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DEVELOPER'S \$300,000 LAWSUIT AGAINST STUDENT FOR COMPLAINTS TO CITY SLAPPED DOWN

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In December 2023, Sheridan Retail Inc., an Ontario developer and owner of Sheridan Mall in Mississauga, sued university engineering student, Pierre Roy, for \$300,000, alleging defamation, breach of contract, interference with economic relations, and trespass, in relation to complaints Roy made to the City of Mississauga about SRI's renovation of the mall, and statements he made at public meetings regarding SRI's proposed redevelopment of the site. Roy moved to have the proceeding thrown out as a SLAPP suit, and on May 13, 2025, Justice Mandhane of the Ontario Superior Court of Justice agreed, dismissing the proceeding as a "gag suit" aimed at intimidating Roy into silence, and awarding full-indemnity costs and damages to him.

Background

In 2023, Roy, a local resident living in the neighbourhood adjacent to the Mall, raised concerns with SRI and made complaints to the City of Mississauga regarding SRI's renovation of the Mall. The subject of those complaints included failures to comply with Ontario's Building Code, which City inspectors confirmed. Roy also spoke out at public meetings regarding SRI's redevelopment plans for the Mall, advocating for the inclusion of more affordable housing and environmental sustainability initiatives.

In May 2023, SRI delivered a "legal notice" to Roy, threatening litigation against him and his parents if he did not stop making complaints and public statements about the Mall and/or coming onto Mall property.

When Roy continued to make complaints and speak out about the community development, SRI sued him. In its Statement of Claim, SRI characterized Roy as "obsessed" and "ill-informed", blaming him for significant damages it alleged to have suffered. Roy responded with an anti-SLAPP motion, arguing that SRI was trying to silence him because it didn't like what he had to say, rather than to vindicate a legitimate legal claim.

The Decision

Prior to the hearing, SRI had sought to “prune” its claim to focus on the trespass allegation, which it argued did not arise from expression and was, therefore, immune from the application of Ontario’s anti-SLAPP laws. The Motion Judge rejected this “disingenuous attempt” to whittle down its claim on the motion, concluding that the lawsuit, as a whole, “was always focused on the student’s public expression”.

Having determined that the proceeding arose from Roy’s expression relating to a matter of public interest, the Motion Judge went on to consider whether the proceeding had substantial merit, and concluded that it did not. In the alternative, the Motion Judge held that the public interest in Roy’s expression outweighed any public interest in SRI’s claim moving forward. To that end, she noted that SRI had failed to point to any harm arising from Roy’s alleged conduct, while there was a significant public interest in protecting expression and public debate about the social, public safety, and environmental impacts of community development. Ultimately, the Motion Judge determined SRI’s action was a “gag suit aimed at curtailing public expression”.

Finally, in addition to awarding costs to Roy on a full-indemnity basis, the Motion Judge ordered SRI to pay \$25,000 in damages. In making this award, Justice Mandhane held that Roy had suffered stress and anxiety because of SRI’s treatment of him and the lawsuit, including that SRI had belittled him and his family through the process, and that the lawsuit had had a chilling impact on Roy’s public participation. She further held that SRI had intimidated Roy by threatening litigation against him and then engaging in overly aggressive litigation tactics, including by suing him for \$300,000 without being able to quantify its damages, filing a lengthy responding record which included an irrelevant expert report, and improperly seeking to prune its claim on the eve of the motion.

Conclusion

This is a decisive application of Ontario’s anti-SLAPP legislation to weed out an abusive claim at an early stage. It is also a good example of a Motion Judge heeding the Court of Appeal’s guidance to step back and consider “what is really going on” in a given proceeding. Here, what was going on was clearly a SLAPP suit aimed at silencing criticism rather than seeking to vindicate a *bona fide* legal wrong, and the defendant was entitled to the remedies afforded to him under s. 137.1 of the *CJA*. Nor could the plaintiff’s retroactive attempts to recast the action succeed in removing the proceeding from the ambit of s. 137.1. In that sense, this is an example of the legislation working precisely as it was intended.

SRI has indicated that it intends to appeal the Court’s decision. You can read the full decision here: [*Sheridan Retail Inc. v. Roy*, 2025 ONSC 2866](#)