

1 EXCERPT FROM MARCH 26, 2014

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3 THE JUDGE: Well, I am sorely tempted to simply  
4 dismiss the matter out of hand or dismiss the matter at  
5 this point and I think out of hand is probably the correct  
6 way to phrase it. That -- and, and I say that not only  
7 because of what I've been told on the record, but also what  
8 I see in the report in terms of the chronology of the  
9 matter and, in fact, the reason that it actually gets here,  
10 which is that Mr. [REDACTED] has not followed up in response  
11 to invitations from the Commissioner and the Commissioner's  
12 office to advance his complaint, if that's what he wished  
13 to do.

14 The reason I'm hesitating is I'm wondering  
15 whether or not it's reasonable to conclude that between the  
16 date where he left the January 30th message and some, we'll  
17 say three weeks later, on or around February the 18th,  
18 20th, whatever it happened to have been, when the letters  
19 went out, let's say it's up to a month, that he (a), could  
20 have abandoned his, his address, the post office box on St.  
21 Mary and, secondly, even if, in fact, he did so -- and I'm  
22 not dealing with the Portage Avenue address because I know,  
23 from having read the file, it doesn't exist -- and  
24 secondly, even having done so, as Mr. McKenna points out,  
25 whether or not it would have been incumbent upon him to  
26 provide that information. And today's March the 26<sup>th</sup>, so  
27 we're talking about over a month after the notification  
28 went out.

29 You know, it seems to me that in all the  
30 circumstances, having regard to all that I've read on the  
31 report, including, as I say, the dilatory, and that's I  
32 think a polite description, manner of Mr. [REDACTED] pursuit  
33 of his original complaint and the fact that he has not  
34 attended today, either because he's declined to pick up

1 materials that have been left for him or he's changed his  
2 address without any notification to the, the proper  
3 authorities, including the Commissioner, I'm not inclined  
4 to, to adjourn the matter further. I appreciate, in  
5 fairness, why that application has been made but it seems  
6 to me that the officers here are entitled to some finality  
7 and that this kind of protracted proceeding can become  
8 abusive, at some point, and I think we're there. And so  
9 I'm going to dismiss the complaint now.

10 MR. MCKENNA: Your Honour, could I ask for a ban  
11 on publication.

12 THE JUDGE: Yes, certainly.

13 MR. MCKENNA: 13(4.1) of the Act.

14 THE JUDGE: Yes.

15 MR. JOHNSTON: Thank you, Your Honour.

16 THE JUDGE: All right. Thank you, Mr. Johnston.

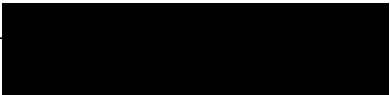
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(EXCERPT CONCLUDED)

#### **CERTIFICATE OF TRANSCRIPT**

I hereby certify the foregoing pages of printed matter, numbered 1 and 2, are a true and accurate transcript of the proceedings, transcribed by me to the best of my skill and ability subject to revisions made by Judge Lerner upon review.

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**IN THE MATTER OF:** The Law Enforcement Review Act  
Complaint No. 2013/132

**AND IN THE MATTER OF:** An application pursuant to s. 13(2)  
of The Law Enforcement Review Act

**BETWEEN:**

[REDACTED]

**Complainant,**

- and -

[REDACTED]

**Respondents.**

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**EXCERPT FROM PROCEEDINGS, REASONS FOR JUDGMENT,**  
before The Honourable Judge Lerner, held at the Law  
Courts Complex, 408 York Avenue, in the City of Winnipeg,  
Province of Manitoba, on the 26th day of March, 2014.

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**APPEARANCES:**

**MR. D. JOHNSTON,** for the Law Enforcement Review Agency

**MR. P. MCKENNA,** for the Respondents

**BAN ON PUBLICATION**