

# SUPREME COURT OF YUKON

Citation: *R v Bunbury*,  
2025 YKSC 41

Date: 20250620  
S.C. No. 25-00305  
Registry: Whitehorse

BETWEEN

HIS MAJESTY THE KING

AND

LISA COLLEEN BUNBURY

Before Chief Justice S.M. Duncan

Counsel for the Crown

Neil Thomson

Counsel for the Defence

Amy Steele

**This decision was delivered in the form of Oral Reasons on June 20, 2025. The Reasons have since been edited for publication without changing the substance.**

## REASONS FOR DECISION

[1] DUNCAN C.J. (Oral): This is a bit of an unusual bail review under s. 520. It was brought on short notice for reasons that will become apparent. There was no notice of appeal and no transcript, although I have listened to the recording of the initial bail hearing that was held on May 5, 2025.

[2] After that hearing a detention order was made. The bail judge agreed with the Crown that there were tertiary ground concerns in this case. Now this matter has returned to the court for a review on the basis of a material and relevant change in circumstances that alleviates the tertiary ground concerns of the Crown, who has consented to the release on the conditions that I will review in a moment. As a result of

this material and relevant change in circumstances, which I accept exists, this will be a *de novo* proceeding.

[3] So, the material and relevant change in circumstances is Ms. Bunbury's acceptance into treatment at a centre in Kelowna called the Red Road Ranch centre. But before I get into that, briefly, the charges that are before the Court arose out of an incident at Blood Ties Four Directions, the supervised consumption site, on April 30th of this year. The charges are: pointing a firearm, which turned out to be an imitation gun, an air pistol; the possession of a weapon for dangerous purposes; and uttering threats. The Crown has reserved its election, but if proceeded by way of indictment the maximum penalty for each of those three penalties is five years; 10 years; and five years.

[4] So, reviewing briefly the four enumerated factors that make up the tertiary grounds. First of all, the Crown's case was found to be strong on the initial bail hearing. Second, these offences are serious – no one disputes that. Third, the circumstances did involve a firearm and were serious. And fourth, if convicted, an imprisonment term is likely — although, in my view, the imprisonment term is not on the lengthy side.

[5] Detention was found to be necessary to maintain confidence in the administration of justice to ensure that a reasonable member of the public would have confidence maintained in the administration of justice. And a "reasonable member of the public" has been defined in the case law as someone who is properly informed about the philosophy of the legislative provisions, *Charter* values and rights guaranteed by the *Charter*, including the presumption of innocence and the right to liberty, as well as the circumstances of the case. And a reasonable member of the public would know that

when charged with an offence, an accused has the right to be tried within a reasonable time, and that pre-trial release is the norm, and detention is the exception.

[6] The release plan currently proposed and agreed to by the Crown is much more strict than the bail plan proposed at the first hearing. It involves a release of Ms. Bunbury directly into the company of Hazel Bunbury, her mother, and David Bunbury, her brother, from the Whitehorse Correctional Centre no earlier than three hours before a flight to Kelowna, which is now scheduled for 5:00 a.m. on Monday, June 23, 2025. She will be met at the Kelowna Airport by staff from the Red Road Ranch, and she will attend a 30-day treatment program there, with an option to extend. The purpose of the program is to treat substance abuse and concurrent disorders.

[7] Red Road Ranch is a private 25-bed registered assisted living supportive recovery residence specializing in the treatment of substance abuse. So, she would reside there. If she leaves the program or is terminated from the program, then she is required to return to Whitehorse and surrender herself to the Whitehorse Correctional Centre. When the program ends, she will be returned to Whitehorse. She will be driven to the airport by the Red Road Ranch recovery staff in Kelowna, and then returned to the Whitehorse Airport and into the company of Hazel and David Bunbury at the airport, who will then return her to Whitehorse Correctional Centre.

[8] I also note that Ms. Bunbury is a member of the Ta'an Kwäch'än Council. She is the daughter of residential school survivors; has suffered traumatic losses in her life; and suffers from addictions. The systemic and background factors from colonization and residential school system have affected her life.

[9] So, in all of these circumstances, I agree that the strict conditions of this plan satisfy the tertiary ground, as well as the primary and secondary grounds, which were not a concern and are still not a concern, and would not cause a reasonable member of the public to lose confidence in the administration of justice.

[DISCUSSIONS]

[10] So, Ms. Bunbury, you will be released on the following conditions.

- You must not communicate directly or indirectly with Safyre Roberts; Marilyn Forster; Bernard Omondi; Justin Arcaro; Alisha Thapa-Chhetri.
- You must not go within 100 metres of Blood Ties at 6189 6th Avenue, Whitehorse, Yukon.
- You must reside at Red Road Recovery Ranch, 1129 Creighton Valley Road, Lumby, British Columbia, and not change that residence without the prior written permission of the Court.
- You must abide by a curfew by being inside that residence or on that property for 24 hours, except if in the actual presence of Red Road Ranch staff or another responsible adult approved and advanced by your bail supervisor.
- You must report to a bail supervisor by phone within eight working days.
- You must not possess any firearm, ammunition, explosive substance or any weapon as defined by the *Criminal Code*, RSC 1985, c C-46 (“Code”).
- You must attend and actively participate in the Red Road recovery program beginning June 23, 2025, and complete it to the satisfaction of

your bail supervisor, and provide consent to release information to your bail supervisor regarding your participation.

- You are to be released into the custody of Hazel Bunbury and David Bunbury no earlier than three hours before a reserved flight to Kelowna, British Columbia, on June 23, 2025, proof of which is to be provided at the time of your release.
- You must travel directly from the Whitehorse Correctional Centre to the Whitehorse International Airport to board your flight to Kelowna, British Columbia.
- If you leave the Red Road Ranch program or you are asked to leave or are terminated from the program, you must surrender yourself immediately to the Whitehorse Correctional Centre.
- Upon completion of your treatment program at Red Road Ranch, you will be transported to the Kelowna Airport by a staff member of Red Road Ranch, and you will be met at the Whitehorse International Airport by Hazel Bunbury and David Bunbury, who will then accompany you as you surrender yourself immediately to the Whitehorse Correctional Centre.

[DISCUSSIONS]

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DUNCAN C.J.