evidence of
evidence of, § 15:9	admissibility of, § 15:9
liability of, § 15:7	conviction as, § 15:9
Burden of proof, § 15:9, § 15:16	sufficiency, § 15.9
Case, malicious prosecution as action on,	jury's role in determining, § 15:9
§ 15:2, § 15:16	mistake of law, effect of, § 15:9
Cause of action	onus of proving, § 15:2, § 15:9
definition, § 15:1	pleading, § 15:16
distinguished from	termination of proceedings in
abuse of process, § 15:5	plaintiff's favour, § 15:8
false imprisonment, § 15:2	nature of, § 15:1
malicious process, § 15:3	Character of plaintiff, admissibility of
elements of, § 15:6 to § 15:10	evidence as to, § 15:9
adverse consequences to plaintiff,	Civil proceedings, of, § 1:2
§ 15:7	Civil proceedings as basis of action,
damage, § 15:14	§ 15:7
definition, § 15:6	Complainant, liability of, § 15:7
malice, § 15:6, § 15:10, § 15:11, § 15:16	Conviction, effect of, § 15:8, § 15:9
onus of proving, § 15:2, § 15:9	Corporation, liability of, § 15:13
pleading, § 15:16	Credit rating, recovery for damage to, § 15:14
prosecution	Crown, liability of, § 15:13
completion of, § 15:7	Crown counsel, liability of, § 15:7,
continuation of, § 15:7, § 15:9	§ 15:13
extent of, § 15:7	Damages, § 15:14, § 15:15
institution of, § 15:7	Defences
nature of, § 15:7	conviction of plaintiff, § 15:8
validity of, § 15:8	Crown immunity, § 15:13
what constitutes, § 15:7	pleading, § 15:16
reasonable and probable cause,	reasonable and probable cause, § 15:9
§ 15:9	types of, § 15:11
absence of as prerequisite to	Definition, § 15:1
action, § 15:9	Discovery, § 15:16
acquittal, effect of on, § 15:9	Dismissal of case, effect of, § 15:7,
continuing assessment, § 15:7,	§ 15:8
§ 15:9	Distinguished from abuse of process, § 1:1, § 1:2
defendant's actual belief in	Elements of cause of action, § 15:6
effect of absence of, § 15:9	Employer, liability of, § 15:7, § 15:13
evidence of, § 15:9	Employer, hability of, § 13.7, § 13.13 Evidence
necessity for, § 15:9	admissibility of character evidence,
relevant time of, § 15:9	§ 15:9
definition, § 15:9	discovery, § 15:16
determination of as question of	onus of proof, § 15:2, § 15:9, § 15:16
law, § 15:9	termination of proceedings, § 15:16
discovery, § 15:16	Exemplary damages, § 15:15

MALICIOUS PROSECUTION—Cont'd	MALICIOUS PROSECUTION—Cont'd
Failure to prosecute, § 15:4	Prosecutor of proceedings, see also
False imprisonment distinguished from,	Crown counsel
§ 7:2, § 15:2	complainant as, § 15:7
Informant	definition, § 15:7, § 15:13
evidence of, § 15:16	employer, § 15:7, § 15:13
liability of, § 15:7	informant as, § 15:7
Information	nature of involvement giving rise to
laying of, § 15:7	liability, § 15:7
withdrawal of, § 15:7	non-party as, § 15:13
Joint action, availability of, § 15:12	principal, § 15:7, § 15:13
Legal advice, § 15:9	swearing of information, § 15:7
Legal costs, recovery of, § 15:14	witness as, § 15:7
Limitation periods, § 15:16	Punitive damages, § 15:15
Malice	Reasonable and probable cause for prose
definition, § 15:10	cution
determination of as question of fact, § 15:10	absence of as prerequisite to action, § 15:9
evidence of, § 15:10	acquittal, effect of on, § 15:9
jury's role in determining, § 15:10	defendant's actual belief in
necessity for, § 15:10	effect of absence of, § 15:9
onus of proving, § 15:10, § 15:16	evidence of, § 15:9
pleading, § 15:16	necessity for, § 15:9
Malicious process, distinguished from,	relevant time of, § 15:9
§ 15:3	definition, § 15:9
Mental distress, recovery for, § 15:14	determination of as question of law, § 15:9
Mistake of law, effect of, § 15:9	evidence of
Nature of, § 15:1	admissibility of, § 15:9
Onus of proof	conviction as, § 15:9
generally, § 15:16	sufficiency, § 15:9
malice, § 15:2, § 15:10, § 15:16	jury's role in determining, § 15:9
reasonable and probable cause, § 15:2,	mistake of law, effect of, § 15:9
§ 15:9	onus of proving, § 15:2, § 15:9
Parties, § 15:12, § 15:13	pleading, § 15:16
Attorney General, § 15:13	Remedies
company, § 15:13	compensatory damages, § 15:14
Crown, § 15:13	punitive damages, § 15:15
employer, § 15:13	Reputation, injury to, § 15:7
Pecuniary loss to plaintiff, § 15:7	Settlement of proceedings, effect of,
Pleadings, § 15:16	§ 15:8
Policy, § 15:1	Statement of claim, § 15:16
Principal, liability of, § 15:7, § 15:13	Statement of defence, § 15:16
Prosecution	Termination of proceedings, § 15:8
completion of, § 15:7	acquittal, by, § 15:8, § 15:9
continuation of, § 15:7, § 15:9	agreement, by, § 15:8
disciplinary bodies, § 15:7	conviction, by, § 15:8
nature of, § 15:7	ex parte proceedings, § 15:8
what constitutes & 15.7	irregularity in proceedings by 8 15.8

MALICIOUS PROSECUTION—Cont'd

Termination of proceedings, § 15:8

—Cont'd

nature of proceedings precluding, § 15:8

necessity for, § 15:8

partial, § 15:8

peace bond, § 15:8

plea bargain, § 15:8

pleading of, § 15:16

proof of, § 15:16

settlement, by, § 15:8

withdrawal of charges, by, § 15:8

Trespass and case, § 15:2, § 15:16

Vicarious liability, § 15:7, § 15:13

Warrant for arrest, effect of invalidity of, § 15:7

Withdrawal of information, effect of, § 15:7

Witness, liability of, § 15:7, § 15:16

MALICIOUS USE OF LEGAL PROCESS

See abuse of process; malicious prosecution

MANAGEMENT FEE

Generally, § 30:50

MANDATORY INJUNCTIONS

Generally, § 31:14, § 31:15

MANUFACTURER'S LIABILITY

For injuries caused by defective product, see products liability

MANUFACTURING DEFECTS

Generally, § 23:7, § 23:10, § 23:11

MARK, DESCRIPTIVE

Generally, § 22:14

MARKETING DEFECTS

Generally, § 23:6

MASTER-SERVANT RELATIONSHIP, INTERFERENCE WITH

See employment relations, interference with

MEASURE OF

General and special, § 30:11 Limits on recovery, § 30:12 Recovery exceeding loss suffered, § 30:12

MEASURE OF-Cont'd

Restitutio in integrum, § 30:12

MEASURE OF DAMAGES

Generally, § 25:12

MEDICAL CLINICS

See medical practitioners

MEDICAL EMERGENCIES

See emergencies

MEDICAL MALPRACTICE

See Informed Consent

Ambulance attendants, § 16:21

Causation, § 16:32

Emergencies, § 16:21

Intervening act, errors as, § 16:35

MEDICAL PRACTITIONERS

Generally, § 18:64

Defences

Contributory Negligence, § 18:89

Ex Turpi Causa, § 18:90

Practice

Application, § 18:93

Related Actions

Breach of Contract, § 18:69

Criminal Proceedings

Administering Surgical or Medical

Treatment, § 18:66

Criminal Negligence, § 18:65

False Imprisonment, § 18:68

Medical Assistance in Dying, § 18:67

Fiduciary Duty, § 18:70

Remoteness, § 18:87

Res Ipsa Loquitur, § 18:88

Standard of Care, § 18:76

Approved Practice, § 18:77

Causation, § 18:86

Error of Judgment, § 18:78

General Practitioners, § 18:79

Locality, § 18:81

Novices, § 18:82

Operations, § 18:85

Prescribing and Administering

Drugs, § 18:84

Reliance on Others, § 18:83

Specialists, § 18:80

Tort Actions, § 18:71

Battery, § 18:72

Duty of Care, § 18:74

MEDICAL PRACTITIONERS—Cont'd

Related Actions—Cont'd
Tort Actions, § 18:71—Cont'd
Informed Consent, § 18:75
Negligence, § 18:73

Remedies

Compensatory Damages, § 18:91 Punitive Damages, § 18:92

MEDICAL PRODUCTS

Generally, § 23:2, § 23:11

MEDICAL TREATMENT

Battery, as, § 2:2
Consent as defence, § 2:20
see medical practitioners

Emergencies, § 2:20

Limitation periods applying to, § 2:2, § 2:27

Mental incompetence, effect of, § 2:26

Mistake as defence, § 2:16

Motive, relevance of, § 2:26

Necessity as defence, § 2:17

Negligence as, § 2:2

Occupier of property

liability of, § 2:15

Onus of proof, § 2:1, § 2:2, § 2:18, § 2:20, § 2:27

Recovery for pain and suffering resulting from, § 30:19

MEDICARE BENEFITS, EFFECT OF ON DAMAGE AWARD

Generally, § 30:62

MENTAL DISABILITY

Effect of on limitation periods, see limitation of actions

Liability, § 16:12

Onus of proof of, § 16:12

MENTAL DISTRESS

See also nervous shock,

intentional infliction of, see nervous shock

Damages for, recoverability of, § 30:10, § 30:17, § 30:106

Malicious prosecution, recovery for in action for, § 15:14

MENTAL INCOMPETENCE, EFFECT OF

Generally, § 2:26

MENTAL INSTITUTION, COMMITTAL TO

Generally, § 7:12

MENTALLY DISABLED PERSONS

Committal of as false imprisonment, § 7:12

Defences available to, § 32:45, § 32:46 Legislation affecting, § 32:44

Liability of

generally, § 32:45 to § 32:47 assault and battery, for, § 2:26

negligence, for, § 16:12

Limitation periods applying to, see limitation of actions

Right of action of, § 32:44

Tortious liability of

generally, § 32:45

intentional torts, § 32:46 negligence, § 32:47

MESNE PROFITS

Generally, § 26:11, § 26:16

MINERALS, CONVERSION OF

Generally, § 4:8

MINORS

See children

MISCHIEF

Distinguished from trespass to chattels, § 25:6

MISFEASANCE IN PUBLIC OFFICE

Generally, § 28:7

Administrative decisions, § 27:30

Breach of statutory duty, § 27:30

Damages, § 27:32

Development of, § 27:29

Elements, § 27:30

improper purpose, § 27:30

intent, § 27:30

Failure to act, § 27:30

Immunity from prosecution, § 27:31

Invasion of privacy and, § 27:2

Negligence as, § 27:30

Parties, § 27:33

Purpose, § 27:29

Ultra vires action, § 27:30

MISLEADING ADVERTISING

See injurious falsehood; passing off

MISREPRESENTATION

See deceit; negligent misrepresentation; passing off

MISTAKE, DEFENCE OF

Generally, § 25:9, § 25:11, § 29:7
Assault or battery, in action for, § 2:16
Conspiracy, in action for, § 3:10
Conversion, in action for, § 4:10, § 4:12
Defence as, § 10:8
False imprisonment, in action for, § 7:10, § 7:12

Injurious falsehood, in action for, § 9:12 Liability re, § 29:7

Mistake of law, effect of malicious prosecution, in action for, \$ 15:9

Nervous shock, for intentional infliction of, § 10:8

Trespass to chattels, in action for, § 25:9, § 25:11

Trespass to land, in action for, § 26:8

MITIGATION OF DAMAGES

See damages

MORTGAGEE

Right of action of for trespass to land, § 26:14

Trespass by, § 26:15

MOTIVE

Abuse of public office, in action for, § 27:30

Conspiracy, in action for, § 3:8, § 3:10 Deceit, in action for, § 5:11

Defendant, of, § 1:8

Inducing breach of contract, § 8:10 Intention distinguished from, § 29:6

Liability re, § 29:6

Maintenance and champerty, in action for, § 14:4, § 14:8

Nervous shock, for intentional infliction of, § 10:6

Relevance of, § 2:7, § 5:11, § 29:6

MOTOR VEHICLES

See also children; duty of care (statutory); impaired driving; liquor sales; pedestrians; standard of care (reasonable person); vicarious liability; volenti non fit injuria

Legislation, § 7:12

MOTOR VEHICLES—Cont'd

Liability re, § 29:30, § 29:58

MULTIPLE CAUSES

Generally, § 30:21

MUNICIPAL CORPORATIONS

Actions by officers, § 32:31 Capacity to sue, § 32:31

Discretionary power or function, immunity re, § 32:32

Duty of care, § 32:32

Immunity, § 32:32

statutory authority, § 32:32

Liability of

duty of care, § 32:32

false imprisonment, for, § 7:21

immunity from, § 32:32

operational vs. policy decisions, § 32:32

torts, § 32:32

Limitation of actions, § 32:34

Limitation periods, § 7:22

Notice of action against, § 32:33

Notice requirements, § 32:33

Parties to collect agreement, § 32:54

Policy decisions by

immunity re, § 32:32

Ratepayers' actions, § 32:31

Right of action of, § 3:13

generally, § 32:31

conspiracy, § 3:13

defamation, for, § 6:81, § 32:31

public nuisance, for, § 32:31

Statutory authority, defence of, § 32:32

Tortious liability of, § 32:58

MUNICIPALITIES

See also building permits; by-laws; inspections; tax inquiries; zoning inquiries

NAMES, UNAUTHORIZED USE OF

Appropriation of personality, as, § 27:4 Passing off, as, § 22:14

NATURE OF ACTION

Generally, § 16:1, § 25:1, § 25:2, § 25:7

NATURE OF MAINTENANCE AND CHAMPERTY

Generally, § 14:1, § 14:12

NATURE OF TORT	NEGLIGENCE (GENERAL)—Cont'd
Charter of Rights and Freedoms	Burden of proof, see onus/burden of proof
contract law, distinguished from,	—Cont'd
§ 15A:1	Causation—Cont'd
criminal law, distinguished from,	Cook v. Lewis, rule in, § 16:30
§ 15A:1	inferences, § 16:28
effect on tort generally, § 15A:4	joint liability, § 16:31
maritime law, § 15A:3	loss of chance, § 16:32
Tort definition, § 15A:1	material contribution, § 16:30
Tort law, constitutional context, § 15A:3	nexus, § 16:28
Tort law, purposes of	onus of proof, shifting of, § 16:23
generally, § 15A:5	operating cause, § 16:28
compensation, § 15A:6	Commercial host liability, § 16:18,
deterrence, § 15A:6	§ 16:26
justice, § 15A:7	Contract, § 16:3
ombudsman, § 15A:8	Criminal negligence, § 16:2 Custom, § 16:19
other, § 15A:2	
Tort law, sources of, § 15A:2	Dangerous objects, use of, § 16:16 Duty of care
Tort law, theories of, § 15A:8	
NECESSITY, DEFENCE OF	generally, § 16:22 Anns test, § 16:23
Generally, § 2:17, § 4:15	
Nervous shock, for intentional infliction	Donoghue v. Stevenson, § 16:22
of, § 10:9	"neighbour" principle, § 16:6, § 16:22
Trespass to land, in action for, § 26:10	proximity, § 16:25
NEGLIGENCE	question of law, § 16:22
See also standard of care	reasonable foreseeability, § 16:24
Generally, § 2:2, § 23:4, § 23:5, 24:5	residual policy, § 16:26
Basis of liability, § 29:8	Elements of, § 16:6
Contribution among tortfeasors, § 29:20,	Fatal accidents, § 16:5
§ 29:28	Novus actus interveniens, § 16:34
Definition, § 29:7, § 29:8, § 29:18,	Remoteness
§ 29:45	generally, § 16:33
NEGLIGENCE (GENERAL)	intervening act, § 16:35
Generally, § 16:1	thin-skull exception, § 16:34
Agony of collision, § 16:21	Standard of care
Alcohol	custom, § 16:19
commercial host liability, § 16:18,	emergencies, § 16:21
§ 16:26	reasonable person
vendors, § 16:26	generally, § 16:7
Ambulances, § 16:21	age, § 16:13
transport of schizophrenic patients,	amateurs and professionals, § 16:10
§ 16:33	mental capability, § 16:12
Animals, highway, on, § 16:20	parenting skills, § 16:9
Burden of proof, see onus/burden of proof	physical capability, § 16:11
Causation	statutory standards, § 16:20
generally, § 16:27	unreasonable risk
basic rule, § 16:28	generally, § 16:14
"but for" test, § 16:28 to § 16:33	burden of precautions, § 16:17
"causa causans," § 16:28	likelihood of injury, § 16:15

NEGLIGENCE (GENERAL)—Cont'd

Standard of care—Cont'd unreasonable risk—Cont'd seriousness of anticipated harm, § 16:16

social importance, § 16:18

Teachers

standard of care, § 16:9 statutory obligations, § 16:20

Trespass to the person, § 16:4

Unreasonable risk

generally, § 16:14

burden of precautions, § 16:17 likelihood of injury, § 16:15 seriousness of anticipated harm, § 16:16

social importance, § 16:18

NEGLIGENT CONSTRUCTION

Generally, § 23:5

NEGLIGENT MISREPRESENTATION

See also Economic Loss, Statements Class actions, § 19:9 Omission, by, § 19:7

NEGLIGENT MISSTATEMENT

See Statements

NEGLIGENT TRESPASS

Generally, § 25:7, § 25:9, § 25:12

NEIGHBOUR PRINCIPLE

See also duty of care (general) Generally, § 16:6, § 16:22

NERVOUS SHOCK

See also damages; nervous shock, intentional infliction of Generally, § 19:22
Defined, § 19:23
Duty of care, § 19:24
Foreseeability, § 19:24, § 19:25

Proximity, § 19:24, § 19:25 Remoteness, § 19:25

NERVOUS SHOCK, INTENTIONAL INFLICTION OF

Assault, distinguished from, § 10:2 Bystanders/witnesses, § 10:11 Case, trespass and, § 10:14 Cause of action distinguished from

assault, § 10:2

NERVOUS SHOCK, INTENTIONAL INFLICTION OF—Cont'd

Cause of action—Cont'd distinguished from—Cont'd negligence, § 10:3 elements of, § 10:4 to § 10:7 conduct of defendant, § 10:5 employment disputes, § 10:11 intention, § 10:6 physical illness, § 10:7 family law disputes, § 10:1 origin of, § 10:1

Conduct

directed at third parties, § 10:2, § 10:13 pleadings, § 10:14 required for tort, § 10:5 Consent as defence, § 10:10 Constructive intent, § 10:6 Damages

aggravated, § 10:11
assessment of, § 10:11
compensatory, § 10:11
element of cause of action, § 10:7
exemplary, § 10:11
foreseeability of, § 10:6, § 10:11
measure of, § 10:11
necessity for, § 10:7
punitive, § 10:12
remoteness, § 10:11

Damages for, recoverability of, § 30:106 Defences

consent, § 10:10 mistake, § 10:8 necessity, § 10:9

Family law disputes, § 10:1 Foreseeability, § 10:6, § 10:11

Intention, § 10:6

actual intent, § 10:6

constructive intent, § 10:6

Jurisdiction of court, § 10:15

Limitation periods, § 10:14

Malice, § 10:6

Mistake as defence, § 10:8

Motive, § 10:6

Nature of, § 10:1, § 10:14

Necessity as defence, § 10:9

Negligence, distinguished from, § 10:3

Origin of, § 10:1

Parties, § 10:13

NERVOUS SHOCK, INTENTIONAL INFLICTION OF—Cont'd

Physical illness as element of cause of action, § 10:7

Pleadings, **§ 10:14**

Punitive damages, § 10:11

Recklessness, § 10:6

Remedies, see damages

Third party as object of defendant's act, § 10:2, § 10:13

Trespass and case, § 10:14

NEWSPAPER RULE

Generally, § 6:89

NOMINAL DAMAGES

See damages

Defamation, in action for, § 6:65

Grounds for, § 30:1

Purpose of action for, § 30:1

Quantum, § 30:1

Trespass to chattels, for, § 25:10

Trespass to land, for, § 26:11

When awarded

actual damages suffered, when, § 30:1 insufficient evidence as to damages,

§ 30:1

no damages suffered, where, § 30:1

NON-DELEGABLE DUTIES

Generally, § 29:32, § 29:37 Assault and battery, § 2:26

NON-FEASANCE

Generally, § 19:38

Duty to intervenors, § 19:43

Exceptions

creation and control, § 19:40

implied responsibilities, § 19:42 paternalistic relationships, § 19:41

General rule, § 19:39

NON-NATURAL USE OF LAND

See strict liability

NON-PECUNIARY DAMAGES

See damages; family and dependants' compensation; property loss or damage, damages for

Recoverability of, § 3:11

NON-PROFIT CORPORATIONS, RIGHT OF ACTION OF FOR DEFAMATION

Generally, § 6:80, § 6:82

NON-PROFIT ORGANIZATIONS

Generally, § 29:32

NOTICE OF ACTION

Crown, in action against, § 32:10, § 32:11 Defamation, in action for, § 6:88 Municipal corporation, in action against, § 32:33

NOVUS ACTUS INTERVENIENS

See intervening acts; intervening causes Generally, § 23:20

NUISANCE

Abatement, see remedies

Cause of action

general, § 20:1

Defences

general, § 20:17

conduct of the plaintiff, § 20:20

legislative authority, § 20:18

prescription, § 20:19

Elements of cause of action

private nuisance, § 20:7

abnormal sensitivity, § 20:11

character of neighbourhood, § 20:10

substantial interference, § 20:8

unreasonable interference, § 20:9

utility of defendants' conduct,

§ 20:12

who can be sued?, § 20:14

who can sue?, § 20:13

public nuisance

particular damage, § 20:16

Related actions

civil proceedings by the attorney general. § 20:5

erai, § 20:5

criminal prosecution, § 20:6

negligence, § 20:4

the rule in Rylands v. Fletcher, § 20:3

trespass, § 20:2

Remedies

abatement, § 20:23

damages, § 20:22

injunctions, § 20:21

NURSES

See medical practitioners

| OCCUPIERS' LIABILITY—Cont'd

See also occupiers' liability	Cause of action—Cont'd
Right of action of for trespass, § 26:7	duty of care (common law), § 21:10
Right to possession of chattels found on	—Cont'd
property, § 4:24	invitees, § 21:11, § 21:13—Cont'd
OCCUPIERS' LIABILITY	definition, § 21:14
"Allurement," doctrine of, § 21:23	distinguished from licensee, § 21:17
Assault or battery, for, § 2:15	nature and scope of duty to,
Assumption of risk, see defences, statu-	§ 21:15
tory	standard of care, § 21:16
Boats, § 21:9	unusual dangers, § 21:16
Cause of action	invitee's knowledge of,
causation, § 21:26	§ 21:16
damage, § 21:27	occupier's knowledge of,
distinguished from	§ 21:16
negligence, § 21:3	status, loss of, § 21:14
nuisance, § 21:4	students as, § 21:14
duty of care (common law), § 21:10	tenants' visitors, § 21:14
children	licensees, § 21:14
invitees and licensees, § 21:22	contributory negligence, § 21:18
standard of care, § 21:22	definition, § 21:17
accompanied by adult, where,	nature of the license, § 21:17
§ 21:22 reasonable foresight, § 21:22,	onus on plaintiff to prove a,
§ 21:23	§ 21:17
unusual dangers, § 21:22	standard of care, § 21:18
trespassers, § 21:23	status, loss of, § 21:17
standard of care, § 21:23	tenants' visitors, § 21:14
"allurement," doctrine of,	unusual dangers, § 21:18
§ 21:23	trespassers, § 21:14
reasonable foresight, § 21:23	common humanity test, § 21:21
warning, § 21:23	definition, § 21:19
contractual entrants	knowledge of occupier and,
contributory negligence of,	§ 21:20
§ 21:12	nature and scope of duty, § 21:20
definition, § 21:11	New Brunswick, statutory reform
nature and scope of duty, § 21:12	§ 21:21
plaintiff's duty, § 21:12	standard of care, § 21:21
purpose of the contract, § 21:11,	duty of care (statutory)
§ 21:13	generally, § 21:9, § 21:24
standard of care, § 21:13	activity on premises, § 21:24
exclusion of liability, § 21:32	boats, § 21:9
invitees, § 21:11, § 21:13	condition of premises, § 21:24
character of premises and, § 21:9,	contributory negligence of visitor,
§ 21:14	§ 21:24
circumstatial evidence and,	drinking establishment, § 21:24
§ 21:16	exclusion of liability, § 21:32
common interest of, § 21:14	foreseeable danger, § 21:24
contributory negligence, § 21:16	independent contractor's negligence
defendant not liable to, § 21:16	for, § 21:24

OCCUPIERS

OCCUPIERS' LIABILITY—Cont'd	OCCUPIERS' LIABILITY—Cont'd
Cause of action—Cont'd	Occupiers, § 21:6—Cont'd
duty of care (statutory)—Cont'd	statute, under, § 21:7
inspection and maintenance, § 21:24,	control, § 21:7
§ 21:36	definition of occupier, § 21:7
landlords, of, § 21:24	Occupiers, defined
personal property, § 21:25	common law, at, § 21:6
reasonable for that fact situation,	statute under, § 21:7
§ 21:24 scope of, § 21:24	Onus of proof, § 21:24, § 21:36
sidewalks, § 21:24	Parties
snowmobiles, and, § 21:24	Crown, as occupier, § 21:35
standard of care, § 21:24	limitation period, § 21:36
trespassers, to, § 21:24	Plaintiff's conduct, see defences, statutory
property, in respect of, § 21:25	Premises
Contributory negligence, § 21:12,	character of, effect of on entrant's
§ 21:16, § 21:18, § 21:24, § 21:30	status, § 21:14
Damages, see remedies	what constitutes, § 21:8, § 21:9
Defences	Previous accidents, relevance of, § 21:36
assumption of risk	Recreational property, § 21:24
common law, at, § 21:28	Related actions
statute under, § 21:29, § 21:30	negligence, § 21:3
contributory negligence, § 21:30	nuisance, § 21:4
exclusion of duty of care, § 21:32	Remedies
exemption from liability, § 21:24	compensatory damages, § 21:33
plaintiff's conduct, § 21:28	punitive damages, § 21:34
warning, § 21:31	Snowmobiles, § 21:24
Elements of, § 21:5	Unusual dangers, § 21:16, § 21:18,
Exclusion of duty of care, see defences,	§ 21:22
statutory	Warning, § 21:16, § 21:23, § 21:31
Foreseeable danger, § 21:24	OFFENCE AS
Inspection system, § 21:24	Generally, § 3:2, § 3:4
Landlords, § 21:6, § 21:24	
Limitation period, § 21:36	OFFICIAL COMMUNICATIONS, PRIVILEGE PERTAINING TO
Nature of	
common law, at, § 21:1	Generally, § 6:32
duty of care, § 21:1	ONUS, REVERSE
standard of care, § 21:1	Generally, § 26:1, § 26:8, § 26:10
statutory reform, § 21:2	
Negligence, distinguished from, § 21:3	ONUS/BURDEN OF PROOF
Nuisance, distinguished from, § 21:4	See also res ipsa loquitur
Occupiers, § 21:6	Causation, § 16:27 to § 16:30
common law, at, § 21:6	Cook v. Lewis, § 16:30
control by, § 21:6	Fires, § 16:59
landlords, position of, § 21:6	General, § 16:28
definition, § 21:7	Mental disability, re, § 16:17
premises, § 21:8	Motor vehicle accidents, § 16:26
common law, at, § 21:8	Post-accident evidence, § 16:26
statute, under, § 21:9	Shifting of, § 16:23

ONUS OF PROOF

Generally, § 2:1, § 2:2, § 2:18, § 2:20, § 2:27, § 7:2, § 7:11, § 7:12, § 7:22, § 15:16, § 29:18

Conspiracy, in action for, § 3:10

Deceit, § 5:21

Direct interference, § 25:7

Injurious falsehood, § 9:3, § 9:17

Malice, § 15:2

Negligence, in action for

generally, § 16:28

causation, of, § 16:27 to § 16:30

custom, of, § 16:19

intention of negligence, § 25:7

mental disability, of, § 16:12

shifting, § 16:23

Reasonable and probable cause, § 15:2, § 15:9

Trespass to land, in action for, § 26:1, § 26:8, § 26:10

OPERATIONAL DECISIONS, LIABILITY OF PUBLIC BODIES IN RESPECT OF

Generally, § 16:35, § 32:18

OPINION, LIABILITY FOR

Deceit, for statement of, § 5:9
Defamation, in action for, § 6:50, § 6:52, § 6:54

OPINIONS

Generally, § 19:7

OPPORTUNITY, DAMAGES FOR LOSS OF

Opportunity to earn income, § 30:34, § 30:37

Opportunity to make profit, loss of, § 30:53

Opportunity to sell property, § 30:101, § 30:102

OUSTER OF CO-OWNER

Generally, § 26:14

OVERT ACT

Lawfulness of, § 3:7
Proof of, § 3:2

Torts as, § 3:1, § 3:7, § 3:9, § 3:10

OWNER OF CHATTELS, RIGHT OF TO BRING ACTION FOR CONVERSION OR DETINUE

Generally, § 4:9

OWNERSHIP OF GOODS

Generally, § 25:8

PAIN AND SUFFERING, DAMAGES FOR

Generally, § 30:16, § 30:19

PARASITIC DAMAGES

See damages

PARENTS

Discipline by, § 2:18

Duty to protect children, § 16:9

Duty to supervise children, § 16:9

Foetus, protection of, § 16:26

duty of to control children, § 29:38

Liability for act of child, § 2:26

Liability for sexual assault of child, § 2:5, § 2:26

Liability of

assault or battery by child, § 2:26

child generally, to, § 30:53

corporal punishment of child, for,

§ 2:18

failure to supervise child, for, § 29:38

Loss of, damages for, § 30:75, § 30:76

Standard of care of, § 16:9

Surrogate, effect of on child's claim for damages, § 30:84, § 30:89

Vicarious liability of, § 29:38

PARLIAMENTARY PROCEEDINGS

Defamatory reports of, privilege pertaining to, § 6:43

Defamatory statements during, privilege pertaining to, § 6:31

PARTIES

Bankrupt

capacity to sue, § 32:62

tortious liability of, § 32:63

Children

actions

generally, § 32:35, § 32:36

against others, § 32:37, § 32:43

against parents, § 32:37, § 32:43

against third parties, § 32:38

adult activities, § 32:41

contract liability, § 32:42

doctrine of identification, § 32:36

immunity, § 32:41

rights of unborn, § 32:43

standard of care, § 32:41

ARTIES—Cont'd	PARTIES—Cont'd
Children—Cont'd	Crown—Cont'd
tortious liability of	provincial—Cont'd
generally, § 32:39, § 32:42	employer, liability as, § 32:21,
capacity for, § 32:39 to § 32:41	§ 32:29
contributory negligence, § 32:36	immunity, § 32:18
intentional torts, § 32:40	indemnity and contribution, § 32:27
negligence, § 32:41	legislation affecting liability of,
parental responsibility for, § 32:39	§ 32:18
"tender age," § 32:41	non-delegable duty, § 32:19
Corporations	occupiers' liability, § 32:22
capacity to sue, § 32:51, § 32:52	public officers
charitable, § 32:53	immunity, § 32:25 to § 32:31
defamation, § 32:53	liability, § 32:30
directors' liability, § 32:53	limitation of action, § 32:25
tortious liability of, § 32:53	right of action, § 32:18
Crown	servants and agents
federal	Crown corporations, § 32:20
Attorney General, § 32:7	defined, § 32:20
common law liability, § 32:3	immunity of, § 32:30
"Crown," definition, § 32:1	judicial duties, § 32:24, § 32:25
departments, § 32:9	personal liability of, § 32:29
immunity, § 32:3, § 32:15	police, § 32:26, § 32:29
invasion of privacy, § 32:13	statutory torts, § 32:23
jurisdiction of Federal Court, § 32:16	vicarious liability for acts of,
jurisdiction of provincial courts,	§ 32:18 to § 32:20
§ 32:16	Crown, ministers, § 32:6, § 32:7, § 32:9,
legislation affecting liability, § 32:2,	§ 32:19, § 32:29, § 32:30
§ 32:4 to § 32:6, § 32:8,	Defences
§ 32:11, § 32:17	criminal insanity, § 32:46
limitation of actions, § 32:2, § 32:17	mental insanity, § 32:45
Ministers, § 32:6, § 32:7	Employer and employee
motor vehicle accidents, § 32:12	common law liability, § 32:49
occupiers' liability, § 32:11	workers' compensation legislation,
pension schemes, § 32:14	§ 32:50
police officers, § 32:2, § 32:6, § 32:7	Fetus, rights of, see children
provincial law applicable to, § 32:2,	Husband and wife
§ 32:5, § 32:12, § 32:14	common law liability between, § 32:60
servants and agents	doctrine of unity, § 32:60
generally, § 32:7 to § 32:9	interspousal immunity
Crown corporations, § 32:7	generally, § 32:60, § 32:61
definition, § 32:7, § 32:8	Judges, § 32:7, § 32:24, § 32:25
judicial officers, § 32:7	Limitation of actions
scope of employment, § 32:10	against Crown, § 32:2, § 32:17,
vicarious liability for acts of,	§ 32:25
§ 32:6, § 32:9	municipal corporations, § 32:34
policy v. operational, § 32:3, § 32:18,	public officers, § 32:25
§ 32:32	Liquidators, § 32:66
provincial	Mentally disabled persons
defences available, § 32:28	defences available to, § 32:45, § 32:46

PARTIES—Cont'd	PARTIES—Cont'd
Mentally disabled persons—Cont'd	Unincorporated associations—Cont'd
legislation affecting, § 32:44	definition, § 32:54
tortious liability of	political parties, § 32:56
generally, § 32:45	tortious liability of, § 32:56
intentional torts, § 32:46	Workers' compensation legislation
negligence, § 32:47	application to Crown, § 32:29
Municipal corporations	board decisions, § 32:50
actions by officers, § 32:31	effect of, § 32:50
capacity to sue, § 32:31	historical background, § 32:49
duty of care, § 32:32	pleading, § 32:50
immunity	purpose, § 32:50
statutory authority, § 32:32	scope of, § 32:48, § 32:50
liability of	subrogation rights, § 32:50
duty of care, § 32:32	"worker," § 32:50
immunity from, § 32:32	PARTIES TO ACTION
operational vs. policy decisions,	See also right of action
§ 32:32	Conversion of cheque, § 4:8
torts, § 32:32	Defendants, § 4:25, § 5:18
limitation of actions, § 32:34	Joint liability, § 4:25
notice of action against, § 32:33	Maintenance and champerty, § 14:11
notice requirements, § 32:33	Plaintiffs, § 4:24 , § 5:17 , § 8:17
ratepayers actions, § 32:31	
statutory authority, § 32:31	PARTNERS
tortious liability of, § 32:32	Capacity to sue, § 32:55, § 32:57
Parties to collect agreement, § 32:54	Debts of, § 32:58
Partners	Dissolution of, § 32:58
capacity to sue, § 32:55, § 32:57	Limited, § 32:59
debts of, § 32:58	Negligence of partner, § 32:58
dissolution of, § 32:58	Retired partners, § 32:58
limited, § 32:59	Tortious liability, § 32:58
negligence of partner, § 32:58	PASSING OFF
retired partners, § 32:58	See also appropriation of personality;
tortious liability of, § 32:58	privacy, invasion of
Per quod servitium amisit, § 32:2	Account of profits, § 22:23
Police officers, § 32:2, § 32:6, § 32:7,	Appropriation of personality,
§ 32:20	distinguished from, § 22:11
Receivers	Canada Business Corporations Act,
capacity to sue, § 32:64	misleading name prohibited by,
duty of care, § 32:65	§ 22:5
third party actions, § 32:64, § 32:65	Cause of action
tortious liability of, § 32:65	basis of action, § 22:1
Rule in Foss v. Harbottle, § 32:52,	common law, at, § 22:1
§ 32:55	damage to business or goodwill,
Spouses	§ 22:16
common law, § 32:60	defendant's intention, § 22:1, § 22:15
legislation, § 32:61	distinguished from
Trade unions, § 32:54, § 32:56	appropriation of personality, § 22:11
Unincorporated associations	deceit, § 22:1, § 22:9
capacity to sue, § 32:54, § 32:55	injurious falsehood, § 22:10

PASSING OFF—Cont'd	PASSING OFF—Cont'd
Cause of action—Cont'd	Federal legislation, actions under
elements of, § 22:12	—Cont'd
equity, at, § 22:1	Copyright Act, § 22:7
general, § 22:9, § 22:12	Criminal Code, § 22:3
"marketplace," § 22:1	Trade-marks Act
misrepresentation	constitutionality, § 22:2
action lies, where, § 22:14	infringement, § 22:2
confusion, § 22:2, § 22:14, § 22:28	issue estoppel, § 22:2
dress or get-up goods, of, § 22:14	offences, § 22:2
essential requirement, § 22:14	passing off, differences, § 22:2
imitation per se, § 22:14	Injunctions, § 22:20, § 22:21
intention, § 22:15	Injurious falsehood, distinguished from,
judicial intervention, § 22:14	§ 9:4, § 22:10
logo or name, § 22:14	Jurisdiction, court, § 22:27
names, § 22:13, § 22:14	Limitation period, § 22:26
question of fact, § 22:14	Mark, descriptive, § 22:14
secondary meaning, § 22:14	Parties
"trader," § 22:1	corporate defendant, § 22:25
"unfair competition," § 22:1	directors, liability of, § 22:25
websites, § 22:14	group of traders, § 22:1, § 22:13
nature of	ultimate consumers, § 22:14
basis of action, § 22:1	Practice Practice
common law, at, § 22:1	costs, § 22:29
equity, at, § 22:1	evidence, § 22:28
"marketplace," § 22:1	jurisdiction, § 22:27
"trader," § 22:1	limitations of actions, § 22:26
"unfair competition," § 22:1	particulars, § 22:28
reputation or goodwill	Provincial legislation, under, § 22:8
description of, § 22:13	Related actions
extant, must be, § 22:13	appropriation of personality, § 22:11
inference of, § 22:13	common law, at, § 22:2
test, § 22:13	deceit, § 22:1, § 22:9
traders, § 22:13	federal legislation, under, § 22:2 to
Trade-marks Act, § 22:2	§ 22:11
"unfair competition," § 22:1	injurious falsehood, § 22:10
Costs, § 22:29	provincial legislation, under, § 22:8
Damages, § 22:22 Deceit, distinguished from, § 22:1, § 22:9	Remedies
Defences	damages or an account of profits, § 22:22 to § 22:24
acquiescence, § 22:18	account of profits, § 22:23
delay, § 22:18	damages, § 22:22
fraud, § 22:19	dalliages, § 22:22 delivery up, § 22:24
general, § 22:17	1
Delivery up, § 22:24	injunctions
Federal legislation, actions under	assurance of voluntary compliance, § 22:20
Canada Business Corporations Act,	breach of, § 22:20
§ 22:5	damages better remedy, where,
Competition Act, § 22:4	§ 22:20
Consumer protection legislation, § 22:6	interlocutory or interim, § 22:20

PASSING OFF-Cont'd

Remedies—Cont'd

injunctions—Cont'd

prima facie case, § 22:20

security for costs, § 22:20

permanent, § 22:21

Trader

definition, § 22:1

reputation or goodwill

class, of, § 22:13

group, of, § 22:1

separate, of, § 22:13

unestablished, of, § 22:13

PAST INCOME LOSS

See damages, pecuniary damages

PECUNIARY LOSS TO PLAINTIFF

Generally, § 15:7

PENSION BENEFITS, EFFECT OF ON DAMAGE AWARD

Generally, § 30:61, § 30:62

PERFORMANCE OF CONTRACT, INTERFERENCE WITH

Generally, § 8:1, § 8:9

PER QUOD CONSORTIUM AMISIT

Generally, § 32:2

Distinguished from inducing breach of contract, § 8:5

PER QUOD SERVITIUM AMISIT ACTION

See employment relations, interference with

PERSONAL PROPERTY, CONVERSION OF

See conversion and detinue

PHARMACISTS

See medical practitioners

PHYSICAL DISABILITY, EFFECT OF ON LIMITATION PERIODS

See limitation of actions

PHYSICAL ILLNESS AS ELEMENT OF CAUSE OF ACTION

Generally, § 10:7

PICKETING

Generally, § 8:11, § 8:13

PICKETING—Cont'd

Interference with contractual relations, as, § 8:11, § 8:13

Intimidation, as, § 13:5

PLACE OF TORT

See conflict of laws

PLAINTIFFS

See also defendants; third parties

Generally, § 8:17

Foreseeability, § 19:6

Injury by third party relying on statement, § 19:3

Knowledge of defendant, § 19:6

Reliance, § 19:9

Who may be in intimidation action,

§ 13:13

PLAINTIFF'S CONDUCT

See defences, statutory

PLEADINGS

Generally, § 2:2, § 2:27, § 3:15, § 9:17,

§ 10:14, § 15:16, § 29:30

False imprisonment, § 7:22

Fraud, § 5:21

General, § 6:94

Liability for publication of contents of, § 6:42

Statement of claim

general, § 6:95

identity of defendant, § 6:95

intention of defendant, § 6:95

meaning of words, § 6:13, § 6:95

particularity, § 6:95

reference to plaintiff, § 6:95

specific words. § 6:95

Statement of defence

fair comment, § 6:96

general, § 6:96

particulars of justification, § 6:96

rolled-up plea, § 6:96

POLICE OFFICERS

Generally, § 32:2, § 32:7, § 32:20

Intervention of, § 7:10

Liability for initiating unlawful arrest by, § 7:10

Liability of, § 2:18

false imprisonment, for, § 7:12, § 7:19

trespass, for, § 26:10, § 26:11

POLICY

See duty of care (general); public policy Generally, § 15:1

POLICY CONSIDERATIONS

Generally, § 14:1, § 14:7

POLICY DECISIONS, LIABILITY OF PUBLIC BODIES IN RESPECT OF

Generally, § 32:18

POSSESSION

Forms of, § 25:8

Interference with as basis of action, § 25:7. § 25:14

Prerequisite to action, as, § 25:8, § 25:14 Temporary right to, sufficiency of, § 25:8

POSSESSORY LIEN AS DEFENCE TO CONVERSION

Generally, § 4:14

POST OFFICE, LIABILITY OF FOR MISHANDLING OF MAIL

Generally, § 32:7

POSTPONEMENT OF LIMITATION PERIODS

See limitation of actions; limitation periods

POWERLINES/LIGHTNING WIRES

See electrical installations

PRACTICE

See limitation periods; onus/burden of proof; parties

Contributory neglience

practice, § 17:13

Passing off

costs, § 22:29

jurisdiction, § 22:27

limitations of actions, § 22:26

particulars, § 22:28

Pleading

mesne profits, § 26:16

Trespass to lands

iurisdiction

Federal Court, § 26:16

Indian Band, § 26:16

limitation period

Alberta, § 26:16

British Columbia, § 26:16

continuing trespass, for, § 26:16

PRACTICE—Cont'd

Trespass to lands—Cont'd limitation period—Cont'd estoppel and, § 26:16 Manitoba, § 26:16 provinces, other, § 26:16

PRE-EXISTING CONDITION OF PLAINTIFF, EFFECT OF

Generally, § 16:34, § 30:21, § 30:97, § 30:99, § 31:29

PRE-EXISTING INJURIES

See causation; proximate cause/ remoteness of damage

PRE-NATAL INJURIES

Right of action for, § 16:26, § 32:43

PRESUMPTION OF DAMAGE

Generally, § 6:4

PREVIOUS ACCIDENTS, EVIDENCE OF

Generally, § 21:36

PRINCIPAL, LIABILITY OF

See agents, privacy

Generally, § 15:7, § 15:13

Definition, § 27:1, § 27:3

Electronic surveillance, § 27:7, § 27:10

Evidence obtained in violation of, admissibility of, § 27:10

Government officials, immunity of from liability for, § 27:6

Invasion of at common law

appropriation of personality, see privacy, invasion of

damages, § 27:4

defamation, § 27:2, § 27:4

general, § 27:1 to § 27:3

nuisance, § 27:2

passing off, § 27:4

right to publicity, § 27:1

trespass, § 27:2

Invasion of under Civil Code, § 27:11

Invasion of under provincial legislation

acts constituting, § 27:10

appropriation of personality, see privacy, invasion of

consent to, § 27:10

corporation, right of action of for,

§ 27:10

PRINCIPAL, LIABILITY OF—Cont'd

Invasion of under provincial legislation -Cont'd

damages

defences, § 27:10

necessity for, § 27:10

right of action, § 27:10

elements of cause of action, § 27:10

remedies, § 27:10

Protection of under federal legislation, § 27:6, § 27:7

PRINCIPAL AND AGENT

Distinct from master servant relationship, § 29:36

Vicarious liability, § 29:36

PRISONS

See police officers/vehicles

PRIVACY

Definition, § 27:1

PRIVACY LEGISLATION

Federal, § 27:6 to § 27:8 Provincial, § 27:10 to § 27:13

PRIVATE CORPORATIONS

See corporations

PRIVATE DETECTIVES, LIABILITY OF FOR INVASION OF PRIVACY

Generally, § 27:10

PRIVATE NUISANCE

See nuisance

Private nuisance, § 20:7

abnormal sensitivity, § 20:11

character of neighbourhood, § 20:10

substantial interference, § 20:8

unreasonable interference, § 20:9

utility of defendants' conduct, § 20:12

who can be sued?, § 20:14

who can sue?, § 20:13

PRIVILEGE

See absolute privilege; qualified privilege Generally, § 2:27

PRIVILEGE, DEFENCE OF

Defamation, in action for absolute privilege availability generally, § 6:28 common interest, statements in pursuance of, § 6:40

PRIVILEGE, DEFENCE OF-Cont'd

Defamation, in action for-Cont'd absolute privilege—Cont'd

communication to public, effect of on, § 6:45

inferior court proceedings, § 6:30

journalist source privilege, § 6:89

judicial proceedings

legislative proceedings, § 6:31

malice, effect of on, § 6:28, § 6:29

official communications, § 6:32 qualified privilege, § 6:26, § 6:34

quasi-judicial proceedings, § 6:30 reports of, § **6:29**

solicitor-client communications, § 6:33

statements during course of, § 6:29 statements preceding initiation of,

§ 6:29, § 6:33

Duty, statements in discharge of

answers to inquiries, § 6:36

effect of on inference of malice, § 6:34

excessive publication, § 6:44

fair and accurate report, what constitutes, § 6:43

fair comment distinguished from, § 6:45

government publications, reports of, § 6:43

judicial proceedings, reports of, § 6:42 legislative proceedings, reports of, § 6:43

moral or social duty, § 6:35

onus of proving damage from, § 6:44

public duty, § 6:38, § 6:45 statutory duty, § 6:37

voluntary statements, § 6:39

Injurious falsehood, in action for

comparative advertising, § 9:7, § 9:10

invasion of privacy, in statutory action

for, § 27:10

judicial proceedings, § 9:10, § 9:12 legislative proceedings, § 9:12

Loss of

excessive publication, by, § 6:44

malice, by, § 6:34, § 6:42, § 6:46 to

§ 6:49

onus of proving, § 6:34 protection of own interest, § 6:41

public meetings, reports of, § 6:43

PRIVILEGE, DEFENCE OF-Cont'd PRODUCTS LIABILITY—Cont'd Loss of—Cont'd Manufacturing defects, § 23:6, § 23:7, public officials, complaints relating to § 23:10 conduct of, § **6:39** Marketing defects, § 23:6 when arising, § 6:34 Medical products, § 23:2, § 23:11 Negligence, § 23:1, § 23:2, § 23:12 PRIVILEGE, SOLICITOR-CLIENT see also standard of care Generally, § 3:15 Negligent construction, § 23:5 PROCURING BREACH OF Novus actus interveniens, § 23:20, CONTRACT § 23:21 See contractual relations, interference **Plaintiffs** with. consumers, § 23:1 "neighbour" concept, § 23:1 PRODUCTION, DEFECTIVE users, potential, § 23:1, § 23:5 Generally, § 23:6 Production, defective, § 23:6 PRODUCTS LIABILITY Products, § 23:5, § 23:6 See also manufacturer's liability Proof of defect, § 23:7 damages, see remedies Proximity of relationship, § 23:9, § 23:24 Biological products, § 23:2, § 23:16 Reasonable care, § 23:2, § 23:8 Causation, § 23:15 "dangerous" products, § 23:11 Cause of action, § 23:1, § 23:4 general, § 23:8 Children, § 23:13 industry standards, § 23:15 Collateral warranties, § 23:2 product adequacy, time to judge, § 23:12 Construction, negligent, § 23:5 Standard of care, see reasonable care Contractual liability, § 23:2, § 23:23 children's products, § 23:13 Contributory negligence, § 23:21 food, § 23:19 Damage, § 23:22 Damage, requirement of, § 23:22 health products, § 23:19 proof of negligence, § 23:18 Damages, see remedies reasonable evidence, § 23:13 Defect causing injury, § 23:22, § 23:24 res ipsa loquitur, § 23:13 Defective products, § 23:2, § 23:6 Defects, § 23:6 SCC suggests abandoning, § 23:13 Defences strict liability, § 23:19 consent/voluntary assumption of risk, warning, see warning § 23:18 Statutory standards, § 23:14 contributory negligence, § 23:21 Strict liability, § 23:13 misuse of product, § 23:19 Tampering, § 23:10 novus actus interveniens, § 23:20 Voluntary assumption of risk, see Design defects, § 23:6 defences Donoghue v. Stevenson, rule in, § 23:1, Warning § 23:10, § 23:22 children, to, § 23:11 Duty of care, § 23:5 "dangerous" products, in respect of, Duty to warn, scope of, see warning § 23:11 Foreseeability, § 23:15 duty to provide, § 23:11, § 23:16 labelling, § 23:11 Industry standards, § 23:15 Intermediate examination, § 23:10 scope of duty to warn Labelling defects, § 23:9 adequacy, § 23:10, § 23:11 Learned intermediary rule, § 23:12 confirmation warning followed, § 23:11 Manufacturer, liability of, § 23:12,

§ 23:13

explicitness required, § 23:11

PRODUCTS LIABILITY—Cont'd

Warning—Cont'd

scope of duty to warn—Cont'd foreseeable danger, § 23:11 learned intermediary rule, § 23:11 medical products, § 23:11 time duty to warn arises, § 23:13 where warning unnecessary, § 23:11

PROFESSIONAL ORGANIZATIONS, RIGHT OF ACTION OF FOR DEFAMATION

Generally, § 6:84

PROFESSIONAL REPUTATION, LIABILITY FOR DISPARAGEMENT OF

Generally, § 6:7, § 6:11

PROFIT À PRENDRE

Liability for interference with, § 26:14 Right to as defence to trespass action, § 26:8

PROFITS, LOSS OF

Deceit, in action for, § 5:19
Recoverability generally, § 30:34,
§ 30:100, § 30:102
Recovery for, § 5:19
Trespass to land, in action for, § 26:11

PROFITS, RECOVERY FOR LOSS OF Generally, § 5:19

PROMISE, LIABILITY FOR

Deceit, in action for, § 5:9

PROPERTY

Betterment of, effect on damages, see property loss or damage, damages for

Loss or damage to, see property loss or damage, damages for

Occupier's duty of care in respect of, § 21:25

Protection or recovery of as defence, § 2:15

assault or battery, to, § 2:15 trespass, to, § 26:10 Replevin of, see replevin

PROPERTY, PROTECTION OR RECOVERY OF

Generally, § 2:15

PROPERTY DAMAGES

See damages

PROPERTY LOSS OR DAMAGE, DAMAGES FOR

Betterment, § 30:98

Date of assessment, § 30:105 Expenses, recovery of, § 30:104

Interest on

capital value, § 30:102

loss of operational cash flow, § 30:103

Measure of damage

diminution of value, § 30:96 loss of use, § 30:100 to § 30:104 restitutio in integrum, § 30:94 restoration or repair, § 30:96

Mental distress, recovery for, § 30:106 Mitigation of loss, § 30:100

Non-pecuniary loss, recoverability of, § 30:106

Opportunity for sale, loss of, § 30:101, § 30:102

Profits, recovery for loss of, § 30:100, § 30:102

Rental costs, recovery of, § 30:104 Repair

cost of as measure of recovery, § 30:96 enhancement of property value by, § 30:98

quantification of cost of, § 30:97 Revenue producing property, loss of use of, § 30:100

Special damages, § 30:104

Valuation of property

factors in determining, § 30:95 rare or collectible chattel, § 30:95 revenue-producing property, § 30:100 sentimental value, § 30:95 specially adapted property, § 30:95 used goods, § 30:95

PROPERTY SUBJECT TO ACTION

Generally, § 4:7, § 4:8
Accounts receivable, § 4:8
Building, § 4:8
Cheques, § 4:8
Choses in action, § 4:8
Crops, § 4:8
Fixtures, § 4:8

Intellectual property, § 4:8

Knowledge, § 4:8

PROPERTY SUBJECT TO ACTION -Cont'd

Minerals, § 4:8 Specific personal property, § 4:7 Stones, § 4:8 Trees, § 4:8

PROSECUTION

Completion of, § 15:7 Continuation of, § 15:7, § 15:9 Disciplinary bodies, § 15:7 Invalidity of, § 15:7 Nature of, § 15:7 What constitutes, § 15:7

PROSECUTOR OF PROCEEDINGS

See also Crown counsel Complainant as, § 15:7 Definition, § 15:7, § 15:13 Employer, § 15:7, § 15:13 Informant as, § 15:7 Lawyer as, § 15:7 Nature of involvement giving rise to liability, § **15:7** Non-party as, § 15:13 Principal, § 15:7, § 15:13 Swearing of information, § 15:7 Witness as, § 15:7

PROVINCIAL LEGISLATION, ACTIONS UNDER

Generally, § 22:8

PROVOCATION

Definition, § 2:13 Effect of, § 2:13, § 2:22, § 2:23 Effect on damages, § 30:8

PROVOCATION, EFFECT OF

Assault or battery, in action for, § 2:7. § 2:13, § 2:22, § 2:23 Defamation, in action for, § 6:68

PROXIMATE CAUSE

Intervening acts, § 16:35 Susceptibility to injury, § 16:34

PROXIMATE CAUSE/REMOTENESS OF DAMAGE

See also causation; foreseeability; intervening causes; nervous shock; rescuers "Direct consequence" test (Polemis), § 16:33

PROXIMATE CAUSE/REMOTENESS OF DAMAGE—Cont'd

"Foreseeability" test (Wagon Mound), § 16:33 general, § 16:24 General, § 16:33 Thin-skulled exception, § 16:34

PSYCHIATRISTS

See health practitioners

PSYCHOLOGICAL DAMAGE

See nervous shock; thin-skull rule

PSYCHOLOGICAL DISORDERS. RECOVERY OF DAMAGES FOR

Generally, § 30:10, § 30:17, § 30:106

PSYCHOLOGICAL SUSCEPTIBILITY OF PLAINTIFF, EFFECT OF ON LIABILITY FOR

Generally, § 16:34

PUBLICATION

Accidental or inadvertent, § 6:20 Agent, to, § 6:18 Apology and retraction, § 6:74, § 6:76 Defamation, as element of, § 6:17 to § 6:22 Definition, § 6:18 Evidence admission by defendant, § 6:19 burden of proof, § 6:19 hearsay, § 6:19 knowledge of third persons, § 6:19 proof essential, § 6:17 subsequent facts, § 6:19 understandability, § 6:19 Indirect, § 6:18, § 6:22 Injurious falsehood, as element of, § 9:1, § 9:2 Internet, § 6:10, § 6:18, § 6:21, § 6:51, § 6:101 Lawyer, to, § 6:18

Libel or slander, § 6:4 Means of publication, § 6:16 to § 6:18 Negligent, § 6:20 Place of publication, § 6:18, § 6:101 Reference to plaintiff evidence, § 6:24 general, § 6:23 group defamation, § 6:25

PUBLICATION—Cont'd

Reference to plaintiff—Cont'd specific only in subsequent publication, § 6:24

Remedies, see damages Republication, § 6:22 Single publication rule, § 6:21 What constituting, § 6:18

PUBLIC AUTHORITIES OR OFFICERS

Generally, § 28:1

Defamation by, privilege pertaining to, § 6:32

Defamatory allegations of misconduct by, privilege pertaining to, § 6:39

Duty of care, of

generally, § 28:3

legislative scheme, of, § 28:4

party interactions, § 28:5

Immunity of, § 32:25

Liability of, see also misfeasance in public office; Crown; municipal corporations

history of, § 28:2

misuse of legal process, for, § 1:6 statutory considerations of, § 28:8

Limitation of actions, § 32:17, § 32:25

Protection legislation, § 32:25

Public misfeasance, see also misfeasance in public office; Crown; municipal corporations

generally, § 28:7

Standard of care, of

generally, § 28:6

PUBLIC FACILITIES

See parks/recreation facilities

PUBLIC INTEREST

Defence as, § 27:4, § 27:10, § 27:18

PUBLIC INTEREST, DEFENCE OF

Breach of confidence, to, § 27:18

Defamation, to, § 6:53

Inducing breach of contract, § 8:13

Interference with contractual relations, to, § 8:13

Invasion of privacy, to, § 27:10

PUBLICITY, INTERFERENCE WITH RIGHT OF

See privacy; puffery

PUBLICITY, INTERFERENCE WITH RIGHT OF—Cont'd

Deceit, in action for, § 5:9

PUBLIC MEETINGS, PRIVILEGE PERTAINING TO DEFAMATORY REPORTS OF

Generally, § 6:43

PUBLIC NUISANCE

See nuisance

PUBLIC NUISANCE, PRIVATE ACTION FOR

Public nuisance, § 20:15 particular damage, § 20:16

PUBLIC OFFICE, ABUSE OF

See misfeasance in public office

PUBLIC OFFICERS, LIABILITY OF

Generally, § 1:6

PUBLIC POLICY

See also duty of care (general)
Inducing breach of contract, § 8:13

PUFFERY

Generally, § 5:9

PUNITIVE DAMAGES

See damages

Generally, § 8:15, § 10:11, § 15:15

Abuse of process, for, § 1:11

Abuse of public office, § 27:32

Appeals, § 30:8

Assault and battery, for, § 2:3, § 2:7, § 2:23

Availability

generally, § 30:6

criminal proceedings taken, where,

§ 2:23, § 30:7

fatal accidents cases, § 30:6

plaintiff suffering no damage, where, **§ 30:7**

statutory prohibition of, § 30:6

Awards, § 2:23

Claim for as abuse of process, § 1:8

Concurrent liability in tort and contract, effect of on, § 29:47

Conduct subject to, § 14:1, § 14:10, § 30:6, § 30:7

Conspiracy, for, § 3:11

Conversion, for, § 4:22

PUNITIVE DAMAGES—Cont'd Criminal proceedings precluding, § 2:2, § 2:23 Crown, awarded against, § 2:23 Crown, liability, § 30:7, § 30:17 Deceit, for, § 5:20 Defamation, for, § 6:67 Effect of provocation, § 2:23 Employer awarded against complicity or blameworthiness in some degree required, § 2:23 Employer liability, § 30:7 Entitlement to, § 1:11 False imprisonment, for, § 7:14 Fatal accident cases, § 30:6 Grounds for award generally, § 30:7 defendant profiting from misconduct, § 30:8 negligence, § 30:7 punishable conduct, § 30:7 Inducing breach of contract, § 8:15 Intent required, § 30:7 Interception of private communications, for, § 32:13 Interference with contractual relations, for, § 8:15 Malicious prosecution, for, § 15:15 Nervous shock, in action for intentional infliction of, § 10:11 Occupiers' liability, for, § 21:34

Provocation and, § 30:8 Purpose of, § 30:5, § 30:7 Quantum of, § 30:8 Rational approach to, § 30:7 Statutory prohibition of, § 30:6

Products liability, in action for

purpose of, § 30:5, § 30:7

Proportionality, § 30:7, § 30:8

quantum of, § 30:8

Statutory prohibition of, § 30:6

Stay of award, § 30:7

Trespass to chattels, for, § 25:13

Trespass to land, in action for, § 26:12

PURE ECONOMIC LOSS

See economic loss Generally, § 30:53

QUALIFIED PRIVILEGE

See privilege, defence of Common interest, § 6:34, § 6:40

QUALIFIED PRIVILEGE—Cont'd

Defence, § 27:10

Fair and accurate report informing public, § 6:43, § 6:45 judicial proceedings, § 6:42 legislative proceedings, § 6:43 public meetings, § 6:43

General, § 6:34

Municipal councillors, § 6:38

Negation of defence

communication to general public, § 6:45

excessive publication, § **6:44** malice, see malice

Protection of own interest, § 6:41

Public duty, § 6:38

Public or private duty

answers to inquiries, § 6:36 general, § 6:35

Sexual abuse, suspicions re, § 6:35 Standard of review on appeal, § 6:34

Statement of defence, § 6:96

Statutory duty, § 6:37

Voluntary statements, § 6:39

Work references, § 6:36

QUASI-JUDICIAL PROCEEDINGS, PRIVILEGE IN RESPECT OF DEFAMATORY STATEMENTS IN

Generally, § 6:30

QUESTIONS OF FACT

Generally, § 7:22

QUESTIONS OF LAW

Generally, § 7:22

QUIA TIMET INJUNCTIONS

Generally, § 20:21, § 31:6

RACE, INJUNCTIVE RELIEF AGAINST LIBEL BASED ON

Generally, § 6:75

REAL DAMAGES

Generally, § 30:4

REAL PROPERTY

Damages for injury to, see property loss or damage, damages for; trespass to land

Liability for injuries arising from, see nuisance; occupiers' liability; products liability

REAL PROPERTY—Cont'd

Recovery of, § 26:14

REASONABLE AND PROBABLE CAUSE FOR PROCEEDINGS

Generally, § 1:1, § 1:2

REASONABLE CARE

Generally, § 23:2

"Dangerous" products, § 23:13

General, § 23:8

Industry standards, § 23:15

Product adequacy, time to judge, § 23:12

Statutory standards, § 23:3

REASONABLE PERSON

See standard of care, reasonable person

RECEIVERS

Appointment of as conversion, § 4:24

Capacity to sue, § 32:64

Duty of care, § 32:65

Liability of, § **4:25**

Third party actions, § 32:64, § 32:65

Tortious liability of, § 32:65

RECKLESSNESS

Generally, § 10:6

Liability for, § 5:10, § 8:8

RECOVERY OF LAND, ACTION FOR

Generally, § 26:14

RECOVERY OF PROPERTY, STATUTORY ACTION FOR

Generally, § 4:5

RECOVERY ON BEHALF OF ESTATE, SCOPE OF

Generally, § 30:64, § 30:65

RECREATION

See parks/recreation facilities; sportsrelated injuries

REFUSAL OF MEDICAL TREATMENT, EFFECT OF ON DAMAGE AWARD

Generally, § 30:111 to § 30:114

REFUSAL TO RETURN CHATTEL

See demand and refusal

REMEDIES

See also damages; injunctions

REMEDIES—Cont'd

Acceleration of inheritance, § 30:80, § 30:86

Accident neurosis, § 30:17

Accord and satisfaction, § 31:23

Accumulated wealth, damages for loss of, § 30:80

Acknowledgment of cause of action, effect of on limitation period, § 31:31

Aggravated damages, § 30:9

Amenities, damages for loss of, § 30:16, § 30:19

Balance of convenience, effect of on availability of injunction, § 31:3, § 31:11

Betterment of property, effect of on damage award, § 30:98

Business income, § 30:34, § 30:53

Canada Pension Plan benefits, deductibility of, § 30:62, § 30:92

Charter, effect of on limitation periods, § 31:25

Children

claims in respect of death or injury of, § 30:81

en ventre sa mere, § 30:45

illegitimate, entitlement to dependants' compensation, § 30:68

postponement of limitation periods in respect of, § 31:29

settlements, § 30:63

Cohabitee, entitlement to dependants' compensation, § 30:68

Collateral benefits

employment benefits, § 30:61, § 30:92 government assistance, § 30:62, § 30:92

gratuitous assistance, § 30:60, § 30:79, § 30:84

insurance, § 30:61, § 30:92

medicare benefits, § 30:62

payments made pursuant to statute, § 30:62

pension benefits, § 30:61, § 30:62 principles governing deductibility of,

§ 30:57 to § 30:59, § 30:61

private insurance policies, under, § 30:58, § 30:61

Unemployment Insurance benefits, § 30:62

REMEDIES—Cont'd Common law spouse, entitlement to dependants' compensation, § 30:68 Compensation neurosis, § 30:17 Confirmation of cause of action, effect of on limitation periods, § 31:31 Contemptuous damages, § 30:2 Contingencies, effect of, § 30:46, § 30:54, § 30:89 Continuing causes of action effect of on limitation periods, § 31:26 successive actions for, § 31:23 Conventional award for non-pecuniary damages, § 30:24 Cost of future care, damages for assessment duration of incapacity, effect of on, § 30:29, § 30:48 expenses recoverable, examples of, § 30:28 interest, § 30:31 principles governing, § 30:28, § 30:48, § 30:49 definition, § 30:27 Currency of damage award, § 31:36 Damages, see damages Dependent adults, see family and dependants' compensation; limitation of actions Disallowance of limitation defence under Nova Scotia limitations legislation, Discounting of damage award, § 30:47, § 30:90 Discoverability rule, § 31:26 Earning capacity, damages for loss of, see damages Equality rights, effect of on limitation periods, § 31:25

Fatal injury damages, see family and dependants' compensation Fertility, loss of, § 30:16 Fraudulent concealment of cause of action, effect of on limitation periods, § 31:28 Functional approach in assessing damages, § 30:15 Funeral expenses, recovery of, § 30:93 Gross-up for income tax, availability of, § 30:49, § 30:91 Guidance, care and companionship, damages for loss of, § 30:77 Guidance, care and training, damages for loss of, § 30:75, § 30:76 Homemaker, damages for loss of services, § 30:16, § 30:32, § 30:78, § 30:79 Impecuniosity, effect of on duty to mitigate, § 30:122 Income, loss of, see also damages loss of dependency on, § 30:72 to § 30:74 Income tax, effect of on award of damages, § 30:49, § 30:55, § 30:91 Infants, see children Inheritance acceleration of, § 30:80, § 30:86 loss of, § 30:80, § 31:21 Injunctions, see injunctions Insurance benefits, effect of on damage award, § 30:61, § 30:92 Interest, § 30:24, § 30:31, § 30:51 Interlocutory injunctions, see injunctions Irreparable harm as prerequisite to injunctive relief, § 31:10 Issue estoppel, § 31:23 Limitation of actions absence of defendant from jurisdiction, Estate administration costs, recovery of, effect of, § 31:30 accrual of cause of action, § 31:26 acknowledgment of cause of action, recovery of damages against, § 30:66 effect of, § 31:31 case, actions on the, § 31:25 Charter, effect of, § 31:25 children, § 31:29 postponement of time in favour of, Extension of limitation period, see limita-§ 31:29 sexual abuse of, § 31:26, § 31:27 confirmation of cause of action, § 31:31

REMEDIES—Cont'd

Family and dependants' compensation,

see family and dependants'

compensation

tion of actions, limitation periods

recovery of damages on behalf of.

§ 30:64, § 30:65

Exemplary damages, see damages

Expectation of life, loss of, § 30:16

8 30:93

Estates

REMEDIES—Cont'd	REMEDIES—Cont'd
Limitation of actions—Cont'd	Limitation of actions—Cont'd
continuing causes of action, § 31:26	limitation periods—Cont'd
disability of plaintiff	postponement of—Cont'd
effect of, § 31:29	B.C. Limitations Act, under,
limitation periods affected by,	§ 31:27
§ 31:29	disability, by, § 31:29
nature of, § 31:29	fraudulent concealment of cause
notice to proceed, § 31:29	of action, by, § 31:28
personal representative, where,	sexual assault, § 31:26, § 31:27
§ 31:29	ultimate limitation period, § 31:26,
when arising, § 31:29	§ 31:27, § 31:29
discoverability rule, § 31:26, § 31:27,	mental incapacity, effect of, § 31:29
§ 31:34	commencement of action by plaintiff
equality rights, infringement of,	under, § 31:29
§ 31:25	temporary incapacity as, § 31:29
equitable claims, § 31:25, § 31:28	what constitutes, § 31:29
fiduciary duty, breach of, § 31:25	when arising, § 31:29
fraudulent concealment, § 31:28	minors, see children
legislation, interpretation of, § 31:24	payment in respect of plaintiff's claim, effect of, § 31:31
limitation periods	physical disability, effect of, § 31:29
acknowledgment of cause of action, effect of on, § 31:31	Public Trustee, service of notice to
basis on which imposed, § 31:25	proceed on, § 31:29
commencement of, § 31:25	purpose of legislation, § 31:24
discoverability of cause of action,	temporary disability, effect of, § 31:29
§ 31:26, § 31:27, § 31:34	trespass and case, § 31:25
discoverability of fraud, § 31:28	Management fee, § 30:50
minors, in respect of, see children	Mandatory injunctions, § 31:14, § 31:15
constitutionality of, § 31:25	Medical treatment, refusal of, § 30:111 to
expiry of, effect of, § 31:24	§ 30:114
extension of	Medicare benefits, effect of on damage
confirmation of cause of action,	award, § 30:62
by, § 31:31	Mental disability, effect of on limitation
Manitoba Limitation of Actions	periods, see limitation of actions
Act	Mental distress, recoverability of damages
availability, § 31:32	for, § 30:10, § 30:17, § 30:106
evidence on application,	Minors, see children
§ 31:32	Mitigation of damages, see damages
material facts, § 31:32	Nominal damages, see damages
reasonableness of plaintiff's	Non-pecuniary damages, see family and
actions, § 31:32	dependants' compensation; damages
Nova Scotia Limitation of Actions	Opportunity, damages for loss of
Act, under, § 31:33	opportunity to earn income, § 30:34,
Ontario Legislation, under	§ 30:37
Family Law Act, § 31:34	opportunity to make profit, loss of,
Limitations Act, § 31:35	§ 30:53
nature and effect of, § 31:24	opportunity to sell property, § 30:101,
postponement of	§ 30:102
absence from province, by,	Pain and suffering, damages for, § 30:2,
§ 31:30	§ 30:16, § 30:19

Parasitic damages, see damages Parent loss of, damages for, § 30:75, § 30:76 surrogate, effect of on child's claim for damages, § 30:84, § 30:89 Past income loss, see damages Pension benefits, effect of on damage award, \$ 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:45 amenities, loss of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 purpose of, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:19 housekeeping capacity, loss of, § 30:19 housekeeping capacity, loss of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:15 functional approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16 § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16 § 30:20 pre-trial loss, recoverability of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:60 distributed the previous damages—Cont'd psychological disorders, recovery for, § 30:14 personal injury—Cont'd psychological disorders, recovery for, § 30:14 succutation of life, loss of: paychological disorders, recovery for, § 30:18 uneare plaintiff, recovery by, § 30:18 uneare limit, § 30:24 structured settlement, § 30:63 unaware plaintiff, recovery by, § 30:60 gratuitous financial assistance employment benefits, § 30:60 government, by, § 30:60 government, by, § 30:60 government, by, § 30:60 povernment, by, § 30:60 povernment, by, § 30:60 povernment, by, § 30:60 povernment, by, § 30:61 principles governing deductibility of, § 30:62 common law spouse, entitlement to dependants' compensation, § 30:62 common law spouse, enti	REMEDIES—Cont'd	REMEDIES—Cont'd
loss of, damages for, § 30:75, § 30:76 surrogate, effect of on child's claim for damages, § 30:84, § 30:89 Past income loss, see damages Pension benefits, effect of on damage award, § 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:15 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 inflation, effect of on, § 30:24 purpose of, § 30:24 purpose of, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 future losses, recoverability of, § 30:24 interdependent relationship, loss of, § 30:16 future losses, recoverability of, § 30:22 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:11 successive torts, § 30:12, gain and suffering, § 30:12 successive torts, § 30:12, gain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:46, § 30:54	Parasitic damages, see damages	Personal injury—Cont'd
surrogate, effect of on child's claim for damages, § 30:84, § 30:89 Past income loss, see damages Pension benefits, effect of on damage award, § 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:45 amenities, loss of, § 30:16, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 judicial guidance to jury, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:16 effect of in determining damages. § 30:16 effect of in determining damages. § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:24 germle made pursuant to statute, § 30:62 quantum, § 30:24 rough upper limit, § 30:24 structured settlement, § 30:63 unaware plaintiff, recovery by, § 30:18 upper limit, § 30:24 pecuniary damages collateral benefits S 30:62 employment benefits, § 30:34 personal approach, § 30:16 friends and relatives of injured party, by, § 30:60 government, by, § 30:60 friends and relatives of injured party, by, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to dependants' compensation, § 30:62 payments made purs	Parent	
damages, § 30:84, § 30:89 Past income loss, see damages Pension benefits, effect of on damage award, § 30:61, § 30:22 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 judicial guidance to jury, § 30:24 judicial guidance to jury, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fertility loss of, § 30:16 fertility loss of, § 30:16 fertility approach, § 30:22 interdependent relationship, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:22 personal injury non-pecuniary damages age, effect of, § 30:24 super limit, § 30:24 structured settlement, § 30:63 unaware plaintiff, recovery by, § 30:18 canada Pension Plan benefits, § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:57 medicare benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to scontract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment contracts		
Past income loss, see damages Pension benefits, effect of on damage award, § 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:11 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15, § 30:24 personal injury non-pecuniary damages age, effect of, § 30:45 amenities, loss of, § 30:24 establishment of, § 30:24 establishment of, § 30:24 establishment of, § 30:24 establishment of, § 30:24 genployment benefits, § 30:62 employment benefits, § 30:61 gratuitous financial assistance employer of injured party, by, § 30:60 government, by, § 30:30:6 grovernment, § 30:34 pain and relatives of injured party, by, § 30:60 government, by, § 30:30:6 grovernment, § 30:34 pecuniary damages collateral benefits Canada Pension Plan benefits, § 30:61 gratuitous financial assistance employment benefits, § 30:61 gratuitous financial assistance employment contracts, under, § 30:62 payments made pursuant to contract employment materiations of injured party, by, § 30:60 government, by, § 30:60 provernment, § 30:34 employment contracts, under, § 30:62 payments made pursuant to contract employment imit, § 30:24 employment losenfits, § 30:62 payments made pursuant to contract employment enterities, 30:62 payments made pursuant to contract employment enterities, 30:62 principles governing deductibility of, § 30:62 principles governi		· -
Pension benefits, effect of on damage award, § 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:45 amenities, loss of, § 30:16, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 purpose of, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fetrility, loss of, § 30:16 fertility, loss of, § 30:16 fetrility, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:22 pain and suffering, § 30:23 pain and suffering, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:62 quantum of deductions for, § 30:64 § 30:62 quantum of deductions for, § 30:64, § 30:63	· · · · · · · · · · · · · · · · · · ·	1
award, § 30:61, § 30:62, § 30:92 Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 judicial guidance to jury, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:11 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:22 gain and suffering, § 30:15 plaintiff, recovery by, § 30:18 upper limit, § 30:24 pecuniary damages collateral benefits Canada Pension Plan benefits, § 30:62 employment benefits, § 30:34 § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:60 government, by, § 30:60 government, by, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to scalausistance employment contract employment contracts employment contracts under, § 30:61 pension benefits, § 30:60 government, by, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts under, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to social assistance emplo		
Personal injury non-pecuniary damages age, effect of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 purpose of, § 30:24 purpose of, § 30:24 purpose of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:34 interest, § 30:32 interdependent relationship, loss of, § 30:14 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:46, § 30:54		· -
upper limit, § 30:24 pecuniary damages age, effect of, § 30:16, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 purpose of, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		
age, effect of, § 30:16, § 30:45 amenities, loss of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 friture losses, recoverability of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:16, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 prefusal of, § 30:111 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		
amenities, loss of, § 30:16, § 30:19 compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:16 social assistance employer of injured party, by, § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:58, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to		
compensation neurosis, § 30:17 conventional award application of, § 30:24 establishment of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fettility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:19, solid, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, pre-trial loss, recoverability of, gautious financial assistance employer of injured party, by, § 30:60 grovermment, by, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 gratuitous financial assistance employer of injured party, by, § 30:60 government, by, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to social assistance employer of injured party, by, § 30:60 government, by, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to social assistance employer of injured party, by, § 30:60 government, by, § 30:62 payments made pursuant to contract employment insurance policies, under, § 30:62 payments made pursuant to social assistance employment contracts employment Insura	· · · · · · · · · · · · · · · · · · ·	
\$ 30:62 application of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fettility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and sufferings, § 30:16, § 30:19 pre-trial loss, recoverability of,		
application of, § 30:24 establishment of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:24 employment benefits, § 30:34 gratuitous financial assistance employer of injured party, by, § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:62 payments made pursuant to contract employment benefits, § 30:64 gratuitous financial assistance employer of injured party, by, § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:60 government, by, § 30:60 povernment, by, § 30:60 government, by, § 30:60 povernment, by, § 30:61 private insurance policies, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employer of injured party, by, § 30:60 povernment, by, § 30:62 payments made pursuant to statute, § 30:62 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts em	-	
stablishment of, § 30:24 inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, 9 30:61 gratuitous financial assistance employer of injured party, by, § 30:60 friends and relatives of injured party, by, § 30:60 friends and relatives of injured party, by, § 30:60 government, by, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant vocall assistance employment insurance employment insurance benefits, § 30:62 payments made pursuant vocall assistance employment party, by, § 30:60 friends and relatives of injured party, by, § 30:61 pension benefits, § 30:62 payments made pursuant vocall assistance		_
inflation, effect of on, § 30:24 judicial guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 parand suffering, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:46, § 30:64		
minding guidance to jury, § 30:24 purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:11 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:24 personal approach, § 30:15 plaintiff, pre-existi		ŭ .
purpose of, § 30:24 date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, successive torts, § 30:19 pre-trial loss, recoverability of, successive torts, § 30:16 saccessive torts, § 30:16, § 30:19 pre-trial loss, recoverability of, successive torts, § 30:16, § 30:19 pre-trial loss, recoverability of,		
date of assessment of, § 30:19 definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:19 refusal of, § 30:11 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:60 government, by, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to statute, § 30:62 payments made pursuant to social assistance, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 pension benefits, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant to contract employment insurance benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to statute, § 30:62 principles governing deductibility of, § 30:62 common law spouse, entitlement to dependants' compensation, § 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:46, § 30:46, § 30:62	3 2 -	
definition, § 30:14 expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:24 method of assessment of conceptual approach, § 30:11 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 guarty, by, § 30:60 government, by, § 30:57 medicare benefits, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to social assistance, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment ontracts, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:61 private insurance policies, under, § 30:62 payments made pursuant to contract employment contracts, under, § 30:62 payments made pursuant to social assistance, § 30:62 principles governing deductibility of, § 30:58, § 30:62 principles governing deductibility of, § 30:62 principles governing deductibility of, § 30:62 principles governing deductibility of, § 30:62 principles governing defuctibility of, § 30:62 principles governing defuctibility of, § 30:62 principles governing defuctibilit		, and the second
expectation of life, loss of availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:16 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		
availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:16, § 30:19 housekeeping capacity, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,	· -	
availability of compensation for, § 30:16 effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		
effect of in determining damages, § 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		payments made pursuant to
\$ 30:16 fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:11 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,	•	
fertility, loss of, § 30:16 future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		employment contracts, under,
future losses, recoverability of, § 30:19 housekeeping capacity, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,	•	§ 30:61
\$ 30:19 housekeeping capacity, loss of, \$ 30:16, § 30:32 interdependent relationship, loss of, \$ 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,	· ·	pension benefits, § 30:61
interdependent relationship, loss of, § 30:16, § 30:32 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,		
social assistance, § 30:62 interdependent relationship, loss of, § 30:34 interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of,	•	·
interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15,		
interest, § 30:24 medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15,		
medical treatment out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15,		, ,
out of province, § 30:26 recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15,		principles governing deductibility
recovery for pain and suffering resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, \$ 30:62 welfare benefits, § 30:62 common law spouse, entitlement to dependants' compensation, § 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		
resulting from, § 30:19 refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, welfare benefits, § 30:62 common law spouse, entitlement to dependants' compensation, § 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54	¥	
refusal of, § 30:111 to § 30:114 method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, common law spouse, entitlement to dependants' compensation, § 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		
method of assessment of conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, dependants' compensation, § 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		, ,
conceptual approach, § 30:15 functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, \$ 30:68 compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54	, ,	
functional approach, § 30:15, § 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, compensatory advantages see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		
\$ 30:24 personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, \$ 30:24 see collateral benefits contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		_
personal approach, § 30:15 plaintiff, pre-existing condition of, § 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, contingencies definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		
plaintiff, pre-existing condition of, § 30:21 accessive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, § 30:46, § 30:54 definition, § 30:25 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54	ű .	
\$ 30:21 successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, \$ 30:21 nature and effect of, § 30:46, § 30:62 quantum of deductions for, § 30:46, § 30:54		
successive torts, § 30:22, § 30:23 pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, \$ 30:62 quantum of deductions for, \$ 30:46, § 30:54		
pain and suffering, § 30:16, § 30:19 pre-trial loss, recoverability of, quantum of deductions for, § 30:46, § 30:54	•	
pre-trial loss, recoverability of, § 30:46, § 30:54		_
	§ 30:20	definition, § 30:25

REMEDIES—Cont'd	REMEDIES—Cont'd
Personal injury—Cont'd	Personal injury—Cont'd
pecuniary damages—Cont'd	pecuniary damages—Cont'd
discounting of award for	future care, cost of
discount rate, determination of,	assessment
§ 30:47	avoiding duplication
purpose of, § 30:47	incremental approach,
double compensation, avoidance of,	§ 30:48
§ 30:26, § 30:46, § 30:48	lost years, § 30:48 total lifestyle approach,
earning capacity, loss of	§ 30:48
assessment, § 30:33	contingencies, § 30:46, § 30:62
burden of proof, § 30:33	duration of incapacity, effect of
children, in respect of	on, § 30:29, § 30:48
permanent disability, § 30:41	expenses recoverable, examples
temporary disability, § 30:40	of, § 30:28
contingencies, § 30:46	interest, § 30:31
definition, § 30:33	principles governing, § 30:28
female plaintiff, in respect of, \$ 30:42	taxation, § 30:49
interest, § 30:51	definition, § 30:27
opportunity, loss of, § 30:37	housekeeping capacity, § 30:16,
opportunity for family income,	§ 30:26, § 30:32
loss of, § 30:34	management fee, § 30:50
partially disabled plaintiff, in	past care, § 30:26
respect of, § 30:35, § 30:36	past income loss
psychological injuries, § 30:44	burden of proof, § 30:33
public health system, effect on,	business income, § 30:53
§ 30:28, § 30:46, § 30:62	contingencies, deduction for,
quantification of, method of,	§ 30:54 contractual relational economic
§ 30:35, § 30:45	loss, § 30:53
self-employed plaintiff, § 30:35	corporate profits, § 30:53
sexual abuse cases, § 30:44	fringe benefits, § 30:53
sources of income	nature of claim for, § 30:52
business income, § 30:34,	opportunity cost, § 30:53
§ 30:53	opportunity to make profit,
business profits, § 30:34	§ 30:53
fringe benefits, § 30:34	past loss of wages and nursing
hobbies, § 30:34	costs, deduction of, § 30:53
salary, § 30:34	profit sharing arrangements,
students, in respect of	§ 30:53
permanent disability, § 30:41	salary, § 30:53
temporary disability, § 30:40	shareholder, § 30:53
temporarily disabled plaintiff, in	undeclared income, § 30:53
respect of, § 30:40	pre-trial expenses, § 30:26
totally disabled plaintiff, in respect	successive torts, § 30:22, § 30:23
of, § 30:35	taxation, effect of, § 30:49, § 30:55
unemployed plaintiff, in respect	thin skull plaintiff, § 30:21
of, § 30:39, § 30:40	third parties
victim, death of, § 30:43	recovery of expenses by, § 30:26

REMEDIES—Cont'd	REMEDIES—Cont'd
Personal injury—Cont'd	Waiver of tort—Cont'd
pecuniary damages—Cont'd	assault, § 31:21
third parties—Cont'd	availability
voluntary services of	loss by plaintiff, requirement for,
quantification of cost of,	§ 31:19
§ 30:26	proof of tort, § 31:18
Physical disability, effect of on limitation	specific torts, in respect of, § 31:21
periods, see limitation of actions	unjust enrichment, necessity for,
Postponement of limitation periods	§ 31:17, § 31:19
see limitation of actions	confidentiality, breach of, § 31:19,
Property damages, see damages	§ 31:21
Psychological disorders, recovery of damages for, § 30:10, § 30:17, § 30:106	conflict of laws, § 31:22
Punitive damages, see damages	conversion, § 31:21
Pure economic loss, § 30:53	deceit, § 31:21
Quia timet injunctions, § 31:6	definition, § 31:17
Real damages, § 30:4	election of, § 31:20
Refusal of medical treatment, effect of on	history, § 31:17
damage award, § 30:111 to § 30:114	nature of, § 31:17
Rental costs, recovery of, § 30:104	quantification of recovery under
Restitutio in integrum, see damages	loss of plaintiff, relevance of,
Restitutionary remedies, see waiver of tort	§ 31:19
Rough upper limit for non-pecuniary	profits, accounting for, § 31:19
damages, § 30:24	property, fair market value of,
Sexual abuse, § 30:44, § 31:26	§ 31:19
Special damages, see damages	remedies available by, § 31:17
Structured settlement, § 30:63	restitution, § 31:17, § 31:18, § 31:20
Successive actions, availability of,	scope of recovery under, § 31:19
§ 31:23	trespass, § 31:21
Taxation, effect of, § 30:49, § 30:55,	unjust enrichment
§ 30:63, § 30:91	as ground for waiver, § 31:17
Unawareness of injuries, effect of on	necessity for, § 31:17, § 31:19
damage award, § 30:18	quantification of, § 31:19
Undertaking as to damages as condition	saving of expense as, § 31:19
of injunctive relief, § 31:12	what constitutes, § 31:19
Unemployment Insurance benefits, effect of on damage award, § 30:62	Welfare benefits, effect of on damage
Unjust enrichment, see waiver of tort	award, § 30:62, § 30:92
Valuation of property, see damages	REMOTENESS OF DAMAGE
Voluntary services of third parties,	
recovery of damages for, § 30:26	Generally, § 5:19
Waiver of tort	RENTAL COSTS, RECOVERY
advantages of	Generally, § 30:104
limitation periods, avoidance of,	• • •
§ 31:22	REPAIR OR RESTORATION
recovery of amount exceeding	Cost of as measure of recovery, § 30:96
plaintiff's loss, § 31:22	Enhancement of property value by,
tracing property, avoidance of,	§ 30:98
§ 31:22	Quantification of cost of, § 30:97
appropriation of personality, § 31:21	Trespass to land, in action for, § 26:11

REPLEVIN

Availability of action

co-executor. § 4:5

co-owner, § 4:5

defendant in action, § 4:5

seller of goods, § 4:5

termination of contract making posses-

sion wrongful, § 4:5

wrongful distress, § 4:5

wrongful taking or detention, § 4:5

Definition, § 4:5

Demand and refusal, § 4:5

Distinguished from conversion, § 4:5

Interim order, § 4:5

Legislation, § 4:5

Nature of action, § 4:5

Ownership, § 4:5

Possession, entitlement to, § 4:5

Property subject to, § 4:5

Trespass to chattels, § 25:5

Wrongful detention, proof of, § 4:5

REPORTERS

Disclosure of sources of in defamation action, § 6:89

Statutory defences of to action for invasion of privacy, § 27:10

REPRESENTATION

Communication of, § 5:11, § 5:17

Concealment of facts, by, § 5:8

Conduct, by, § 5:7

Failure to advise of change in

circumstance, by, § 5:8

Failure to correct false statement, by, § 5:8

Half-truths, by, § 5:8

Materiality, § 5:12

Non-compliance with duty of disclosure, § 5:8

Reliance on, § 5:12, § 5:13

Silence, by, § 5:8

Subject matter of

examples, § 5:9

opinion, § 5:9

promise, § 5:9

sales talk, § 5:9

statement of fact, § 5:9

statement of law, § 5:9

Suppression of information, by, § 5:8

Writing, statutory requirement of, § 5:8

REPRODUCTIVE HARMS

Generally, § 19:26

Claims

consequential economic and emotional

harm, § 19:27

physical injuries, § 19:27

Fetal injuries, § 19:28

Potential plaintiffs, § 19:27

Wrongful birth, § 19:30

Wrongful life, § 19:29

Wrongful pregnancy, § 19:31

REPUTATION, INJURY TO

See defamation; injurious falsehood; passing off

Generally, § 15:7

RESCISSION

Generally, § 19:14

RESCUERS

See also emergencies

Duty to intervenors, § 19:43

RESIDENTIAL TENANTS, STATUS OF VISITORS OF

Generally, § 21:14

RES IPSA LOQUITUR

See also onus/burden of proof

Medical malpractice, in action for.

§ 18:88

Products liability, in action for, § 23:13

RES JUDICATA

See judgment

Basis of doctrine, § 29:41

Estoppel by record, § 29:41

Expiry of limitation period, § 29:41

Historical background, § 29:41

Rules of, § 29:41

RESTITUTIO IN INTEGRUM

See damages

Damages exceeding, § 30:12

Limitations on, § 30:12

Personal injury, with respect to, § 30:15

Principle of, § 30:12

Property, damage with respect to, § 30:94

RESTITUTIONARY REMEDIES

See waiver of tort

RESTORATION OF CHATTEL

Generally, § 4:17

RESTRAINT, MEANS OF

Failure to act, § 7:8

Moral pressure, § 7:8

Physical contact, § 7:8

REVERSIONER, RIGHT OF ACTION OF

Conversion, for, § 4:24

Trespass to land, for, § 26:14

RIGHT OF ACTION

Actual possession as prerequisite to, § 4:9

Bailee, of, § 4:9, § 4:24

Bailor, of, § 4:24

Chattel lessor, of, § 4:9

Chattel mortgagee, of, § 4:9, § 4:24

Conversion and detinue, § 4:1

Co-owner, of, § 4:24

Employee, of, § **4:25**

Finder, of, § 4:9, § 4:24

Holder of reversionary interest, § 4:24

Intimidation

where contractual remedies adequate,

§ 13:8

where lawful act threatened, § 13:8

where plaintiff acts unreasonably,

§ 13:12

where threat not acted upon, § 13:10

Municipalities, of, § 3:13

Occupier of property, § 4:24

Owner, of, § 4:9

Right to possession as prerequisite to, § 4:9

Shareholders, of, § 3:13

Statutory limits on, § 3:10

RIGHT OF ENTRY, REVOCATION OF

Generally, § 26:6, § 26:9

RIGHT OF PUBLICITY

See also privacy

Generally, § 27:4

Assumption of, see voluntary assumption of risk

Right of action for interference with, § 26:13, § 26:14

Right to as defence to trespass action, § 26:8, § 26:9

ROLLED-UP PLEA

Generally, § 6:96

ROUGH UPPER LIMIT FOR NON-PECUNIARY DAMAGES

Generally, § 30:24

RULE IN FOSS V. HARBOTTLE

Generally, § 32:52, § 32:55

RYLANDS V. FLETCHER

See defences, statutory; strict liability Fletcher, see defences, statutory; strict liability

Trespass to land distinguished from, § 26:3

SALE OF LAND

See real estate agents

SALES TALK, LIABILITY FOR

See also injurious falsehood Deceit, in action for, § 5:9

SALE TO THIRD PARTY

Generally, § 4:10, § 4:11

SCHOOLS

See children: teachers/school boards

SCHOOLS, DUTY OF TO ACT AS REASONABLY CAREFUL PARENT

Generally, § 16:9

SCIENTER ACTION

See also defences, statutory

SEAT-BELTS/HEADRESTS

Duty re other people's children, § 16:9

SECONDARY MEANING, PASSING OFF AND

Generally, § 22:14

SECONDARY PICKETING AS UNLAWFUL MEANS

Generally, § 3:7

SEIZURE

Conversion, as, § 4:11, § 4:24, § 4:25 Trespass during, § 26:12

SELF-HELP

Detinue, as remedy for, § 4:23
False imprisonment, as remedy for, § 7:15

SELF-INTEREST

Conspiracy, defence of in action for, § 3:8, § 3:10

SELF-INTEREST—Cont'd

Onus of proving, § 3:10

Privilege pertaining to defamatory statements in protection of, § 6:41 Where conduct lawful, § 3:8, § 3:10

Where conduct unlawful, § 3:10

SETTLEMENT

Malicious prosecution, effect of, § 15:8 Structured, § 30:63

SEVERAL TORTFEASORS

Generally, § 29:10, § 29:12

SEXUAL ABUSE

See also damages

Generally, § 29:32, § 29:37, § 30:44, § 31:26

Actions arising from, § 2:5, § 2:27

Consent as defence, § 2:20

Damages, § 2:22

Limitation period, § 2:27

Social worker, duties of, § 16:20

Suspicions re, § 6:35

Vicarious liability for, § 2:26

SEXUAL ABUSE/ASSAULT

Liability generally, § 29:32, § 29:37 Social workers, duties of, § 16:20

SEXUAL ASSAULT

See assault and battery

SEXUAL HARASSMENT

Generally, § 27:35

SHAREHOLDERS

See financial statements, reliance on Liability of for interference with contractual relations, § 8:18

Right of action of

conspiracy, for, § 3:13

deceit, for, § 5:17

SHARES, CONVERSION OF

Generally, § **4:20**

SHERIFF, DEFENCES OF

Generally, § 25:11

SHERIFF, LIABILITY OF FOR TRESPASS TO CHATTELS

Generally, § 25:11

SIDEWALKS

See occupiers' liability

SILENCE, LIABILITY FOR

Deceit, in action for, § 5:8 Representation by, § 5:8

SLANDER

See defamation Of title, § 6:2

SLANDER ACTIONABLE PER SE

General, § 6:5

Imputations of crime, § 6:6

Imputations of disease, § 6:8, § 6:9

Injury to reputation, § 6:7

Unchastity, § 6:9

SLANDER OF GOODS

See injurious falsehood Nature of action, § 6:2

Special damages required, § 6:2

SNOWMOBILES

Generally, § 21:24

Occupiers' liability to users of, § 21:24

SOCIAL WORKERS

Generally, § 16:20

SOLICITOR-CLIENT

COMMUNICATIONS, PRIVILEGE PERTAINING TO DEFAMATORY STATEMENTS IN

Generally, § 6:33

SOLICITORS, LIABILITY OF

See barristers and solicitors; Crown counsel

SOLITARY

CONFINEMENT/SEGREGATED CUSTODY

Generally, § 7:7

SPECIAL DAMAGES

See damages

Calculation, § 30:11

Definition, § 30:11

Loss of earnings as, § 30:52

Maintenance and champerty, § 14:5, § 14:10

Necessity for, § 3:9

Past loss of earning as, § 30:52

Pleading, § 30:11

Presumption of, § 3:9

Pretrial expenses as, § 30:26

Proof of, § 30:11

SPECIALISTS, STANDARD OF CARE REQUIRED OF

Barristers and solicitors, § 18:8 Doctors, § 18:79

SPECIFIC PERFORMANCE

Generally, § 8:16

SPECTATORS, RIGHT OF ACTION OF

Generally, § 2:20

SPOLIATION

Generally, § 27:36

SPORTS, LIABILITY FOR INJURIES DURING

Assault or battery, § 2:20
Occupiers' liability, § 21:12, § 21:28 to § 21:30

SPOUSES

Generally, § 29:24
Common law, § 32:60
Immunity in tort, abolition of, § 29:24, § 32:61
Legislation, § 32:61

Liability of for assault or battery, § 2:26

STANDARD OF CARE

See cause of action
Proof of negligence, § 23:13
reasonable evidence, § 23:13
res ipsa loquitur, § 23:13
SCC suggests abandoning, § 23:13
Reasonable care, see reasonable care
Strict liability, § 23:13
Warning, see warning

STANDARD OF CARE (CHILDREN)

See also children Generally, § 17:8

STANDARD OF CARE (EMERGENCIES)

Generally, § 17:9

STANDARD OF CARE (REASONABLE PERSON)

See also contributory negligence; duty of care (general); foreseeability; proximate cause/remoteness of damage;

Generally, § 16:7 Characteristics of reasonable person

age, § 16:13

STANDARD OF CARE (REASONABLE PERSON)—Cont'd

Characteristics of reasonable person
—Cont'd
amateurs and professionals, § 16:10
mental capability, § 16:12
moral and intelligence qualities, § 16:8
parenting skills, § 16:9
physical capability, § 16:11
Custom, § 16:19
Dangerous objects, § 16:16
Emergencies, § 16:21

Errors in judgment, § 16:7 Statutory standards, § 16:20 Unreasonable risk

Jnreasonable risk
generally, § 16:14
burden of precautions, § 16:17
likelihood of injury, § 16:15
seriousness of anticipated harm,
§ 16:16

social importance, § 16:18

STANDARD OF PROOF

Generally, § 5:21

STANDARD PRACTICE

See custom

STATEMENT OF CLAIM

Generally, § 15:16
Content of
generally, § 3:15
successive conspiracies, pleading of,
§ 3:15
where conduct criminal, § 3:15
Sufficiency of, § 4:26

STATEMENTS

Generally, § 19:1
Breach of contract, § 19:4
Central & Eastern Trust Co. v. Rafuse, § 19:4
Contributory negligence, § 19:12
Deceit, § 19:2
Defences
contributory negligence, § 19:12
disclaimers, § 19:11
Duty of care, § 19:6
Elements of action
generally, § 19:5
duty of care, § 19:6
loss, § 19:10

STATEMENTS—Cont'd

Elements of action—Cont'd

reliance, § 19:9

standard of care, § 19:8

type of statement, § 19:7

Half-truths, § 19:7

Hedley Byrne & Co. v. Heller & Partners, **§ 19:1, § 19:6, § 19:11**

Hercules Management Ltd. v. Ernst & Young, § 19:6, § 19:9

Injurious falsehood, § 19:3

Omissions, § 19:7

Queen v. Cognos, § 19:5, § 19:7, § 19:8

Related actions

breach of contract, § 19:4

deceit, § 19:2

injurious falsehood, § 19:3

Remedies

damages, § 19:13

rescission, § 19:14

Standard of care, § 19:8

STATUTE

Breach of as an unlawful means, § 3:7 Limitations on right of action under,

§ 3:10

Remedies under, § 3:4

STATUTE OF FRAUDS

Generally, § 5:8, § 5:14

STATUTORY AUTHORITY

See defences, statutory

Assault or battery

arrest, for, § 2:18

corporal punishment, for, § 2:18

Criminal Code, under, § 2:18

effect of on tort action, § 2:18

limitation periods, § 2:27

nature and scope of defence, § 2:18

onus of proving, § 2:18

provincial legislation, under, § 2:18

reasonableness of force, § 2:18

Crown, in favour of, § 32:15

Defence of, § 25:11

False imprisonment, in action for

committing physician under mental health legislation, § 7:12

judicial officers, § 7:18

peace officers, § 7:12, § 7:19

private citizen effecting arrest, § 7:12

Trespass to chattels, in action for, § 25:11

STATUTORY AUTHORITY—Cont'd

Trespass to land, in action for, § 26:10

STATUTORY DEFENCES

Generally, § 8:11, § 8:13

STATUTORY DUTIES AND STANDARDS

Generally, § 5:8, § 21:24, § 23:14

STATUTORY DUTY TO DISCLOSE, EFFECT OF

Generally, § 5:8

STATUTORY LIMITS ON RIGHT OF ACTION

Generally, § 3:10

STATUTORY OFFENCES DISTINGUISHED FROM

TRESPASS TO LAND

Generally, § 26:4

STATUTORY PROTECTION

Committing physician under mental health legislation, § 7:12

Judicial officers, § 7:18

Peace officers, § 7:12, § 7:19

Private citizen effecting arrest, § 7:12

STONES, CONVERSION OF

Generally, § 4:8

STRATEGIC LITIGATION AGAINST PUBLIC PARTICIPATION

Generally, § 6:97

STRICT LIABILITY

Generally, § 23:13, § 24:1

Animal keepers, § 24:3

cattle trespass, § 24:17

scienter action, § 24:18

damage caused by animal's known propensity, § 24:21

defences, § 24:23

cattle trespass, § 24:24

scienter action, § 24:25

defendant's knowledge of

mischievous propensity, § 24:20

owned by or under control of defendant, § 24:19

statutory reform, § 24:22

Animal keepers, see defences, statutory

Cattle trespass, see defences, statutory

STRICT LIABILITY—Cont'd	STUDENTS
Cause of action	See children; teachers/school boards
conditions for	STUDENTS ON SCHOOL PREMISES,
abnormally dangerous activities,	STATUS OF
§ 29:9	Generally, § 21:14
escape, § 29:9	
non-natural use, § 29:9	SUBSURFACE ENTRY AS TRESPASS
function of, § 29:9	TO LAND
meaning, § 29:9	Generally, § 26:6
conversion of, § 4:1, § 4:18	SUCCESSIVE ACTIONS,
Damages, compensatory, see remedies Defences	AVAILABILITY OF
act of God, § 24:14	Generally, § 31:23
act of God, § 24.14 act of stranger, § 24:15	SUCCESSIVE INJURIES
consent of plaintiff, § 24:12	Generally, § 30:20
default of plaintiff, § 24:13	
generally, § 24:11	SUCCESS OF PROCEEDINGS
statutory authority, § 24:16	Generally, § 14:11
Dogs	SUPPRESSION OF FACTS
see also animals	Generally, § 5:8
Related actions	SUPPRESSION OF INFORMATION AS
negligence, § 24:5	DECEIT DECEIT
nuisance, § 24:4	Generally, § 5:8
Remedies	
generally, § 24:26	SURGERY, STANDARD OF CARE
Rylands claim	APPLICABLE TO
elements of action, § 24:6	Generally, § 18:85
damage to plaintiff's property or	SURVEILLANCE, LIABILITY FOR
person as result of escape,	Generally, § 27:2, § 27:7, § 27:10
§ 24:10	SURVIVAL OF ACTIONS
escape, § 24:9	Generally, § 29:39
non-natural use, § 24:7	Defamation, for, § 6:2, § 6:78
things likely to do mischief, § 24:8	Injurious falsehood, action for, § 6:2,
Rylands v. Fletcher, § 24:2	§ 9:16
see also defences, statutory	Invasion of privacy, statutory action for,
Scienter action, see also defences, statu- tory	§ 27:10
Theoretical basis of, § 29:9	Libel or slander, § 6:2 , § 6:78
Trespass to land, distinguished from,	Personal injury damages, § 30:63 to
\$ 26:3	§ 30:65
•	TAMPERING
STRIKES	Effect of on manufacturer's liability for
Damages for in action for interference	defective product, § 23:10
with contractual relations, § 8:15	•
Statutory exemption in respect of for interference with contractual rela-	TAXATION, EFFECT OF ON DAMAGES
tions, § 8:13	Generally, § 30:49, § 30:55, § 30:63,
Threat of as intimidation, § 13:8	§ 30:91
STRUCTURED SETTLEMENT	TEACHERS/SCHOOL BOARDS
Generally, § 30:63	Duty to educate, § 16:20

TEACHERS/SCHOOL BOARDS

-Cont'd

Liability of for assault or battery, § 2:18, § 2:26

Standard of care, § 16:9

TELEVISION

Generally, § 6:4, § 6:14, § 6:22

TENANTS

Liability of

occupier, as, § 21:6

Right of action of

trespass to land, for, § 26:14

Visitors of, landlord's liability in respect of, **§ 21:14**

TENDERS

General, § 19:4, § 19:6

TERMINATION OF PROCEEDINGS

Generally, § 1:1, § 1:2, § 15:8

Acquittal, by, § 15:8, § 15:9

Agreement, by, § 15:8

Conviction, by, § 15:8

Ex parte proceedings, § 15:8

Irregularity in proceedings, by, § 15:8

Nature of proceedings precluding, § 15:8

Necessity for, § 15:8

Partial. § 15:8

Peace bond, § 15:8

Plea bargain, § 15:8

Proof of, § 15:16

Settlement, by, § 15:8

Withdrawal of charges, by, § 15:8

THEFT BY CONVERSION

Generally, § 4:3

THIN-SKULL PLAINTIFF

Damages and, § 30:21

Negligence, effect of on liability for, § 16:34

Nervous shock, effect of on liability, § 10:6

THIN-SKULL RULE

See also proximate cause/remoteness of damage

Generally, § 16:34

THIRD PARTIES

See also defendants; plaintiffs Foreseeability, § 19:42

THIRD PARTIES—Cont'd

Occupiers' liability for acts of, § 21:12, § 21:15, § 21:16, § 21:24

Relational economic loss, and, § 19:21

THIRD PARTY

As object of defendant's act, § 10:2, § 10:13

Representation relating to, § 5:8

THREATS

See assault and battery; intimidation; nervous shock; nuisance

Assertion of legal right as, § 13:8

Compliance with, § 13:10

Conduct, by, § 13:8

In furtherance of improper purpose, § 1:8

What constitutes, § 13:8

THREE-PARTY INTIMIDATION

Generally, § 13:11

TICKETS, LIMITATIONS OF LIABILITY IN

See disclaimers

TORT

Definition, § 15A:1

Family violence, § 27:37

Nature of, see nature of tort

TORT AS UNLAWFUL MEANS

Generally, § 3:10

TORT INJURY TO ECONOMIC INTERESTS

See interference with economic interests

TORT LAW

Charter of Rights and Freedoms, general effect on, § 15A:4

Constitutional context, § 15A:3

Purposes of

generally, § 15A:5

compensation, § 15A:6

deterrence, § 15A:6

justice, § 15A:7

ombudsman, § 15A:8

Sources of, § 15A:2

Theories of, § 15A:8

TORTS, DEVELOPING

See developing torts

TRADE, LIABILITY FOR DISPARAGEMENT OF PLAINTIFF'S REPUTATION IN Generally, § 6:7 TRADE LIBEL See injurious falsehood

TRADER

Definition, § 22:1
Reputation or goodwill
class, of, § 22:13
group, of, § 22:1
separate, of, § 22:13
unestablished, of, § 22:13

TRADE SECRETS

Breach of confidence, § 27:16, § 27:17

TRADE UNIONS

Generally, § 32:54
Defamation, § 6:83
Liability of
conspiracy, for, § 3:14
interference with contractual relations,
for, § 8:18
see also picketing; strikes
Status of, § 3:14
Statutory protection for acts of
Criminal Code, under, § 3:2
labour legislation, under, § 3:2, § 3:10

TRANSFERRED INTENT

Generally, § 2:7

TREES

Generally, § 26:6 Conversion of, § 4:8

TRESPASS

Generally, § 2:1
Ab initio, § 26:10
Actionable per se, § 26:1, § 26:2, § 26:11
Air space, to, § 26:6
Definition, § 26:1
Forcible entry, § 26:6
On the case, § 26:1
Relation, by, § 26:7, § 26:14
Writ of, § 26:1

TRESPASSERS

Expulsion of as defence to assault or battery, § 2:15

TRESPASSERS—Cont'd

Occupiers' liability for injuries to, see occupiers' liability

TRESPASS TO CHATTELS

Accelerated depreciation, damages for, § 25:12

Actual possession, requirement of, § 25:8
Bailiffs, defences of, § 25:11
Betterment, effect of on damages for,
§ 25:12

Compensatory damages for, § 25:12 Computer data, § 25:6, § 25:9 Consent, defence of, § 25:11

Constructive possession, § 25:8

Contact, necessity for, § 25:9

Conversion, distinguished from, § 4:2, § 4:25, § 25:4

Criminal proceedings
effect of on civil action, § 25:6
effect of on punitive damages, § 25:6,
§ 25:13

evidence of, § 25:6 Cyber-trespass, § 25:9

Damage, necessity for, § 25:10

Damages

compensatory, § 25:12 nominal, § 25:10 punitive, § 25:6, § 25:13 remoteness, § 25:12 special, § 25:12

Defences, § 25:11 inevitable accident, § 25:11 legal justification, § 25:11 mistake, § 25:11 permission, § 25:11

Detinue, distinguished from, § 25:2, § 25:3

Direct interference as basis of action, § 25:7 forms of, § 25:9 Execution

defences relating to, § 25:11 History of, § 25:1, § 25:2

Independent contractor, liability for acts of, § 25:15

Inevitable accident, defence of, § 25:11 Intention, requirement of, § 25:7, § 25:9 Legal justification, defence of, § 25:11 Limitation periods, § 25:16

Measure of damages, § 25:12

TRESPASS TO CHATTELS—Cont'd	TRESPASS TO LAND—Cont'd
Mischief, § 25:6	Defences—Cont'd
Mistake, defence of, § 25:9, § 25:11	consent, § 26:9, § 26:10
Nature of action, § 25:1, § 25:2, § 25:7	Indian band member, § 26:8
Negligent trespass, § 25:7, § 25:9,	leave and licence, § 26:9
§ 25:12	mistake, § 26:8
Nominal damages, § 25:10	operation of law, justification by
Onus of proof, § 25:7	authority by law, § 26:10
direct interference, § 25:7	burden of proof, § 26:1, § 26:10
intention or negligence, § 25:7	general, § 26:8, § 26:10
Ownership of goods, § 25:8	goods, recovery of stolen, § 26:10
Parties, § 25:14, § 25:15	hunting licence, § 26:10
Possession	necessity, § 26:10
forms of, § 25:8	reserve land, § 26:8
interference with as basis of action,	statutory authority, § 26:10
§ 25:7, § 25:14	volunteer, mere, § 26:10
prerequisite to action, as, § 25:8,	statutory, § 26:8, § 26:10
§ 25:14	title, older or better, § 26:8
temporary right to, sufficiency of,	Distinguished from
§ 25:8	nuisance, § 26:2
Punitive damages, § 25:13	
Replevin, § 25:5	statutory offences, § 26:4
Sheriff, defences of, § 25:11	strict liability, § 26:3
Statutory authority, defence of, § 25:11	Elements, generally, § 26:5
Trover, § 25:1, § 25:2	Entry or contact with land, § 26:6
TRESPASS TO LAND	Expropriation, wrongful, § 26:6, § 26:10
	§ 26:11
Air space, to, § 26:2, § 26:6	Fact, in, § 26:7
Conduct constituting trespass, § 26:6	First Nations land, § 26:8, § 26:14 to
Continuing trespass, § 26:6, § 26:11,	§ 26:16
§ 26:16	Forcible entry, § 26:6
Damage, proof of, § 26:1, § 26:2	failure to leave, § 26:6
Damages	forms of action, § 26:1
compensatory, § 26:11	general, § 26:5
business property, § 26:11	Hunting licence, § 26:10
continuing trespass, § 26:6, § 26:11,	Immediate right of, § 26:7
§ 26:16	Injunctions, § 26:13
dispossession, for, § 26:11	Intention, § 26:5
forcible entry and, § 26:6	Interference, direct, § 26:2, § 26:3,
general, § 26:11	§ 26:5, § 26:6
measure of, § 26:11	Law, in, § 26:7
mitigation, § 26:11	Legal title and, § 26:7
nominal, § 26:11	Limitation period, see practice
void expropriation, § 26:11	Mesne profits, § 26:11, § 26:16
nominal, § 26:11	Mineral tenure, § 26:7
punitive, § 26:12	Nature of, § 26:1
special, § 26:11, § 26:16	Nuisance, distinguished from, § 26:2
mesne profits, § 26:11 , § 26:16	Occupier, of mere, § 26:7
Defences	Onus, reverse, § 26:1, § 26:8, § 26:10
adverse possession. § 26:8	Ouster of co-owner. § 26:14

TRESPASS TO LAND—Cont'd	TRESPASS TO LAND—Cont'd
Parties	Trespass—Cont'd
defendants	definition, § 26:1
employer, § 26:15	forcible entry, § 26:6
Indian band member, § 26:15	on the case, § 32:2
joint trespassers, § 26:15	relation by, § 26:7, § 26:14
mortgagee, § 26:15	use, mere, § 26:7
plaintiffs	writ of, § 26:1
beneficiary, § 26:14	TRESPASS TO THE PERSON
co-owner, § 26:14	See assault and battery; false imprison-
grantee, § 26:14	ment
Indian band, § 26:14	Generally, § 16:1, § 16:4
licensee, § 26:14	
mortgagee, § 26:14	TRIAL
possession, person in, § 26:14	Generally, § 3:15, § 6:100, § 6:101
reversioner, § 26:14	TROVER
statutory plaintiff, § 26:14	Generally, § 4:4, § 25:1, § 25:2
tenant, § 26:14	
trustee, § 26:14	TRUE INNUENDO
Possession, Crown land, of, § 26:7	See defamation
Practice	TRUTH OF WORDS
jurisdiction	Complete defence, § 6:27
Federal Court, § 26:16	Imputations, § 6:27
First Nations, § 26:16	Multiple allegations, § 6:27
limitation period	Onus on defendant, § 6:27
Alberta, § 26:16	Presumption of falsity, § 6:26
British Columbia, § 26:16	Repetition of slander, § 6:27
continuing trespass, for, § 26:16	Statements of opinion, § 6:27
estoppel and, § 26:16	Subsequent facts, § 6:27
First Nations, § 26:16	Trust of substance, § 6:27
Manitoba, § 26:16	Unchastity, § 6:9
provinces, other, § 26:16	Officiality, § 0.9
pleading	TWO-PARTY INTIMIDATION
mesne profits, § 26:16	Breach of contract, effect of, § 13:8
Related actions	Definition, § 13:6, § 13:11
nuisance, § 26:2	ULTRA VIRES ACTION
statutory offences, § 26:4	See misfeasance in public office
strict liability: Rylands v. Fletcher,	
§ 26:3	UNAWARENESS OF INJURIES,
Rylands v. Fletcher, § 26:3	EFFECT OF ON DAMAGE AWARD
Statutory offences, distinguished from,	Generally, § 30:18
§ 26:4	UNAWARE PLAINTIFF
Strict liability, distinguished from, § 26:3	
Sufficiency of, § 26:7	False imprisonment, effect on liability for, § 7:14
Trees, to, § 26:6	
Trespass	Non-pecuniary damages, effect of on award for, § 30:18
ab initio, § 26:10	awaiu 101, 3 30.10
actionable per se, § 26:1, § 26:2, § 26:11	UNBORN CHILDREN, RIGHT OF ACTION OF
air space, § 26:1	Pre-natal injuries, for, § 16:26, § 32:43

UNCHASTITY, LIABILITY FOR IMPUTATION OF

Generally, § 6:9

UNDERTAKING AS TO DAMAGES AS CONDITION OF INJUNCTIVE RELIEF

Generally, § 31:12

UNEMPLOYMENT INSURANCE BENEFITS, EFFECT OF ON DAMAGE AWARD

Generally, § 30:62

UNFAIR COMPETITION

See passing off

UNINCORPORATED ASSOCIATIONS

Capacity to sue, § 32:54, § 32:55
Definition, § 32:54
Political parties, § 32:56
Tortious liability of, § 32:56

UNIONS

See picketing; strikes; trade unions Liability of, § 8:18

UNJUST ENRICHMENT

See waiver of tort

UNLAWFUL ACTS

Breach of contract as, § 13:8
Defined, § 13:8
Labour legislation, breach of, § 13:8

UNLAWFUL INTERFERENCE WITH ECONOMIC INTERESTS

See interference with economic interests Generally, § 13:4

UNLAWFUL MEANS

Effect of, § 3:8, § 3:10 Elements of action, § 3:5, § 3:15 Mistake of fact as defence, § 3:10 Mistake of law as defence, § 3:10 Tort as, § 3:1, § 3:7, § 3:15 What constitutes, § 3:7, § 3:15

UNLAWFUL MEANS TORT

See interference with economic interests

UNREASONABLE RISK, TAKING

Generally, § 16:14
Burden of precautions, § 16:17
Likelihood of injury, § 16:15
Seriousness of anticipated harm, § 16:16

UNREASONABLE RISK, TAKING —Cont'd

Social importance, § 16:18

UNUSUAL DANGERS, OCCUPIERS' LIABILITY FOR

Generally, § 21:16, § 21:18, § 21:22

USED GOODS

Damages for, § 30:95 Liability for selling of as new goods, § 22:14

VALIDITY OF CONTRACT

Generally, § 8:7

VALUATION OF CHATTEL IN ACTION FOR CONVERSION OR DETINUE

Generally, § 4:20

VALUATION OF PROPERTY

See damages; property loss or damage, damages

VENUE, CHANGE IN

Generally, § 6:99

VEXATIOUS PROCEEDINGS

Generally, § 1:4

VICARIOUS LIABILITY

See also sexual abuse
Nature of vicarious liability
Generally, § 29A:1
Policy considerations, § 29A:1
Traditional test, § 29A:1
Related actions

A more modern approach, § 29A:12
Independent contractors, § 29A:3
Non-delegable duty, § 29A:4
Parent liability for children, § 29A:5
Principles and agents, § 29A:2
The act done, § 29A:14
The strong connection, § 29A:13
Vicarious liability between employer/employee, § 29A:6

Course of employment, § 29A:8 Employee of two employers, § 29A:9

Employer's indemnity, § 29A:11 Employer's liability for punitive damages, § 29A:10

VICARIOUS LIABILITY—Cont'd

Related actions—Cont'd
Vicarious liability between employer/
employee, § 29A:6—Cont'd
Who is an employee, § 29A:7
Control test, § 29A:7
The four-fold test, § 29A:7
The organization test, § 29A:7

VIOLATION OF PRIVACY

See privacy

VIS MAJOR

See act of God

VOICE

Liability for unauthorized use of in advertising or promotion, see appropriation of personality

VOID CONTRACT, EFFECT OF

Generally, § 8:7

VOLUNTARY ASSUMPTION OF RISK

See defences, statutory
Occupiers' liability, as defence to,
§ 21:28, § 21:29
Pleading of, § 16:52

Products liability, as defence to, § 23:18

VOLUNTARY SERVICES OF THIRD PARTIES, RECOVERY OF DAMAGES FOR

Generally, § 30:26

VOLUNTEER, LIABILITY OF FOR FORCIBLE ENTRY

Generally, § 26:10

WAIVER OF TORT

Advantages of
limitation periods, avoidance of,
§ 31:22
recovery of amount exceeding
plaintiff's loss, § 31:22
tracing property, avoidance of, § 31:22
Appropriation of personality, § 31:21
Assault, § 31:21
Availability
loss by plaintiff, requirement for,
§ 31:19

§ 31:19 proof of tort, § 31:18

specific torts, in respect of, § 31:21 unjust enrichment, necessity for, § 31:17, § 31:19

WAIVER OF TORT—Cont'd

Confidentiality, breach of, § 31:21 Conflict of laws, § 31:22

Conversion or detinue, § 4:6, § 31:21

Deceit, § 31:21

Definition, § 31:17

Election of, § 31:20

History, § 31:17

Nature of, § 31:17

Quantification of recovery under loss of plaintiff, relevance of, § 31:19 profits, accounting for, § 31:19

property, fair market value of, § 31:19

Remedies available by, § 31:17

Restitution, § 31:17, § 31:18, § 31:20

Scope of recovery under, § 31:19

Trespass, § 31:21

Unjust enrichment

as ground for waiver, § 31:17

necessity for, § 31:17, § 31:19

quantification of, § 31:19 saving of expense as, § 31:19

what constitutes, § 31:19

WARNING

Children, to, § 23:11

"Dangerous" products, in respect of, § 23:11

Duty to provide, § 23:11, § 23:16

Duty to provide in respect of defective products, see products liability

Effect of on liability of occupier, § 21:23, § 21:31

Labelling, § 23:11

Scope of duty to warn

adequacy, § 23:10, § 23:11

confirmation warning followed, § 23:11

explicitness required, § 23:11

foreseeable danger, § 23:11

learned intermediary rule, § 23:11

liability despite warning, § 23:11

medical products, § 23:11

time duty to warn arises, § 23:13 where warning unnecessary, § 23:11

WARRANTY, PRODUCTS LIABILITY AND

Generally, § 23:3

WELFARE BENEFITS, EFFECT OF ON DAMAGE AWARD

Generally, § 30:62, § 30:92

WIFE

See also consortium

Damages for loss of
guidance, care and companionship,
§ 30:77
homemaker, § 30:78, § 30:79

Interspousal immunity, § 29:24, § 32:60, § 32:61

"WILKINSON PRINCIPLE"

Privacy interest protected by, § 27:2

WIRETAPPING, LIABILITY FOR Generally, § 27:2, § 27:7, § 27:10

WITHDRAWAL OF INFORMATION, EFFECT OF

Generally, § 15:7, § 15:8

Generally, § 6:29, § 6:33

§ 15:16

WITHHOLDING POSSESSION

Generally, § 4:10

WITNESSES

Assistance in location of as maintenance and champerty, § 14:2, § 14:3

Defamation, absolute privilege of for administrative proceedings, in, § 6:30 judicial proceedings, in, § 6:29, § 6:33

Liability of false imprisonment, for, § 7:10 malicious prosecution, for, § 15:7,

WITNESSES-Cont'd

Location of, § 14:2, § 14:3

WITNESS IMMUNITY

Generally, § 1:9 Conspiracy, § 3:10

WORDS AS ASSAULT

Generally, § 2:10

WORKER

Generally, § 32:50

WORKERS' COMPENSATION LEGISLATION

Application of, extraterritorial, § 29:58
Application to Crown, § 32:29
Board decisions, § 32:50
Effect of, § 32:50
Historical background, § 32:49
Pleading, § 32:50
Purpose, § 32:50
Scope of, § 32:48, § 32:50
Subrogation rights, § 32:50

WRIT

Trespass, of, § 26:1

WRONGFUL PROCESS OF LAW DISTINGUISHED FROM FALSE IMPRISONMENT

Generally, § 1:6, § 7:4