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DAMAGES FOR PERSONAL INJURY AND DEATH — DIGEST SERVICE

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Release No. 6, July 2026

This service provides the most comprehensive and up-to-date collection of court decisions in which damages for personal injury or death have been awarded. It keeps subscribers abreast of the latest quantum of damages judgments and provides a wealth of cases upon which the researcher may draw.

What's New in this Update

This release features new and updated case digests in the following sections: § 3 Very Severe Brain Damage, § 8 Brain and Skull, § 16B Scars and Lacerations: Torso and Limbs, § 18 Dermatitis and Other Skin Complications, § 24 Neck, § 26 Whiplash, § 27 Shoulder and Collar Bone, § 28 Back, § 28A Lower Back, § 34 Reproductive Organs, § 46 Knee, § 47 Lower Leg, § 52 Pre-Existing Disability or Condition, § 53 Traumatic Neurosis, § 53A Depression, § 53B Chronic Pain Syndrome, § 55 Other Cases and § 69 Sexual Offences.

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Case Law Highlights

Plaintiff, a theatre school director, suffered injuries as a result of sexual assault and sexual harassment occurring between 1987 and 1990. She was in her thirties at the time. Plaintiff was hired as artistic director for a section of the comedy festival that defendant founded. He invited to a party at his home. There he grabbed her by the elbow and told her he had something to show her. Defendant took plaintiff to the woods near his home, pushed her to the ground, and raped her. On another occasion, defendant grabbed plaintiff's breasts. There was a second incident of rape when defendant showed up at plaintiff's home. She suffered depression and hypervigilance. For about 29 years, plaintiff suffered from insomnia, dizziness, panic attacks, shame and a loss of confidence. About 30 years after the incidents, plaintiff joined a group of women who had also been sexually assaulted by defendant. She was diagnosed with PTSD in 2017. The group's denunciation brought her some relief. Chantal Tremblay J.C.S. awarded plaintiff non-pecuniary damages of \$85,000 and punitive damages of \$25,000.

Tulasne c. Rozon, 2026 CarswellQue 3608 (C.S. Que.)

Plaintiff, aged 7, suffered injuries when she was struck by a vehicle while in a marked crosswalk. Plaintiff suffered a very significant traumatic brain injury. The physiology of the injury was described by experts at trial as a diffuse axonal injury, which means that the impact of the injury was widespread in the brain, and the nature of the injury was to damage nerve cells in the brain, which results in temporary or permanent impairment of their ability to properly conduct nerve signals. Such an injury has the potential to affect many areas of a person's functioning. Plaintiff reported headaches, fatigue, depression, memory difficulties, and cognitive difficulties. Plaintiff's situation was made more difficult because of a family and cultural dynamic that had her parents seeming to frown upon or denying her symptoms of depression and allegedly denying that she had a brain injury for several years after the collision, as well as feeling shame due to plaintiff's limited achievements after her injury. Plaintiff described self-harm in the form of cutting, which had been an ongoing issue for several years. She twice attempted suicide, once by jumping from a balcony and once by consuming too many of her antidepressant pill. Both attempts were made following a big fight with her mother. Plaintiff also described suffering an ongoing eating disorder. It was clear from the evidence that plaintiff lost enjoyment of life and experienced a high degree of pain and suffering as a result of the collision. She struggled throughout her childhood as a result. Her depression, anxiety, disordered eating, and ADHD were caused or exacerbated by the collision, and caused plaintiff stress, discomfort, frustration, and lack of life satisfaction in the 10 years since the collision. She was psychologically and emotionally dysfunctional and continued to experience the physical effects of her injury including fatigue and headaches. Her ability to succeed academically, despite accommodations, was limited. This would impair her ability to succeed professionally as well, impacting her future earning capacity. E. Sigurdson J. awarded plaintiff general damages in the amount of \$350,000, as well as \$1,250,000 for loss of future earning capacity, and \$2,000,000 for cost of future care.

H.D. v. North Vancouver (District), 2026 CarswellBC 274 (B.C. S.C.)