Maintaining a Harmonious Relationship With Your Neighbours Can Prevent Class Actions!

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The Supreme Court of Canada ended a lengthy legal saga on November 20th, 2008 when it ordered St.Lawrence Cement Inc. to compensate residents of Beauport living near its cement plant. Comments on prescription, the assessment of damages and the granting of future damages.

The Supreme Court's decision was expected and will have a major impact. Indeed, this decision imposes a burden that will be almost impossible for businesses to meet. Not only must they comply with the laws and regulations, but now they must also assess the annoyances they could cause to their neighbours and, if such annoyances can be considered abnormal or excessive, they will likely have to pay the price. Businesses will have to be especially prudent, considerate and imaginative to maintain a harmonious rapport with their neighbours.

Consequently, we expect to see an increase in the number of class actions involving neighbourhood disturbances and annoyances against businesses and municipalities, which will also have to be careful in managing the development of their territory.

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