*R v PEA'A*, 2018 NWTSC 53 **S-1-CR-2018-000109**

# IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

**IN THE MATTER OF:**

**HER MAJESTY THE QUEEN**

**- v -**

**BENJAMIN PEA'A**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Transcript of the s. 525 Bail Review Decision delivered by The Honourable Justice L.A. Charbonneau, sitting in Yellowknife, in the Northwest Territories, on August 27, 2018.

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**APPEARANCES:**

Mr. A. Godfrey: Counsel for the Crown

Mr. P. Harte: Counsel for the Accused

(Charges under s. 271, 151, 145(3), 145(5), 145(2)(a)

of the *Criminal Code*)

1. THE COURT: Benjamin Pea'a faces a number
2. of summary conviction charges. He had a
3. show-cause hearing on July 27th, 2018, and was
4. ordered detained by the justice of the peace. He
5. now applies for a review of his detention.
6. The charges that he faces stem from a series
7. of alleged events spanning over the course of a
8. lengthy period of time, and I am going to refer
9. to those in chronological order. On Territorial
10. Court File 2017-655, he is charged with sexual
11. assault, sexual interference, and breach of a
12. no-contact order with the alleged victim. All
13. three offences are alleged to have been committed
14. between July 1st, 2016, and August 31st, 2016.
15. He has pleaded not guilty to those charges, and
16. the trial is scheduled to proceed November 14th,
17. 2018. The allegations on that matter are that
18. the complainant and other youths were staying at
19. a hotel in Yellowknife. They were on their way
20. to Deline. The accused was participating in the
21. trip as well. The complainant alleges that, at
22. one point, they found themselves alone in a room,
23. and he attempted to kiss her and grab her from
24. behind. She was able to get away and reported
25. this to police. The accused was charged and was
26. on process. The process included a no-contact
27. order. She alleges that he breached the
28. no-contact order twice.
29. There was, at one point, another file,
30. Territorial Court File 2017-2264. The
31. allegations were of failing to attend court on

5 May 31st, 2017. That charge has since been

1. withdrawn.
2. There is, on Territorial Court File
3. 2018-939, a charge for failing to appear on

9 February 27th, 2018. That date had been

1. scheduled as a date to confirm a trial date
2. tentatively scheduled in March 2018 on the
3. three-count Information involving the sexual
4. assaults and the breaches of undertaking. The
5. accused failed to appear on the February 27th
6. date, so the trial date was cancelled. On this
7. charge, Mr. Pea'a has pleaded guilty, and his
8. sentencing has been adjourned to November 14th
9. with the view of dealing with all his matters at
10. once.
11. On Territorial Court File 2018-1368, there
12. is a two-count Information. The first is an
13. assault alleged to have happened on July 14th,
14. 2018, and the second is for failing to comply
15. with a reporting condition on the same date. The
16. allegations in support of those charges are that
17. the complainant, who is an adult woman, reported
18. that he assaulted her at her house by choking
19. her. She alleges that this occurred in the
20. presence of her children. Officers who responded
21. to the complaint noted bruising on her neck. As
22. they were dealing with this investigation, police
23. noted that Mr. Pea'a was on reporting conditions
24. and that he had failed to comply with this
25. requirement, and that led to the fail-to-report
26. charge. My understanding from what I have heard
27. is that it is intended that this trial would
28. hopefully proceed in November as well if
29. not-guilty pleas are entered. These matters are
30. in Territorial Court tomorrow for plea.
31. The plan put forward at the bail hearing in
32. front of the justice of the peace was that the
33. accused would live with his sister in Wekweeti.
34. There is no RCMP detachment in that community.
35. The JP was told that it takes 2 to 3 hours for
36. RCMP to get there if they are called. The
37. community is serviced out of the Behchoko
38. detachment. They do regular patrols there, but
39. there is not the same police presence in the
40. community as in communities where there is an
41. actually detachment, obviously.
42. The proposed surety testified at the hearing
43. before the justice of the peace. She was not
44. called at the hearing before me, and the Crown
45. did not ask to cross-examine her. Counsel were
46. content with my relying on the evidence she gave
47. at the hearing in July, which counsel advised
48. continues to be current. She is the accused's
49. sister and is 28 years old. She confirmed that
50. she was willing to supervise him and that he
51. could live with her. She lives with her two
52. children, aged 6 and 2, in a house that belongs
53. to her grandmother. There is room for him to
54. stay until his matters are dealt with. She works
55. for the Wekweeti Development Corporation and
56. manages the store, the hotel, and the
57. corporation. She testified that he could work
58. where she works and that she would be able to
59. supervise him during the day. The only time
60. where she would not be with him at the workplace
61. would be over the lunch hour, when she goes home
62. to prepare lunch for her children. She testified
63. that she does not go out, does not drink alcohol
64. when she is in the community, and there is no
65. alcohol in her home. She testified that if the
66. accused did not follow his conditions, she would
67. call the police. She testified she understands
68. her obligations as a surety and is prepared to
69. carry those out for as long as is needed.
70. It seems, at the time of the hearing before
71. the justice of the peace, that it was
72. contemplated that the trial into at least some of
73. these matters would be held in August. The
74. proposed surety said she was prepared to
75. supervise the accused until then. Now the
76. matters are scheduled to proceed in November, but
77. there is nothing before me that suggests that she
78. is not prepared to supervise him until then. She
79. also said she was prepared to ensure that the
80. accused has a plane ticket to return to Behchoko
81. for court.
82. One of the things that came up during her
83. evidence was the whereabouts of the complainants.
84. She confirmed that, to her knowledge, the adult
85. complainant lives in Behchoko. As for the
86. complainant on the sexual assault matter,
87. Ms. Pea'a testified that she was only rarely in
88. Wekweeti. She believed that she worked for the
89. Tlicho government and was there for the summer
90. for that reason. This, as I will get into
91. further, turned out to be inaccurate.
92. At the bail review before me, the Defence
93. put forward the same release plan as the one that
94. was presented at the original hearing. It is now
95. undisputed that the surety was mistaken when she
96. was talking about the whereabouts of the
97. complainant on the sexual assault allegations.
98. She was talking about someone else, and this
99. mistake in identity is one of the bases for the
100. accused's request for a review and why he says
101. his detention is not necessary. The Defence also
102. argues that the justice of the peace does not
103. appear to have taken into account that Mr. Pea'a
104. is an indigenous offender when considering the
105. effects of his criminal record on his release
106. application and his release application more
107. generally. The Defence argues that although
108. there are a number of breaches of court orders on
109. the record, some were alcohol-related; for
110. example, the two most recent convictions for
111. breach of probation (failures to keep the peace
112. from 2015) were alcohol-related. Defence also
113. noted that the failure-to-appear conviction is
114. somewhat dated. It goes back to 2011. Defence
115. argues that, in light of the strong level of
116. supervision contemplated by the plan, the
117. criminal record should not be of great concern to
118. the Court on this application.
119. Although the Defence did not argue this as a
120. discrete ground for a review, counsel noted that
121. the justice of the peace's reasons were very
122. brief and not particularly clear. Among other
123. things, he did not address the release plan in
124. any meaningful way. He did not deal with the
125. submission about how the accused's circumstances
126. should impact on the relevance of his criminal
127. record. He made reference to having concerns for
128. the safety of both complainants, whereas, on the
129. facts before him, only one was believed to live
130. in Wekweeti.
131. The Crown does not dispute that the person
132. the surety testified about at the original
133. hearing was not the complainant on the sexual
134. assault allegations. Since then, the Crown has
135. tried to clarify the whereabouts of this
136. complainant but at the time of the hearing only
137. had partial information on this point because she
138. has been difficult to reach.
139. What counsel was able to tell me was that
140. the complainant had been in Ottawa for some time;
141. that the last time the Crown's office was in
142. contact with her, she had indicated she would
143. return to the Northwest Territories in the middle
144. of this month. She was unsure where she would be
145. residing. There was a possibility that she would
146. return to Wekweeti, but she did not have any firm
147. plans at that point.
148. The Crown maintains its objection to release
149. on the primary and secondary grounds. The Crown
150. points to how dated the first set of charges are
151. and to the fact that the accused's failure to
152. appear at the February date to confirm the March
153. trial date resulted in significant delay already.
154. The Crown is concerned about further delay that
155. could arise if the accused fails to appear again.
156. With respect to the secondary grounds, the
157. Crown's concerns stem largely from the fact that
158. there is no police detachment in Wekweeti, which
159. has an impact on the degree of meaningful
160. supervision the authorities can exercise outside
161. the supervision that the surety can offer. An
162. added concern is the response time should there
163. be any issue. The Crown also notes that, aside
164. from the criminal record, the current set of
165. allegations raise concern about the accused's
166. ability or willingness to comply with release
167. terms.
168. Before I turn to the analysis of the issues
169. raised by this bail review, I do want to make a
170. few comments about the importance for justices of
171. the peace to provide reasons when they render a
172. decision about bail.
173. The justice of the peace delivered his
174. decision immediately after counsel finished their
175. submissions. The decision reads as follows:
176. Looking at the plan put forward by
177. defence, I agree with the crown. I
178. have some serious concerns about the
179. telephone line contact. I have
180. concerns about the primary, the
181. safety of the victim in both, and the
182. fact that the person is not far away,
183. and that, even though the accused is
184. working or will be working, it still
185. leaves me grave doubts as to how much
186. he will be covered or be supervised.
187. So I'm not -- on primary and
188. secondary grounds, I'm not granting
189. release.
190. The right not to be denied bail without just
191. cause is fundamentally important and
192. constitutionally protected. As I said in
193. delivering another bail review decision earlier
194. today, the Supreme Court of Canada described this
195. right in *R v Antic*, 2017 SCC 27, as "an essential
196. element of an enlightened criminal justice
197. system" and said it "entrenches the effect of the
198. presumption of innocence at the pretrial stage of
199. the criminal trial process and safeguards the
200. liberty of accused persons."
201. Any decision that has the consequences that
202. a decision on bail has needs to be explained by
203. the decisionmaker. The importance of providing
204. reasons in other contexts was emphasized by the
205. Supreme Court of Canada in *R v Sheppard*. In that
206. case, the Supreme Court said that reasons serve a
207. number of important purposes, including
208. accountability for decisionmaking and
209. reviewability of decisions. These principles are
210. also relevant in the context of decisions about
211. bail.
212. A person who is ordered detained at the
213. pretrial stage is entitled to understand why the
214. decisionmaker has come to the conclusion that
215. this was necessary, and, if an accused is
216. released over the Crown's objections,
217. complainants, witnesses, and members of the
218. public are entitled to know why that decision was
219. made, particularly when the allegations are
220. serious and raise public safety concerns.
221. Reasons are essential for there to be
222. accountability and transparency in the
223. decisionmaking process. Of course, when there is
224. a jury election, bail decisions are covered by
225. publication bans for periods of time, so the
226. public at large may not have immediate access to
227. them through media reports, but they are still
228. part of the record, and those publication bans
229. cease to be in effect when the trial has been
230. completed, which means the transparency is still
231. there.
232. Equally importantly, there is the issue of
233. reviewability of the decision. In the context of
234. bail reviews, the Supreme Court has made it clear
235. in *R v St-Cloud* that in this Court, after a
236. justice of the peace's decision on bail, the door
237. will not always be open to review. Among the
238. things that open the door to review by this
239. Court, aside from the statutory reviews pursuant
240. to Section 525, review will be open if the
241. justice of the peace has erred in law, if the
242. decision by the justice was clearly inappropriate
243. because the justice who rendered it gave
244. excessive weight to one relevant factor or
245. insufficient weight to another.
246. This particular case has come before the
247. Court by operation of Section 525 of the *Code*, so
248. the issue does not arise in the same way, but the
249. point is that any time a justice of the peace
250. delivers a bail decision, that decision could be
251. subject of a review application at the instance
252. of the Crown or of the accused; therefore,
253. reasons must be given that will enable the
254. reviewing Court to carry out its function.
255. The Crown noted at the hearing into this
256. application that the justice of the peace did
257. provide some reasons but fairly acknowledged that
258. they were very brief; and that, they were. It
259. would have been very helpful if the justice of
260. the peace had elaborated more on the nature of
261. his concerns for the safety of both complainants,
262. including the one who lived in Behchoko,
263. especially considering that the focus of the
264. Crown's submissions at the bail hearing was
265. concerns for the safety of only one of the
266. complainants, the one who was, at the time,
267. believed to live in Wekweeti. It would also have
268. been helpful for the justice of the peace to
269. explain why the proposed plan did not address his
270. concerns and for him to have addressed the
271. defence's submissions about the lack of
272. significance of the accused's criminal record in
273. light of the circumstances.
274. If what was at issue at the review before me
275. was how the justice of the peace weighed the
276. various factors or whether his decision was
277. clearly inappropriate within the meaning of
278. *St-Cloud*, I have to say it would be extremely
279. difficult for this Court to engage in the
280. analysis it is required to undertake.
281. I make these comments not to be critical but
282. simply to convey the importance for justices of
283. the peace to endeavor to explain how they have
284. arrived at any given decision at the conclusion
285. of the bail hearing. To do so may require taking
286. a short adjournment before delivering the
287. decision, but given the importance of bail
288. decisions, given what is at stake, in my
289. respectful view, it is time well spent to ensure
290. that the main issues raised by each of the
291. parties have been properly addressed.
292. Turning to the question I must decide on
293. this application, it is clear that at least part
294. of the information that caused concern to the
295. justice of the peace was his belief that one of
296. the complainants was present in the community
297. where it was proposed the accused would be
298. released, and that was inaccurate because the
299. surety confused that complainant with another
300. person. This alone is a reason to revisit the
301. issue of bail, quite apart from any deficiencies
302. that may exist with the reasons provided by the
303. justice of the peace for ordering detention.
304. Other things that have changed about the
305. circumstances are that one of the breach charges
306. that the accused faced has been withdrawn. That
307. is somewhat balanced out by the fact that, on the
308. failure-to-appear charge, he has now pleaded
309. guilty, and so, he has acknowledged that he did
310. not appear on the date that had been scheduled to
311. confirm the March trial date.
312. The primary ground is concerned with whether
313. the accused's detention is necessary to ensure
314. that he will attend court. In the circumstances
315. of this case, the concern is not really about the
316. accused fleeing the jurisdiction, disappearing
317. forever, or anything of that nature. His ties
318. are with the NWT. The concern is more that, if
319. he fails to attend his November trial date, there
320. will be yet another delay on a matter that has
321. been adjourned multiple times and is already 2
322. years old. In this jurisdiction, such a delay is
323. unheard of for dealing with summary conviction
324. matters and well above what the Supreme Court has
325. said is reasonable in the context of matters
326. going to trial in the Territorial Court.
327. The accused already has a conviction for
328. failing to attend court. He has now pleaded
329. guilty to having failed to appear when these
330. matters were to be spoken to to confirm a trial
331. date. This raises very real concerns about
332. whether he can be trusted to attend court at the
333. currently scheduled date. The surety can make
334. arrangements for him, but, ultimately, he is the
335. one who has to get on the plane and attend court
336. to face these charges and the possible
337. consequences of being found guilty, if this is
338. what ends up happening.
339. The secondary ground is concerned with
340. public safety and interference with the
341. administration of justice. Here, the accused was
342. released after being charged with offences of a
343. sexual nature against a young person. He is
344. charged with having breached twice a no-contact
345. condition with respect to that witness. He has
346. failed to appear on that matter, as already
347. noted, and he now faces a charge for a further
348. crime of violence as well as with not complying
349. with a reporting condition.
350. I agree with defence counsel that a criminal
351. record must be examined in the context of the
352. circumstances of the offender and that, for
353. example, breaches of court orders can sometimes
354. show little more than the fact that a person has
355. a substance abuse issue and has been released on
356. terms that he or she simply could not be expected
357. to follow.
358. In this case, the evidence presented by the
359. accused is that he has effectively been homeless
360. and couch-surfing for a long period of time, and
361. he has only had sporadic employment. His
362. criminal record cannot be read in isolation from
363. those circumstances. At the same time, this is
364. an accused who has, on this string of charges,
365. been granted bail, not just once but multiple
366. times. He was trusted to comply with conditions
367. despite his record for noncompliance. The fact
368. that his personal circumstances provide an
369. explanation and context for his conduct does not,
370. in and of itself, remove the concerns that this
371. conduct gives rise to.
372. Weighing against these concerns, the accused
373. presents a release plan that has some strengths
374. in that he would work, this work being provided
375. by his surety and, therefore, be under her
376. supervision most of the waking hours. Given that
377. there is no police presence in that particular
378. community, there will be very little by way of
379. external supervision aside from that of the
380. surety, so, in reality, the strength of this plan
381. stands or falls with the strength of the surety.
382. Given the accused's track record for
383. compliance, without someone willing to supervise
384. him and being willing to risk losing money if the
385. duties are not carried out adequately, it would
386. not be realistic to contemplate release.
387. Reporting through a landline is really the only
388. means of reporting available under the
389. circumstances. It is far from perfect, but it is
390. something. There will be limited possibilities
391. for random curfew checks and no possibility for
392. immediate intervention if problems arise. At the
393. same time, it is not even known at this time if
394. the complainant will return to Wekweeti. In
395. addition, the right to reasonable bail is
396. constitutionally protected for everyone in this
397. country, no matter which community they live in
398. and where their ties are located.
399. I do have concerns under both grounds but
400. especially under the primary ground. At the same
401. time, bearing in mind that these are all summary
402. conviction offences and that the accused's
403. criminal record is relatively limited, I am not
404. satisfied that pretrial detention is the only way
405. to alleviate those concerns.
406. I am going to grant the application, and I
407. am going to release the accused, but on very
408. strict conditions, which will place considerable
409. burden on his surety. If she is unable to follow
410. through on the things she told the justice of the
411. peace she could do, she will need to contact
412. police, and the accused will have to be taken
413. back into custody. I trust that defence counsel
414. will make sure that she realizes this and takes
415. it seriously. If there are any breaches of these
416. conditions, she will have to answer for the steps
417. that she has taken to supervise him, and if she
418. does not satisfy the Court that she has done
419. everything that she could to ensure compliance,
420. she will face forfeiture.
421. Because of the delay and of primary-ground
422. concerns, I am not prepared to have the accused
423. released until his travel plans for the November
424. court dates are actually made and proof has been
425. provided to the RCMP and to the court registry.
426. In addition, in order to ensure that the matters
427. do proceed as scheduled, I will require him to
428. surrender himself into the custody of the RCMP
429. some days ahead of his actual court date. That
430. way, if he does not turn himself in, police will
431. have time to apprehend him and ensure that he is
432. there to face these charges.
433. For those reasons, I am granting the
434. application and ordering that Mr. Pea'a can be
435. released on a recognizance. This will be with
436. Bianca Pea'a as his surety. She will be
437. responsible for $1,000 without deposit on that
438. recognizance if there is any breaches, and
439. Mr. Pea'a will also be responsible for a separate
440. $1,000 without deposit if he breaches. The
441. conditions of release will be as follows. Listen
442. carefully, Mr. Pea'a. These are the conditions
443. you will be bound by between now and your trial
444. date. The first is to keep the peace and be of
445. good behaviour. You know what that means. The
446. second is to attend court as required. You also
447. know what that means. Now, I have a question
448. because, in the transcript, there was reference
449. to House 24A in Wekweeti being the house of --
450. where Bianca Pea'a lives, but on the form of
451. recognizance of surety, it said 42A, so I do not
452. know which is right, but someone will have to
453. find out and let the clerk know.
454. It will take a while before these can be
455. perfected, so I will just ask, Mr. Harte, that
456. you clarify this with the surety and just let the
457. Court know. So it is either 24A or 42A.
458. Whichever it is, but the grandmother's house.
459. THE ACCUSED: If it was 42, it would have
460. been uptown and then 24 is downtown, so I think
461. it's 24. It kind of got mistaken from them
462. because she used to live in Whati, and that was
463. at 42, the House A unit, so I think she got that
464. mistaken and it's supposed to be 24 house --
465. house unit.
466. MR. HARTE: I'll make sure that the
467. correct number is --
468. THE COURT: All right. See if we have the
469. correct house, and if there is any confusion, we
470. are talking about Bianca Pea'a's house, whatever
471. the number is.
472. The other condition is that you are to
473. remain in Wekweeti except for the purpose of
474. attending court. You are to abstain absolutely
475. from the possession and consumption of alcohol.
476. You are to provide a sample of your breath upon
477. demand to a police officer who has reasonable
478. grounds to believe you have been consuming
479. alcohol. So if they ask you for a breath sample,
480. you have to give it to them.
481. You are going to abide by a curfew and be
482. inside that residence between 10:00 p.m. and
483. 7:00 a.m. except if you are required to be at
484. work. 10 o'clock at night, 7 o'clock in the
485. morning, you have to be inside the house. You
486. are to follow any house rules imposed by Bianca
487. Pea'a. This is so that she has -- she is the
488. only person who can actually supervise you
489. because there is no police officers there, so I
490. want to give her the control that she might need
491. in order to be able to discharge her obligations.
492. The next condition is going to be that you
493. maintain employment under her supervision. So if
494. she says you will go work as a cook, that is what
495. you will do. If she says you do some other work
496. under the umbrella of the places she has some
497. control over, then you just follow her directions
498. in that regard. No contact, direct or indirect,
499. with Star Beaulieu or Lilah Judah. That is
500. straightforward enough.
501. You are to provide proof of purchase of your
502. travel arrangements to the court registry and to
503. the RCMP. The requirements for this travel are
504. going to be that you travel the most direct route
505. available, and those travel dates must be such
506. that you are able to turn yourself into the
507. custody of the RCMP before 4:00 p.m. on Friday,

4 November the 9th.

1. The next condition is whatever date you
2. travel, immediately upon arriving, you will go
3. directly to the RCMP detachment to turn yourself
4. in to their custody.
5. The next condition is you will report by
6. landline to the RCMP detachment in Behchoko
7. within 48 hours of your return to Wekweeti. So
8. within 2 days after you arrive in Wekweeti, you
9. report to them by phone, using that landline, and
10. after, you report on Mondays, Thursdays, and
11. Saturdays between 10:00 a.m. and 4:00 p.m. All
12. of these will be written down for you.

|  |  |  |
| --- | --- | --- |
| 17 | MR. | GODFREY: And just -- if I could, Your |
| 18 |  | Honour, Saturday, the -- there is no clerk at the |
| 19 |  | Behchoko RCMP, and I don't believe there would be |
| 20 |  | anybody answering the phone on the Saturdays. |
| 21 | THE | COURT: Same with Sundays, I take it? |
| 22 | MR. | GODFREY: Yes. |
| 23 | THE | COURT: Okay. So do you think Monday |
| 24 |  | and Thursday would be sufficient? |
| 25 | MR. | GODFREY: Yes, that would be fine. |
| 26 | THE | COURT: All right. So Monday and |
| 27 |  | Thursday, not Saturday. |

* 1. The next condition is you will present
  2. yourself at the door of the residence or answer
  3. the landline if a member of the RCMP or a bail
  4. supervisor conducts a curfew check. This is just
  5. to make sure you are following that condition.
  6. You are not to be in possession of a
  7. firearm, crossbow, prohibited weapon, restricted
  8. weapon, prohibited device, ammunition, prohibited
  9. ammunition, or explosive substance. Most of
  10. those things probably do not apply to you, but,
  11. basically, you cannot be in position of those
  12. types of weapons.
  13. Now, I will just indicate that it is my
  14. intention that conditions that I have numbered as
  15. 11 and 12, so the ones that relate to the travel
  16. arrangements and the surrendering into custody,
  17. be replaced by similar conditions achieving the
  18. same purpose if, for whatever reason, there is a
  19. change in the trial date. So that could be done
  20. by way of written application, if it can be
  21. worked out between counsel, or through another
  22. court appearance, but my main concern, as will be
  23. obvious from everything I have said, is that the
  24. matters do proceed to trial when they are
  25. scheduled and that there is no further delay due
  26. to a failure to attend.
  27. So it may take some time before all of this
      1. is worked out. Until then, of course, Mr. Pea'a
      2. will have to remain in custody, but once these
      3. requirements have been satisfied and the surety
      4. has signed the recognizance, he will be released
      5. on those conditions.

# 6 -----------------------------------------------------

7 **CERTIFICATE OF TRANSCRIPT**

8

9 I, the undersigned, hereby certify that the

1. foregoing pages are a complete and accurate
2. transcript of the proceedings taken down by me in
3. shorthand and transcribed from my shorthand notes
4. to the best of my skill and ability.
5. Dated at the City of Edmonton, Province of
6. Alberta, this 7th day of September, 2018.

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1. Certified Pursuant to Rule 723
2. of the Rules of Court

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1. Joanne Lawrence
2. Court Reporter

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