

# ACPNS LEGAL CASE REPORTS SERIES

This series compiles short summaries of significant cases involving charitable, philanthropic, nonprofit and social enterprise organisations in Australia and overseas.



## Unitarian Church of Montreal c. Edgar, 2024 QCCS 566

**Superior Court of Quebec, District of Montreal, Moore JSC, 26 February 2024**

A church applied for an injunction to end a 26-year harassment of parishioners entering church services on Sunday mornings and online abuse by an individual.

**Key words: Church, Quebec, Canada, Injunction, Defamation, Harassment, Freedom of Speech**

1. The Unitarian Church of Montreal (the Church) was established in the 1840s. It is described as “a radically inclusive community of faith” that welcomes anyone regardless of their religion, culture, race, ethnicity, gender identity, or sexual orientation.
2. Robert Michael Edgar (Edgar) joined the Church in 1992 after a profound religious experience involving revelations about solar eclipses.
3. The minister of the day supported Edgar’s organisation of Creation Day, an interreligious event celebrated whenever there was a total eclipse anywhere in the world.
4. A new minister in 1994 had a different view, regarding Edgar as having a psychotic experience, and described Creation Day as a cult. They had a disagreement, which led to Edgar complaining to the Canadian Unitarian Council and the Unitarian Universalist Association of Congregations, but they did not intervene.
5. In 1998, Edgar began picketing outside the Unitarian Church of Montreal on Sundays to denounce how the minister had treated him during their 1994 conversation. In 1999, the members of the Church voted to remove Mr. Edgar from their community.
6. In the following years, Edgar continued his Sunday protests and online posts, and was involved in several police actions, which temporarily restricted his presence near the Church.
7. The Church, the current minister, and two former presidents of the Church board of management applied for an interlocutory injunction to stop Edgar’s presence outside the Church. This was in part motivated by the minister's resignation, and the fact that it would be difficult to find a replacement if the abuse continued.
8. Edgar, who represented himself, argued he exercised his freedom of expression to denounce the cover-up of vile crimes committed by members of the US-based Unitarian Universalist Association. He denied defamation because he claimed that what he said and wrote was true.

9. Edgar admitted that his Sunday morning behaviour was harassment, that the Church was not formally associated with the American organisation, and that no one in Montreal committed the crimes that he denounced. While he made these admissions, he was adamant that he would not stop making them, or take down the statements that he had posted on the internet. Even if an interlocutory injunction were issued against him, he declared that he would find a way to continue making these allegations in a manner that the order did not prohibit.
10. The Court noted that the Church had to show that a serious or irreparable harm would occur before the trial unless one is ordered, and that the balance of convenience favoured issuing an injunction. In any event, the Court retained a discretion not to issue an interlocutory injunction if that seemed most appropriate in the circumstances.
11. The Court found that Edgar's statements were likely defamatory as they were statements that a person should know were false, and that a reasonable person would not spread without confirming whether they were true.
12. The resulting harm was regarded by the Court as serious, as the Church might not continue if it could not find a new minister, and members and leaders of the Church suffered unrelenting stress because of Edgar's behaviour.
13. The balance of convenience favoured the Church, and Edgar would not be unduly inconvenienced with a well-worded restriction on his movement in the area.
14. The Court ordered Edgar not to approach within a 400-metre radius of the Church, but allowed him to travel directly through the defined area to board public or private transportation at a transport station in the area.
15. Edgar was ordered to take down every media post that mentioned the Church from 1 January 2022, or after that, and not to post or publish anything directly or indirectly related to the Church.
16. The orders were to be in place until the final judgment on the matter.

## COMMENT



In Canada, harassment occurs when someone causes alarm or distress by their actions. If a person is causing harassment, it is possible to apply to the courts for an injunction to stop them from doing it again.

An injunction is a civil court order that either:

- Prevents a person from doing something
- Requires a person to do something.

In this case, the plaintiffs sought to prevent the continued harassment, including online harassment, by Edgar.

Once the injunction is made, it is an offence if the harasser does not stop the harassment and they can be prosecuted for it in the criminal court, even if the injunction was made in the civil court. Criminal harassment in Canada is governed by [statute](#).

If financial or emotional loss is suffered because of the harassment, the courts can also award compensation.

## VIEW THE CASE



This case may be viewed at: <https://www.canlii.org/en/qc/qccs/doc/2024/2024qccs566/2024qccs566.html>

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**Date of creation:** March 2024

**Number of case:** 2024-28

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*ACPNS acknowledges the funding assistance of Our Community to produce the ACPNS Legal Case Notes Series.*



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