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REMEDIES IN TORT

Klar

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This five-volume national work provides thorough coverage of the law relating to recovery in tort actions in Canada. The first three volumes focus on specific torts while the fourth volume covers substantive and procedural issues common to all tort litigation. The first volume also includes the Master Table of Contents. The final volume includes a Table of Cases, and a comprehensive index.

What's New in This Release

This release features updates to Chapters 2, 3, 16, 20, 21, 23, 27, 29A, and 30.

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Highlights

Chapter 2 – Assault and Battery – IV. Remedies – § 2:22 Compensatory Damages – In *Schuetze v. Pyper*, 2021 BCSC 2209, 2021 CarswellBC 3860, the plaintiff was the ex-spouse of the defendant, and during the marriage the plaintiff was subjected to a serious physical assault by the defendant that resulted in sustained injuries. The defendant received an absolute discharge in respect of the criminal charges however the plaintiff had played no role in the construction of the Agreed Statement of Facts, contrary to the proceeding. After a detailed review of the facts surrounding the incident, the trial judge concluded that the plaintiff had suffered a serious battery at the hands of her husband and awarded non-pecuniary damages in the amount of \$100,000 as well as loss of costs of future care in the amount of \$22,000.00, lost income in the amount of \$239,000, and future earning capacity in the amount of \$450,000.00.

Chapter 16 – Negligence (General) – II. Standard of Care, 2. Unreasonable Risk – § 16:18 Social Importance – In *Mackie v. Drewes*, 2025 ABCA 218, 2025 CarswellAlta 1384, a guest at a cottage deliberately loaded and discharged a rifle at the other guests. The owner of the rifle did not breach the standard of care associated with the handling and operation of the rifle. The fact that the individual causing the harm intentionally fired the weapon, while the owner had specifically unloaded the gun and left it in a location where it was not susceptible to accidental discharge. A reasonable person would not have anticipated the individual's criminal act.

Chapter 20 – Nuisance – IV. Remedies – § 20:20 Injunctions – In *Lupuliak v. Condominium Plan No 8211689*, 2022 ABQB 65, 2022 CarswellAlta 249, a plaintiff in condominium installed a smart doorbell on her front door facing the condominium common areas. The smart doorbell was motion-sensitive and could record audio and video which made recordings of neighbours' actions. The condominium corporation required that the plaintiff remove the doorbell as she did not secure prior approval for installation as per condominium by-laws. The plaintiff sought injunction preventing removal and defendants seek injunction removing the doorbell. The surveillance of other owner's actions and the use of video by the plaintiff to lodge complaints against the owners validates the owner's concerns, and the defendants' injunction was granted.