Intentional Torts

* Many Intentional Torts are closely linked with Criminal Acts
* The actions must be intentional
* An IT has to cause injury to someone (not just physical; possibly your reputation)
* The burden of proof is different than in Criminal Law
* It is on “A Balance of Probabilities”, meaning who is more believable

Intentional Interference with the Person

Assault: the plaintiff must prove that the defendant threatened imminent harm and that the threat was genuine and could have been carried out

Battery: a person can sue for battery for intentionally touching someone without their consent. Touching does not have to injure someone but it has to offend the person in some way

Sexual Assault: survivors of sexual assault, spousal abuse, incest can seek compensation i.e. residential schools in Canada

Medical Battery: a doctor must obtain a patient’s consent before carrying out a medical procedure. If it is not explained, performs a different procedure, or obtain consent through fraud it is MB

Wrongful Imprisonment: someone confines you without legal justification and against your will and you cannot escape

Malicious Prosecution: occurs when individuals abuse the process of the courts by allowing proceedings to be brought or continued even though they know that the prosecution is wrong.

In order to constitute malicious prosecution the following conditions must occur:

* Someone has to be charged with a crime when there are no reasonable grounds for the charge
* The individual instigating or continuing the proceedings must be motivated by malice (the desire to harm another).
* The proceedings against the defendant must be resolved in the defendants favour
* The defendant suffers damages as a result of the wrongful proceedings

Nervous Shock and Mental Suffering: deliberately shocking another person or acts in a way that causes a person mental anguish resulting in emotional stress and illness.

The conduct must be extreme and intentional, and the victim must be able to prove the he/she suffered harm (mental/physical) as a result of that conduct.

Invasion of Privacy: the illegal invasion of someone’s privacy

Intentional Interference with Property:

You should be able to enjoy your property and possessions without interruptions or disturbances. Interference occurs if someone enters your premises without permission, plays loud music, or creates constant noise, or uses items that belong to you.

Trespass to Land: anyone who intentionally enters your property without permission or legal authority is committing the tort of trespass. No damage is necessary. You are allowed to use reasonable force to remove someone you have asked to leave and does not.

Nuisance: loud noises, irritating fumes or smells and barking dogs are examples or nuisance. If it is one time or occasional, you would have to show damage to be successful. If it is often and chronic, you don’t have to show damage. Rather, you must simply show just an unreasonable interference.

Trespass to Chattels: chattels are moveable property. People who intentionally interfere with someone’s chattels have trespassed. You do not have to damage the chattel.

Conversion: is the civil equivalent of theft. If it is taken and not returned, you can sue for the tort of conversion. If it is a minor theft that is returned, it might just be a trespass.