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THE LAW OF DAMAGES S.M. Waddams Release No. 1, December 2025

What's New in this Update:

Defamation Damages — In *James Bay Resources Limited v. Mak Mera Nigeria Limited*, 2025 ONCA 448, 2025 CarswellOnt 10017, the Ontario Court of Appeal held that it was an error to award substantial damages to a corporation that had been defamed absent admissible evidence of harm or impact.

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Punitive Damages — In *Chung v. Chung*, 2025 BCCA 136, 2025 CarswellBC 1275, the British Columbia Court of Appeal held that it was an error not to award punitive damages against the respondent notwithstanding findings that the respondent had breached his fiduciary duties of loyalty and trust and took active steps to conceal that conduct for years. The British Columbia Court of Appeal held that these findings at trial “in their cumulative effect rationally required an award for punitive damages.”

Privacy Law — In *Insurance Corporation of British Columbia v. Ari*, 2025 BCCA 131, 2025 CarswellBC 1206, the British Columbia Court of Appeal has confirmed that wherever privacy rights are violated, there is a loss to the plaintiff, regardless of whether the plaintiff is ever made aware of the violation.