

1 SEPTEMBER 17, 2013

2

3 THE JUDGE: Good morning.

4 THE CLERK: Judge Guy presiding.

5 THE JUDGE: Good morning.

6 MR. MCKENNA: Morning, Your Honour.

7 MR. JOHNSTON: Good morning, Your Honour.

8 THE JUDGE: I note on the trial slip, I can't
9 tell by signatures, it looks like it was signed by, by
10 somebody indicating that they were aware of the trial, or
11 the hearing of this matter at 9:30. I wanted to wait until
12 10:00, because the first time I was assigned to this court
13 I was confused, too, so why we going at --

14 MR. MCKENNA: Yes.

15 THE JUDGE: -- 9:30.

16 MR. MCKENNA: Yes.

17 THE JUDGE: So, I thought I would give her the
18 benefit of the doubt. The other question I would like to
19 raise is should I write a decision vis-à-vis this or do I
20 just dismiss the, the matter?

21 MR. MCKENNA: I -- the most common one I've seen
22 is a letter --

23 THE JUDGE: Okay.

24 MR. MCKENNA: -- that goes out saying that the
25 complainant failed to appear and the matter is therefore
26 dismissed.

27 THE JUDGE: Okay.

28 MR. MCKENNA: That's the most common form it's --

29 THE JUDGE: Okay.

30 MR. MCKENNA: -- come in.

31 THE JUDGE: Because I often wonder, these things
32 seem to have a life of their own and, and sometimes you
33 feel there should be closure.

34 MR. MCKENNA: Yes.

1 THE JUDGE: And I didn't know whether having read
2 the file whether I would --

3 MR. MCKENNA: Yes.

4 THE JUDGE: -- uphold the, the Commissioner's
5 decision or simply say that the matter's dismissed
6 because --

7 MR. MCKENNA: That's correct.

8 THE JUDGE: -- she didn't show up

9 MR. MCKENNA: Yes. And, Your Honour, if that's
10 where you're going to be going, which is what we would want
11 you to do, we would ask you to order that the ban on
12 publication continue pursuant to Section 13(4.1).

13 THE JUDGE: Yes, that ban on publication will
14 continue and the matter's dismissed due to the non-
15 appearance of the appellant/applicant in the circumstances.
16 Okay.

17 THE CLERK: (Inaudible) --

18 MR. MCKENNA: Thank you.

19 THE JUDGE: Okay, until two o'clock. Thank you.

20 THE CLERK: All rise.

21 MR. JOHNSTON: Thank you, Your Honour.

22 MR. MCKENNA: Good day, Your Honour.

23 THE CLERK: And this court is now --

24

25 (PROCEEDINGS CONCLUDED)

CERTIFICATE OF TRANSCRIPT

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

COLLEEN KUZYK
COURT TRANSCRIBER

IN THE MATTER OF: The Law Enforcement Review Act
 Complaint No. 2012/131

AND IN THE MATTER OF: An application pursuant to s.
 13(2) of The Law Enforce Review
 Act, C.C.S.M. c. L75

BETWEEN:

[REDACTED],

Complainant,

- and -

[REDACTED] and
[REDACTED],

Respondents.

TRANSCRIPT OF PROCEEDINGS, before The Honourable
Judge Guy, held at the Law Courts Complex, 408 York Avenue,
in the City of Winnipeg, Province of Manitoba, on the 17th
day of September, 2013.

APPEARANCES:

MR. D. JOHNSTON, for Law Enforcement Review Agency

MR. P. MCKENNA, for the Respondents

BAN ON PUBLICATION

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