

# Secret Recording Proves “Untruthful, Misleading” Conduct



Mr. Teljeur was employed as a General Manager for Pinestone Resort (“Pinestone”) in Haliburton, Ontario for a period of just over three years. On December 6, 202, Pinestone terminated Mr. Teljeur’s employment on a without cause basis, advising that they elected to retain an outside management company to manage the resort moving forward. At the time of his termination, Mr. Teljeur, unbeknownst to Pinestone, recorded the termination meeting.

At trial, Mr. Teljeur was awarded 10 months’ notice, plus benefits, and reimbursement of expenses he had incurred on behalf of Pinestone. In addition to this, the Court awarded Mr. Teljeur \$15,000 as moral damages, based on the secret recording of the termination meeting that Mr. Teljeur had produced. The recording unveiled conduct of Pinestone that was “untruthful, misleading or unduly insensitive”, causing a breach by Pinestone of their duty of faith and fair dealing in the manner of dismissal. This conduct included: failing to honour promises made to Mr. Teljeur in the termination meeting, encouraging Mr. Teljeur to resign in the termination meeting, and failing to reimburse Mr. Teljeur in a timely manner for the expenses he had incurred on Pinestone’s behalf. Regarding mitigation, Pinestone attempted to make a crafty argument that Mr. Teljeur had failed to mitigate his damages, claiming that he had “prejudiced” his job search efforts by posting negative comments about the company on his social media. The Court declined to comment on this argument and did not take this argument into consideration of its award for damages.

The Superior Court’s decision was ultimately affirmed on the (unsuccessful) appeal brought by Pinestone.

*The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.*

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