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CANADIAN DEFAMATION LAW AND PRACTICE Pepper & Morritt Release No. 2026-1, September 2026
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This book is designed to provide an overview of the Canadian law of defamation and a practice guide for lawyers advising on defamation issues or engaged in prosecuting or defending defamation actions. It will also assist in-house counsel in recognizing areas of concern and help editors and others involved in the communications, advertising and media fields avoid publishing defamatory material. It is an extremely practical guide to the area providing an overview of the law, practice tips and precedents. Topics covered include: the plaintiff and defendant, defences, remedies, defamation and the internet, defamation and the charter, and more.

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What's New in This Update:

This release features updates to Appendix C. Defamation Quantum Table and Appendix WP. Words and Phrases.

Highlights:

- **APPENDIX C. DEFAMATION QUANTUM TABLE—INTERNET—*Terris v. Meisner*, 2025 CarswellNS 196, 2025 NSSC 84, 2025 A.C.W.S. 1139**—Defendant's intellectually disabled adult son ("patient") lived in unit within hospital where plaintiff night nurse worked part-time—Night shifts were understaffed—Patient, who had violent and unpredictable behaviour, wore helmet to prevent injury from head banging—Patient had incident of head slamming in middle of night, throwing feces at door and at security guards, and had to be restrained in chair—Towel was placed over patient's face after he spit blood—Media picked up incident and alleged patient's head was covered with pillow case—Posts appeared on social media—Defendant maintained that plaintiff was abusive to her son—Plaintiff, forbidden to discuss patient's care with third parties, was unable to defend herself—Plaintiff brought action in defamation—Action allowed—To constitute defamation, statements had to be published, refer to plaintiff, and tend to lower plaintiff's reputation in eyes of reasonable person—It was not necessary for plaintiff to be referred to by name—Defendant's intent did not afford her defence—Towel, rather than pillowcase, was placed on helmet to protect staff from patient's bodily fluids in circumstances where they had no protective equipment—Defendant was liable in defamation in relation to social media posts about plaintiff—Plaintiff was defamed, called "paedophile", and labelled "abuser" of vulnerable person in her care when there was no evidence of mistreatment—Events caused plaintiff anguish and suffering, and harmed her reputation—Defendant refused to apologise or even acknowledge actions were unfair and harmed plaintiff—Plaintiff was entitled to general damages of \$60,000.
- **APPENDIX WP. WORDS AND PHRASES—YUKON**—Although we are not without sympathy for [the plaintiff] for the position he has found himself in, in our view what s. 14(1) [of the *Defamation Act*, S.Y. 2002, c. 52] clearly requires is that notice be given the person complaining of defamation intends to bring a court action or court proceeding based on the alleged defamation. The word "action" refers to a court action or court proceeding and this is clear from the *Defamation Act* as a whole, notwithstanding that the word "action" is not specifically defined in that Act. *Sidhu v. CBC North* (2014), 2014