**CITATION:** *Canadian Aids Treatment Information Exchange et al. v. Blackwell*, 2025 ONSC 4678
**COURT FILE NO.:** CV-24-00094841
**DATE:** 20250818

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

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| **BETWEEN:** | ) | |
| | ) | |
| CANADIAN AIDS TREATMENT INFORMATION EXCHANGE, JODY JOLLIMORE, ANDREW BRETT, SEAN HOSEIN, SCOTT ELLIOTT, PATRICK CUPIDO, LESLEY GALLAGHER, DEBORAH NORRIS, and MARTIN BILODEAU | ) | Douglas W. Judson and Peter A. Howie, for the Plaintiffs |
| Plaintiffs | ) | |
| **– and –** | ) | |
| PETER SCOTT BLACKWELL | ) | |
| Defendant | ) | No one appearing |
| | ) | **HEARD:** May 22, 2025 |

**REASONS FOR DEFAULT JUDGMENT**

**MCVEY J.**

**Introduction**

[1] The Canadian AIDS Treatment Information Exchange, the corporate plaintiff, is a national not-for-profit corporation that provides treatment and prevention information on HIV/AIDS and hepatitis C to front-line service providers across Canada. CATIE aims to enhance Canada's response to HIV, hepatitis C, and the toxic drug crisis by linking healthcare and community-based service providers with the latest scientific knowledge and by promoting effective practices in prevention, testing, treatment, and substance use health programs. CATIE engages marginalized and at-risk populations, including people who use drugs, members of the 2SLGBTQIA+ community, and other vulnerable groups.

[2] At the time of the alleged defamation, the non-corporate plaintiffs were either employees of CATIE or current or former members of its volunteer board.

[3] The plaintiffs allege that, beginning in May 2023, the defendant launched an online libel campaign against them on his website and associated X and Facebook accounts, repeatedly and explicitly accusing them of sexually grooming children. They further allege that the defendant's actions were motivated by hatred stemming from their association with the 2SLGBTQIA+ community.

[4] The defendant's website, www.cowards.ca (the "Cowards Website"), serves as the centerpiece of the defendant's "Cowards of Canada" brand. On the site, the defendant creates and maintains profiles of individuals he labels as "cowards," although the criteria for such a designation are unknown. Members of the public can submit information about an existing "coward" featured on the site or recommend new individuals for inclusion. Each "coward" has a dedicated page containing their photograph and other defamatory material, described in greater detail below.

[5] The defendant created individualized online profiles for each of the named plaintiffs on the Cowards Website, as well as for other current or former CATIE board members who are not parties to this action. Each profile featured the individual's photograph, name, and CATIE's branding. Andrew Brett's photograph and name appeared in all the defamatory profiles. As discussed more fully below, the defendant directed a substantial portion of the defamatory material at Mr. Brett, CATIE's Director of Communications. On this basis, Mr. Brett seeks damages beyond those claimed by the other non-corporate plaintiffs. In every profile, the defendant explicitly labelled each non-corporate plaintiff as a "GROOMER," a term he explicitly defined within the profile as a person who seeks to desensitize children to sexual content for the purpose of exploiting them.

[6] In addition, in June 2023, the defendant left two derogatory, expletive-filled voicemail messages at CATIE's office, threatening to publish additional defamatory content about "every single last one" of CATIE's staff, including the receptionist. The defendant called CATIE's staff members, "fucking child-grooming pedophiles," and "dirty, dirty, rotten fucking child abusing pedophiles" and stated that they all belonged in jail. I have listened to both voice messages; they are vile, unhinged, and highly offensive.

[7] In addition to the individual profiles that the defendant posted on the Cowards Website, throughout the summer of 2023, the defendant targeted a subset of the plaintiffs in a similar manner on his Facebook and X accounts.

[8] In October 2023, the plaintiffs served the defendant with a Notice of Libel. Despite this, the defendant continued to harass Mr. Brett and CATIE through various posts on his X accounts. In one post, he suggested that he possessed material capable of exposing Mr. Brett as a pedophile and claimed the police would be investigating. He also referred to members of CATIE's staff as "worthless filthy garbage" and "dirty fucks."

[9] On February 22, 2024, the plaintiffs commenced an action against the defendant seeking general and aggravated damages for defamation. Despite extensive efforts, they were unable to personally serve him. On January 7, 2025, I validated service of the statement of claim, effective as of August 16, 2024. The defendant did not respond to the action and was noted in default on January 20, 2025.

[10] The plaintiffs now seek default judgment and a permanent injunction mandating the removal of the existing publications and prohibiting the defendant from making any further defamatory publications.

[11] For reasons given below, the relief sought by the plaintiffs is granted.

## Issues

[12] This motion requires me to resolve the following issues:

1) Are the plaintiffs entitled to default judgment?
2) If so, what quantum of damages are appropriate?
3) Whether injunctive relief is appropriate?

## Are the plaintiffs entitled to default judgment?

[13] Pursuant to Rule 19.02(1)(a) of the *Rules of Civil Procedure*, the defendant is deemed to admit the truth of the factual allegations made against him. Therefore, he is deemed to admit that he owned and operated both the Cowards Website and the associated social media accounts on which the defamatory material was posted, and that he published the impugned content both before and after being served with a Notice of Libel. The issue is whether these admitted facts entitle the plaintiffs to judgment under Rule 19.06. To so find, I must first be satisfied that the statements admittedly made by the defendant amount to defamation in law. Only then can I proceed to determine the quantum of damages appropriate for each plaintiff.

[14] To establish the tort of defamation, the plaintiffs must establish that 1) the impugned words were defamatory, in the sense that the statements would tend to lower their reputations in the eyes of a reasonable person; 2) the words referred to the individual plaintiffs; and 3) the words were published, meaning that they were communicated to at least one person other than the plaintiff: see *Grant v Torstar Corp*., 2009 SCC 61, at para 28. Once these elements are proven on a balance of probabilities, both falsity and damage are presumed. The plaintiffs are not required to demonstrate that the defendant intended to cause them harm; however, as I explain below, such an inference is unavoidable.

### *Publication*

The defamatory statements were clearly published by the defendant to at least one other person as the content was publicly available on the internet. The Cowards Website was, and still is, live and available to everyone online. The associated Facebook page named “Cowards of Canada” that

contains links to the Cowards Website had 1200 followers at the relevant time and was publicly viewable by anyone on the internet. The X account named "Cowards of Canada" that also provided a link to the Cowards Website had 4,148 followers and was publicly viewable by all. Finally, the other social media accounts owned and operated by the defendant in relation to his Cowards "brand," where allegedly defamatory content was posted, were also publicly viewable. The evidence before me clearly shows that the defamatory material was communicated to a third party.

***Referred to the Plaintiffs***

[15] For reasons that follow, I am also readily satisfied that the defamatory material referred to all the non-corporate plaintiffs:

- Between May 24 and June 28, 2023, the defendant published "coward" profiles on the Coward Website for *each* of the plaintiffs. Each profile displayed the individual's name, photo, CATIE's logo, and the word "GROOMER" in large text, a term explicitly defined as follows within the profile: "the grooming process can involve gradually desensitizing the child to sexual content, introducing sexually explicit conversations or materials, or convincing the child to participate in sexual activities. Groomers may also use threats, intimidation, or blackmail to maintain control over the child and prevent them from disclosing the abuse."

- Mr. Brett's photo appeared in all the contested profiles alongside the other individuals. The defendant particularly targeted Mr. Brett in his online campaign against CATIE and the other non-corporate plaintiffs. Between June 28 and August 25, 2023, beyond creating and posting profiles on the Cowards Website, the defendant published numerous abusive and defamatory posts on his social media accounts directed at Mr. Brett and select other plaintiffs. These posts named the targets and linked to their profiles on the Cowards Website.

[16] I am also satisfied that CATIE, the corporate plaintiff, was explicitly targeted and named in the defamatory content. The unifying factor among all the non-corporate plaintiffs is their association with CATIE. Numerous impugned social media posts tagged CATIE's X account, and all plaintiffs' profiles on the Cowards Website displayed CATIE's logo. Some defamatory posts directed at Mr. Brett were in response to CATIE's own posts regarding its ongoing activities. Additionally, the Cowards Website features a search bar at the top of the page, which, when the term "CATIE" is entered, automatically populates with the following: "CATIE – Sexually Explicit Child Grooming Content Provider CATIE, Canada's source for HIV…"

[17] Through these various posts, the defendant unmistakably conveyed that CATIE was an organization that promoted pedophilia and employed or advanced individuals engaged in such criminal conduct.

***Defamatory Content***

[18] Finally, I am fully satisfied that the impugned posts and individual profiles on the Cowards Website were demeaning and defamatory. This issue is self-evident and requires minimal further discussion.

[19] To determine whether a statement is defamatory, I must consider the plain and ordinary meaning of the words, the context and surrounding circumstances in which the words are used, and any reasonable implications the words may bear, the audience, and the manner of the expression: *Botiuk v Toronto Free Press Publications Ltd.*, [1995] 3 S.C.R. 3, at para. 62. Expression which tends to lower a person's reputation in the estimation of ordinary, reasonable members of society, or that exposes a person to hatred, contempt or ridicule, is defamatory: *Botiuk*, at para. 62.

[20] I am satisfied that, with respect to the plaintiffs whose only exposure was through the creation of an individual profile on the Cowards Website, the content was plainly defamatory. The term "GROOMER" appeared above everyone's photograph, accompanied by the following definition of the term: "the grooming process can involve gradually desensitizing the child to sexual content, introducing sexually explicit conversations or materials, or convincing the child to participate in sexual activities. Groomers may also use threats, intimidation, or blackmail to maintain control over the child and prevent them from disclosing the abuse." It is beyond question that the defendant was thereby imputing pedophilic conduct to the person depicted.

[21] Certain plaintiffs were additionally targeted on social media beyond the profiles created on the Cowards Website. Between June 22 and 28, 2023, the defendant, through his Warrior X account, published the defamatory profiles of five of the named plaintiffs. Each post "welcomed" the individual to the Cowards Website, provided a link to their profile, and included a series of pejorative hashtags such as #pedophile, #creep, #groomer, and #predator, alongside defamatory characterizations such as "low life disgusting child grooming roach", "a worthless child grooming skank," "a worthless child grooming cow," "sick losers," "disgusting obese child grooming pig," "disgusting child predator," and "worthless child grooming asshole." The defendant's message was both explicit and unequivocal.

[22] Throughout the summer of 2023, the defendant persistently targeted Mr. Brett on social media, asserting that Mr. Brett was a pedophile who deserved imprisonment. These posts featured Mr. Brett's name and photograph and included links to his profile on the Cowards Website, as well as a separate link, www.andrewbrett.ca, purchased by the defendant that redirected users to Mr. Brett's "cowards" profile. The defendant's online campaign against Mr. Brett was unrelenting.

[23] Clearly, alleging that an individual is a "pedophile" is likely to cause serious harm to their reputation. In *Rainbow Alliance Dryden et al. v. Webster*, 2025 ONSC 1161, the Court held that labeling drag performers who read to children as "groomers" was defamatory, recognizing that the use of that term, in that context, implied pedophilia or child sexual exploitation. In contrast, the defendant's allegations here were explicit. Each profile defined "GROOMER," and those plaintiffs

targeted beyond their profiles were explicitly called pedophiles and other terms indicative of sexual deviancy.

[24] I elaborate further on the reprehensible and harmful nature of the defendant's conduct when discussing what quantum of damages are appropriate.

**What quantum of damages are appropriate?**

[25] Mr. Brett and CATIE seek general damages of $300,000 and $500,000, respectively, while the remaining plaintiffs claim $125,000 each. The lesser sum sought by the non-corporate plaintiffs, save and except Mr. Brett, reflects that of the non-corporate plaintiffs, Mr. Brett bore the principal impact of the defendant's bigoted and hateful campaign. Additionally, Mr. Brett, CATIE, and the remaining plaintiffs seek aggravated damages of $100,000, $100,000, and $50,000, respectively, in recognition of the defendant's oppressive and malicious conduct.

***General Damages***

[26] In cases where a plaintiff has been falsely characterized as a child abuser, general damage awards have varied, reflecting the specific circumstances of each case.

[27] In my view, a general damages award of $100,000 is appropriate for all non-corporate plaintiffs, except Mr. Brett (and Deborah Norris). An award exceeding the $75,000 granted in *Rainbow Alliance* is warranted, as the defendant in the present matter made more explicit allegations of predatory behavior by labeling each plaintiff as a "GROOMER," and he defamed them across multiple online platforms, thereby reaching a broad audience. It is also clear that the defendant targeted the plaintiffs because of their important work with CATIE, an organization dedicated to promoting the health and well-being of marginalized communities. By accusing the plaintiffs of pedophilia due to their work with the 2SLGBTQIA+ community, the defendant perpetuated longstanding anti-gay stereotypes and exposed the plaintiffs to hatred and potential violence.

[28] The defendant's conduct reinforced harmful and pervasive myths and stereotypes, warranting a substantial damages award. The online nature of the harassment, which reached a wide audience due to the number of followers on the relevant social media platforms, further supports the need for significant compensation. Once information is released online through a public post, it is extraordinarily difficult to pull it back. The internet is an amplifier: content can be copied, downloaded, screenshotted, archived, and redistributed within seconds, often without the original author's knowledge. Even if the original post is deleted, cached versions and third-party websites may preserve it indefinitely. This permanence is compounded by the fact that once information catches public attention, the loss of control is almost instantaneous. As a result, once something is "out there," it can live online forever in some form.

[29] With respect to Mr. Brett, I find that the $300,000 sought is entirely reasonable and appropriate. Mr. Brett serves as Director of Communications for CATIE and, like the other non-corporate plaintiffs, is a highly accomplished professional with an impressive record. He holds a

Master of Science in Public Health and has held communications roles in local, national, and international organizations, including the AIDS Committee of Toronto, the International AIDS Society, and the United Nations Relief and Works Agency. The defendant subjected Mr. Brett to a prolonged, repeated, and vicious campaign of hatred and bigotry across numerous publicly accessible online platforms. These attacks, both personal and professional, were relentless. Mr. Brett was defamed in at least 34 separate publications and was also featured in every profile of the other plaintiffs. In one post, the defendant went so far as to accuse Mr. Brett of criminal conduct and suggest that he possessed conclusive proof of Mr. Brett's sexual criminality. This warrants an enhanced award of general damages. Notably, the defendant persisted in targeting Mr. Brett online even after being served with a Notice of Libel.

[30] In *Vanderkooy v Vanderkooy et al*, 2013 ONSC 4796, the court awarded $125,000 in damages (now equivalent to $166,293.73) where the plaintiff was the target of email communications alleging sexual abuse and battery against his nieces. By contrast, the defamatory publications in the present case were far more extensive in reach and were steeped in bigotry. In *Magno v. Balita Media Inc.*, 2018 ONSC 3230, general damages of $300,000 were awarded in circumstances where the defendant engaged in an "all-out cyber attack" against the plaintiff, notwithstanding that the libels were not of a sexual nature.

[31] With respect to CATIE, I find that an award of $350,000 in general damages is appropriate. Its status as a corporate plaintiff does not preclude such an award, particularly in these circumstances: see *Rainbow Alliance*, at para. 226. In aggregate, CATIE bore the brunt of the defendant's hostility, even more so than Mr. Brett. Every defamatory publication targeted CATIE, as its logo appeared in all the profiles, and it was clear the plaintiffs were attacked solely because of their association with CATIE. No defamatory content referred to any fact independent of that affiliation. The defendant's campaign extended beyond the eight named plaintiffs to include defamatory posts about numerous other individuals, all connected to CATIE. These publications were calculated to damage CATIE's reputation by portraying it as an organization that facilitates the sexual exploitation of young children. Notably, the Coward Website's search bar labels CATIE as a "Sexually Explicit Child Grooming Content" provider.

***Aggravated Damages***

[32] I further find that an award of aggravated damages is warranted, given the particularly oppressive, malicious, and harmful nature of the defendant's conduct.

[33] In defamation actions, aggravated damages may be awarded where the defendant's conduct is "particularly high-handed or oppressive, thereby increasing the plaintiff's humiliation and anxiety": *Rainbow Alliance*, at para. 233. Such an award requires a finding that the defendant acted with actual malice. The purpose of aggravated damages is to denounce and censure the misconduct in question.

[34] In this case, the defendant's actions were malicious, sustained, and fuelled by hate, thereby compounding the harm suffered by the plaintiffs. The defendant perpetuated a baseless and deeply

damaging stereotype linking members of the 2SLGBTQIA+ community to pedophilia—a false association that has long been used to marginalize, criminalize, and dehumanize gay people. This baseless stereotype has historically rationalized discrimination, and incited acts of hatred, harassment, and even physical violence. Use of the term "GROOMER" in this context was plainly homophobic. The defendant's vitriol persisted after he was served with a Notice of Libel. He not only continued his accusatory and hateful online attacks, but also mocked the plaintiffs' "whining." Further, he left two profanity-laden and hate-filled voicemail messages at the plaintiffs' workplace, during which he threatened CATIE's staff, including the receptionist.

[35] The defendant's conduct also undermined CATIE's vital work and the efforts of its staff and volunteers. CATIE's mission is to support health workers and to assist vulnerable and at-risk populations in preventing and managing blood-borne and sexually transmitted infections. By targeting CATIE's staff and members of its volunteer board with defamatory accusations of pedophilia, the defendant risked deterring volunteer participation and impairing CATIE's ability to attract and retain skilled personnel, thereby jeopardizing the organization's operations.

[36] The plaintiffs are each professionally dedicated to advancing public health and fostering social inclusion. Their prosocial and inclusionary work did not warrant the online vilification they endured. The defendant's conduct was reprehensible and merits significant judicial censure.

[37] I have no difficulty awarding $100,000, $50,000, and $100,000 in aggravated damages to Mr. Brett, the other non-corporate plaintiffs (except for Deborah Norris), and CATIE, respectively.

***Conclusion***

[38] In summary, I award total damages of $400,000 to Mr. Brett, $450,000 to CATIE, and $150,000 to each other non-corporate plaintiff, except for Ms. Norris. For clarity, prejudgment interest shall accrue from June 28, 2023, the date on which each plaintiff had been subjected to at least one defamatory publication. Post-judgment interest shall accrue in accordance with the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

**Deborah Norris**

[39] Unfortunately, one of the plaintiffs, Ms. Norris, passed away shortly before this default judgment motion was heard. As a result, the motion for default judgment as it relates to Ms. Norris is stayed until an Order to Continue is obtained: Rule 11.01 of *Rules of Civil Procedure*. The action is not automatically stayed with respect to the other plaintiffs: see *Green Bay Packaging Inc. v Meco Group Inc*., [1999] O.J. No. 3120. When and if an Order to Continue is secured on behalf of Ms. Norris' estate, the motion in respect of the estate may be returned before me with a supporting affidavit.

**Injunctive Relief**

[40] The plaintiffs also seek a permanent injunction restraining the defendant from publishing any further defamatory statements about them and requiring the removal of the existing

publications. I consider this relief entirely appropriate. Permanent injunctions may be granted in defamation actions where "[t]here is a likelihood that the defendant will continue to publish defamatory statements despite the finding that he is liable to the plaintiffs for defamation": *Sustainable Development Technology Canada v. Sigurdson*, 2018 ONSC 7320, at para. 57. I am satisfied that such a likelihood exists here, given the relentless and hateful nature of the defendant's campaign, as well as his continued publication of defamatory content long after receiving a Notice of Libel in October 2023—accompanied by disparaging references to the plaintiffs' "whining."

[41] The defendant must remove from publication all the online material attached to the affidavit of Mr. Brett concerning the plaintiffs (a copy of which shall be appended to the draft Order sent to my attention) and must immediately cease any further defamatory publishing regarding the plaintiffs. Service of the injunctive order may be done in accordance with my order dated January 7, 2025.

**Costs**

[42] The plaintiffs are entitled to their costs. They seek substantial indemnity costs of $23,892.07, inclusive of HST and disbursements.

[43] Elevated costs may be warranted where the unsuccessful party has engaged in conduct that is reprehensible, scandalous, or outrageous: *Davies v Clarington (Municipality)*, 2009 ONCA 2722, at para. 28. Substantial indemnity costs are appropriate "in rare and exceptional cases to mark the disapproval of the conduct of the party in the litigation": *Hunt v TD Securities Inc.* (2003), 66 O.R. (3d) 481 (C.A.), at para. 123. Conduct triggering elevated costs may encompass not only behavior *during* litigation, but also conduct *giving rise* to litigation: *Mortimer v Cameron* (1994), 17 O.R. (3d) 1 (C.A.), at p. 23, as cited in *Mars Canada Inc. v. Bemco Cash & Carry Inc*., 2018 ONCA 239, at para. 43.

[44] In my view, for reasons set out above, the conduct of the defendant is worthy of judicial rebuke, justifying an elevated costs award.

[45] Quantum of costs are quintessentially discretionary: *Courts of Justice Act*, R.S.O. 1990, c. C.43, s. 131(1); *Restoule v Canada (Attorney General)*, 2021 ONCA 779, at para. 344. Costs are intended to foster a number of fundamental purposes: 1) indemnify the successful party of the legal costs they incurred; 2) encourage settlement; 3) deter frivolous actions and defences; and 4) discourage unnecessary steps that unduly prolong the litigation: *1465778 Ontario Inc. v. 1122077 Ontario Ltd.* (2006), 82 O.R. (3d) 757 (C.A.).

[46] Rule 57.01(1) of the *Rules* delineates factors the court may consider when determining an appropriate amount of costs. Ultimately, the costs fixed by the Court "should reflect more what the court views as a fair and reasonable amount that should be paid by the unsuccessful parties rather than any exact measure of the actual costs to the successful litigant": *Boucher v Public Accountants Council for the Province of Ontario* (2004), 71 O.R. (3d) 281 (C.A.), at para. 24. The overall objective of fixing costs is to fix an amount that is objectively reasonable, fair, and

proportionate for the unsuccessful party to pay in the circumstances of the case: *Apotex Inc. v. Eli Lilly Canada Inc.*, 2022 ONCA 587, at para. 61.

[47] In my view, the 87.7 hours expended on this litigation by plaintiffs' counsel were reasonable. The materials filed were comprehensive, detailed, and of high quality. Counsel was required to compile a thorough record, including screenshots of all defamatory publications, prepare for numerous motions relating to substituted service, and manage the instructions of eight plaintiffs. The hourly rate of $275, appropriate to counsel's year of call, was reasonable. Finally, the issues in this litigation were significant, given that the plaintiffs had been subjected to an online hate campaign rooted in discrimination.

[48] The plaintiffs are entitled to costs on a substantial indemnity basis. In my view, fixing costs at $23,000 is fair, reasonable and ought to have fallen within the defendant's reasonable expectations given the nature and complexity of the proceedings and his own malicious conduct. Accordingly, I fix costs at $23,000, all inclusive, payable by the defendant to the plaintiffs within 30 days.

Justice K. McVey

McVey J.

**Released:** August 18, 2025

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Plaintiffs

**– and –**

PETER SCOTT BLACKWELL

Defendant

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**REASONS FOR DEFAULT JUDGMENT**

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McVey J.

**Released:** August 18, 2025