

Outline of Important Topics – Prior to Midterm (BU-231 – Fall 2022)

1. Strict Liability Torts

a. Public Nuisance

- Interference with the lawful use of public lands; often **quasi-criminal** (some element of crime) in nature

b. Private Nuisance

- Interference with an occupier's use and enjoyment of his/her land

2. Intentional Torts

a. Assault

- (1) intentionally; (2) uttering a threat; (3) that is likely to cause a reasonable apprehension of imminent physical harm; (4) against a person or an identifiable group

b. Battery

- (1) intentionally; (2) applying unlawful force; (3) without consent

c. Trespass

- 1) Intentionally;
- 2) Entering property;
- 3) Without consent

d. Intentional Infliction of Mental Distress

- (1) The Defendant's conduct was flagrant and outrageous;
- (2) The Defendant's conduct was calculated to harm the Plaintiff; and
- (3) The Defendant's conduct caused the Plaintiff to suffer a visible and provable illness

e. False Imprisonment

- (1) Intentional;
- (2) Total confinement of a person against his or her will;
- (3) Without lawful justification

f. Malicious Prosecution

- Reporting a person to the police when there is no good reason to believe that person committed a crime
- (1) The proceeding must have been initiated by the Defendant
- (2) Terminated in favour of the Plaintiff;
- (3) Undertaken without reasonable and probable cause to commence or continue the prosecution; and
- (4) Motivated by malice or a primary purpose other than that of carrying the law into effect.

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Ian Honeysett, John Sadler, Carol Tear



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