

Citation: *R. v. Leduc*, 2014 YKTC 50

Date: 20141007
Docket: 14-05020
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Luther

REGINA

v.

ROMEO LEDUC

Appearances:
Julie DesBrisay

Counsel for the Territorial Crown

EX PARTE REASONS FOR SENTENCING

[1] LUTHER T.C.J. (Oral): I think what we are dealing with here is a man who was frustrated and impatient. Certainly, the Department of Energy, Mines & Resources has to do better than letting people know more than 30 days after a policy on a buffer is announced, and that certainly added to Mr. Leduc's frustration, but clearly it did not give him the right to act as he did in violating s. 91(1) of the *Wildlife Act*, RSY 2002, c.229.

[2] We have a frustrated man who was impatient, and he went out to do what he wanted to do. I am inclined to agree with Officer Hennings that, if he had approached the Wildlife officials, that they could have gone to the den and checked it out without rousing the bear, and determine whether or not the bear was still there. Based on the reduced buffer of 100 metres, certainly he would have had plenty of wood to cut from,

even according to the Territorial Crown. Even at 300 metres, there was still plenty of wood to cut from.

[3] So this is obviously a man who has some difficulties with authority. According to the paid advertorial here, his frustrations are clear. Nonetheless, regardless of whether the frustrations were justified or not, one has to comply with the law, and his views are simply not accepted, other than he was right in being frustrated with the greater than 30 day delay. As I said before, it gives him no excuse to violate s. 91(1) of the *Wildlife Act*.

[4] I agree with the environmental concerns expressed by the Territorial Crown. It is not right to rouse bears when they are in a weakened state and, for all we know, this could have been a mother bear carrying a couple of cubs.

[5] In any event, the fine sought by the Crown I feel is a reasonable one, and the fine will be fixed at \$2,000. We will give him 60 days to pay, and I will make a provision under s. 169(1)(i) of the *Wildlife Act* requiring him to successfully complete a hunter education course and successfully pass an examination for applicants for licences to hunt before the person applies for a licence to hunt.

LUTHER T.C.J.