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IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

HER MAJESTY THE QUEEN

- and -

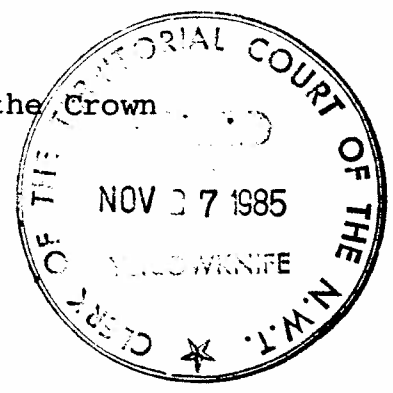
TERRY CAMPBELL

Transcript of the oral sentencing delivered by His Honour Judge T.B. Davis, sitting at Frobisher Bay, in the Northwest Territories, Tuesday, September 24th, A.D. 1985.

APPEARANCES:

MR. M. ZIGAYER Counsel for the Crown

(Accused appeared on his own behalf)



1 THE COURT: Mr. Terry Campbell admits that while the owner
2 of a residence in Frobisher Bay he, after being notified of
3 a problem with regard to his discharge of sewage from his
4 house, failed between January the 14th and subsequent to
5 April the 23rd, 1985 to clean up the problem of depositing
6 offensive matter in a manner that was likely to become
7 injurious to the health of others, and therefore violated
8 Section 6 of the General Sanitation Regulations under Section
9 23 of The Public Health Act, in effect, in the Town of Frobisher
10 Bay.

11 The accused had become aware of the fact that
12 his holding tank had frozen and upon disconnecting it continued
13 during that period of time to allow his sewage to be put onto
14 the ground near his residence. Photographs indicate that
15 there was effluent near his residence when the spring thaw started
16 April of 1985. The regulations require that persons do obey
17 the sanitation control that exists for the protection of
18 others.

19 The Crown is suggesting that a fine of between
20 Two hundred and fifty and Three hundred dollars might be
21 appropriate in this instance where the maximum is a Five
22 hundred dollar fine or six months in jail or both under the
23 Act. The accused has now fixed up the problem at a cost to
24 himself of approximately Five hundred dollars. He has employ-
25 ment and is in a position to pay a fine, although he indicates
26 that he would request time to do so. I am satisfied that a
27 fine would be an appropriate sentence of the Court to indicate

1 to the accused and to others that if they are discharging
2 waste that is harmful to the health of others they must repair
3 it or be penalized for it and to ensure that persons know
4 that it is a matter taken seriously by the Court, and to
5 ensure that, therefore, health concerns are recognized as being
6 important to the Court. I feel a fine, a fairly substantial
7 fine, would be in order in these circumstances, because there
8 does seem to be a willful neglect on behalf of the accused.
9 The fine in this instance will be in the amount of Two hundred
10 dollars, or in default thereof ten days in jail. In imposing
11 the fine I am recognizing that the cost of the Department of
12 Health and others to chase the accused to finally get the
13 matter resolved would certainly be far in excess of the fine
14 itself, but I hope that just this amount without further
15 penalty would be sufficient for both the accused and others
16 under these circumstances. How long do you think you will
17 require to pay the Two hundred dollar fine, Mr. Campbell?

18 MR. CAMPBELL: Could I have till October 30th?

19 THE COURT: Sure.

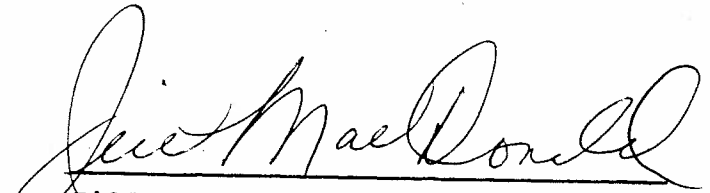
20 MR. CAMPBELL: I get paid on the 15th and the 30th of each month.

21 THE COURT: The accused will be allowed forty-five days
22 within which to pay the fine. The Clerk will advise you on
23 where and how to pay the fine, Mr. Campbell. You understand
24 that if you don't pay it there is a penalty of ten days in
25 jail.

26 MR. ZIGAYER: Your Honour, might I ask for the return of the
27 exhibits, the photographs?

1 THE COURT: Yes. Here are the photographs which we didn't
2 receive officially as exhibits but were looked at. They can
3 be returned.
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9 Certified a correct transcript,

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13 Jill MacDonald, Court Reporter
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