

Citation: *R. v. Meyer*, 2022 YKTC 17

Date: 20220325
Docket: 21-05241
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Chisholm

REGINA

v.

MARC MEYER

Appearances:
David A. McWhinnie
Luke Faught

Counsel for the Territorial Crown
Counsel for the Defence

REASONS FOR SENTENCE

[1] CHISHOLM T.C.J. (Oral): Mr. Marc Meyer has entered guilty pleas to three offences under the *Wildlife Act*, RSY 2002, c. 229 (the “*Act*”). Pursuant to s. 6 of the *Act*, he has entered a plea to having hunted a species of wildlife, in this case elk, in an area of the Yukon where he was not permitted to hunt. He did this on September 30, 2020, at or near Mendenhall Subdivision. He did this again on October 11, 2021, in the same area. Those incidents are captured by Count 1 and Count 4 of the Information.

[2] Also, pursuant to s. 118(1) of the *Act*, Mr. Meyer did not provide information required under the *Act* in an appropriate manner; in other words, he made a false or

misleading statement. On each occasion, where he illegally hunted, he made a false statement, both subsequent to the event of September 30, 2020, and to the event of October 11, 2021.

[3] Counsel have helpfully filed case law, which I have reviewed, and that has been summarized to some extent by counsel today in court.

[4] There is a joint submission that has been put before me with respect to an appropriate penalty in this matter.

[5] The case law, I think, is clear that, in the Yukon, there is an obvious intrinsic value to wildlife. It is a valuable resource and Faulkner C.J. alluded to this in the decision that Mr. McWhinnie has mentioned today (*R. v. Candow*, 2006 YKTC 45).

[6] Another point that comes across in the case law is that, in terms of enforcement, due to the large size of the Yukon and the remoteness of much of it, it is clear that enforcing laws under this *Act* is challenging for conservation officers. The other point to keep in mind are the negative effects on efforts to conserve wildlife by actions such as those undertaken by Mr. Meyer.

[7] At the end of the day, it is appropriate to not only denounce the conduct, which I think the joint submission adequately does in this case, but also to deter not only Mr. Meyer, who I think, having heard from him today, and from Mr. Faught, has been deterred, but also to deter others in the community from this type of activity.

[8] I should point out that there are a number of mitigating factors: the fact that there have been guilty pleas and, I think I can fairly say that they are early in the process — I

believe the Information was laid in November — and also, as we have heard today, there have been other significant repercussions for Mr. Meyer with respect to this incident, both personally and professionally. He mentioned the fact that he is upset with himself for what he has done. He is embarrassed and he is remorseful.

[9] I think that Mr. Meyer, through this process, has learned his lesson. As I said, the joint submission that is before me is sufficient in my view to make a statement to others in the Yukon that this type of activity cannot be permitted.

[10] Therefore, I endorse the joint submission.

[11] With respect to Count 1, the offence of hunting in an enclosed area; in other words, hunting a big game species when he is not allowed to hunt in that area, there will be a fine of \$3,500.

[12] With respect to Count 4, the same charge but on a different date, I impose a fine of \$3,500.

[13] With respect to making a false or misleading statement on two occasions, there will be a fine of \$4,000. The combined total of the fines is \$11,000.

[14] Additionally, there will be a victim surcharge. Based on what I have heard today, and considering that firearms were seized and are going to be forfeited, I will make the victim surcharge 10 percent of the total fine amount, which equals \$1,100.

[15] There will also be an eight-year hunting ban, including a ban on accompanying other hunters on hunts.

[16] Additionally, Mr. Meyer will register, take, and complete the Hunter Education course, also known as HEED.

[17] All exhibits seized and retained by conservation officers are to be forfeited, except for Mr. Meyer's truck. As pointed out by Mr. McWhinnie, that truck will remain in the possession of the government until the \$11,000 total fine amount has been paid.

[DISCUSSIONS]

[18] Time to pay, until March 30 of this year.

[19] The other matters have been dismissed.

CHISHOLM T.C.J.