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BY EMAIL & HAND

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File no. 02431988

Mr. Roger Bilodeau, Q.C.
Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

Dear Mr. Bilodeau:

Re: T.J.M. v. Her Majesty the Queen #38944

We are the Ottawa Agent to Counsel for the Respondent.

The Respondent asks that the application for leave to appeal be dismissed.

The question of whether a superior court has concurrent jurisdiction to hear a young person's bail application, if there is an election to have the trial in superior court, has little impact on the administration of justice. In all instances a young person charged with an offence has the ability to apply for bail in provincial youth court.

Parliament intended to create a specialized provincial youth court to handle youth matters. There is no rationale for providing concurrent jurisdiction to superior courts to hear bail application for those young persons who elect to have their trials in superior court. Superior courts have no expertise dealing with young persons. There is no reason to treat a young person who elects to have a trial in superior court differently from all other young persons. Further, granting superior courts concurrent jurisdiction complicates the bail review process, which would otherwise occur in the superior court.

The question raised in this application is largely academic or moot, since the Applicant may apply for bail in the provincial youth court and have that bail decision reviewed by the superior court. Regardless of the answer to the proposed question, young persons will be able to obtain release from the provincial youth court regardless of whether the superior court is found to have concurrent jurisdiction to hear bail when a young person elects to have a trial in the superior court.

The Respondent does not seek costs.

Yours very truly,



D. Lynne Watt

DLW:kc

cc: Coleen Bauman, Ottawa Agent for Counsel for the Applicant

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