Cope v Hill (2007):

Dr. Grant Hill and his wife purchased three quarter sections of land (194.1 hectares) from John Cope. Cope had farmed the land for many years. After his brother’s death in 1992, Cope had sold some land to neighbours and in 1996 he made the sale to the Hills. The agreement provided Cope with a substantial down payment, with the balance to be paid over the next ten years, interest-free. The purchase price was based on a three-year-old appraisal that Cope obtained prior to any discussion with the Hills. As part of the agreement, Cope was allowed to rent the land for the next ten years, paying the amount of the land taxes as rent. This would allow Cope to farm for ten more years, by which time he would be seventy-five years old and ready to quit farming. Also, at this time, Cope would receive old age assistance benefits from the government.

Shortly after the sale, Cope expressed concern that he hadn’t wanted to sell all three quarter sections. As a result, one quarter section (64.7 hectares) was transferred back to Cope and the price was adjusted accordingly. Cope was represented by his own legal counsel for both the original transaction and for the second transaction. In 2002, Cope filed a claim against the Hills, claiming that he had made a “bad deal” because he was subject to undue influence by Dr. Hill. The Court found that there was no undue influence, and this decision was upheld by the Court of Appeal. The appeal court noted the following about the original judgement:

While the trial Judge determined that the price was perhaps on the law side and below appraised value, the benefits of a practically rent-free lease made the overall transaction not unconscionable. The trail Judge also considered Cope’s state of health, and determined that although he was depressed and anxious, these conditions did not prevent him from being aware of the deal he was making with the Hills.

Analysis Questions:

1. Define and explain “undue influence” and how it applies in this case.
2. What evidence might indicate a relationship of undue influence?
3. What evidence shows that there was no undue influence?
4. Do you agree with the decision in this case? Why or why not?