



Condo Owner Defamation - Emails and the Internet

By Denise Lash on November 26, 2010



For some reason, condo people feel that there are different standards for making statements on-line versus written communication. Never before have we had so many cases of board members and unit owners alleging defamation because of some harmful comments made through email or a posting somewhere on the web.

I guess people tend to think, before putting pen to paper, but not when using facebook or sending an email blast.

Board members and condo residents should be extremely careful before posting anything on the internet or sending out emails to other residents or individuals.

A recent case decision of the B.C. Court of Appeal, Best v. Weatherall, (2010) is an example of what happens when an email is sent containing damaging information about an email. This case was about a rude, insulting and unfair email which called someone an idiot for opposing a proposed tennis bubble.

In August 2005, the residents of Salt Spring Island became involved in a public debate over the use of public funds to build a tennis bubble on the Island.

The Plaintiff, Mike Best and others, arranged a public meeting to discuss this matter, The defendant, Rick Weatherall, then sent an email, highly critical of Mr. Best to a number of people. As a result of this email, Mr. Best commenced a defamation action against Mr. Weatherall.

The trial judge found the email to be rude, insulting and beyond merely abusive, but dismissed the action because he was of the view given how public issues were debated on the Island that "right thinking members of the community would not form a negative opinion of Mr. Best."

The Court of Appeal, however, disagreed and found that the email was defamatory and that Mr. Weatherall intentionally attacked Mr. Best's reputation publicly to serve his own ends and did not apologize.



Condo Reporter

Heenan Blaikie

A proper damages award is necessary to both vindicate Mr. Best's reputation and as a consolation for his hurt feelings.

It is easy to see how this decision could be applied to condominium corporations and the numerous emails, postings on facebook, twitter and websites which could give rise to defamation lawsuits.

There are those that may think that they will never be traced and may choose to post something "anonymously", assuming that they are somehow protected from liability if they make a defamatory statement. However, court orders can be obtained to get the names of individuals posting defamatory statements, so anyone posting should know that they are leaving themselves open to a potential claim.

The articles and comments contained in this publication provide general information only. They should not be regarded or relied upon as legal advice or opinions. © Heenan Blaikie LLP.