

Lawn mower incident leads to civil assault damages against neighbour (Frederick v. Spence)

Damages | Litigation & Dispute Resolution

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In a recent decision arising from a years-long dispute between neighbours, the trial judge commented that living near other people requires civility, which is the key to the peaceful enjoyment of properties, and that everyone has a role to play. “The fabric of our neighbourhoods is enriched when there is respect for the diversity of our neighbours, their property and their privacy”: *Frederick v. Spence*, 2026 ONSC 3167 (CanLII).

The decision resulted from a dispute between neighbours in Stouffville, Ontario, which devolved into a trial over claims of defamation, intrusion of privacy, and assault with a lawn mower.

The plaintiffs were a married same-sex interracial couple who had lived in the neighbourhood since 2012. Out of safety concerns, they had a security camera which created a “geo-fence” and sent alerts whenever someone stepped onto their property.

In 2019, the defendant couple moved next door with their children and grandmother.

The two properties shared a front lot line that was not divided by a fence or other visible markers. Snow-storage concerns prompted the plaintiffs to install a small portable front-yard fence. While one of the plaintiffs was placing the fence, his new neighbour started a lawn mower and pushed it toward him. While there was no physical contact, the incident was captured on the plaintiffs’ video camera system.

In 2020, a letter from the plaintiffs’ lawyer led the male defendant to approach the plaintiffs’ front door where he made disparaging remarks about the plaintiffs to another neighbour. This encounter was captured on video. Specifically, the defendant referred to the plaintiffs as “f*cking weasels” and told his neighbour that he too would receive a letter from the plaintiffs’ lawyer.

Further surveillance camera footage recorded by the plaintiffs showed one of the defendants’ children spitting onto the plaintiffs’ property, the grandmother briefly walking onto the plaintiffs’ driveway, and another one of the defendants’ children chasing a ball into the plaintiffs’ driveway.

Later that year, the plaintiffs commenced a civil action against their neighbours, making claims for assault, trespass, defamation, intimidation/discrimination, intrusion upon seclusion, and nuisance, among other things.

In response, the defendants denied the claims and maintained there were only minimal interactions with the plaintiffs who had misinterpreted ordinary events. After several interim non-entry orders, the action eventually went to trial for several days in 2025.

To prove the tort of assault, a plaintiff must show that the defendant intentionally caused fear of imminent contact of a harmful or offensive nature: *Barker v. Barker*, 2022 ONCA 567, at paragraphs 138, 170-171.

In this case, the trial judge accepted that the defendant had intentionally pushed the lawn mower toward one of the plaintiffs, thereby causing reasonable apprehension of imminent contact sufficient for a damages claim.

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Conversely, the acts of spitting onto the plaintiffs' property and the brief entrances by the children and grandmother were *de minimis* events, meaning too small to be meaningful for damages. These incidents, likewise, did not amount to a substantial and unreasonable interference with use and enjoyment of the plaintiffs' land sufficient to meet the threshold for actionable nuisance.

As for the defamation claim, the trial judge applied the framework from *Grant v. Torstar Corp.*, 2009 SCC 61, which requires a plaintiff to show that they were the subject of statements made from one person to another that would tend to lower their reputation in the eyes of a reasonable person.

The trial judge concluded that the defendant's statements about the plaintiffs to his neighbour were defamatory. The statement to the neighbour that he was going to get a letter from the plaintiffs' lawyer implied that the plaintiffs sent letters for no reason and implied that they were unreasonable. In the trial judge's view, when combined with the statement of "f*cking weasels", these words would lower the reputation of the plaintiffs in the eyes of the neighbour (who was off camera).

The plaintiffs tendered no expert evidence of any damages at trial. The plaintiff who had been assaulted with the lawn mower had never missed any work because of the defendants' conduct. He testified that he was not comfortable going out or seeing his neighbour but he led no opinion evidence to determine what caused his emotional state. Additionally, there was no medical evidence of any treatment by a doctor or therapist.

The trial judge accepted that the lawn mower incident destroyed the plaintiff's sense of peace and security in his house and that he had been injured as a result. The other plaintiff's claim was not established.

The trial judge then considered the appropriate award for non-pecuniary damages, which depends on the facts of each case. The trial judge noted that a plaintiff may be entitled to "fair and reasonable compensation" for damages that they sustained and will continue to sustain including for physical and mental pain and suffering, loss of amenities and enjoyment of life: *Andrews v. Grand & Toy Alberta Ltd.*, 1978 CanLII 1 (SCC), at pages 261-264.

While there was no physical contact, the defendant's intention in pushing the mower was to scare and challenge the first plaintiff and to leave him unsettled, which the court found it did. The trial judge stated that the facts of the matter were unusual and there were no comparable cases.

In the result, the court awarded a total of \$40,000 for loss of peace and enjoyment and \$10,000 in punitive damages payable by the male defendant. The damages for defamation was a nominal amount of \$2,500 to each plaintiff, given the limited publication of the defendant's words to one person and the lack of repetition. The claims against the female defendant were dismissed.

The court declined to order any permanent injunctive-relief, finding an insufficient likelihood of future wrongs and reasoning that the parties could move forward without extraordinary equitable relief. Costs have yet to be determined.

The decision shows that disputes between neighbours can attract legal consequences where conduct crosses the line into intentional intimidation or reputational harm. While the court was careful to dismiss trivial or *de minimis* incidents and limit damages in the absence of compelling evidence of loss, it nevertheless affirmed that actions designed to instill fear and derogatory statements capable of lowering reputation will attract liability. The peaceful enjoyment of property depends not only on legal boundaries, but on mutual respect, restraint, and civility between neighbours. While civil courts may act as a backstop to neighbour disputes when those standards are breached, the remedies are neither quick nor cheap, and may only aggravate the loss of peace and enjoyment. A PDF version is available for download [here](#).

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