

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Lane

REGINA

v.

JAMES DILLABOUGH

Appearances:
Megan Seiling
James Dillabough

Counsel for the Territorial Crown
Appearing on his own behalf

REASONS FOR SENTENCE

[1] LANE T.C.J. (Oral): I must say, when I came into this courtroom, I thought the Crown's position was a fairly aggressive position but, in fairness, she warned me of that and I was loath to follow it. Unfortunately, it has become very, very clear to me that Mr. Dillabough is not going to comply with any order that would result in him being able to become compliant with Control Order 2018-001 (the "Control Order").

[2] I have explored every possibility. I have tried everything. To the point that Mr. Dillabough is making threats, in my opinion, that are tantamount to criminal death threats in this courtroom to employees of the Government of Yukon, where he said, "If

they're coming out to put down my goats, they better put me down first," you can read that two ways:

(a) I will defend them as much as I can; or

(b) I am going to shoot you.

It may not quite meet the threshold of a criminal threat but, in my view, it is not far from it. I see nothing that I can do to assist Mr. Dillabough.

[3] I am going to make an order under s. 60(1) of the *Animal Health Act*, SY 2013, c. 10, (the "*Act*"). The section reads:

If a person is convicted of an offence under this Act, a justice may, in addition to any other penalty, prohibit the person from owning or having custody or control of an animal.

[4] I am making that order as it relates to domestic goats and domestic sheep.

[5] It further goes on to say prohibiting that person "from owning or having custody or control of an animal." The "animal" is domestic goats, and domestic sheep.

[6] I do not want to create a situation where the government comes out and seizes them and then puts them down. I want Mr. Dillabough to have the opportunity to decide what will happen to them.

[7] It would appear to me under s. 59 of the *Act* that the Court has jurisdiction to make numerous orders for a period lasting up to three years. It is not clear to me if the legislation would permit me to make such an order that lasts indefinitely. I doubt that I have that jurisdiction, but it looks to me by inference and legislative analysis that in s. 59(b), of the *Act*, states:

perform community service for a period of up to three years.

[8] Section 59(e) states:

submit to the chief veterinary officer or an inspector information respecting the activities of the person that the justice considers appropriate in the circumstances, for a period of up to 3 years.

[9] Section 59(i) states:

submit to inspections, submit samples or analyses or do any other thing necessary to permit an inspector or other person specified by the justice to monitor compliance, for a period of up to 3 years...

[10] I have already concluded that, unfortunately, there is no reasonable expectation at all that Mr. Dillabough will be compliant with an order that would permit him to keep the animals. I have tried everything to find some common ground that would help you to live in relative peace with the officials and yet be able to continue owning your goats, but you crossed the line when you started making, what amounts very close to, criminal threats and, unfortunately, I have no confidence there is anything I can do.

[DISCUSSIONS]

[11] The order is, Mr. Dillabough, that you will not own, have custody or control of a domestic goat or a domestic sheep in the Yukon. This does not apply everywhere in Canada but it does apply in the Yukon until the cessation of the Control Order on December 31, 2024. That is how long this order will be.

[12] You have until November 4, 2020, at 5:00 p.m. to either have those goats out of the Yukon, or deal with them in some way where they are no longer a risk. Really, your

alternatives are to take them out of the Yukon, or to put them down. You have until November 4 to decide that.

[13] I did not want the government authorities to have the power to put them down because I thought you should be the one to make that decision. You may well have emotional attachments to these animals. You will have to decide if you love the animals enough and you have the resources to find a way to get them out of the Yukon. If, on the other hand, you either do not have the resources, or you do not care that much, then you may have to choose to put them down, but they cannot stay with you in the Yukon.

[DISCUSSIONS]

[14] Let the record show Mr. Dillabough is leaving the courtroom. The Court is not closed. Sentencing is, for all intents and purposes, finished.

[DISCUSSIONS]

[15] I should have added that the animals will be forfeited.

[DISCUSSIONS]

[16] I think what I will do is indicate that you have that time frame until November 4, 2020. If Mr. Dillabough does not cooperate – and I would somehow want this incorporated in the order - if he does not allow you onto the property or prevents you from coming onto the property, I am not sure I have the power to go so far as to allow entry onto private property, but a Supreme Court judge does. I would

be inclined to say that if Mr. Dillabough does not permit you entry to inspect the property, to go ahead and seize the goats in the event he has not yet disposed of them. I am going to give you the power to seize the goats and dispose of them as you see fit.

LANE T.C.J.