

Causes of Action



- **Private Nuisance**
 - unreasonable interference with another's use or enjoyment of property
 - not necessary to prove negligence
 - if material injury to property, neighbourhood irrelevant
 - if interference with the enjoyment of property, one must analyze neighbourhood
 - irrelevant that defendant is economically good or otherwise beneficial, that others do the same action, or who was there first
 - Exception: nuisance ongoing for 20 years or more without complaint

- **Public Nuisance**
 - unreasonably affect with the public's use of public lands and waters
 - obstruct the access of occupants of neighbouring lands to the public land
 - interfere with the people's access to premises adjacent to public land
 - wrongs against the public at large (widespread in its range or so indiscriminate in its effects)

- **Nuisance Cases**
 - Halsey v. Esso (ACID SMUTS)
 - Walker v. McKinnon (GREENHOUSE)
 - Schenk v. R (SALT and ORCHARDS)
 - AG Ontario v. Orange Production Ltd (BIG PARTY)
 - Hickey v. Electric Production Co. (DEAD FISH)