**Intentional Torts**

* A tort is a harm for which the law provides a “civil remedy”
* Something someone else does that you can sue them for
* Actions that cause intentional injury to another person or their property
* Often these are also crimes
* The harmed person can sue, apart from any criminal proceedings

Types of Intentional Torts

* Interference with the person
  + Assault
  + Battery
  + False imprisonment
  + Malicious prosecution
  + Intentional infliction of nervous shock
  + Invasion of privacy
* Interference with property
  + Trespass to land
  + Nuisance
  + Trespass to chattels

Assault

* Words or actions that case a *reasonable* belief that the person intends to case imminent harm
* Belief must be genuine
* Belief must be reasonable
* Can sue even if no harm is caused

Battery

* Intentional harmful or offensive contact with another person without their consent
* Sub-categories
  + Sexual abuse (ex. FH v. McDougall 2008, p446)
  + Medical battery
    - Emergency consent

False Imprisonment

* Detaining a person without consent or legal authority
* Most commonly occurs in store arrest cases

Malicious Prosecution

* Charged with a crime with no reasonable grounds
* Motive must be malice or a desire to harm
* Criminal proceedings must be resolved in the defendants favour
* Defendant must have suffered damages

Intentional Infliction of Nervous Shock\*

* Deliberately shocking someone through words or actions
* Shock causes victim to suffer mental or physical harm
* Wilkinson v. Downton 1897, p448

Invasion of Privacy

* Filming or observing someone without their consent in a place where they have a reasonable expectation of privacy
* Does not apply to public places
* Does apply to homes and washrooms
* Governed by the *Privacy Act* in BC
* LAM v. JELI 2008, p449

Interference with Property:

-Trespass to land

* Intentionally entering onto another person’s land
  + Without permission
  + Without legal authority
* OR staying after being asked to leave

Nuisance

* Unreasonable interfering with another person;s right to “enjoyment of their property”
* Must be more than transitory

Trespass to chattels\*

* Intentionally interfering with someone’s private property (ex. possessions)
* If deprived of it, even temporarily, it becomes conversion (tort equivalent of theft)

Defences to Torts

* Very similar to criminal law
* Defences to interference with the person
  + Consent
  + Self defence
  + Defence of a third party
  + Legal authority
* Defences to interference with property
  + Consent
  + Legal authority
  + Statutory authority (with respect to nuisance)

Defamation of Character

* Defamation means injuring a person’s reputation of “good name” by spreading untrue and damaging information about them
* Two types
  + Slander
    - Defaming someone through oral statements or gestures
  + Libel
    - Defamation in permanent form - usually in writing

Defences to Defamation

* Truth
* Fair comment
  + Personal opinion on a matter of public interest
  + Must be fair
  + Must be made without malice

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