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OUR DEFAMATION & MEDIA EXPERTISE

Lenczner Slaght has decades of litigation experience in defamation and related media matters. We regularly act as litigation or advisory counsel in libel issues arising across all print, broadcast and digital media channels. We have represented both plaintiffs and defendants through libel trials and appeals. We don't just practice libel law: we shape it. Our lawyers have argued some of the leading defamation law cases before the Supreme Court of Canada.

Defamation

“Courts will generally not protect false and malicious statements that are likely to cause serious harm, even if they relate to a matter of public interest.”

What were the most interesting developments of 2025, and why?

In 2025, the Supreme Court of Canada granted leave to appeal the decision in *Benchwood Builders, Inc v. Prescott*. We previously analyzed the Ontario Court of Appeal's decision, which endorsed a nuanced approach to the “no valid defence” analysis, [here](#). The Supreme Court is expected, among other things, to provide further guidance about the difference, if any, between its analysis of this issue in its two leading decisions from 2020 ([1704604 Ontario Ltd v Pointes Protection Association](#) and [Bent v Platnick](#)).

While the Supreme Court granted leave to appeal on its fourth anti-SLAPP (Strategic Lawsuit Against Public Participation) case in six years, Ontario's highest appellate court signaled stronger appellate deference to motion judges' decisions on anti-SLAPP motions, dismissing most anti-SLAPP appeals.

Courts regularly granted costs to successful litigants on anti-SLAPP motions in 2025 and clarified whether there is a strong presumptive limit on the quantum of costs to successful defendants/moving parties on anti-SLAPP motions. Motion judges retain discretion to fix costs as they see fit based on the circumstances of the case. Indeed, courts awarded full indemnity costs exceeding \$100,000 to defendants and moving parties on successful anti-SLAPP motions (see [Galati v Toews](#), [Stackhouse, Jr v CBC](#), [Sheridan Retail Inc v Roy](#), and [Fowlie v Spinney](#)).

What's the primary takeaway for litigants from the past year?

Vulgar and exaggerated words that are published to harm others will generally invoke the court's ire, regardless of the medium through which they are published. The Law Commission of Ontario and some litigants have suggested that courts should discount the defamatory meaning of words when they appear in certain social media contexts. To date, Canadian courts have not accepted this approach (see [Neufeld v. Bondar](#)).

Courts will generally not protect false and malicious statements that are likely to cause serious harm, even if they relate to a matter of public interest. Defendants should consider this when assessing whether to bring an anti-SLAPP motion.

What's one trend you are expecting in 2026?

Provincial appellate courts continue to assert that anti-SLAPP motions are a preliminary screening mechanism that should be brought only when the test is clearly met. Expect courts to continue to impress this view on litigants, whether through costs awards or greater emphasis on the deferential standard of review.

Finally, the Supreme Court may use the *Benchwood* appeal as an opportunity to address other trends in the application of anti-SLAPP legislation, particularly given the repeated statements by various courts that the legislation is not achieving its procedural (and, according to some groups, its substantive) purposes.