

Ontario couple 'bullied' by window company over bad reviews awarded \$166,000



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An Ontario couple sued because they wrote a bad online review about a window company have been awarded more than \$166,000 after a judge found they were bullied over it.

The couple purchased 14 windows and a sliding door from Woodbridge, Ont. company Canadian Thermo Windows, which operates under the name Magic Windows, but said they had issues with leaking following the installation.

They wrote three negative online reviews about the window company, in which they described their experience with Canadian Thermo Windows.

After the reviews were posted, the window company asked the couple to delete the negative reviews, but when they refused, Canadian Thermo Windows filed a defamation suit, court documents say.

"The plaintiffs brought this lawsuit to bully the defendants into removing their reviews from the Internet," Ontario Superior Court Justice Fred Myers found in his court ruling on the case.

According to court documents, the lawyer for Canadian Thermo Windows said the company suffered a "dramatic loss of revenue in December 2020" because of the couple's negative reviews.

"They deny that the loss of revenue was caused by the shutdown of Ontario due to the pandemic," Myers wrote.

The couple countered Canadian Thermo Windows' defamation suit by filing a motion under the SLAPP (Strategic Litigation Against Public Participation) provisions.

"The intention of the anti-SLAPP motions is to provide a quick and inexpensive mechanism to end lawsuits being used to stifle public debate on a topic of public interest," Myers wrote.

Myers said in this ruling that Canadian Thermo Windows sought to "control the public narrative" by threatening the couple with a defamation suit.

"The plaintiffs sell their goods to the retail public," Myers said. "Discussion among the consuming public of the quality of the plaintiff's goods and services is a matter of public interest."

Canadian Thermo Windows was ordered to pay \$166,687 to the couple for costs and damages, and the defamation suit was tossed out.

"They were bullied," Lenczner Slaght LLP lawyer Lawrence Thacker, who represented the couple, told CTV News Toronto on Friday. "Because most people who, when faced with that sort of demand, will say 'I don't want to spend the money to hire a lawyer.'"

"But that defeats the purpose of reviews. What is the function of reviews if any negative review can be wiped out by the person who being reviewed simply by a litigation tactic?"

Derek Knoke, who also represented the couple, said the SLAPP laws worked in this case.

"The legislation was intended to prevent people from using the threat of costs to scare people away," Knoke said. "(Without it) they could just give up, they take down their reviews."

In a statement to CTV News Toronto, lawyers for Canadian Thermo Windows maintain the "statements about their company were untrue."

"As things stand, the court has held that the legislature has removed the right to such a trial and that they must pay the defendants' enormous legal bill for having asserted that right," the company's lawyers said.