

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: Law Enforcement Review Act
Complaint #2016-141

AND IN THE MATTER OF: An Application for Review pursuant
to s.13(4.1) of The Law Enforcement
Review Act R.S.M. 1987, c. L75

BETWEEN:) Mr. P. McKenna
) for the Respondents
[REDACTED],)
Complainant,) Mr. D. Johnston
) for the LERA Commissioner
)
- and -)
)
[REDACTED])
[REDACTED],)
[REDACTED])
[REDACTED])
)
Respondents.) Judgment delivered
) March 14, 2018

<p>RESTRICTION ON PUBLICATION Pursuant to Section 13(4.1) of the Law Enforcement Review Act there is a restriction on publication regarding this matter.</p>
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1 HEINRICHS, P.J. (Orally)
2 Well, as noted, this matter has been on for quite
3 some time. This is not unusual in some ways because
4 sometimes things do take time, but this is a complaint from
5 August of 2016 at the Via Rail train station in Winnipeg

Reviewed – Release authorized by Heinrichs, P.J.

Note: For the purposes of distribution, personal information has been removed by the Commissioner.

1 and it took some time for the complaint to come forward and
2 for all of the officers, because there was a number of
3 them, to be spoken to, and a decision to be made.

4 I note that the letter by registered mail to Ms.
5 [REDACTED] was May 11th, 2017 and she has made some
6 efforts to contact the court and LERA to some extent, but
7 it would appear to me that, now receiving the fax the day
8 prior to the hearing and for the first time hearing an
9 issue about wanting to contact counsel or have counsel
10 represent her or to get Legal Aid's assistance, is news to
11 everyone at this point in time and so we are now at the
12 point where we do not know how long that will take or what
13 will come of that. And so I think Mr. McKenna has laid it
14 out quite accurately at this point in time. This has gone
15 on for a long time and she is not present. I realize that
16 she resides in another province but it has gone on long
17 enough and so at this point in time I am going to be
18 prepared to grant the motion requested and I am going to
19 dismiss this matter.

20 I will be sending a letter outlining that to the
21 complainant and a copy to both counsel just so they know
22 what was sent on the file. And as well, I believe that it
23 is probably appropriate that a transcript be ordered and
24 simply put on the file so that a record of the proceedings
25 today is there.

26 MR. MCKENNA: Thank you, Your Honour. Just one
27 last thing, if you could order an extension of the ban on
28 publication pursuant to Section 13(4.1).

29 THE JUDGE: I will order that there continue to
30 be a ban on publication pursuant to Section 13(4.1).

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