

Citation: *R. v. Dreyer*, 2013 YKTC 42

Date: 20130514
Docket: 12-07627
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Burgess

REGINA

v.

DORIS DREYER

Appearances:
Deborah Hoffman
Doris Dreyer

Counsel for the City of Whitehorse
Appearing on her own behalf

REASONS FOR JUDGMENT

[1] BURGESS J.P.T.C. (Oral): The issue is that there is a bylaw, be it right or wrong, and that is another avenue you have to take, Ms. Dreyer, if you want to change the bylaw. The bylaw clearly states, and I believe s. 18 does comply to both private property and boulevard, that you were in non-compliance with the ten centimetres.

[2] Having looked at the photos and hearing the witness, Daniel Stach's testimony, I believe this is not the natural type of grass I am thinking of; flowers, wildflowers, and that kind of thing. I think it is just a fact that the grass is overgrown, it has not been maintained and I have to uphold the ticket on the evidence before me.

[3] The yard does not present as a wildflower garden. This just looks like it has not been maintained.

[4] I understand your argument, Ms. Dreyer, about not watering to save water, but there is a complaint about the overgrowth of weeds and their seeds blowing to the next yard, and I think that is where the bylaw comes into effect. I saw in last night's paper that there are bylaws being reviewed, and maybe that is something you want to address.

[5] However, on the face of the ticket, I have to honour it. I find you guilty and impose a fine of \$100. That is my ruling.

[DISCUSSION RE RULING]

[6] THE COURT: The guilty plea stands and \$100 fine is imposed. Do you need time to pay?

[7] THE ACCUSED: The money was never the issue, I just needed --

[8] THE COURT: No, I'm not saying it was, ma'am, I'm just asking if -- don't get me wrong, I hear what you are saying and I understand your argument. All I am asking is, do you need a month's time to pay, or can you pay this today?

[DISCUSSION RE LOCATION OF WHERE FINE SHOULD BE PAID]

[9] THE COURT: We will give you one month time to pay, and then whenever you are in the neighbourhood at the City Bylaw office, you can pay it. All right?

[10] THE ACCUSED: Thank you, Your Honour.

[11] THE CLERK: Fine surcharge?

[12] THE COURT: That is waived.

BURGESS J.P.T.C.