SCC File No. 37596

**IN THE SUPREME COURT OF CANADA**
(ON APPEAL FROM THE SASKATCHEWAN COURT OF APPEAL)

B E T W E E N:

**SPENCER DEAN BIRD**

APPELLANT

-and-

**HER MAJESTY THE QUEEN**

RESPONDENT

-and-

**ATTORNEY GENERAL OF CANADA, ATTORNEY GENERAL OF ONTARIO, DAVID ASPER CENTRE FOR CONSTITUTIONAL RIGHTS, ABORIGINAL LEGAL SERVICES, CANADIAN CIVIL LIBERTIES ASSOCIATION**

INTERVENERS

---

# FACTUM OF THE INTERVENER ABORIGINAL LEGAL SERVICES

(Pursuant to Rule 42 of the Rules of the Supreme Court of Canada)

---


**ABORIGINAL LEGAL SERVICES**
211 Yonge Street, Suite 500
Toronto, Ontario M5B 1M4

Jonathan Rudin, LSUC #18581Q
Emilie N. Lahaie, LSUC #68795J
Tel: (416) 408-4041 ext. 226
Fax: (416) 408-1568
Email: rudinj@lao.on.ca

Counsel for the Intervener

**COMMUNITY LEGAL SERVICES OTTAWA CENTRE**
1 rue Nicholas Street, Suite 422
Ottawa, Ontario K1N 7B7

Michael Bossin
Tel: (613) 241-7008 ext.224
Fax: (613) 241-8680
Email: bossinm@lao.on.ca

Ottawa Agent for the Intervener

**TO:** **The Registrar**
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

**AND TO:** **Leif Jensen**
**Michelle M. Biddulph**
Community Legal Assistance Services for Saskatoon Inner City Inc.
123 20th Street West
Saskatoon, Saskatchewan S7M 0W7
Telephone: (306) 657-6106
FAX: (306) 384-0520
E-mail: leif_j@classiclaw.ca

*Counsel for the Appellant*

**AND TO:** **Matthew B. Day**
Shore Davis Johnston
200 Elgin Street, Suite 800
Ottawa, Ontario K2P 1L5
Telephone: (613) 233-7747
FAX: (613) 233-2374
E-mail: day@shoredavis.com

*Agent for Counsel for the Appellant*

**AND TO:** **Theodore Litowski**
Ministry of Justice Saskatchewan, Constitutional Law Branch
820-1874 Scarth St.
Regina, Saskatchewan S4P 4B3
Telephone: (306) 787-6642
FAX: (306) 787-9111
E-mail: theodore.litowski@gov.sk.ca

*Counsel for the Respondent*

**AND TO:** **D. Lynne Watt**
Gowling WLG (Canada) LLP
160 Elgin Street, Suite 2600
Ottawa, Ontario K1P 1C3
Telephone: (613) 786-8695
FAX: (613) 788-3509
E-mail: lynne.watt@gowlingwlg.com

*Agent for Counsel for the Respondent*

**AND TO:** **Deborah Krick**
Attorney General of Ontario
720 Bay Street, 10th floor
Toronto, Ontario M7A 2S9
Telephone: (416) 326-4600
FAX: (416) 326-4656
E-mail: deborah.krick@ontario.ca

*Counsel for the Intervener*
*Attorney General of Ontario*

**AND TO:** **Nadia Effendi**
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, suite 1300
Ottawa, Ontario K1P 1J9
Telephone: (613) 237-5160
FAX: (613) 230-8842
E-mail: neffendi@blg.com

*Agent for Counsel for the Intervener*
*Attorney General of Ontario*

**AND TO:** **Sharlene Telles-Langdon**
Attorney General of Canada
Prairie Regional Office
301-310 Broadway Avenue
Winnipeg, Manitoba R3C 0S6
Telephone: (204) 983-0862
FAX: (204) 984-8495
E-mail: Sharlene.Telles-Langdon@justice.gc.ca

*Counsel for the Intervener*
*Attorney General of Canada*

**AND TO:** **Robert J. Frater Q.C**.
Attorney General of Canada
50 O'Connor Street, Suite 500, Room 556
Ottawa, Ontario K1P 6L2
Telephone: (613) 670-6289
FAX: (613) 954-1920
E-mail: robert.frater@justice.gc.ca

*Agent for Counsel for the Intervener*
*Attorney General of Canada*

**AND TO:** **Breese Davies**
**Cheryl Milne**
Breese Davies Law
171 John Street, Suite 101
Toronto, Ontario M5T 1X3
Telephone: (416) 649-5061
FAX: (416) 352-7733
E-mail: bdavies@bdlaw.ca

*Counsel for the Intervener*
*David Asper Centre for Constitutional Rights*

**AND TO:** **Matthew J. Halpin**
Norton Rose Fulbright Canada LLP
45 O'Connor Street, Suite 1500
Ottawa, Ontario K1P 1A4
Telephone: (613) 780-8654
FAX: (613) 230-5459
E-mail: matthew.halpin@nortonrosefulbright.com

*Agent for Counsel for the Intervener*
*David Asper Centre for Constitutional Rights*

**AND TO:** **Audrey Boctor**
**Olga Redko**
Irving Mitchell Kalichman LLP
Alexis Nihon Plaza, Tower 2
3500 De Maisonneuve Blvd. West
Montreal, Quebec H3Z 3C1
Telephone: (514) 934-7737
FAX: (514) 935-2999
E-mail: aboctor@imk.ca

*Counsel for the Intervener*
*Canadian Civil Liberties Association*

**AND TO:** **Marie-France Major**
Supreme Advocacy LLP
100- 340 Gilmour Street
Ottawa, Ontario K2P 0R3
Telephone: (613) 695-8855 Ext: 102
FAX: (613) 695-8580
E-mail: mfmajor@supremeadvocacy.ca

*Agent for Counsel for the Intervener*
*Canadian Civil Liberties Association*

# Table of Contents

## Part I – Overview

1. Aboriginal Legal Services (ALS) intervenes in this case pursuant to an Order of Justice Moldaver made on October 4, 2017.

2. ALS adopts the position of the Appellant on the facts of this case as set out in paragraphs 3 to 5 of their factum.

## Part II – Statement of Position

3. ALS makes two arguments with respect to the case at bar:

    1. When deciding if this case is an appropriate instance to allow a collateral attack, the Court must consider the factors set out *R v Consolidated Maybrun Mines Ltd.*[1] (*Maybrun*) and *R v Al Klippert Ltd.*[2] (*Klippert*) through a lens that acknowledges the full context of the Appellant's unique circumstances as an Indigenous offender.

    2. The trial judge was correct to find that requiring a long-term offender whose sentence had ended to reside in a correctional faculty as part of their long-term supervision order (LTSO) under section 134.1(4) of the *Corrections and Conditional Release Act*[3] (CCRA) is a violation of the individual's section 7 rights under the *Canadian Charter of Rights and Freedoms* (*Charter*).[4]

## Part III – Legal Argument

### 1. A Collateral Attack is Appropriate This Case

#### *a) Relevant Circumstances*

4. The decisions in *Maybrun* and *Klippert* make clear there is no absolute prohibition on collateral attacks of decisions of bodies such as the Parole Board (the Board). The determination of whether or not a collateral attack is permitted is contextual,

---

[1] *R v Consolidated Maybrun Mines Ltd.*, [1998] 1 SCR 706, 123 CCC (3d) 449.
[2] *R v Al Klippert Ltd.*, [1998] 1 SCR 737, 123 CCC (3d) 474 [*Klippert*].
[3] *Corrections and Conditional Release Act*, S.C. 1992, c. 20, s. 134.1(4) [CCRA].
[4] *Canadian Charter of Rights and Freedoms, Part 1 of the Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), c 11, s. 7.

depending on the nature of the decision being attacked and the options for redress existing for the individual launching the collateral attack. [5]

5. ALS agrees with the trial judge in the case at bar that the Board was within its rights to impose a residence condition on those starting their LTSO[6] and that the Board was also within its rights to impose conditions as part of that residence requirement.[7] In addition, ALS agrees with the trial judge that the *Charter* violation occurred when the Appellant, as part of his residence requirement, was placed in a federal correctional facility[8] – the same facility where he served his custodial sentence until his warrant expiry date.[9]

6. In order to properly determine what options existed for the Appellant to challenge the impugned decision, it is necessary to first determine when the alleged *Charter* breach arose.

7. On July 15, 2014, the Board issued a pre-release decision and on July 24, 2014, the Appellant received this decision from the Board along with a cover letter.[10] This letter outlined the steps Mr. Bird should take if he wished to challenge the decision:

> You may apply to the Parole Board of Canada to be relieved of any of your conditions or request that the Board vary the terms of any of your conditions of Long Term Supervision Order. Upon receipt of your application and an updated report from your Parole Officer, with whom you should discuss your request, your file will be referred to the Board for voting and subsequently you will be advised of the outcome.[11]

8. This decision only required the Appellant to reside in an approved residence, and

---

[5] *Klippert,* supra note 2 at 13.
[6] *R v Bird,* 2016 SKPC 28, [2016] SJ No. 68, 352 CRR (2d) 248 at 40 [*Bird QB*].
[7] *Ibid*.
[8] *Ibid* at 40.
[9] A Warrant Expiry Date (WED) is the date a criminal sentence officially ends, as imposed by the courts at the time of sentencing. Offenders who reach their WED after completing their entire sentence are no longer under the jurisdiction of Correctional Service Canada (CSC). Neither CSC nor the Parole Board of Canada (PBC) has the legal authority to lengthen or shorten a court sentence.
Public Safety Canada, "Warrant Expiry Date" (20 November 2015), online: Public Safety Canada <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/protctn-gnst-hgh-rsk-ffndrs/wrrnt-xpr-dt-en.aspx>
[10] *Bird QB, supra* note 6; See also: Record of the Appellant, Volume 1, Tab 2 at 14-15.
[11] Record of the Appellant, Volume 2, Appendix A at page 67.

therefore on its face did not give rise to any potential *Charter* challenge.[12] Indeed, the Appellant, not knowing where he was to be placed, was in no position to request a variance from the decision.

9. On August 14, 2014, the Appellant was transferred to the Oskana Community Correctional Centre (Oskana), "a Federal penal institution, not different in its legal status from a higher security penitentiary."[13] He remained at Oskana as an inmate until his warrant expiry on January 7, 2015. On that date he signed his long-term supervision certificate. It was only then that he learned he would be spending the first 180 days of his LTSO at Oskana.[14]

10. In light of the finding by the trial judge that the s. 7 violation was triggered by the Appellant's placement under the LTSO at Oskana, the first time he would have had an opportunity to challenge the decision was January 7, 2015.

11. The Saskatchewan Court of Appeal also found that it was not until January 7, 2015 that the Appellant's rights crystallized. At paragraph 28, Chief Justice Richards for the Court stated:

> I should perhaps note here that the Parole Board's order required only that Mr. Bird "reside at a community correctional centre or a community residential facility or other residential facility (such as private home placement) approved by the Correctional Service of Canada". It did not specifically direct him to Oskana Centre. That was done by CSC. However, given that this case has been argued and decided to this point on the basis that the Parole Board's order resulted in Mr. Bird being in Oskana Centre, I am prepared to proceed on that basis.

12. With respect, the Court of Appeal should not have proceeded on the basis that it was the Board's order that resulted in the Appellant being placed in Oskana. The crown's appeal was granted on the ground that the Appellant should have taken steps between July 24, 2014, and January 6, 2015, to challenge the decision of the Board.[15] The logical problem with this approach is that the alleged Charter violation did not arise until Correctional Services Canada (CSC) informed the Appellant specifically where

[12] *Bird QB, supra* note 6 at 5.
[13] *Bird QB, supra* note 6 at 9.
[14] *R v Bird*, 2017 SKCA 32, [2017] SJ No. 181, 348 CCC (3d) 43 at 16 [*Bird CA*].
[15] *Ibid* at 52-53.

he was residing and this did not occur until January 7, 2015. He should not have been remitted for sentencing for the breach of his LTSO at the Provincial Court for failing to take steps that were impossible to take in the aforementioned period of time.[16]

***b) Appropriateness of a Collateral Attack***

13. In determining the issue of the appropriateness of collateral attack, it is important to focus on what options were actually before the Appellant when he learned he would be serving his LTSO in the same federal correctional facility as the one where he was housed as an inmate.

14. There is no statutory right of appeal from the decision of the Board to its Appeal Division.[17] The Court of Appeal at para. 45 and the Respondent in their factum maintain that the proper route was to the Federal Court.[18] If this is indeed the case, this would not be the impression that the Appellant received from the July 24, 2014, cover letter referred to above at paragraph 7. There is no mention in that letter of an appeal route to the Federal Court.

15. While the Court of Appeal felt the proper forum for the hearing of Mr. Bird's challenge was the Federal Court, he could have also brought a *habeas corpus* application challenging his continued placement at Oskana to the Saskatchewan Court of Queen's Bench. This Court has noted in both *May v Ferndale Institution*[19]and *Mission Institution v Khela*[20] that a provincial superior court is the preferred venue for a *habeas corpus* challenge.[21] This Court has not addressed this issue in the context of a challenge to the conditions of an LTSO.

---

[16] *Ibid* at 62.
[17] *CCRA*, *supra* note 3 at s. 134.1(4).
[18] Factum of the Respondent, Her Majesty the Queen in right of Saskatchewan, at para 86 [Respondent's Factum].
[19] *May v Ferndale Institution*, 2005 SCC 82, [2005] 3 SCR 809.
[20] *Mission Institution v Khela*, 2014 SCC 24, [2014] 1 SCR 502.
[21] In *Khela* at 42, it was noted that provincial superior courts should decline jurisdiction when:

> (1) a statute such as the Criminal Code, R.S.C. 1985, c. C-46, confers jurisdiction on a Court of Appeal to correct the errors of a lower court and release the applicant if need be or
> (2) the legislator has put in place complete, comprehensive and expert procedure for review of an administrative decision.

These exceptions to not appear relevant to the case of the Respondent.

16. The fact that Mr. Bird had two avenues for a challenge to the courts is significant as the Court of Appeal at paragraph 57 found that the Federal Court has the exclusive supervisory jurisdiction with regard to decisions of the Board. This does not appear to be correct.

### *c) Distinguishing Maybrun and Klippert From The Case At Bar*

17. Understanding the reality of the situation facing the Appellant allows for a realistic assessment and consideration of the application of the factors set out in *Maybrun* and *Klippert*. There are five contextual factors that distinguish the situation facing Mr. Bird and the two corporate parties. These factors must be understood prior to applying the test developed in the above-noted cases.

18. The first difference is that the decisions in *Maybrun* and *Klippert* were clear and arose directly out of the findings of an administrative tribunal. Here the impugned condition did not arise from the decision of the Board but rather was the exercise of a delegated power by CSC almost six months after the decision itself was rendered.

19. Second, the parties in *Maybrun* and *Klippert* had time to consider whether to appeal from the decisions they objected to or launch a collateral attack. In either case, the decisions of the administrative tribunals would have been stayed until the appeals had been heard and then further appeal options exhausted.

20. In this case the Appellant only officially learned of his placement for his LTSO on the day of his warrant expiry. Had he not signed his LTSO certificate he would have still been bound by his release conditions.[22] He had no opportunity to consult counsel to determine how to approach a challenge to the decision and such a challenge would not have delayed his placement at Oskana. Even if he had a realistic opportunity to challenge the decision, he likely would have served most or his entire 180 day residence requirement before the matter was actually determined.

---

[22] Correctional Service Canada, "Long-Term Supervision Orders: Annex B – Assessment for Decision for Long-Term Supervision Order- Report Guide" (01 June 2016), online: Correctional Service Canada <http://www.csc-scc.gc.ca/politiques-et-lois/719-cd-eng.shtml#AnnexB>.

21. The issue of the ability to retain counsel is the third significant difference between *Maybrun* and *Klippert* and the instant case. Both the corporate parties in the above-noted cases had the opportunity to obtain advice and representation from counsel. That advice and representation would have allowed them to determine whether they wanted to directly appeal their impugned decisions or embark upon a collateral attack. They also would have had counsel available to represent them at all stages of the proceedings.

22. The Appellant was not in such a fortunate position. Unsurprisingly, as an Indigenous person serving a sentence to warrant expiry and starting his long-term supervision, he did not have the means to retain counsel. Even obtaining counsel to defend him against his criminal charge for breach of the LTSO was incredibly difficult and took many months.

23. At the May 7, 2015, hearing of his breach charge at Provincial Court, Mr. Bird explained that Legal Aid had chosen not to represent him because they felt the case lacked merit.[23] The Court held the case over until July 15, 2015. On that date the Court denied Mr. Bird's application for court appointed counsel. [24] However, on October 8, 2015, after determining that this was a complex *Charter* issue and the crown was seeking a significant jail sentence, the Court decided to exercise its discretion and make court appointed counsel available. [25] One can only imagine the hurdles that would have faced Mr. Bird if he had tried to obtain counsel to take his challenge to the Federal Court or the Saskatchewan Court of Queen's Bench.

24. The fourth factor relates to the reversal by the Provincial Court of its earlier decision to deny Mr. Bird court-appointed counsel. The corporate parties faced financial penalties but no possibility of loss of liberty. This was not the case for the Appellant. At the October 8, 2015, hearing, the Appellant told the Court that he was concerned with the length of time the crown was seeking – four years imprisonment.

---

[23] *R v Bird*, Provincial Court of Saskatchewan, Transcripts, Proceedings Vol 1 at T5, page 8.
[24] *R v Bird*, Provincial Court of Saskatchewan, Transcripts, Proceedings Vol 1 at T21, page 24.
[25] *R v Bird*, Provincial Court of Saskatchewan, Transcripts, Proceedings Vol 1 at T45, page 48.

25. The fifth factor arises from the fact the Appellant is an Indigenous person and as such the principles enunciated in this Court in *R v Gladue*[26] and *R v Ipeelee* are at play. Of particular relevance is the Court's admonition in *Ipeelee*, that "…direct[ed] sentencing judges to pay particular attention to the circumstances of Aboriginal offenders…"[27]

26. The considerations developed in *Gladue* and *Ipeelee* should have been explicitly considered in determining whether to permit the collateral attack. What is particularly apt in this case is the direction from this Honourable Court in *Ipeelee* that judges must be the front line workers ensuring that systemic discrimination does not contribute to the over-representation of Indigenous people.[28] Allowing Mr. Bird's challenge to proceed at the Provincial Court properly accounted for the systemic disadvantages he faced in the justice system.

***d) Considering the Maybrun and Klippert Factors in This Case***

27. With this factual and contextual background in place, it is now possible to apply the criteria developed in *Maybrun* and *Klippert* to the case at bar. As stated by this Court in *Klippert* at paragraph 13 the five criteria are:

> (1) the wording of the statute under the authority of which the order was issued; (2) the purpose of the legislation; (3) the existence of a right of appeal; (4) the kind of collateral attack in light of the expertise or raison d'être of the administrative appeal tribunal; and (5) the penalty on a conviction for failing to comply with the order.

28. It is submitted that in the circumstances of this case all the criteria but the second weigh in favour of allowing the collateral attack. As noted in *Klippert*, these factors are merely various indicia that could be of assistance in these matters. It could be that "...one of these factors will be decisive on its own in one case but not in another. The determination of legislative intent is never a mechanical act…"[29]

29. With respect to the first criteria, the wording of the statute is vague insofar as it

---

[26] *R v Gladue*, [1999] 1 SCR 688, 133 CCC (3d) 385.
[27] *R v Ipeelee*, 2012 SCC 13, [2012] 1 SCR 433 at 59 [*Ipeelee*].
[28] *Ibid* at 67.
[29] *Kippert, supra* note 2 at 14.

relates to where a long-term offender can be required to reside. In addition, it delegates the power to make this important decision to the CSC with no guidance or direction from the Board.

30. In terms of the third criteria, a right of appeal, it is clear that in this case, there were no effective rights to challenge the decision. There are two reasons for arriving at this conclusion. First, the impugned decision occurred almost six months after the decision of the Board and there is no clear process to challenge a delegated administrative power granted by the Board to CSC. Second, the Appellant had virtually no means to challenge the decision to any body anywhere. The vulnerable circumstances of the Appellant strongly militate against pretending that he could have meaningfully challenged the decision by CSC when it took him months to secure counsel to allow him to fight his criminal charge.

31. Since there is no statutory right of appeal from the Board, the fourth criteria cannot be relied upon to contest a collateral attack.[30]

32. Finally, with respect to the fifth criteria, the penalty upon conviction, the Court of Appeal was undoubtedly correct when they found that the penalty imposed on an offender who fails to comply with a condition of their LTSO is substantial. This suggests it was not the intention of Parliament that an offender "… be convicted of breaching a long-term supervision condition without having an opportunity, in the trial court, to challenge the legality of the condition."[31]

33. Under all these circumstances - where there is no meaningful way to challenge an administrative decision delegated to a body other the decision maker and where there is a substantial loss of liberty attendant with the breach of the decision – a collateral attack in order to defend against a significant jail sentence must be permitted, particularly for an Indigenous person.

---

[30] *Bird CA*, *supra* note 14 at 54; Respondent's Factum, *supra* note 18.
[31] *Ibid* at 56.

## 2. The S. 7 Breach

34. If the collateral attack is permissible, then the question that remains to be decided is whether the Appellant has made out a breach of his s. 7 rights.

35. The trial judge found that requiring a long-term offender whose sentence had ended to spend his time in a correctional faculty as part of his LTSO violates his s. 7 rights. It is submitted that the trial judge was correct in his finding and that the impugned law was overbroad in restricting the Appellant's liberty.

36. The issue in this case is not whether the Board can impose residence restrictions on those serving the non-custodial portion of their LTSO. The issue here is whether any and all such placements imposed by a delegated authority, including placement in a jail, comply with the principles of fundamental justice.

37. It is submitted that it this case, the discretion given to CSC to place a person serving an LTSO in jail violates the liberty interests of the long-term offender and does not comply with the principles of fundamental justice since it is overbroad.[32]

38. An important aspect to consider in this case is the goal of the legislation at issue. In *Ipeelee,* LeBel J. wrote:

> The legislative purpose of an LTSO, a form of conditional release governed by the *CCRA*, is therefore to contribute to the maintenance of a just, peaceful and safe society by facilitating the rehabilitation and reintegration of long-term offenders.[33]

Rehabilitation and reintegration cannot occur in a penitentiary.

39. This is not a case where the offender was on a form of community supervision or parole and then required to serve his LTSO at the same location. Such a decision would be in keeping with the gradual release of the individual into the community and fits within the goals of the legislation. Here, Mr. Bird went from jail as a prisoner to jail as a long-term offender. Requiring a long-term offender to spend part of the

---

[32] *Canada (Attorney General) v Bedford*, 2013 SCC 72, [2013] 3 SCR 1101, 303 CCC (3d) 3 at 112.
[33] *Ipeelee, supra* note 27 at 47.

non-custodial portion of his sentence in jail is clearly overboard.

40. It is not permissible for CSC, exercising their delegated powers from the Board, to determine that any facility where they wish to keep a long-term offender is acceptable. Once a person's sentence has expired, CSC has no right to keep the person in custody. The sentence passed by the Court must be followed. Unless the offender is sentenced to life or an indeterminate custodial sentence as a dangerous offender, when jail time is done it is done.

41. This Honourable Court in *Lloyd*[34] was clear that a Provincial Court judge has the power to apply the *Charter* to prevent an unconstitutional law from taking away a person's liberty.[35] Contrary to the position of the Respondent, a finding that the residence requirement imposed by CSC is unconstitutional will not lead to "chaos."[36] Rather, it is expected that as a result of such a finding, CSC would change its practices and policies and focus on finding appropriate non-custodial community facilities for LTSO's.

**Part IV – Position on Costs**

42. ALS seeks no costs and respectfully submits that no costs be ordered against it.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED, this 13th day of November, 2017.**

_____ _____

**Jonathan Rudin**
**ABORIGINAL LEGAL SERVICES**
Counsel for the Intervener

**Emilie Lahaie**
**ABORIGINAL LEGAL SERVICES**
Counsel for the Intervener

[34] *R v Lloyd*, 2016 SCC 13, [2016] 1 SCR 130.
[35] *Ibid* at 16.
[36] Respondent's Factum, *supra* note 18 at para 54.

## Part VI – Table of Authorities

| TAB | AUTHORITIES | Cited at Para. No. |
|---|---|---|
| Legislation | | |
| 1. | *Corrections and Conditional Release Act* , S.C. 1992, c. 20 134.1(4)<br><br>*Loi sur le système correctionnel et la mise en liberté sous condition (L.C. 1992, ch. 20)*<br>134.1(4) | 3, 14 |
| 2. | *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), c 11<br>7<br><br>*Charte Canadienne des droits et libertes* *Loi de 1982 sur le Canada*, 1982, ch. 11 (RU)<br>7 | 3 |
| Cases | | |
| 3. | *R v Consolidated Maybrun Mines Ltd.*, [1998] 1 SCR 706, 123 CCC (3d) 449 | 3 |
| 4. | *R v Al Klippert Ltd.*, [1998] 1 SCR 737, 123 CCC (3d) 474 | 3, 4, 28 |
| 5. | *R v Bird*, 2016 SKPC 28, [2016] SJ No. 68, 352 CRR (2d) 248 | 5, 7,8, 9 |
| 6. | *R v Bird*, 2017 SKCA 32, [2017] SJ No. 181, 348 CCC (3d) 43 | 9, 12, 31, 32 |

| TAB | AUTHORITIES | Cited at Para. No. |
|---|---|---|
| 7. | *May v Ferndale Institution*, 2005 SCC 82, [2005] 3 SCR 809, 204 CCC (3d) 1 | 15 |
| 8. | *Mission Institution v Khela*, 2014 SCC 24, [2014] 1 SCR 502 | 15 |
| 9. | *R v Gladue*, [1999] 1 SCR 688, 133 CCC (3d) 385 | 25 |
| 10. | *R v Ipeelee*, 2012 SCC 13, [2012] 1 SCR 433 | 25, 26, 38 |
| 11. | *Canada (Attorney General) v Bedford*, 2013 SCC 72, [2013] 3 SCR 1101, 303 CCC (3d) 3 | 37 |
| 12. | *R v Lloyd*, 2016 SCC 13, [2016] 1 SCR 130 | 41 |
| Secondary Sources | | |
| 13. | Public Safety Canada, "Warrant Expiry Date" (20 November 2015), online: Public Safety Canada <https://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/protctn-gnst-hgh-rsk-ffndrs/wrrnt-xpr-dt-en.aspx> | 5 |
| 14. | Correctional Service Canada, "Long-Term Supervision Orders: Annex B – Assessment for Decision for Long-Term Supervision Order- Report Guide" (01 June 2016), online: Correctional Service Canada < http://www.csc-scc.gc.ca/politiques-et-lois/719-cd-eng.shtml#AnnexB> | 20 |