

Citation: *R. v. Crombie*, 2013 YKTC 66

Date: 20130731  
Docket: 13-10305  
Registry: Watson Lake  
Heard: Watson Lake

**IN THE TERRITORIAL COURT OF YUKON**

Before: Her Honour Judge Orr

REGINA

v.

WILLIAM GEORGE CROMBIE

Appearances:  
Kimberly Sova  
William Crombie

Counsel for the Territorial Crown  
Appearing on his own behalf

**REASONS FOR JUDGMENT**

[1] ORR T.C.J. (Oral): This is a ticket issued under the *Summary Convictions Act*. On the 22nd of April, 2013 at or near Watson Lake, Yukon at 6:20 hours, William George Crombie was issued a ticket which indicates that he did “unlawfully commit an offence under *H.R. 11(4), Regulation Under Act*, “Overweight as in Part (2)”. As I noted in my earlier questions to the Crown, nowhere on the ticket does it indicate which *Act* that Regulation H. R. 11(4) is made in respect of.

[2] I had a number of questions with respect to this matter, as indicated during the questions I posed to the Crown, but I think it boils down to the following: there were weight restrictions in effect prior to this matter of at least 48 hours. The Compliance

Officer, Mr. Kevin Chaput, indicated the weight restrictions went on in early April, which was over 48 hours prior to the date of this particular matter.

[3] As a result of a complaint, the Compliance Officer saw this particular vehicle, operated by (who it was later determined to be) Mr. Crombie, at the intersection of the Campbell Highway and the Alaska Highway. Officer Chaput's testimony is that at that point where he saw the vehicle, where he took it in to be weighed, that there were no weight restrictions in effect at that point. It was 100 percent of the allowable load at that stage, and that there were other places in which it was down to 75 percent of the weight restrictions. He did not see the vehicle anywhere other than at that point. Officer Chaput had a complaint; that is the reason he went to investigate the matter, and ultimately saw the vehicle and pulled it over.

[4] The complaint gives Officer Chaput the reasonable grounds upon which to have the vehicle weighed, but there is no evidence before the Court to show that the vehicle - other than by assumption and/or presumption - that the vehicle was in the area where the weight restrictions were in effect. The fact is that there was a load on it, and there were two possible sources as to where that load came from. There are any number of conclusions that can be reached or jumped to. However, at the time that the vehicle was seen operating on the highway, it was in an area where there were no weight restrictions. It may have or it may not have come through an area that had weight restrictions on it.

[5] The ticket was issued at or near Watson Lake in the Yukon. The intersection of Campbell Avenue and the Alaska Highway was where it was seen. At that particular

area, according to the evidence, there were no weight restrictions, and as I understood the evidence, the vehicle would not have been overweight with its total weight at that particular location. The Officer confirmed that where it was stopped, it was 100 percent and that the total weight of the vehicle would have been under the 100 percent requirements, such as set out in the regulations for a vehicle of that type.

[6] Therefore, the Crown has not established beyond a reasonable doubt that the vehicle was overweight at the place where it was seen and stopped. There is no evidence before the Court to put the vehicle in an area where there were weight restrictions on at that time.

[7] The charge is dismissed on that basis.

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ORR T.C.J.