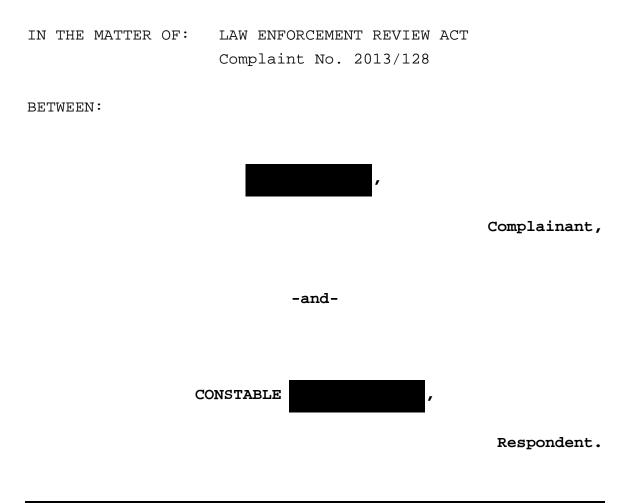
THE PROVINCIAL COURT OF MANITOBA BRANDON CENTRE



REASONS FOR JUDGMENT delivered by The Honourable Judge Slough, at the Brandon Courthouse, 1104 Princess Avenue, in the City of Brandon, in the Province of Manitoba, on the 26th day of April, 2016.

APPEARANCES:

MR. D. JOHNSTON, for the Commissioner. H. WEINSTEIN, Q.C., for the respondent.

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2 3 REASONS FOR JUDGMENT I am prepared to deal with this at this point. 4 5 I want to emphasize first of all that this is not It is not my task here to go through the 6 a rehearing. 7 decide what I would have evidence and decided. The question is: What was done - yes, sir? 8 9 MR. : (Inaudible) one more time? 10 THE COURT: One more time. I was originally arrested in 2010 11 MR. : 12 and the police had my guns for five years and there was ample opportunity for Mr. (inaudible). 13 THE COURT: Okay. 14 15 MR. He didn't need to wait to the very : 16 end to (inaudible) at my place. 17 THE COURT: Okay. Thank you. You're welcome. 18 MR. : THE COURT: As I say, it is really not for me to 19 20 go through here and decide what was done. 21 I have reviewed the record and there is certainly question in my mind that Mr. Churley was actively 22 no 23 involved in trying to investigate this complaint. It is up to him to decide how he does that and it is up to him again 24 25 to weigh the evidence, including disputed facts, and make determinations. 26 27 As counsel has pointed out, my function here is much more limited. It is my function to determine whether 28 the Commissioner's is 29 or not conclusion based on а reasonable assessment of the evidence and if that 30 conclusion is one of the rational conclusions that could be 31 arrived at the Commissioner's determination is entitled to 32 deference and ought not to be disturbed. 33 34 In my view, given the efforts that were made over

1 an extended period of time - and I know that Mr. 2 has criticized some of the things that were done, but that is really not the scope of this review - there were 3 consistent efforts by the Commissioner to pursue this 4 5 matter, to get information that he believed was relevant to this complaint, to develop and speak to Mr. 6 about 7 his concerns here - and quite frankly I agree that he went out of his way to attempt to get the information that he 8 9 required - that ultimately after months of attempts and 10 numerous efforts he decided that Mr. was not interested in pursuing this matter. 11 I think that was a rational conclusion. Mr. takes a different view, 12 but that really is not the test. The test is whether or 13 not the Commissioner reached a rational conclusion that Mr. 14 15 had in effect abandoned this claim and I find that that was a rational conclusion based on the evidence before 16 Commissioner on the record and accordingly 17 the I am 18 dismissing the claim. I believe that concludes this matter. 19 20 21 (REASONS FOR JUDGMENT CONCLUDED) 22 23 24 25 26 27 CERTIFICATE hereby certify the foregoing pages of 28 Ι printed 29 matter, numbered 1 to 2, are a true and accurate transcript of the proceedings, transcribed by me to the best of my 30 skill, ability and understanding. 31 32 33 DONNA M. SCINOCCA 34 COURT TRANSCRIBER