Citation:

Date:

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File No:

M-14908-1

Registry:

Kelowna

IN THE PROVINCIAL COURT OF BRITISH COLUMBIA

KELOWNA

JUL 12 2021

REGISTRY

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IAN ROYCE SISETT

REASONS FOR JUDGMENT OF THE JUDICIAL JUSTICE B. BURGESS

Counsel for the Crown:

T.J. DeSouza

Appearing on his own behalf:

I.R. Sisett

Place of Hearing:

Kelowna, B.C.

Date of Hearing:

February 22, June 9, 10, 2021

Date of Judgment:

July 12, 2021

[1] Mr. Sisett is before the court on Municipal Ticket Information 014908, alleging "Dangerous Dog" contrary to the Regional District of Central Okanagan Bylaw #1343 Section 36, regarding an event that took place on January 29, 2020, in Kelowna, B.C. Mr. Sisett disputed the ticket.

- [2] The hearing of this matter commenced on February 22, 2021. At the outset, Mr. Sisett spoke to his Notice of Application filed February 22, 2021, and marked as Exhibit 1. There were 11 points of requests. Essentially, Mr. Sisett sought a stay of proceedings on the basis of prosecutorial abuse. I advised Mr. Sisett that I was not going to dismiss the ticket nor stay the ticket on his application. Having completed the evidence portion of the proceeding, I have not changed my decision regarding the application. I find there was no abuse of process by the prosecution, either by the Regional District of Central Okanagan Bylaw Office or Bylaw Officers, or by Mr. DeSouza, counsel for the Regional District.
- [3] There were a total of five witnesses. On behalf of the prosecution was Kailin Clarkson, a person who witnessed the events leading to this ticket; Melanie Michaels, the owner of a dog named Spike; and William McKenney, a Bylaw Officer of the Regional District of Central Okanagan. On behalf of the Disputant: Mr. Sisett, and Laurence Venne, a tenant of Mr. Sisett who also happens to work for Paladin Security which patrols Okanagan College.
- [4] The facts of this case are straightforward.
- [5] On January 29, 2020, Ms. Michaels was walking her dog Spike eastbound on the north sidewalk of KLO Road in the City of Kelowna in the Province of British Columbia. Spike at the time was about ten-years-old and weighed less than 10 pounds. Ms. Michaels had Spike on a leash with the leash in her hand.
- [6] Mr. Sisett had his three dogs, including Charlie, a full grown one-year old standard poodle, off leash on a grass field on Okanagan College adjacent to the sidewalk where Ms. Michaels was walking with Spike. Mr. Sisett described the size of

Charlie as "giant". There was no fence enclosing the field; it was an open field. Mr. Sisett was exercising and training his dogs.

- [7] On two prior occasions, Ms. Michaels had seen Mr. Sisett at this location with dogs and the dogs had approached her and left. The first time was between 2014 and 2017 when Ms. Michaels was walking her previous dog Murphy and the second time was in the summer of 2019 when she was walking with Spike. Mr. Sisett's identity was unknown to Ms. Michaels.
- [8] On January 29, 2020, as Ms. Michaels was walking on the sidewalk with Spike, one of Mr. Sisett's dogs "charged" Ms. Michaels and Spike. Ms. Michaels waved it off and it left her vicinity. A second of Mr. Sisett's dogs "charged" Ms. Michaels and Spike and Ms. Michaels again waved it off. After the second dog had left Ms. Michaels' vicinity, one of those two dogs ran out onto KLO Road after a ball. A third dog, Charlie, approached Ms. Michaels and Spike from behind. Charlie lunged and grabbed Spike by Spike's head, having Spike's head perpendicular in his jaws. Charlie's mouth completely covered Spike's head. Charlie lifted Spike and shook Spike. Ms. Michaels kicked at the legs of Charlie. Ms. Michaels did not know if she made contact with Charlie. Spike was screaming. Charlie dropped Spike.
- [9] As this was happening, Ms. Clarkson was driving westbound on KLO Road. She observed that the larger dog, being Charlie, had the smaller dog, being Spike, in its mouth. A ball was on the road. One of the three poodles went onto the road to get its ball. Ms. Clarkson honked her horn and stopped her vehicle to avoid hitting the dog on the road. Ms. Clarkson got out to give assistance to Ms. Michaels. Spike was making a noise Ms. Clarkson had never heard a dog make before.
- [10] The three poodles went to Mr. Sisett. Mr. Sisett was approximately 75-to-100 yards away from Ms. Michaels, at the north end of the field. Mr. Sisett loaded his three dogs into his pickup truck and left. Mr. Sisett did not approach or speak with Ms. Michaels. Mr. Sisett did not drive by the location of Ms. Michaels and Ms. Clarkson.

[11] Subsequently, Ms. Michaels reported the incident to the Regional District of Central Okanagan. Officer McKenney was assigned the case and was able to identify Mr. Sisett as the owner of the three dogs and in particular, Charlie. Officer McKenney, in his role as an animal control officer, determined that Charlie was a dangerous dog. Officer McKenney issued the Municipal Ticket Information to Mr. Sisett.

- [12] Subsequent to the event between Charlie and Spike, Ms. Michaels took Spike to a veterinarian. An examination was conducted. Further veterinarian visits were required. Ms. Michaels' evidence was that the veterinarian determined that Spike's jaw was broken, bone was exposed and that a molar was broken. The initial veterinarian wired Spike's jaw shut. The jaw did not heal properly. Ms. Michaels had to take Spike to a specialist veterinarian for further treatment and surgery on the broken jaw, which included the insertion of a plate to stabilize the jawbone. As a result, Spike has what Ms. Michaels described as a permanently twisted jaw. Ms. Michaels' total veterinarian costs for Spike's treatments related to this incident was \$6,030.72.
- [13] A few days after January 29, 2020, Ms. Michaels attended to the security office at the college to attempt to identify the owner of the poodles. While there, she was handed an envelope by Mr. Laurence Venne, one of the security personnel and a tenant of Mr. Sisett. Within the envelope was an unsigned handwritten note, which Mr. Sisett admits was written by his wife. There was also \$200 in the envelope. The note stated:

To the dear lady upset by our rebellious puppy

We would like to apologize for this morning's unfortunate event and on the chance that you stop by the college, we are leaving this note with the administration officer. We know how much you love your puppy. Ours is a loving puppy as well and we are working hard to trying to eliminate misbehaviour. We are so sorry that it happened. Also, we want to make sure you are not out of pocket for any vet bills or otherwise, and we will be taking steps to make sure this does not happen again.

Our sincerest concern

One dog lover to another .

- [14] There was no identifying information in the note or envelope as to the owner of the dog who attacked Spike: no name; no address; no phone number; and no email address.
- [15] In order to attempt to identify the owner of the dog that had attacked Spike, Ms. Michaels spoke to security officers at the college. She posted a piece on Facebook and contacted Global News. Global News did a story on the event. In response, Mr. Sisett had a lawyer send a cease and desist letter to Ms. Michaels on January 27, 2021, threatening Ms. Michaels with legal action if she did not remove the Facebook posting and the Global Okanagan online story and write and post an apology letter to Mr. Sisett, which was to be approved by Mr. Sisett's counsel. This letter is how Ms. Michaels learned the identity of Mr. Sisett, the owner of the three poodles, as Officer McKenney never disclosed to Ms. Michaels the name of the owner of the dog that attacked Spike.

[16] The Regional District argues that:

- 1. It took a reasonable and prudent approach in issuing the ticket to Mr. Sisett instead of taking a more harsh approach of seeking destruction of Charlie;
- 2. Mr. McKenney, as an animal control officer, has the authority to determine if a dog meets the criteria of a dangerous dog as defined in the *Community Charter* and the Regional District Bylaw;
- 3. The Bylaw is a strict liability offence and therefore no need to prove intent; and
- 4. As this matter is a regulatory matter, the doctrine of scienter does not apply.

[17] Mr. Sisett argues that:

- The doctrine of scienter does apply and that there was no evidence of prior knowledge on his part;
- 2. Each dog is entitled to its first bite;
- 3. The Bylaw is a strict liability offence:
- 4. Mr. McKenney was biased against Mr. Sisett;
- 5. There was no evidence there was a bite by Charlie and no evidence of a serious injury to Spike.
- [18] With respect to the facts, I find that Charlie did bite Spike. This took place at Ms. Michaels' feet. Ms. Michaels was as close as possible to this happening.

 Ms. Michaels saw that Charlie had Spike's head in his jaws. Ms. Clarkson, an

independent witness who had no prior contact with either Ms. Michaels or Mr. Sisett, saw Charlie with Spike in his jaws. One bigger dog having another smaller dog's head in its jaws and shaking the smaller dog is the action of a bite and an attack.

- [19] I do not accept Mr. Sisett's evidence and submission that there was no bite and that Ms. Michaels kicked Spike, as Spike was, as Mr. Sisett described, being tossed around like a ping pong ball at the end of the leash being held by Ms. Michaels. Mr. Sisett gave no evidence as to how far he was from Ms. Michaels and Spike when Charlie attacked Spike. The only evidence as to his distance away was that of Ms. Michaels, who said Mr. Sisett was 75-to-100 yards away from her.
- [20] I find that Charlie attacked Spike. The attack was unprovoked and without warning. Charlie was off leash. Spike was on leash while being walked on a public sidewalk. Charlie grabbed Spike by Spike's head and held him in his jaws, shaking Spike. Charlie held Spike in his jaws for an extended period of time, one-to-two minutes, as stated by Ms. Michaels. The attack was enough of a duration for Ms. Clarkson to make observation, stop her car and get out to offer assistance to Ms. Michaels.
- [21] I find that it was the attack by Charlie on Spike that broke Spike's jaw and molar. I find that Spike was injured and required the veterinarian treatments as outlined by Ms. Michaels which resulted from this attack.
- [22] I do not accept Mr. Sisett's assertion that it was Ms. Michaels' kicking that caused the injuries to Spike. Mr. Sisett was very careful and deliberate in his evidence in chief and in cross-examination. He stated that he was at the other end of the field but did not articulate that distance. His evidence was that he saw a lady with a little dog on a leash. His three dogs went running to sniff her dog. This caused him embarrassment. He described that the lady started screaming, kicking and waving, and he did not know why she did not pick up her dog. Mr. Sisett stated that when his three dogs went back to him, he disciplined Charlie but did not state why he disciplined Charlie. Mr. Sisett said the lady, being Ms. Michaels, "looked fine". This statement raises the question as to how could he possibly know how Ms. Michaels was when he was at the other end of the

field, 75-to-100 yards away. Mr. Sisett was silent as to whether or not he observed that Charlie had Spike in his mouth.

- [23] Mr. Sisett in his evidence in chief related that previous to January 29, 2020, that two or three times his dogs had spotted a dog on the sidewalk and had run over, wanting to give a sniff. In response to his dogs running from him to give another dog a sniff, Mr. Sisett stated he called his dogs over and then apologized to the person. Despite such a history, on January 29, 2020, when his dogs ran over to Ms. Michaels and she reacted as described by Mr. Sisett as screaming, kicking and waving, after he yelled and whistled to his dogs, he did not offer any apology to Ms. Michaels. Mr. Sisett went home. Mr. Sisett told his wife about the event. Mr. Venne told Mr. Sisett about a lady coming by his office and telling him about a dog attack. Mr. Venne told Mr. Sisett that the lady, being Ms. Michaels, had said that there was a vet bill for a "check over". Ms. Sisett suggested and wrote the note. Mr. Sisett set out that the last thing he and his wife wanted was animal authority's involvement. The note is contrary to the implication of Mr. Sisett's evidence that nothing happened between Charlie and Spike. The note and the \$200 included in the envelope are a clear admission that something did indeed happen between Charlie and Spike and that Mr. Sisett, despite his testimony, knew that Charlie had done something to Spike.
- [24] If Mr. Sisett did not know anything happened between Charlie and Spike at the tlme he was at the fleld, he certainly knew something more than a sniff had happened once he had been told by Mr. Venne about Ms. Michaels attending to the security office.
- [25] On cross-examination, Mr. Sisett did acknowledge that Charlie was in an altercation with Spike. Mr. Sisett described Charlie's misbehaviour as that of a puppy, being that Charlie did not come when called and "running away and scaring a lady". Mr. Sisett stated that he was unwilling to pay Ms. Michaels' veterinarian bills. Mr. Sisett stated "she kicked her dog".
- [26] I do not accept Mr. Sisett's testimony and submission that Ms. Michaels kicked Spike and that Ms. Michaels inflicted the injuries on Spike. Mr. Sisett was across the

field, 75-to-100 yards away from Ms. Michaels and the two dogs. Mr. Sisett said he did not hear Spike screaming as described by Ms. Michaels and Ms. Clarkson.

- [27] On cross-examination, Mr. Sisett did acknowledge that Charlie could have had Spike in his mouth, that such was conceivable. Mr. Sisett did not acknowledge that such did happen. His position, as I understood from Mr. Sisett's evidence, was that if Charlie did have Spike in his mouth, that Charlie "would have ripped him to pieces" and that because Spike was not ripped to pieces, therefore, Charlie did not have Spike in his mouth.
- [28] Of real interest is a comment made by Mr. Sisett in his evidence in chief. He stated that there was no blood on the ground. Mr. Sisett could not possibly know whether or not there was blood on the ground where the attack took place. Mr. Sisett was at the other side of the field, approximately 75-to-100 yards away. I find that from that distance it would be impossible for Mr. Sisett to see whether there was blood or no blood on the ground. This raises concern regarding the credibility of Mr. Sisett.
- [29] I accept Ms. Michaels' and Ms. Clarkson's evidence that Charlie did have Spike in his mouth. That is the only conclusion that can be reached on the evidence before the court.
- [30] I accept Ms. Michaels' evidence that as a result of the attack, Spike was seriously injured. Spike suffered a broken jaw, exposed bone and a broken molar. That injury was cause by Charlie biting Spike and having Spike in his mouth and shaking him. Spike underwent two surgical procedures for treatment of his injuries. I find that Spike's injuries of a broken jaw, exposed bone, broken molar and permanently twisted jaw constitute a serious injury.
- [31] Mr. Sisett's conduct after the attack is not that of a responsible dog owner. His concern was not for Spike and Ms. Michaels, but rather the consequences that would result to him and Charlie. Mr. Sisett should have gone to Ms. Michaels and offered information about himself, such as his name and contact information. He did not do that. He knew that this incident would result in action by animal control and by leaving and

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not offering his information to Ms. Michaels, he was attempting to avoid responsibility for the attack. Likewise, not putting any identifying information in the note was a further attempt to avoid responsibility for the attack.

- [32] The issue for the court to determine is if the Crown has proven beyond a reasonable doubt that Charlie is a dangerous dog.
- The charging section of the Regional District of Central Okanagan Bylaw [33] No.1343 is section 36. That section states:

No person shall cause or permit his or her dog to become a dangerous dog.

[34] "Dangerous dog" is defined in the same Bylaw in section 6 which states,

Dangerous dog means any dog that has seriously injured or killed a person or domestic animal as determined by an Animal Control Officer in accordance with section 49 of the Community Charter and its amendments.

[35] The Community Charter [SBC 2003] Chapter 26, section 49, states:

Special powers in relation to dangerous dogs

49(1) In this section:

"animal control officer" means

- (a) a municipal employee, officer or agent designated by the council as an animal control officer for the purposes of this section, or
- (b) a peace officer;

"dangerous dog" means a dog that

- (a) has killed or seriously injured a person,
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
- (c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

- (2) In addition to the authority under section 48 but subject to this section, an animal control officer may seize a dog if the officer believes on reasonable grounds that the animal is a dangerous dog.
- (3) Before exercising a power under subsection (2), in the case of a dog that has acted as described in paragraph (a) or (b) of the definition of "dangerous dog", the animal control officer must consider whether the dog was acting while in the course of
 - (a) attempting to prevent a person from committing an unlawful act, or
 - (b) performing law enforcement work.
- (4) An animal control officer may enter a place to exercise the power under subsection (2),
 - (a) in any case, with the consent of the owner or occupier of the place,
 - (b) in any case, in accordance with a warrant under subsection (5) or (6), or
 - (c) if the circumstances referred to in subsection (8) apply, in accordance with that subsection.
- (5) If satisfied by evidence given under oath or affirmation that there are reasonable grounds to believe that there is a dangerous dog in a place, a justice may, by warrant, authorize an animal control officer to enter and search the place and to seize the dog.
- (6) If
 - (a) it is impracticable for an animal control officer to appear personally before a justice to apply for a warrant in accordance with subsection (5), and
 - (b) the officer believes on reasonable grounds that there is a dangerous dog in a place,

the officer may apply for a warrant in accordance with the regulations under subsection (7).

- (7) The Lieutenant Governor in Council may make regulations respecting the authority and procedure for warrants under subsection (6).
- (8) Subject to subsection (9), an animal control officer may, without a warrant, enter and search any place, except a place that is occupied as a private dwelling, and seize a dog, if the officer believes on reasonable grounds that
 - (a) the dog is a dangerous dog,
 - (b) the dog presents an imminent danger to the public, and

- (c) the purpose of seizing the dog cannot reasonably be accomplished if the officer is required to obtain a warrant.
- (9) For the purposes of subsection (8), an animal control officer who is not a police officer must be accompanied by a police officer.
- (10) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.
- (11) A dog that has been seized under this section may not be impounded and detained for more than 21 days unless court proceedings for a destruction order are commenced within that time.
- [36] Both the Crown and Disputant correctly argued that the Bylaw is a strict liability offence and as such, there is a defense of due diligence available. In a hearing such as this, once the Crown has proven its case, it is then open to the Disputant to provide evidence that he took due diligence.
- [37] Officer McKenney is an animal control officer as defined by the *Community Charter*. Under the *Community Charter* and the Regional District Bylaw, Mr. McKenney was given the authority to determine if Charlie was a dangerous dog. Officer McKenney did determine that Charlie was a dangerous dog based on the statements he obtained from Ms. Michaels and Ms. Clarkson.
- [38] The Consolidated Responsible Dog Ownership ("CORD") Bylaw No. 1343 section 6 provides the definition of a domestic animal, it states:

Domestic Animal means any animal or pet kept by a person for domestic, commercial, or farm service including any livestock defined under the *Livestock Act*.

- [39] Spike is a domestic animal.
- [40] I find Officer McKenney's determination that Charlie is a dangerous dog is correct. Charlie, without any provocation, attacked and seriously injured Spike. I find that Charlie is a dangerous dog.

[41] Having determined that Charlie is a dangerous dog, the issue becomes whether Mr. Sisett caused or permitted Charlie to become a dangerous dog contrary to CORD Bylaw No. 1343 section 36.

[42] The attack took place on a city sidewalk. Charlie left the field located on Okanagan College property and went onto the city sidewalk. Mr. Sisett acknowledged that he was the owner of Charlie and that Charlie was not on leash. Mr. Sisett's evidence was that he had the permission of Okanagan College to have his dogs off leash on that field, as he had the tacit permission of the security guards. As I understood Mr. Sisett's evidence, he had been taking his dogs to this field for six years and the security guards had not told him he could not do that; therefore, he had their permission. That may be so, however, the CORD Bylaw section 25 states:

No owner shall cause or permit his or her dog to be At Large. Dogs must be kept on a secure leash held by the Owner.

The Bylaw section 6 defines at large as follows:

At Large means any dog on a highway or public place or on private property other than the Owner's property and not securely leashed and under the control of the Owner.

- [43] Officer McKenney was very clear in his evidence that the field where Mr. Sisett had his dogs on January 29, 2020, was not an off-leash park where an owner could have his or her dogs off leash in accordance with section 28 of the said Bylaw. There was no contrary evidence that the field was a designated off-leash park.
- [44] This field where Mr. Sisett had Charlie off leash and the sidewalk where Ms. Michaels was walking with Spike are public areas or private property not owned by Mr. Sisett. Mr. Sisett was required by section 25 to have Charlie on leash. He did not have Charlie on leash; therefore, Charlie was at large.
- [45] Mr. Sisett has not provided evidence that he was exercising due diligence. He had his dogs, including Charlie, off leash in a location where he was required to have the dogs on leash. As a result of Mr. Sisett having his three dogs off leash on January

29, 2020, there were two episodes that the dogs were involved with that would not have happened if Mr. Sisett had the dogs on leash as was required by law. The first episode had a fortunate result for the dog Diva and Mr. Sisett, given that Diva ran out onto KLO Road and luckily, Ms. Clarkson, being vigilant, did not hit the dog with her car; and the second episode of Charlie attacking and seriously injuring Spike. By having his dogs off leash in a location where he was required to have them on leash, Mr. Sisett was in breach of the law and therefore was not being duly diligent.

- [46] Regarding the doctrine of *scienter*, such does not apply to this case. The doctrine applies in cases regarding civil liability. This is a regulatory matter and these proceedings are quasi-criminal. In *Gallant v. Slootweg*, 2014 BCSC 1579, at paragraph 22 the court states, "*Scienter* is a long-standing doctrine of law that places strict liability on the owner of an animal that causes injury provided the plaintiff can prove the necessary conditions for the doctrine to apply." In Bylaw proceedings there is no plaintiff. The court in *Gallant* reviewed the history of the doctrine of *scienter* in case law, beginning with a decision of Judge Begbie in 1892 and throughout that review, the doctrine applied to civil liability cases.
- [47] Further, I conclude that in regulatory matters such as this matter, a dog is not entitled to its first bite as submitted by the Disputant. One first bite, as in this case, is enough to seriously injure a domestic animal. A first dog bite or attack could seriously injure a person or kill a domestic animal or person.
- [48] The final question to be determined is whether the Disputant did "cause or permit" Charlie to become a dangerous dog. The Disputant relied upon a case of which he was one of the Appellants, *Sisett v. Central Okanagan (Regional District)*, 2019 BCSC 2091. The facts of that case were that dogs of the Sisetts got out of their fenced property, resulting in two tickets being issued to Mr. Sisett and his wife. The matter was dealt with by an adjudicator who upheld the tickets. The Sisetts applied for a judicial review of the adjudicator's decision. The court concluded that the adjudicator (or arbitrator as the court sometimes referred to her as), at paragraph 36, "did not address the factual and legal issue of due diligence." And in paragraph 37, "that the arbitrator

erroneously concluded that the Bylaw was one of absolute liability, making the petitioners responsible for control of their dog on and off their own property. It clearly is not. The Bylaw offences are ones of strict liability."

- [49] The court stated further in paragraph 38, "The Bylaw is intended to prohibit owners from allowing their dogs, or dogs under their care and control, from being at large, running loose in public areas without being leashed, and from allowing their dogs to be in a prohibited public area."
- [50] On January 29, 2020, Mr. Sisett did have his dogs off leash. By being off leash, the dogs, in particular Charlie, was, as described by Mr. Justice Weatherill in *Sisett*, "running loose in public areas without being leashed."
- [51] In *Sisett*, the Bylaws, sections 25 and 26, used the term, "cause or permit," as does section 36, which is applicable to this case. In *Sisett*, the court quoted from *Sault Ste. Marie (City)*, [1978] S.C.J. No. 59 at p. 15, regarding the terms "cause" and "permit." The court then related part of the petitioners' argument at paragraph 33, "They say that before they can be found to have committed the offences, they must have "caused" or "committed" them within the meaning of the Bylaw, and as interpreted by the Supreme Court of Canada in *Sault Ste. Marie*." With respect to Mr. Justice Weatherill, the term used in the applicable Bylaws in that case and in this case is "cause or permit," not "cause and commit." In *Sisett*, the court then stated at paragraph 39:

While the terms "cause or commit" are not defined in the Bylaw, I conclude that they connote a degree of active participation or control over the offences or a state of indifference, acquiescence or permitting the offences to occur, as in the failure to prevent the dogs from escaping when such an escape ought to have been reasonably foreseen.

[52] In this case, Mr. Sisett's failure to leash Charlie as required while off his own property was "active participation" which permitted the attack to take place. Had Mr. Sisett had Charlie on a leash as required, the attack would not have taken place. Charlie would not have been running loose and would have been under the control of Mr. Sisett. Charlie would not have been able to get close to Spike. Mr. Sisett failed to

have Charlie on leash as required by law which directly caused or permitted Charlie to seriously injure Spike.

- [53] Crown has proven its case beyond a reasonable doubt and I find Mr. Sisett guilty of this offence.
- [54] Had this matter proceeded by way of a long form Information, Form 2, pursuant to the *Community Charter*, section 263.1, I would have the authority to order Mr. Sisett to pay compensation to Ms. Michaels for her expenses related to this attack and I would have done so in the amount of \$5,830.72. Because the matter proceeded by way of a Municipal Ticket Information, the *Community Charter* section 263.1 does not apply and I therefore cannot order that compensation.

[55] I hereby order Mr. Sisett to pay the fine amount of the ticket in the amount of \$1,000, payable by August 31, 2021.

Judicial Justice B. Burgess

Provincial Court of British Columbia