

SUPERIOR COURT

CANADA
PROVINCE OF QUEBEC
DISTRICT OF MONTREAL
(Civil Division)

No: 500-17-131153-242

DATE: June 5, 2026

BEFORE THE HONOURABLE ELENI YIANNAKIS, J.S.C.

NICHOLAS POLYZOS
Plaintiff
v.
NIKOLAOS GIANNIAS
Defendant

JUDGMENT¹

OVERVIEW

[1] Plaintiff, a notary, is seeking damages further to what he qualifies as defamatory remarks posted by Defendant on Google Reviews regarding the services he provided.

[2] Context and facts matter, as they always do, but even more so in this case.

¹ Conformément à l'article 10, alinéa 1 de la *Charte de la langue française*, la traduction en français de ce jugement a été effectuée et déposée au greffe. Cette version n'a pas été revue par la juge soussignée.

[3] Faced with two completely different versions of the facts, the Court finds that Defendant's testimony is more credible and in line with the evidence presented as a whole.

[4] Although the Court deems the remarks as defamatory, Defendant's conduct does not amount to a fault, since the comments made stem from newspaper articles that are still readily accessible online and were primarily made with the intent to inform the public regarding Plaintiff's behaviour and the quality of the services rendered. The ethics complaints filed by Defendant also support the absence of any malicious intent.

[5] Had the Court found that there was a fault, it would have nevertheless concluded that Plaintiff had failed to establish a causal connection between the fault and the damages sought, as well as the damages actually suffered.

CONTEXT

[6] The parties have never met. Their dispute began with what could be construed as a simple request by Defendant to Me Polyzos to obtain a copy of his late mother's will.

[7] Defendant's mother passed away in August 2023.

[8] At their mother's funeral, Defendant's brother, Harry, who was the appointed liquidator under the will, informed his brother that Me Polyzos was assisting him with the liquidation of the Estate. Harry referred to Me Polyzos as the "mob notary".

[9] After asking around, Defendant googled Me Polyzos and discovered two articles - one from *La Presse* titled "*Un notaire aux manoeuvres douteuses*" and the other from *Droit.inc* titled "*un notaire dans l'embarras*" - published on October 19, 2010 (the "Articles").²

[10] These Articles recount the details of a Superior Court judgment severely criticizing Me Polyzos' behaviour vis-à-vis a business associate.³ The judge found that Me Polyzos abused his partner's trust, a breach rendered all the more serious by the fact that he was a notary, a professional held to a higher standard of conduct.⁴ These Articles also indicated that Me Polyzos had attracted the attention of the RCMP during an operation named *Colisée* and alleged that the mafia had used his services to carry out certain large-scale transactions.⁵

[11] Defendant and Harry were not on good terms, not having spoken for several years prior to their mother's passing. And so, Defendant was skeptical as to whether Harry was truly the liquidator of their mother's Estate. Despite Defendant's request, Harry refused to

² Exhibits D-2 and D-3.

³ Exhibits D-2 and D-3.

⁴ Exhibits D-2 and D-3.

⁵ Exhibits D-2 and D-3.

provide a copy of the will to him and instead only sent him an excerpt confirming his appointment as liquidator.

[12] On or around September 4, 2023, Defendant decided to call Me Polyzos in order to request a copy of the will. The parties' versions of this call differ substantially. Me Polyzos claims that he told Defendant that he needed to follow protocol, so that to provide him with a copy of the will, Defendant needed to send him certain documents and pay his fees in the amount of \$350. Me Polyzos testified that Defendant seemed to be in a rush but described the call as amicable and felt that once the call ended, Defendant understood what needed to be done.

[13] Defendant recalls the call very differently. He testified that Polyzos was abrupt and unprofessional, asking him immediately "Who are you", and then telling him that "although I should not be telling you this", Defendant and his children were named in the will, and they would be "getting something". In answer to Defendant's question, he confirmed that the liquidator was his brother Harry. He informed Defendant that he could not provide a copy of the will since he was waiting on a will search.

[14] Approximately one month later, on or around September 25, 2023, Defendant testified that his brother disappeared and could no longer be reached. He unexpectedly cancelled their mother's memorial, which had been planned for a while and Defendant had no way of locating him. Defendant therefore decided to reach out again to Me Polyzos to request a copy of the will.

[15] The parties also disagree on the substance of this second call. Me Polyzos testified that the Defendant called back and asked the same questions, to which he provided the same information regarding the steps required to obtain a copy of the will. He acknowledged that the Defendant was more forceful during this call but maintained that there was no yelling nor raised voices.

[16] Defendant, however, recalls a markedly different exchange. He describes Me Polyzos as rude, alleging that he told him, "I do not work for you, I work for your brother", and refused to provide a copy of the will. Defendant states that he responded by indicating that he would file a complaint with the *Chambre des notaires du Québec* ("CNQ"), to which Me Polyzos allegedly replied, "Go for it," before hanging up on Defendant.

[17] After this second call, Defendant's wife, who is a lawyer, reached out to the CNQ to see how to address the situation. While the evidence is not clear, it appears that Defendant filed a first complaint with the CNQ at the time.⁶ In any event, the CNQ advised Defendant's wife to deal with Me Polyzos in writing and helped her with the wording of her letter. The CNQ notably told her to refer to article 484 C.C.P. in her letter which requires notaries, on payment of their professional fees, to issue a copy of the will to the heirs or their representatives, or to otherwise give them access to such acts. On October

⁶ This first complaint was not filed into evidence, but the CNQ's letter filed at Exhibit P-5 referenced "une seconde demande d'enquête", as of December 20, 2023.

1st, 2023, she wrote an email to Me Polyzos requesting a copy of the will, as per the CNQ's instructions and specifically referencing article 484 C.C.P.⁷

[18] Despite having received the email, Me Polyzos never responded.

[19] On December 16, 2023, Defendant filed a second complaint with the CNQ regarding Me Polyzos' behaviour in this matter. On December 20, 2023, the CNQ responded that if a formal letter was sent to Me Polyzos asking for the will, Me Polyzos had assured the CNQ that he would answer.⁸

[20] Defendant and his wife followed the CNQ's advice and on March 4, 2024, sent a registered letter to Me Polyzos requesting the will. This time, Me Polyzos responded on March 8, 2024, in writing, outlining the conditions that needed to be met to obtain a copy of the will.⁹

[21] Since one document was missing, the evidence reveals, that once it was provided, on May 8, 2024, Me Polyzos provided the will to Defendant.¹⁰

[22] Defendant, who was upset by Me Polyzos' behaviour and his reactions to his requests, did the following:

a) On or about April 1st, 2024, he posted two reviews on Google.

In the first one, he states that Plaintiff was a "*disgrace to his profession*".

In the second one, he states that Plaintiff is: "*Not trustworthy. He has been suspended twice by the chamber of notaries. RCMP has him on their radar. Beware of this person. Do your due diligence before retaining this person's services*". Attached to this second post is a screen shot of the *avis de radiation* from the CNQ showing that the Plaintiff had been suspended once for two months.¹¹

b) He filed at least three complaints to the CNQ regarding Me Polyzos' behavior in this file. All of the complaints were dismissed.¹²

[23] On July 1st, 2024, when Me Polyzos was made aware of the Google reviews posted by Defendant, he wrote to Defendant's wife asking that they be removed.¹³ Defendant immediately complied, and the posts were removed in the next few hours.

⁷ Exhibit P-5, p. 6.

⁸ Exhibit P-5, p. 7.

⁹ See timeline outlined in CNQ's letter dated July 8, 2025, Exhibit P-7.

¹⁰ Exhibit P-7.

¹¹ Exhibit P-1.

¹² Exhibits P-5 to P-8.

¹³ Exhibit P-2.

[24] On August 20, 2024, Me Polyzos filed the present action against Defendant claiming \$185,250 in damages.¹⁴

[25] Two years later, on April 16, 2026, Me Polyzos claims he discovered an additional comment posted by Defendant that had gone unnoticed up until then, on a website called “Birdeye”.¹⁵ This post is similar to the ones made on Google reviews, referring to Me Polyzos being under police investigation, and provides links to two newspaper Articles.

ANALYSIS

[26] The Court must address the following issues:

1. Was there defamation, and if so, does it constitute a civil fault?
2. If so, was there a causal link between the fault and the damages sustained and what are the actual damages suffered?

1. WAS THERE DEFAMATION, AND IF SO, DOES IT CONSTITUTE A CIVIL FAULT?

1.1 Legal framework

[27] The principles governing defamation in Quebec civil law are well established. They were summarized by the Supreme Court of Canada in *Prud’homme v. Prud’homme*¹⁶ and have been recently reiterated by the Court of Appeal in *Syndicat canadien de la fonction publique v. Monette*¹⁷ and in *Desbiens v. Standish*¹⁸.

[28] An action in defamation is governed by article 1457 C.C.Q. To succeed, the plaintiff must therefore establish, on a balance of probabilities, the existence of injury, fault, and a causal link.

[29] Defamation consists in the communication of spoken or written remarks that cause someone to lose in estimation or consideration, or that prompt unfavourable or unpleasant feelings towards him or her.¹⁹ To determine whether remarks are defamatory, an objective standard must be applied.²⁰

¹⁴ Judicial Application Originating a Proceeding initially filed on August 20, 2024, and re-amended on April 24, 2026.

¹⁵ Exhibit P-10.

¹⁶ *Prud’homme v. Prud’homme*, 2002 CSC 85 (“*Prud’homme*”).

¹⁷ *Syndicat canadien de la fonction publique v. Monette*, 2024 QCCA 724.

¹⁸ *Desbiens v. Standish*, 2024 QCCA 725.

¹⁹ *Prud’homme*, par. 33.

²⁰ *Prud’homme*, par. 34.

[30] However, a person who has made remarks that are deemed to be defamatory will not necessarily be civilly liable for them.²¹ This is a significant difference from the approach adopted in *common law* and courts must resist the natural inclination to equate the existence of defamation with that of a fault. Defamation does not create a presumption of fault; in this regard, the plaintiff's burden remains intact:

[65] On le sait, toutefois, cette seule qualification [que les propos sont diffamatoires] ne permet pas d'inférer le comportement fautif. En matière de diffamation, la méthode d'analyse propre au droit civil diffère de celle préconisée par la common law. Voici ce qu'enseigne la Cour suprême dans *Prud'homme c. Prud'homme* :

57. Ainsi qu'on peut le constater, l'action en diffamation en droit civil procède en quelque sorte à l'inverse du recours en diffamation de common law. En droit civil, la bonne foi du défendeur est présumée (art. 2805 C.c.Q.) et il appartient au demandeur de démontrer que celui-ci a commis une faute. En *common law*, la malveillance est présumée dès que le demandeur réussit à démontrer que le défendeur a prononcé des paroles désobligeantes à son égard. Le défendeur peut tenter de renverser cette présomption en invoquant l'immunité relative. S'il parvient à démontrer que les critères de cette défense sont satisfaits, la présomption de malveillance tombe et fait place à une présomption de bonne foi. Le demandeur doit alors établir la mauvaise foi ou l'intention malveillante du défendeur.

[66] Cette différence est majeure et implique qu'il faut se prémunir contre le réflexe plutôt naturel d'établir une sorte d'équivalence entre l'existence d'une diffamation et celle d'une faute. La diffamation ne crée pas de présomption de faute et, à cet égard, le fardeau de la partie demanderesse demeure entier.²²

[Emphasis Added]

[31] The plaintiff must thus demonstrate that the person who made the defamatory remarks committed a wrongful act, which typically derives from two types of conduct, one malicious and the other merely negligent.²³ In turn, these two conducts can translate into **three types of situations** in which a person who made defamatory remarks could be held liable:

- The first occurs when a person makes unpleasant remarks about a third party, knowing them to be false. Such remarks can only have been made maliciously with the intention to harm the other party;
- The second situation occurs when a person spreads unpleasant things about someone else, when he should have known them to be false;

²¹ *Prud'homme*, par. 35.

²² *Séguin v. Pelletier*, 2017 QCCA 844, par. 65-66.

²³ *Prud'homme*, par. 35.

- The third case, is when a person who makes unfavourable but true statements about another person without any valid reason for doing so.²⁴

[32] In every case, determining fault is a contextual question of fact and circumstances.²⁵ More specifically, one must consider the context in which the statements were made and all the surrounding circumstances. Among the relevant factors are the nature and seriousness of the statements, the author's intent and the purposes underlying the statements or writings, the steps taken to verify them prior to publication, the manner in which they were disseminated, and the public interest.²⁶

1.2 Discussion

[33] In the present matter, the comments made by Defendant on Google Reviews are defamatory. The remarks "he is a disgrace to his profession", "untrustworthy", "on the RCMP's radar" and "beware of this person" meet the definition of defamation outlined by *Prud'Homme*. From an objective standard, an ordinary person viewing these comments would lose in estimation and consideration, or prompt unfavourable or unpleasant feelings, towards Me Polyzos.

[34] However, the central question is whether Plaintiff has proven that Defendant committed a wrongful act, thereby committing a fault.

[35] Looking at the three possible situations which can apply when a person is deemed to have made defamatory remarks, the Court is of the view that the first two situations cannot apply since Defendant did know nor believe the remarks to be false having relied on the newspaper Articles available online regarding the Plaintiff.

[36] It is interesting to note that Me Polyzos also initiated a separate action in defamation against a real estate broker who had disseminated information taken from the same newspaper Articles targeting Plaintiff. In its judgment rendered on March 3, 2026, *Polyzos v. Boyer*, the Court of Quebec reaches the same conclusion regarding the inapplicability of the two first situations, finding that the information at issue could not be considered "false":

[68] Quant aux deux premières situations, elles présupposent que les informations diffusées soient fausses.

[69] L'Article intitulé « Un notaire aux manœuvres douteuses » fait référence à un jugement de la Cour supérieure rendu en septembre 2010 qui le décrit, entre autres, comme suit :

²⁴ *Prud'homme*, par. 36; see also *Dam v. Ho*, 2024 QCCS 3319, par. 12-15.

²⁵ *Prud'homme*, par. 38.

²⁶ 9387-9062 *Québec inc. v. Esfahani*, 2025 QCCS 877, par. 79.

- le Notaire comme un « homme d'affaires méprisant qui a habilement floué l'un de ses partenaires » ;
- que le Notaire « est apparu sur les radars de la GRC lors de l'opération Colisée contre la mafia qui s'est terminée en 2006 » ;
- que « l'organisation criminelle a eu recours à ce notaire pour effectuer certaines grosses transactions immobilières par le truchement de l'entreprise Malts Financing », une firme de financement considérée par la GRC comme un outil pour blanchir des fonds provenant du trafic de la drogue. Il précise cependant que « M. Polyzos n'a jamais été accusé dans cette affaire »;
- concernant la relation du Notaire avec son partenaire d'affaires, « la juge parle d'une « habille stratégie » lui ayant permis de s'attribuer tous les actifs d'un partenariat pour un montant bien moindre que leur valeur;
- Le Notaire est décrit comme étant « agressif, suffisant et méprisant », qu'il dit à son procès tout et son contraire, « il est narquois et agressif. Il a des restrictions mentales et des commentaires déplaisants »;
- On y mentionne également qu'en plus de ce jugement, le Notaire a été sanctionné pour avoir approuvé une transaction entérinant la donation des biens d'une dame de 86 ans qui n'était pas lucide, ce qui lui a valu en 2004 une radiation de 2 mois.

[70] Or, il convient de souligner que le Courtier du vendeur n'est pas à l'origine des informations rapportées dans l'Article, publié douze ans plus tôt.

[71] De plus, le Notaire n'a présenté aucune preuve que les propos rapportés dans l'Article sont faux. Il s'est limité à exprimer son désaccord avec les faits rapportés dans l'Article et avec le jugement de la Cour supérieure sur lequel s'appuie le journaliste.

[72] Ainsi, les deux premières situations doivent être écartées en l'absence de diffusion d'informations fausses.²⁷

[Emphasis Added]

[37] In our case, the only comment made that was false was the one stating that Me Polyzos had been suspended twice, when in fact it was one time. Defendant explained this by stating that he had misread the *avis de radiation* which was also attached to the post and confused the duration of the suspension which was for two months with the number of times. The Court believes the explanation provided and finds that Defendant did not knowingly disseminate false information.

²⁷ Exhibit D-6, which is the Quebec Court judgment in *Polyzos v. Boyer*, 2026 QCCQ 747 (“Boyer”).

[38] However, in the Court's view, Defendant's posts must be analysed as a whole and primarily revolve around the information contained in the Articles.

[39] Just as was the case in *Boyer*, Me Polyzos did not provide any evidence that the allegations made in the Articles were false. In his testimony, he stated that he disagreed with the statements made and denied any wrongdoing, stating that he was never the subject of a police investigation. However, he also testified that he did nothing after the Articles came out to contest the information that had been disseminated nor made any attempts to have it retracted. Moreover, the links to these Articles are still at the top of the Google results that appear today, 16 years later, when one makes a random Google search on Me Polyzos.²⁸

[40] Rather, the Court believes that if there was a fault committed, it would be with regard to the third situation invoked in *Prud'homme*. The Court must thus determine whether Defendant made unfavourable but true statements about Me Polyzos without any valid reason for doing so.

[41] The determination of the fault rests upon the context and whose version of events the Court believes. The parties' testimonies are so far apart that both cannot be true.

[42] In the Court's view, Defendant's testimony is more credible than that of Me Polyzos and in line with the evidence when looking at the case as a whole. It is more probable that Me Polyzos took the position that he did not have to provide a copy of the will to Defendant since he was mandated by his brother.

[43] In his own testimony, Me Polyzos never referred to the initial mandate given to him by Defendant's brother, an important omission. Me Polyzos also cannot recall the timeline of events. He is unsure when the two calls occurred and whether they were before or after the receipt of Defendant's wife's email. As well, Me Polyzos' testimony at the trial was contradicted by his previous pretrial examination.²⁹ Before the Court, Me Polyzos testified that he "never" looked at the Google reviews made about him and that he only discovered them because his son brought them to his attention. However, in his pretrial examination, he stated that he looked at them routinely – every 2 to 3 weeks.

[44] Conversely, Defendant and his wife's testimonies are clear, convincing and free of any major contradictions. On a side note, Me Polyzos filed a decision from the Discipline Committee of the Ontario College of Teachers which suspended Defendant due to a book that he had published.³⁰ The Court finds that this decision has no bearing on the present case.

²⁸ Exhibit D-7.

²⁹ Exhibit D-9.

³⁰ Exhibit P-9.

[45] Clearly, there was animosity between Defendant and his brother, and it is more probable that Me Polyzos decided to ignore the requests from Defendant to obtain the will. It is not credible that Me Polyzos would have told Defendant from the very first call the exact protocol that needed to be followed to obtain the will and that Defendant would have knowingly decided not to comply. Why then would Defendant have called a second time, only to be told the exact same thing? Why would Defendant's wife send an email asking again for a copy of the will? Why did Me Polyzos never respond to this email despite confirming he received it?

[46] It is also surprising that Me Polyzos dismissed the request so easily, knowing full well that in accordance with article 484 C.C.P. - which was specifically referenced in Defendant's wife's email - he had an obligation to provide the will.

[47] It is only when the CNQ got involved, and that Me Polyzos knew that he was being monitored that he eventually quickly complied with the request to send the will. This excerpt of the CNQ's letter to Defendant is very telling:

Suivant votre seconde demande d'enquête concernant Me Nicholas Polyzos, j'ai discuté avec Me Polyzos le 19 décembre dernier. Afin d'éviter toute mésentente ou confusion, Me Polyzos répondra par écrit à votre demande d'obtention de copie d'acte.

Toutefois, veuillez adresser votre demande de copie d'acte par lettre à Me Polyzos. Ce dernier vous répondra dans des délais raisonnables et vous indiquera les conditions ainsi que les documents qu'il désire obtenir pour la délivrance d'une copie d'acte. Dès réception des documents requis et de la réalisation des conditions, Me Polyzos m'a assuré qu'il vous transmettrait la copie d'acte demandée.³¹

[Emphasis Added]

[48] Moreover, the Court cannot disregard Me Polyzos' past behaviors in other publicised matters which reveal an unfortunate pattern of unprofessionalism or questionable conduct, which weaken his credibility and render more likely Defendant's rendition of the facts:

48.1. In 2010, he was suspended for two months, which according to Me Polyzos' testimony was with regard to a violation of his duty to properly advise an elderly client in the context of a donation of her house to a third party. Me Polyzos qualifies this as a "misstep". The Articles refer to this suspension;³²

³¹ Exhibit P-6, p. 7.

³² Exhibits D-2 and D-3; see also Exhibit D-4, another newspaper article from *La Presse* published in 2025, which mentions Me Polyzos' suspension again when dealing with a separate topic, an acquisitive prescription action undertaken by a corporation operated by Me Polyzos.

48.2. In 2010, the Superior Court judgment underlying the Articles portrays Me Polyzos as acting in bad faith, favouring ambiguity over clarity and being prepared to do whatever was necessary to achieve his objectives. The Court employs particularly strong language, describing him as having an “*attitude suffisante et méprisante*” and characterizing him as “*narquois et agressif*”;³³

48.3. In 2026, the judgment of the Court of Quebec in *Boyer* once again underscores Me Polyzos’ unwarranted tone in his communications with the real estate broker, as well as his unfounded reproaches and accusations.³⁴ This case bears notable similarities to the present matter, insofar as Me Polyzos quickly and without apparent reason adopted a highly aggressive stance and approach toward the broker, a person with whom he had no prior relationship: “*Le Courtier du vendeur ajoute qu’il constate que le Notaire est anormalement hostile à son égard, alors qu’ils ne se connaissent pas, et qu’il ne propose pas réellement de solution*”.³⁵

[49] Based on the above, the Court finds Defendant’s version of the two calls that occurred between the parties more credible in light of the evidence presented. As such, the Court finds that prior to the CNQ’s intervention, Me Polyzos was not cooperating with Defendant and was in fact trying to avoid providing a copy of the will. His tone was also likely inappropriate, and no explanation was offered to justify the absence of any response to the email sent by the Defendant’s wife. The Court finds that Me Polyzos’ conduct leading up to the posting of the two Google reviews was unprofessional and likely rude.

[50] Getting back to the third scenario identified in *Prud’homme*, the issue thus becomes did Defendant have a valid reason for making the unfavorable statements?

[51] The Court finds that he did. He was understandably frustrated with Me Polyzos’ unprofessional behavior and felt that he needed to share his experience with others. The purpose of Google Reviews is to rate and provide feedback regarding customers’ experiences:

[17] Google permet aux internautes de publier des avis et des commentaires à l’égard d’entreprises ayant un profil sur sa plateforme. L’avis consiste en un classement d’une à cinq étoiles. Des avis d’une ou deux étoiles sont jugés négatifs. Des avis de quatre ou cinq étoiles sont positifs. Un avis de trois étoiles est estimé neutre. Outre le classement attribué à l’entreprise, les internautes peuvent aussi publier des commentaires afin d’expliquer ou de bonifier leurs avis. [...] ³⁶

³³ Exhibit D-2; The Superior Court judgment is: *Kostopoulos (Succession de) v. Polyzos*, 2010 QCCS 4902 (permission to appeal denied, *Polyzos c. Kostopoulos (Succession de)*, 2010 QCCA 2099).

³⁴ Exhibit D-6.

³⁵ Exhibit D-6, par. 122 et 130. A subsequent article was published on March 18, 2026, regarding the Court of Quebec judgment titled “*Libelle et incivilités: un notaire débouté face à un courtier immobilier*” (Exhibit D-5).

³⁶ *Dam v. Ho*, 2024 QCCS 3319, par. 17.

[52] Not every negative opinion or comment, even a harsh one, will engage the civil liability of its author.³⁷ Freedom of expression is of fundamental importance in our society and in our justice system. It is essential that citizens be able to express themselves frankly about the services or goods they consume, whether favourably or unfavourably, without fearing legal action.³⁸

[53] This is what Defendant did. Although Defendant was no doubt angry and could have exercised some restraint, the Court finds that Defendant's motivations in posting his feedback on Google Reviews was primarily to express his opinion with regard to Me Polyzos' conduct as a notary. In fact, Me Polyzos' argument that he had no "legal obligation" towards Defendant and his wife since they were not his clients is simply unfounded. As an experienced notary, he knew or should have known that he had a legal obligation to provide a copy of the will and should not have attempted to evade his obligation in that regard.³⁹

[54] Me Polyzos insists that the Articles date back to 2010, 14 years prior to Defendant's comments, and rehashing their content on Google Reviews can only be with the intent to cause him harm and to tarnish his reputation. He states that he has a right to "move on" and not to constantly be reminded of these past publications.

[55] Ultimately, what this argument reveals is that Me Polyzos' main beef is with the content of the Articles. As was the case in *Boyer*, they resurface easily because they are accessible online and are part of the top Google results that appear when one conducts a search of Me Polyzos.⁴⁰ The real damage to Me Polyzos' reputation was caused 16 years ago when the Articles were published. The Court accepts Defendant's testimony that he related with the description of Me Polyzos' inappropriate conduct in the Articles and felt that he had been subjected to similar behaviour. Feeling wronged, he sought to inform the public. His statement advising readers to "do your due diligence before retaining his services" confirms this intention. Also, the fact that Defendant immediately removed the comments once he received Me Polyzos' letter of demand demonstrates the absence of malicious intent.⁴¹

[56] With regard to the complaints filed with the CNQ, they are also in line with the fact that Defendant wanted to ensure that Me Polyzos' unprofessional behaviour was brought to the attention of the appropriate authorities, whose mandate is to ensure the public's protection. This also goes to establish Defendant's absence of malicious intent.

[57] The fact that all of the complaints were dismissed, does not mean that Defendant committed a fault. Rather, as with the Google reviews, they must be contextualized. The first complaints, which were filed between October 2023 to March 11, 2024, were made

³⁷ *Dam v. Ho*, 2024 QCCS 3319, par. 41-42.

³⁸ *Dam v. Ho*, 2024 QCCS 3319, par. 42.

³⁹ Art. 484 C.C.P.

⁴⁰ Exhibit D-7.

⁴¹ Exhibit P-2.

because he was frustrated at not obtaining the will. Arguably, even though they were dismissed, the CNQ did intervene to impress upon Me Polyzos his legal obligation to respond to Defendant and his wife's request to obtain the will.

[58] However, the last complaint filed on June 11, 2025, was made with a different purpose. It was with regard to the administration of his mother's Estate and Defendant candidly admits that it was in response to the lawsuit instituted by Me Polyzos.⁴² In fact, the Court notes that this admission enhances the Defendant's credibility, as he readily acknowledged an element that was not in his favour. Defendant also persisted in his approach and asked for the judicial review of the CNQ's decision dismissing the complaint.⁴³

[59] While the last complaint might have been unnecessary and even excessive, all of these complaints remained confidential.⁴⁴ The Court accepts Defendant's explanation that he felt overwhelmed and wronged. He also felt that since he had immediately complied with the letter of demand and had removed the postings that a lawsuit could have been avoided. In the end, this element in and of itself is insufficient to amount to a fault.

[60] Based on the above, the Court finds that Defendant did not commit a fault.

[61] One last point.

[62] In April 2026, Plaintiff claims he discovered a new post that had gone undetected until then on a website called "Birdeye".⁴⁵ These remarks again refer to the Articles and even provide links to them. No evidence was presented to the Court as to the nature of this website.⁴⁶ While it is posted by "Nick G." and the comment bears similarities to the ones posted by Defendant on Google Reviews, Defendant categorically denies posting this one. The Court believes him. Defendant's credibility remains intact and since this posting was added only a month before the trial took place, it does not appear to be central to Plaintiff's case.

[63] While the Court's analysis could stop here, for the benefit of the parties, the Court will now turn to the questions of causal link and damages.

⁴² Exhibit P-7.

⁴³ Exhibit P-8.

⁴⁴ *Code des professions*, RLRQ c C-26, art. 108.7.

⁴⁵ Exhibit P-10.

⁴⁶ Defendant attempted to introduce some evidence in this regard during the trial, but Plaintiff objected due to the tardiness of the filing. The Court maintained the objection since Defendant could not provide a valid reason for not having filed it before.

2. IS THERE A CAUSAL LINK BETWEEN THE FAULT AND THE DAMAGES SUSTAINED AND WHAT ARE THE ACTUAL DAMAGES SUFFERED?

2.1 Legal framework

[64] The damage arising from defamation must likewise be established, as well as the causal connection between the fault and the damages sustained.

[65] As with fault, their existence is determined on an objective basis. Beyond the feelings of frustration and humiliation experienced by the alleged victim, it must be shown, in order to establish compensable damage, that an ordinary, reasonable person would be of the view that the impugned remarks tarnished the person's reputation by lowering the esteem and regard in which he or she is held by others.⁴⁷

[66] In order to establish **moral damages** sustained to one's reputation, the Court benefits from a large discretion and may consider a variety of factors, which include the gravity of the remarks, the scope of their dissemination, the period they were available, the quality of the victim's reputation and whether they were removed:

[55] La quantification du montant approprié pour la compensation d'un préjudice moral découlant de la diffamation est difficilement monnayable et laisse une bonne marge de manœuvre au juge du procès.

[56] Le Tribunal doit s'appeser des considérations subjectives pour évaluer les incidences réellement subies par la victime :

- La gravité des propos diffamatoires ;
- L'ampleur de leur diffusion;
- La durée pendant laquelle la diffamation a perduré ;
- La qualité de la réputation dont jouissait la victime avant la diffusion des propos ;
- Le fait pour l'auteur de retirer ses propos ou de présenter des excuses ;
- Le fait qu'une personne a été obligée de se justifier à l'égard des propos tenus à son égard ou de répondre à des questions pour rétablir les faits ;
- L'identité de l'auteur des propos ;
- L'impact sur les sentiments de la personne visée par les propos diffamatoires ;
- L'absence de préjudice à la santé psychologique ou physiologique ne constitue pas une fin de non-recevoir à des dommages moraux.⁴⁸

⁴⁷ 9387-9062 *Québec inc. v. Esfahani*, 2025 QCCS 877, par. 80.

⁴⁸ *Carrier v. Duguay*, 2025 QCCS 1107, par. 55 et 56.

[67] As for the damages claimed for **loss of clientele**, in accordance with article 1611 C.C.Q., the damages due to the creditor compensate for the amount of the loss he has sustained and the profit of which he has been deprived. The plaintiff bears the burden of proving these damages and there is no presumption that the dissemination of the improper remarks caused the material damages sought.⁴⁹

[68] Finally, in accordance with article 1621 C.C.Q., the award of **punitive damages** is provided for by law and the amount of such damages may not exceed what is sufficient to fulfil their preventive purpose. Punitive damages are assessed in the light of all the appropriate circumstances, in particular the gravity of the debtor's fault, his patrimonial situation, the extent of the reparation for which he is already liable to the creditor.

[69] When dealing with punitive damages under article 49 of the *Charter of human rights and freedoms*, as is the case here, Plaintiff must demonstrate that the author of the defamatory statements unlawfully and intentionally infringed their right to reputation. This will be the case where the author has a state of mind reflecting a desire or intent to cause the consequences of their wrongful conduct, or where they act with full knowledge of the negative, immediate and natural consequences, or at least of consequences that are highly probable.⁵⁰

2.2 Discussion

[70] When applying these principles to the present case, what is the outcome?

[71] Plaintiff is claiming \$100,000 in moral damages, \$50,250 in damages for loss of clientele and \$35,000 in punitive damages.

[72] Even if the Court had concluded that Defendant had committed a fault, it would have found that Plaintiff had not established, on a balance of probabilities, that the impugned posts caused him harm to his reputation nor the actual damages sustained.

[73] As already stated, the preponderance of the evidence reveals that the true damage to Me Polyzos' reputation stems from the Articles published in 2010. It was not demonstrated that the quality of Plaintiff's reputation was affected compared to what it had been prior to the publication of Defendant's comments. While Me Polyzos testified that he suffered anxiety and stress relating to the comments, said consequences cannot be dissociated from the Articles that are still easily accessible online. A similar conclusion was reached in *Boyer*.⁵¹

⁴⁹ *Rosenberg v. Lacerte*, 2013 QCCS 6286, par. 212.

⁵⁰ *Lalli v. Gravel*, 2021 QCCA 1549, par. 100.

⁵¹ Exhibit D-6, par. 217.

[74] Let's begin with the obvious. First, Defendant's two posts were only available for three months – between April 1st 2024 and July 1st, 2024. Defendant immediately removed them after having received Me Polyzos' letter of demand. In addition, absolutely no evidence was adduced indicating the number of people who actually viewed these posts within that short period of time. With regards to the ethics complaints, they remained confidential and there was no evidence adduced with regard to their impact, if any, on Me Polyzos' reputation.

[75] Second, Plaintiff provided very little evidence regarding the nature of his notarial business. Other than his own testimony, stating that the vast majority of his clientele is drawn from the Greek community and that he had been practicing for 40 years, he filed no financial statements nor any other type of evidence to demonstrate whether his business was in fact successful and how Defendant's comments had actually affected it.

[76] Third, regarding the Google Reviews, there was no evidence presented as to Me Polyzos' rating or the number of stars he had prior to Defendant's posts. Rather, the evidence reveals that when Defendant's posts were available, Me Polyzos had a 3.9-star rating.⁵² In December 2024, after the posts were removed, his rating was at 4.2-stars.⁵³ In 2026, when the posts had been removed for over two years, his rating dropped to 3.5-stars.⁵⁴ So, the evidence actually reveals that in the last two years, his rating *decreased*. Objectively, this demonstrates that Defendant's posts had no real impact on Me Polyzos' rating with Google reviews.

[77] Fourthly, it was demonstrated that the Articles appear at the top of the search results on the Google website.⁵⁵ A reasonable person would place greater reliance on journalistic articles than on mere comments from ordinary individuals. When looking a "Google review summary", right after the published reviews, the links that appear are the ones referencing the Articles.⁵⁶ So, that even if one is not googling Me Polyzos, the Google Reviews themselves will also lead to the Articles. Thus, the Google Reviews are difficult if not impossible to dissociate from the Articles.

[78] Finally, none of the Plaintiff's witnesses were able to demonstrate a direct and immediate link between the Defendant's comments and the alleged harm to his reputation. The only evidence adduced in this regard comes from testimony provided by a funeral home director who refers clients to Me Polyzos. This witness testified that he has been referring his clients to Me Polyzos for 14 years. On July 1st, 2024, he learned of the post mentioning an RCMP investigation from one of his clients. As a result of this post, the funeral director stated that he refrained for several months from referring clients to Me

⁵² Exhibit P-1.

⁵³ Exhibit D-1.

⁵⁴ Exhibit D-7.

⁵⁵ Exhibit D-9.

⁵⁶ Exhibit D-8.

Polyzos. He also stated that Me Polyzos enjoyed a good reputation within the Greek community, that he was fast, reliable and attentive.

[79] With all due respect, this testimony is not persuasive and is largely based on hearsay, with little probative value. When cross-examined, the witness stated that he never googled Me Polyzos in the 14 years they have been doing business together, which is at the very least surprising. He therefore testified that he had no knowledge of the Articles, which directly reference the RCMP investigation. It is also very surprising that after having been prompted by one of his clients regarding an alleged RCMP investigation implicating Me Polyzos, he did not then google the notary. Finally, and most importantly, the witness stated that all of this happened on July 1st, 2024, the same day the letter of demand was sent and where the evidence reveals the posts were taken down on that day.

[80] The Court finds it is more probable that the client who mentioned the RCMP investigation was referring to the Articles rather than to Defendant's post, which was only available for three months, whereas the Articles, at the time, had been available for 14 years.

[81] Another witness also testified with regard to his personal experience with Me Polyzos' services as a notary. He testified that he knew Me Polyzos for approximately 5 years, considered him to be professional and that he had a good reputation within the Greek community. When pushed to be more specific, he stated that he knew of approximately 8 to 10 people who had dealt with him and were satisfied with his services. He stated having no knowledge of Defendant's posts nor of the Articles that had been published.

[82] This testimony is of limited value in light of all the other evidence presented. It does not establish the causal link nor the moral or the material damages sought by Plaintiff.

[83] With respect to punitive damages, the Court has already found that Defendant's intention was not to directly harm Me Polyzos. His primary intention was to express dissatisfaction with the professional interactions he had with him, while also relaying public information concerning him.

[84] Based on the above, Plaintiff has not established a causal connection, nor the damages sought.

FOR THESE REASONS, THE COURT:

[85] **DISMISSES** the Judicial Application Originating a Proceeding Re-re-amended dated April 24, 2026;

[86] **THE WHOLE** with legal costs against Plaintiff.

ELENI YIANNAKIS, J.S.C.

Me Patrick Lamarre

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Me Vincent Laboissonnière
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Dates of hearing: May 11 and 12, 2026