

Citation: *R. v. Harvey*, 2025 YKTC 54

Date: 20251024
Docket: 25-00288
25-00277
25-00355
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before His Honour Judge Christie

REX

v.

GAGE ERIC HARVEY

Appearances:
David King
Francesca Savard

Counsel for the Crown
Counsel for the Defence

This decision was delivered from the Bench in the form of Oral Reasons. The Reasons have since been edited without changing the substance.

REASONS FOR SENTENCE

[1] CHRISTIE T.C.J. (Oral): Mr. Gage Eric Harvey is 26 years old. He is before the Court and entered guilty pleas on three different Informations.

[2] Starting with Information 25-00277, a guilty plea was entered to Count 2, that:

On or about the 29th day of April in the year 2025 at the City of Whitehorse in the Yukon Territory, did commit mischief by wilfully interfering with the lawful use, enjoyment or operation of the La Cara Tacos, without legal justification or excuse and without colour of right, contrary to section 430(4) of the Criminal Code.

[3] A finding of guilt was made on that offence.

[4] Then on Information 25-00288, guilty pleas were entered to Counts 1 and 3.

Count #1: On or about the 5th day of April in the year 2025 at or near the City of Whitehorse in the Yukon Territory did steal a motor vehicle, a Toyota Camry with British Columbia license plate LE2 82N the property of Varun Sandhu and did thereby commit theft, Contrary to Section 333.1 of the Criminal Code.

Count #3: On or about the 6th day of April in the year 2025 at or near the City of Whitehorse in the Yukon Territory did use a bank card knowing that the said card was obtained by the commission in Canada of an offence contrary to section 342(1)(c)(i) of the Criminal Code.

[5] Lastly, Information 25-00355, a single count Information, a guilty plea was entered, and a finding of guilt was made on that count:

On or about the 1st day of May in the year 2025 at or near the City of Whitehorse in the Yukon Territory, did steal store merchandise, the property of Real Canadian Superstore of a value not exceeding five thousand dollars, contrary to Section 334(b) of the Criminal Code.

[6] I have been told that, essentially, Mr. Harvey raised himself. He was in foster care and was exposed, unfortunately, to different addictions and violence not by his choice. These offences were not calculated or planned. A motive behind the offences was to do with drug addiction, something that Mr. Harvey has been quite candid about and his lawyer has been candid about on his behalf and humble about addressing and “owning up” to the offences.

[7] I heard no evidence of any personal motive against anyone in this case — not Mr. Sandhu or anyone else — no motive to cause any harm. Although I do note as

being aggravating that the victim would have been, at the very least, inconvenienced and probably felt, I would think, violated by having his vehicle and belongings stolen, having to make arrangements to get home, and so on. I did not hear evidence specific to the La Cara restaurant, other than police having to attend on a report of a potential issue with a firearm which would be scary for the police officers and other people, too, even though I accept that it was not the plan to scare anyone, or intentional. I imagine Mr. Harvey was probably pretty scared coming out of that bathroom himself where the police were waiting for him.

[8] That is aggravating but I accept how Crown and defence have crafted this, and I do accept the joint submission. It is fair and it does address the issues. There has not been minimizing at all by the accused. There has been acceptance of responsibility.

[9] I appreciate that the goals of denunciation and deterrence are met with a jail sentence. Mr. Harvey is a young man, so spending even one day in jail is significant. What is being proposed does denounce this behaviour quite clearly and it does have a deterrent effect, general and specific.

[10] I will speak to the terms of the probation order, which I am acceding to, but I appreciate that there is a rehabilitative element. There has been trauma. From what I have heard, it has been quite hard on you, Mr. Harvey, having to deal with all these issues. I appreciate that there is a rehabilitative element. I hope you can get back on track with drywalling work and gainful employment.

[11] It is very positive that you have not just wasted your time, that you have engaged in a number of very positive courses. A lot of people go to jail and do not do anything at all. There has been a lot of work, self-reflection, and humility in taking these courses, doing the work, and having to confront or face the different issues that you have. It would not be easy. That is quite mitigating as well.

[12] I do note that the criminal record was also calculated in this. You are still quite young, and you do not need to add any more offences to this record after all this.

[13] For jail, let us start with that, the sentence.

[14] I agree with the joint submission that, on Information ending in 288, there will be 75 days of custody, each concurrent for Counts 1 and 3.

[15] On Information ending in 277, the single count Information, there will be 75 days consecutive in custody.

[16] For Information ending in 355, there will be one day concurrent in custody.

[17] That sentence will be followed by 12 months' probation and that 12-month probation order will attach to Informations ending in 277 and 288.

[18] I will just review those terms with you now, Mr. Harvey. For a period of 12 months, you are to:

1. Keep the peace and be of good behaviour;
2. Appear before the court when required to do so by the court;

3. Notify your Probation Officer in advance of any change of name or address, and promptly of any change in employment or occupation;
4. Have no contact directly or indirectly or communication in any way with Varun Sandhu;
5. Do not go to La Cara, at 201A Main Street, Whitehorse;
6. Report to your Probation Officer immediately upon your release from custody, and thereafter, when and in the manner directed by your Probation Officer; and
7. Attend and actively participate in all assessment and counselling programs as directed by your Probation Officer and complete them to the satisfaction of your Probation Officer, for the following issues: substance abuse, and any other issues identified by your Probation Officer.

[19] There is also an ancillary order, which is not opposed. This is an order for forfeiture and return of the pellet gun seized at the arrest of the accused on April 29, 2025. I will sign that forfeiture order. The handbag will be returned.

[20] I will waive the victim surcharge, given the circumstance of Mr. Harvey and his custodial status. There will be no victim surcharge on any of the counts.

[21] Is there anything else?

[22] MR. KING: I'd ask that counts to which he hasn't pleaded guilty be marked withdrawn.

[23] THE COURT: Withdrawn. Thank you.

CHRISTIE T.C.J.