

SUPREME COURT OF CANADA



Case in Brief: *Montréal (Ville) v. Lonardi*

2018 SCC 29 | Judgment of June 8, 2018 | On appeal from the Court of Appeal of Quebec

Rioters who damaged police cars after a Montreal hockey game only have to pay for the specific damage they caused personally, the Supreme Court has ruled. They cannot be held responsible for damage others caused independently to the same vehicle.

On April 21, 2008, the Montreal Canadiens beat the Boston Bruins in a playoff hockey game. Street celebrations turned into riots in downtown Montreal. Nine police cars were destroyed and six more were damaged. Police were able to identify and arrest about twenty people who did different wrongful acts, from kicking doors for some to setting cars on fire for others. The City of Montreal sued the rioters, asking the court to make each one pay for up to the full cost of the damage to the car he participated in destroying. If one or more of the other rioters who damaged the same car could not pay, or could not be identified, others who damaged the same car would have to make up the difference.

The Civil Code of Quebec applies to non-criminal legal issues in the province. This case dealt with the interpretation of two articles of the Code, articles 1480 and 1526. Normally, a person who does something wrong will only have to pay for the exact harm that s/he causes to someone else. But the Code gives two exceptions, and allows two or more people to each be held responsible for all the damage in certain situations that don't involve contracts. Article 1526 says this can happen where two or more people take part in the same wrongful act or, by separate wrongful acts, contribute to the same damage. Article 1480 says this can happen if two or more people took part, together, in the same wrongful act, or separate wrongful acts, and it's impossible to tell who actually caused what damage. In either case, a single injury must have been caused by the people involved for them to each be held liable for up to the full cost of the damage.

The trial judge ordered some rioters who acted together to each pay for all the damage they caused to a car. For the other rioters, he said that the two exceptions did not apply. The judge ordered each of these rioters to pay only for the precise damage they each caused, plus punitive damages. The City appealed the judgments where the rioters had not all been found responsible for all the damage. The Court of Appeal agreed with the trial judge.

Justice Clément Gascon, writing for the Supreme Court majority, agreed with the courts below. He said the rioters in this appeal could not each be held responsible for the total damage caused to a car during the riot. Their situation did not meet the requirements for either one of the exceptions. The general principle that a person who does something wrong will only have to pay for the exact harm that s/he causes to someone else should apply. By their different wrongful acts, these rioters caused distinct damage. It was possible to identify the damage each of them caused, since it was caught on camera. Also, most of these rioters didn't even know or talk to each other. They acted on their own, often at different times. They could therefore not have chosen to act together by either open or unspoken agreement. Five judges agreed with Justice Gascon.

Justice Suzanne Côté had a different opinion. She said the Code did not require pre-planning or clear agreement for one of the exceptions to apply. Here, the actions of each person who participated in the destruction of a particular car were connected because they damaged the same car, in a short period of time, and egged each other on until that car was seriously damaged or completely destroyed. These persons acted together to destroy the same car and should be responsible to pay up to the full amount of the damage caused to that car. In Justice Côté's view, both exceptions in the Code apply, even if it were possible to identify the specific damage one person caused. The seriousness of each rioter's wrongful act would help divide responsibility between the members of the group associated with each car. But each of them remained responsible to pay up to the full amount to the City.

This decision confirmed that damaging property during a riot doesn't make someone automatically responsible for damage caused to the same property by other rioters.

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For more information (case no. 37184):

- [Reasons for judgment](#)
- [Case information](#)
- [Webcast of hearing](#)

Breakdown of the decision:

- Majority: [Gascon](#) J. ([McLachlin](#) C.J. and [Karakatsanis](#), [Wagner](#), [Brown](#) and [Rowe](#) JJ. concurring)
- Dissenting: [Côté](#) J.

Lower court rulings (available in French only):

- Court of Appeal of Quebec ([appeal judgment](#))
- Court of Quebec (trial judgment, not available online)

[Ce document est disponible en français.](#)

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