

**CITATION:** Eddie v. Lepp, 2023 ONSC 49  
**COURT FILE NO.:** CV-18-608665  
**DATE:** 20230103

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** Mandie Eddie

Plaintiff

**AND:**

Robert Lepp (a.k.a. Bob Lepp)

Defendant

**BEFORE:** Pollak J.

**COUNSEL:** *Gwendolyn L. Adrian*, for the Plaintiff

*Robert Lepp*, self-represented Defendant

**HEARD:** July 12-13, 2022

**ENDORSEMENT**

[1] The Plaintiff Ms. Mandie Eddie’s (“Ms. Eddie”) defamation action seeks damages for loss of reputation resulting from publications made by the Defendant Mr. Robert Lepp (“Mr. Lepp”) on his website [www.boblepp.com](http://www.boblepp.com) and in emails to many persons. The defamatory statements are set out in Schedule “A” attached (the “Impugned Statements”). Ms. Eddie claims that the defamatory statements, which were made by Mr. Lepp, and published to more than one other person, spoke directly or indirectly about Ms. Eddie and as such would cause her reputation to be lowered in the opinion of a reasonable reader. It is claimed that the Impugned Statements are all blatantly false, deliberately misleading or substantially untrue. There are two motions before the court – Mr. Lepp’s motion for summary judgment to dismiss the action and Ms. Eddie’s motion for reverse summary judgment, granting the relief sought.

[2] This two-day hearing was scheduled at a case conference on February 16, 2022. Mr. Lepp did not appear. The Endorsement of the court at the case conference, refers to numerous motions to be heard before the court, brought by Mr. Lepp and cross-motions brought by Ms. Eddie.

[3] The Endorsement stated that:

“Mr. Lepp is reminded that any evidence he wishes the court to consider must be in the form of a sworn or affirmed affidavit. This includes any documents he wishes to put before the court (other than copies of caselaw and copies of transcripts from any cross-examinations that may be conducted) which must be identified and attached as an exhibit to a sworn or affirmed affidavit. I am advised that Master

Sugunasiri (as she then was) has already alerted Mr. Lepp to this important requirement. I also refer Mr. Lepp to r. 20.02 (evidence on summary judgment motions) and r. 39.01 (evidence generally on motions) of the *Rules of Civil Procedure*.”

[4] Mr. Lepp was provided with two Endorsements advising him of his need to file evidence in support of his motion and to defend the Plaintiff’s motion, as well as the date of the hearing for the two motions.

[5] Notwithstanding the warnings given to Mr. Lepp by judges of this court, he has not filed any evidence. The only evidence before the court is Ms. Eddie’s evidence, that there is no truth to any of Mr. Lepp’s statements and the damage Ms. Eddie has suffered as a result. I accept her uncontradicted and unchallenged evidence. Mr. Lepp has, over a five-year period, stated that she is dishonest, corrupt, incompetent, mentally unstable, a societal danger and a solicitor of bribes. Mr. Lepp did not to cross-examine Ms. Eddie on her evidence.

[6] On June 3, 2017, Ms. Eddie, in her capacity as Manager of By-Law Enforcement for Aurora, issued Mr. Lepp a ticket at Sheppard’s Bush park for allowing his dog to run “at large”. The evidence is that, in response, Mr. Lepp posted derogatory comments on the internet and emailed Ms. Eddie’s employment superiors, town councilors, mayors, news reporters and local businesses. In the dozens of blog postings and emails, Mr. Lepp has disparaged Ms. Eddie’s honesty, integrity, trustworthiness and mental health. He stated that Ms. Eddie, a former police officer, used her connections within the police force to “coerce her drinking buddies” to wrongfully “target” Mr. Lepp by charging him with fabricated accusations. Mr. Lepp asserted that, under Ms. Eddie’s management Aurora was “missing” \$250,000 annually. He stated that she was a psychotic depressive who suffered from paranoia and was not capable of doing her job.

[7] Ms. Eddie’s evidence is that the alleged conduct continued after the Town of Aurora dismissed her from employment without cause. She found new employment with the Town of Erin. Mr. Lepp emailed the mayor of Erin stating that Ms. Eddie was a liar who he “got fired”. In further emails, Mr. Lepp repeated his statements that Ms. Eddie was a liar, dishonest about her employment background and an abuser of the authority granted to her by virtue of her position in bylaw enforcement. Mr. Lepp also stated that Ms. Eddie was telling citizens they could avoid a bylaw order by using her boyfriend as a contractor. Mr. Lepp also posted that Ms. Eddie was soliciting bribes. The town of Erin did not continue her employment contract. Ms. Eddie is now unemployed and submits she is unemployable.

### **Procedural History of Action**

[8] This action was commenced by Statement of Claim, dated November 9, 2018. The Statement of Defence is dated December 3, 2018. Mr. Lepp refused to participate in discovery in this action. Immediately after Ms. Eddie advised Mr. Lepp of her intention to bring a motion to compel discovery, he served a motion record seeking relief under section 137.1 of the *Courts of*

*Justice Act*, R.S.O. 1990, c. C.43 (“the *CJA*”). The action was stayed pending the results of the motion, which was heard August 26, 2019. On December 10, 2020, Mr. Lepp’s motion was dismissed.

**[9]** The Plaintiff’s motion to compel discovery was heard almost immediately after the court’s decision in Mr. Lepp’s motion.

**[10]** Before the return of the Plaintiff’s motion, on April 19, 2021, without canvassing dates with counsel, Mr. Lepp served a motion record, returnable May 19, 2021. He did not confirm this motion but abandoned it.

**[11]** Without consulting counsel with respect to availability, Mr. Lepp served another motion record. Mr. Lepp incorrectly dated the motion record and booked the motion for the following date of August 12, 2021.

**[12]** The Plaintiff booked a cross-motion for August 12, 2021, the return date to strike Mr. Lepp’s defence for breaching a court order. Mr. Lepp did not appear but booked another motion returnable August 23, 2021. Mr. Lepp did not confirm the motion returnable August 12, 2021, but Plaintiff’s counsel did confirm the cross-motion. At the return date, Mr. Lepp advised the court that he had not booked a motion.

**[13]** The motions could not proceed on August 23, 2021. Mr. Lepp had not filed any materials in support of the August 23, 2021 motion but had uploaded his materials to Caselines. Further, at the case conference on November 2, 2021, an Associate Judge advised Mr. Lepp that the motion he sought to bring would have to be heard before a judge. Mr. Lepp was given additional time to seek legal advice and decide whether he wanted to abandon certain relief, bring the motion to dismiss, or proceed before a judge.

**[14]** Mr. Lepp elected to proceed with his summary judgment motion to dismiss. On December 12, 2021, Mr. Lepp requisitioned a request for a return date through civil practice court but did not attend. A case conference was held to schedule Mr. Lepp’s motion to dismiss and the Plaintiff’s cross motion. These are the motions before this court.

**[15]** The evidence of Ms. Eddie is that on June 3, 2017, Mr. Lepp attended an event held for pet owners at Sheppard’s Bush park in Aurora. At the event, Mr. Lepp’s dogs, which were tethered together but not under any person’s control, were running “at large”, ran towards a number of persons including Ms. Eddie and the police Canine officer. The police Canine officer removed his dog from the area and Ms. Eddie got tangled in the dogs’ trailing leashes.

**[16]** Mr. Lepp did not accept the issued ticket. Ms. Eddie tucked it between Mr. Lepp’s arm and torso, while advising Mr. Lepp that he was served. The ticket fell to the ground.

[17] Mr. Lepp plead guilty to the ticket. Mr. Lepp published numerous blog posts and sent numerous emails, including the following statements:

- a. [Mandie] was so unhappy [with my statements ... of how she loses \$250,000 minimum every year by not doing her job she found a way to fight back, so June 3, ... she targeted me by my fact and issued me a “permit to run at large” ticket.
- b. Out of the crowd came a shriek from Mandy Crawford... [who] advised me with a face full of rage and a screaming voice that she could ticket me.
- c. Mandie Eddie and her 1287 attacks on taxpayers.... I had told them clearly that Mandie is using her ‘ex-police officer at Halton’ history to invoke the benefits of the ‘thin blue line’ to coerce her YRP drinking buddies to charge me without a thorough investigation of her illegal Provincial Offences ticketing protocol.
- d. Ms. Eddie lied and swore out criminal complaints of uttering threats and harassment by telephone... and I was arrested.
- e. I look forward to the police dropping criminal charges against me made by a woman with a very troubled past....
- f. She litigates at will....
- g. Ms. Eddie has already told people that she hears voices.
- h. Her lifelong depression (treated??) and teenage sexual abuse make her what she is today. That affect her attitudes toward mean and emails from men. They cause her to react “differently” to men who email her simple social media posts back to her...
- i. <<**Psychotic Depression by National Institute of Mental Health article**>> There’s depression, which if you have depression, most people have. And then there’s psychotic depression or more technically known as major depressive disorder with psychotic features. This is a far less common disorder than simple depression... ..Often psychotically depressed people become **paranoid** or come to believe that **their thoughts are not their own** ...or that **others can ‘hear their thoughts**.....those with psychotic depression are **usually aware that these thoughts aren’t true**. They may be **ashamed or embarrassed and try to hide** them sometimes making this variation difficult to diagnose; and
- j. I hope she [Ms. Eddie] has not stopped her medications.

[18] On June 27, 2017, Mr. Lepp emailed Ms. Eddie and others, stating “I plan to recount your work history, and association as ‘chopper mama’ (see Peace Officer Bighorn...) “I know the

‘chopper’ you refer to is a helicopter but not enough of the cabin shows to prove that, but I have the photos of you in motorcycle gear to leave the judge with my interpretation as ‘alternative facts’.”

**[19]** Mr. Lepp also filed a complaint with police that Ms. Eddie had assaulted him by giving him the ticket. The police advised Mr. Lepp that an assault had not been committed.

**[20]** I find that the numerous blog posts and emails, as set out to Schedule “A” attached, contained a number of defamatory statements. The Impugned Statements describe Ms. Eddie as:

- a. Dishonest;
- b. Corrupt;
- c. A person who misused her position in Bylaw Enforcement and her connections to pursue a personal vendetta;
- d. Incompetent and/or not qualified for her employment position;
- e. A person with extreme mental health issues that disqualify her for employment and or create a societal danger to others;
- f. Medicated and/or a person who creates a societal danger by abusing medication and/or alcohol;
- g. A person who solicits bribes.

**[21]** Further, I agree that these Impugned Statements are either false or substantially misleading when they state or imply:

- a. Ms. Eddie lied to the police or provided false testimony in court;
- b. Ms. Eddie is corrupt;
- c. Ms. Eddie misused her position in Bylaw Enforcement and/or her connections to pursue a personal vendetta or for any other improper purpose;
- d. Ms. Eddie is incompetent;
- e. Ms. Eddie is unqualified for her employment position with the Town of Aurora;
- f. Ms. Eddie has mental health issues that disqualify her for employment;
- g. Ms. Eddie has mental health issues that make her a societal danger to others;

- h.** Ms. Eddie is on medication;
- i.** Ms. Eddie is a person who creates a societal danger by abusing medication and/or alcohol; or
- j.** Ms. Eddie is a person who has solicited bribes.

[22] In order to succeed in this Action, Ms. Eddie must establish:

- a. The defendant made the words complained of;
- b. The words complained of were published to at least one other person;
- c. The words complained of referred to the plaintiff; and
- d. The words complained of, in their natural and ordinary meaning or in some other meaning pled by the plaintiff, are defamatory, in that they would lower the plaintiff's reputation in the eyes of a reasonable person.

[23] The Impugned Statements refer to Ms. Eddie. She is identified by name, her former married name, by employment as bylaw manager of Aurora. As well, some of the Postings contain pictures of Ms. Eddie.

[24] The Impugned Statements were published or emailed to multiple recipients.

[25] I find that the Impugned Statements, are such as would lower Ms. Eddie's reputation in the eyes of a reasonable person.

[26] Ms. Eddie's evidence satisfies these above noted requirements. The falsity of the statements and the damages caused are therefore presumed.

**[27]** As I have already noted, Mr. Lepp has filed no evidence in support of the truth of the Impugned Statements. Therefore, there is no issue on whether Mr. Lepp defamed and is continuing to defame Ms. Eddie. I find that he has and continues to do so.

**[28]** The evidence is that Ms. Eddie has lost her employment and is unable to find alternate employment despite applying for numerous other positions. Further, Ms. Eddie's evidence is that she is afraid for her safety and the safety of her property.

**[29]** I accept Ms. Eddie's evidence that, as a result of these defamatory statements, she has lost her employment and is unable to find alternate employment despite applying for numerous other positions.

[30] Mr. Lepp has moved for summary judgment dismissing the Action against him. He has failed to adduce any evidence in support of granting his motion for summary judgment and Ms. Eddie moves for summary judgment granting relief for his defamation.

[31] In accordance with the principles set out in *Hryniak v. Mauldin*, 2014 SCC 7, [2014] 1 S.C.R. 87, and by our Court of Appeal, I am satisfied that no trial is required for a fair adjudication as there are no genuine issues that require a trial. There is no genuine issue on whether Ms. Eddie has been defamed by Mr. Lepp's publication of the posts. I have found that the defamatory posts are untrue and there is no justification for their publication. I find that a trial is not required to assess damages.

[32] In his submissions to the court, Mr. Lepp alleges that the *Libel and Slander Act*, R.S.O. 1990, c. L.12 ("the *LSA*"), applies to the Impugned Statements and that the Action should be dismissed for delay and is statute barred.

[33] He relies on s. 7 of the *LSA*, which provides that the notice requirement, (section 5 (1)) and the limitation period (section 6) only apply to "newspapers printed and published on Ontario and to broadcasts from a station in Ontario."

[34] Mr. Lepp has the burden of proving that the publications fall within the definition of "broadcast" or "newspaper." He has not done so.

[35] I agree that social media posts, such as blog posts are not "broadcasts" within the meaning of the *LSA*. Ms. Eddie is not required to deliver a written notice for each of the numerous postings.

[36] Rule 24.01 of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, provides that an action can be dismissed for delay if it has not been set down for trial within six months of the close of pleadings if:

- (1) The court is satisfied that the default has been intentional and contumelious; or
- (2) The inexcusable delay for which the plaintiff or her lawyers have been responsible has been such as to give rise to a substantial risk that a fair trial of the issues will not be possible.

[37] This action was commenced by Statement of Claim, dated November 9, 2018. The Statement of Defence is dated December 3, 2018. Mr. Lepp refused to participate in discovery in this action. The Plaintiff communicated an intention to bring a motion to compel discovery.

[38] Immediately after, Mr. Lepp served a motion record seeking relief under s. 137.1 of the *CJA*. Pursuant to s. 137.1, the action was stayed pending the results of the motion. On December 10, 2020, Justice Sossin dismissed Mr. Lepp's motion finding that "the complaints about Eddie's honesty and integrity and actions in relation to the criminal charges against Mr. Lepp do not relate

to matters of public interest”. (Emphasis Added.)

[39] For more than seven months during 2019, the action did not proceed because Mr. Lepp’s unsuccessful motion stayed the action.

[40] The Plaintiff’s motion to compel discovery was heard January 17, 2020 almost immediately after Justice Sossin provided his decision. The motion was largely granted on January 21, 2020.

[41] I find that none of the delays in this action have been caused by the Plaintiff.

[42] Mr. Lepp’s motion for dismissal of the Action, must therefore be dismissed.

[43] Mr. Lepp further asserts that this action should be dismissed as frivolous, vexatious or otherwise an abuse of process of the court. I find that there is no legal or factual basis for this finding.

#### **Damages**

[44] Ms. Eddie submits that the broad scope of defamatory statements, repeated continuously for over five years should give rise to an award of damages in the amount of \$500,000.00 for the defamation complained of.

[45] The Plaintiff relies on the case of *Rutman v Rabinowitz*, 2018 ONCA 80, 420 D.L.R. (4th) 310, wherein the Ontario Court of Appeal took into account the serious, sustained baseless nature of the defamation in awarding damages of \$500,000, finding that the mode and extent of publication is particularly relevant in the Internet context where communication is seamless, interactive, blunt, borderless and far-reaching. The anonymous nature of such communication may create the greater risk that the defamation is believed.

[46] Further, Ms. Eddie claims she is entitled to aggravated damages of \$50,000, as Mr. Lepp is guilty of insulting, high-handed, spiteful, malicious or oppressive conduct which increases the mental distress, the humiliation, anxiety, grief and the fear suffered by Ms. Eddie. Such damages are to punish Mr. Lepp for egregious conduct and to act as a deterrent to the defendant(s) and others from acting in this manner. Ms. Eddie submits that Mr. Lepp’s misconduct is so malicious, oppressive and high-handed that it offends the court’s sense of decency. The factors which I must consider are:

- 1) Mr. Lepp’s blameworthiness;
- 2) Ms. Eddie’s degree of vulnerability,
- 3) the harm or potential harm directed at Ms. Eddie;

- 4) the need for deterrence;
- 5) the other penalties awarded; and
- 6) the advantage wrongfully gained by Mr. Lepp.

[47] The evidence is that Ms. Eddie as Manager of Bylaw Enforcement dedicated a significant part of her life to public service. She has been deprived of her employment and, as a result of Mr. Lepp's actions and has become unemployable. She has been labelled as dishonest, corrupt, malicious, vengeful, mentally unstable and a societal danger. The publicly shared comments are designed to lead to a conclusion that she is a societal menace underserving of a place in the community she desires to serve.

[48] The publications were hundreds of pages. They were sent to numerous persons repeatedly over a period of five years.

[49] After Mr. Lepp pleaded guilty to the dog at large ticket and successfully reduced the fine, he continued to defame Ms. Eddie. Similarly, after criminal charges were stayed. Thus concluding that dispute, he continued to defame Ms. Eddie.

[50] Further, it is submitted that Mr. Lepp's conduct in this litigation has driven up costs. He has scheduled and served motion records and then advised the court there was no motion before the court. Mr. Lepp's motion to dismiss, has been returnable five times on May 19, 2021, August 11, 2021, August 12, 2021, August 23, 2021 and July 12-13, 2022. Mr. Lepp has refused to deliver a proper affidavit of documents, refused to attend cross-examination and refused to pay cost awards.

[51] I agree that Mr. Lepp's behavior meets the test of being malicious, high-handed and deserving of aggravated damages. I find that his behaviour does shock the conscience of the court and gives rise to punitive damages with the intent to deter and punish such behavior.

[52] Ms. Eddie claims that damages attributable to Mr. Lepp should be fixed at \$500,000, plus \$250,000 in aggravated damages and \$10,000 in punitive damages.

[53] Ms. Eddie also claims special damages related to defamation for losses arising from the defamation.

[54] She submits that she lost her employment with the Town of Aurora after Mr. Lepp began making defamatory comments. At the time of her termination, on February 27, 2018, she was earning annual remuneration of \$112,000.00.

[55] She was terminated without cause, which entitled her under the *Employment Standards Act*, 2000, S.O. 2000, c.41, of a payout of \$18,514.33. She mitigated her losses by accepting a contract position with the Town of Erin for substantially less remuneration, being the amount of \$44,922.15

for the nine-month contract. Since the termination of that position, she has been struggling to build a profitable business, which has yet to cover its start-up costs.

[56] At the time that she was terminated from the Aurora Position, she was fifty-five and had nine years of anticipated employment before retirement. Had she continued to work for Aurora, without any pay increases she would have earned \$1,008,000.00 prior to retirement. That quantum reduced by her earnings in Erin and in her own business leaves a loss of \$939,782.01.

[57] There is no expert evidence before the court to quantify these losses or to account for possible contingencies.

[58] Ms. Eddie is entitled to damages which will restore her reputation in her community and her injury to feelings and public vindication. Even though general damages and aggravated damages are compensatory, it can result in some overlap if both general and aggravated damages are awarded. Ms. Eddie also claims special damages in this case for her loss of employment.

[59] Aggravated damages are appropriate to compensate Ms. Eddie for Mr. Lepp's conduct if it has been particularly high-handed, insulting, spiteful, malicious or oppressive and/or causes her humiliation and anxiety caused by the defamation. In this case, I do find that Mr. Lepp's conduct was motivated by actual malice, which did increase the injury to Ms. Eddie. Mr. Lepp clearly stated that it was his intention to cause her harm. He did not withdraw or apologize for his statements. Ms. Eddie also claims punitive damages which are appropriate if the award of general and aggravated damages would not achieve the goal of punishment and deterrence.

[60] On the basis of the evidence regarding Ms. Eddie's position and standing in the community, and the harmful nature of the statements, which were continuously posted against her for five years, as well as the absence of any detraction or apology, I award the amount of \$500,000 as an appropriate award for general and aggravated damages. I do find that an award of punitive damages of \$50,000 is also appropriate.

[61] I decline to award special damages for her loss on employment, as I find the above noted award for general and aggravated damages does have the effect of, in my view, appropriately compensating her for the injuries she has suffered. As well, as I have noted above, it is not clear that she would have retained her employment if it had not been for the defamatory statements made by Mr. Lepp.

[62] Injunctions to prevent ongoing defamatory conduct are appropriate where there is a likelihood that the defendant will continue to publish defamatory statements despite the finding of liability; or where there is a real possibility that the plaintiff will not receive compensation.

[63] I conclude from the evidence that Mr. Lepp has no intention of stopping to publish his false statements about Ms. Eddie and that he should be ordered to remove all online references to the Plaintiff, her former position as Manager of Bylaw Enforcement, the Sheppard's Bush Event

and/or her role related to his arrests and criminal proceedings including any pictures of the same and to permanently refrain from referring to the same, whether directly or indirectly.

[64] I therefore:

- a. Grant the motion for summary judgment against Mr. Lepp for defamation and fix damages to be payable to the Plaintiff by Mr. Lepp in the amount of \$550,000.
- b. Order Mr. Lepp to remove and/or delete all online publications about the Plaintiff, including all comments posted by third parties;
- c. Grant a permanent injunction preventing Mr. Lepp from publishing any further material about the Plaintiff whether explicitly naming the Plaintiff or impliedly referring to her;

**Costs**

[65] As the Plaintiff is the successful party in this Action, she is entitled to her costs of these motions on a substantial indemnity basis in the amount of \$51,298.54.

[66] I am of the view that costs on a substantial indemnity basis are warranted as a result of the conduct of the Defendant, which I have referred to above.



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Pollak J.

**Date:** January 3, 2023