

CITATION: Hadjor v. Sault Ste. Marie Chamber of Commerce, 2011 ONCA 811
DATE: 20111220
DOCKET: C52748

COURT OF APPEAL FOR ONTARIO

Sharpe and Epstein JJ.A. and Pardu J. (*ad hoc*)

BETWEEN

T. Kofi Hadjor

Appellant (Plaintiff)

and

The Sault Ste. Marie Chamber of Commerce,
The Sault Ste. Marie Police Services Board,
Monique Rollin, David Helwig, and
The *Soo Today.com*

Respondents (Defendants)

Osborne G. Barnwell, for the appellant

Brian L. DeLorenzi, for the respondents David Helwig and The Soo Today.com

John C. Walker, for the respondents The Sault Ste. Marie Police Services Board and
Monique Rollin

Heard & released orally: December 7, 2011

On appeal from the order of Justice Edward J. Koke of the Superior Court of Justice
dated September 10, 2010.

ENDORSEMENT

[1] The appellant raises three grounds of appeal from the dismissal of his defamation claim following a jury trial.

1. the jury's verdict was perverse and unreasonable;
2. there were errors of law relating to qualified privilege, responsible communication and fair comment; and
3. the trial judge's charge to the jury was unbalanced and factually flawed.

[2] We see no merit in the argument that the verdict was perverse. There was ample evidence to support each of the jury's answers to the questions put.

[3] Nor do we agree that the trial judge erred in law in leaving the defences of qualified privilege, responsible communication and fair comment with the jury in the circumstances of this case. There was a sound basis in law to put each of these defences to the jury. The trial judge left with the jury the factual issues that had to be decided in relation to each of these defences and, as we have indicated, there was a basis in the evidence for the jury's answer to each question.

[4] Finally, we do not agree that the trial judge's charge was otherwise unfair, unbalanced or factually inaccurate. The trial judge properly explained to the jury that the factual issues were theirs to decide and in our view, he did not treat any of the evidence improperly or unfairly.

[5] Accordingly, the appeal is dismissed with costs to each set of respondents in this court fixed at \$10,000 inclusive of disbursements and HST.

“Robert J. Sharpe J.A.”
“G.J. Epstein J.A.”
“G. Pardu J. (*ad hoc*)”