

SUPREME COURT OF NOVA SCOTIA

Citation: *Crouch v. Snell*, 2015 NSSC 340

Date: 20151210

Docket: Hfx No. 434423

Registry: Halifax

Between:

Giles W. Crouch

v.

Robert (Bruce) Snell

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Judge: The Honourable Justice Glen G. McDougall

Heard: August 25 & 27, 2015 in Halifax, Nova Scotia

Written Decision: December 10, 2015

Subject: *Cyber-safety Act*, S.N.S. 2013, c. 2; Protection Order Application pursuant to s. 5(1); Review of order pursuant to s. 13(1); Constitutional challenge based on s. 2(b) – Freedom of expression and s. 7 – Life, liberty and security of the person.

Summary: Former business partners became entangled in internet exchanges that amounted to cyber-bullying based on the definition of the conduct as set out in the *Cyber-safety Act*. A review of the impugned conduct in light of the Charter resulted in the Protection Order being declared a nullity after the legislation was deemed unconstitutional for infringing s.

2(b) and s. 7 of the *Charter*.

Issue:

1. Does the *Cyber-safety Act* infringe s. 2(b) of the *Charter*, and if so, is this infringement saved by s. 1?
2. Does the *Cyber-safety Act* infringe s. 7 of the *Charter*, and if so, is this infringement saved by s. 1?
3. If necessary, what is the appropriate remedy?

Result:

The *Cyber-safety Act* is found to be unconstitutional based on s. 2(b) and s. 7 infringements.

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