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**THIS EXAM CONSISTS OF TWO (2) PAGES (INCLUDING THIS PAGE)
PLEASE ENSURE YOU HAVE A COMPLETE PAPER**

**THE UNIVERSITY OF BRITISH COLUMBIA
PETER A ALLARD SCHOOL OF LAW**

**FALL EXAMINATION
DECEMBER 2018**

**LAW 241.002 Torts
Professor Hastie**

TOTAL MARKS: 100

YOU HAVE ONE (1) HOUR AND FIFTEEN (15) MINUTES TO COMPLETE THIS EXAM

NOTES:

1. This is an open book examination. Candidates may have with them any written material they wish. Laptops are only permitted for the use of ExamSoft.
2. If you are handwriting this exam, please write legibly on alternate lines and on only one side of each page.
3. Communication devices such as mobile phones, tablets, etc. are not permitted. Candidates are asked to ensure that their phones are turned off.
4. This examination is designed to test material covered in this course only. Do not concern yourself with sources not covered in the course materials, class discussions, or lectures.
5. Read the question carefully. Be sure you understand what you are being asked to do before you begin your answer.
6. State clearly any facts you assume in answering the questions.
7. Full citation of cases is not necessary. You may refer to cases in short form (e.g.: “Bettel”).
8. This exam will count as 20% of your final grade in this course.

THIS EXAM CONSISTS OF ONE (1) QUESTION

Question 1

Dru recently moved next door to Scarlet in Vancouver, BC. Scarlet and Dru are long-time arch-enemies. Scarlet disliked having Dru as a neighbour, and decided to launch a campaign of “terror” to force him from the neighbourhood!

Scarlet installed motion sensor detectors on her own property that light up when movement is detected, and trained the lights in the direction of Dru’s property. Scarlet used high-wattage bulbs which cast a very bright light onto Dru’s property and directly through the windows of his house. A family of raccoons living at the edge of Scarlet’s property often set off the motion sensor lights in the middle of the night.

Scarlet had her minions knock on Dru’s front door and ring the doorbell in the middle of the night and then run away. She would call Dru’s main landline at his house (which had a very loud ringer) at all hours and hang up when he answered. This went on for two months. None of this bothered Dru, who knew what Scarlet was up to.

Dru had rented out a suite in his home to an elderly woman, Ms. Nelson. Ms. Nelson often heard the phone and doorbell ring and knocking on the front door in the middle of the night, and was also kept up at all hours of the night by Scarlet’s motion sensor lights.

On a visit to her doctor, Ms. Nelson discussed her situation. Her doctor stated that the sleep deprivation she was experiencing was increasing her blood pressure and weakening her immune system, putting her at risk for more serious illness. Ms. Nelson also told the doctor she was worried for her safety, anxious, and afraid to leave her suite. Scarlet was aware that Dru had a tenant in his home, but had not met Ms. Nelson.

When Dru learned of the impact that Scarlet’s conduct was having on Ms. Nelson, he went to her house to discuss the situation and find a solution. Dru knocked on Scarlet’s front door, and she answered. When she saw it was Dru, Scarlet tried to shut the door. Dru placed his hand on the door to keep it open so that they could talk, but the force of his hand knocked the door backwards and it hit Scarlet in the face. Believing that Dru meant to fight her, Scarlet then lunged at him. This caused Dru to fall backwards and hit his head on Scarlet’s front steps. As a result of the fall, he suffered a concussion.

The next day, Scarlet placed a flyer in every mailbox on the block. The flyer had a clear picture of Dru, and below the picture, the following text: “This man intruded into my home and broke my nose! Help get this menace out of our community!” Following the distribution of this flyer, several neighbours staged a protest outside of Dru’s house for three days. As a result of this, coupled with the earlier conduct by Scarlet, Ms. Nelson moved out.

- Assess the strength of any reasonable tort claims Ms. Nelson can bring against Scarlet.
- Assess the strength of any reasonable tort claims Dru can bring against Scarlet.
- Assess any reasonable defences that Scarlet could raise in response to Ms. Nelson’s or Dru’s claims.
- Do not consider any privacy issues.

END OF EXAMINATION