

SUPREME COURT OF YUKON

Citation: *Yukon (Director of Public Safety and Investigations) v Bob*, 2025 YKSC 78

Date: 20251124
S.C. No. 25-A0145
Registry: Whitehorse

BETWEEN

DIRECTOR OF PUBLIC SAFETY AND INVESTIGATIONS

PETITIONER

AND

PAMELA CHARLOTTE BOB

RESPONDENT

Before Chief Justice S.M. Duncan

Counsel for the Petitioner

Lee L. Kirkpatrick

Appearing on her own behalf

Pamela Charlotte Bob (by telephone)

**This decision was delivered in the form of Oral Reasons on November 24, 2025.
The Reasons have since been edited for publication without changing the substance.**

REASONS FOR DECISION

[1] DUNCAN C.J. (Oral): This is a petition brought by the Director of Public Safety and Investigations for a community safety order related to the property at 53 Alsek Road, Whitehorse. The petition is brought under the *Safer Communities and Neighbourhoods Act*, SY 2006, c 7 (SCAN Act). The unit responsible for implementation of the SCAN Act is called the SCAN Unit and its purpose is to investigate residential and commercial buildings suspected of being habitually used for illegal activities, such as bootlegging or drug trafficking.

[2] The respondent is Pamela Bob, the owner of the property. Pamela Bob was duly served and appeared by telephone from Ross River at the hearing. For the most part, she is not opposed to the order sought by the Director. She is requesting more leniency with respect to the proposed prohibition on her relatives from entering and attending the property.

[3] Section 20 of the *SCAN Act* requires that the Court must be satisfied that the legal test for the order is met even if the respondent consents to or does not oppose the application. I will first review the legal test in more detail, the evidence in this case, and my conclusions on the order sought.

Legal test

[4] Before a safety order can be granted, the Court must be satisfied that activities have been occurring on or near the property that give rise to a reasonable inference that it is being habitually used for a specified use as defined in the *SCAN Act* and the community or neighbourhood is adversely affected by the activities. That is the legal test to be met by the Director of Public Safety (see s. 6(1) of the *SCAN Act*). The onus of proof is on the balance of probabilities.

[5] “Property” is defined in the *SCAN Act* as a building and the land on which it is located, and “building” is defined to include a structure of any kind.

[6] “Specified use” is defined in the *SCAN Act* in relation to property and it includes use of the property for the possession, production, use, consumption, sale, transfer, or exchange of, or traffic in, a controlled substance as defined in the *Controlled Drugs and Substances Act*, SC 1996, c 19 (the *CDSA*), in contravention of that Act.

[7] “Habitually used” is not defined in the *SCAN Act* but a decision from the Nova Scotia Court of Appeal in *Dixon v Nova Scotia (Director of Public Safety)*, 2012 NSCA 2 (*Dixon*), where the Act contains identical wording to the Yukon *SCAN Act*, describes “habitual use” as occasional activity implying ongoing conduct, more than an isolated incident or discrete events, and not ancient history (at para. 26). This definition has been adopted by this Court in previous cases.

[8] “Reasonable inference” is also discussed by the Nova Scotia Court of Appeal in *Dixon*. It is described as a deduction from the evidence, not speculation or conjecture, and based on objective facts from which to infer the other facts which it is sought to establish (*Dixon* at para. 43)

[9] Finally, activities that adversely affect the community or neighbourhood are defined in s. 1(5) of the *SCAN Act* as activities that:

- (a) negatively affect the safety or security of one or more persons in the community or neighbourhood; or
- (b) interfere with the peaceful enjoyment of one or more properties in the community or neighbourhood, whether the property is privately or publicly owned.

[10] By way of background, there were three previous *SCAN* files related to the same property in 2018, 2020, and 2021. The complaints and the subsequent investigations were related to drug activity. The files were closed for various reasons, including formal written warnings being issued, arrests and charges, and the cessation of activities.

[11] The *SCAN* Unit employs a number of investigative methods. These include the collection of evidence through complainant information, sources and witness information, information from Yukon government databases, information analysis, and covert surveillance both in person and with cameras.

[12] In this case, the evidence in support of the Director's application was set out in the affidavits from the investigators in the SCAN Unit, and there were seven investigators over the two-year period that this file was active.

[13] An exhibit to the manager's affidavit sets out in 90 pages the details of the surveillance activity. Covert surveillance was conducted during four periods between July 2023 and September 2025. Video surveillance was conducted on two occasions: July 19-21, 2023 and October 3-6, 2023. The SCAN Unit also received information from the RCMP about their calls to the property.

[14] In addition, information from several complainants was provided and set out in the Director's report. The *SCAN Act* is complaint driven-, and, in this case, there were three complainants who made ongoing reports.

[15] Finally, Pamela Bob also provided some evidence during the hearing of this matter.

[16] The property is described in the affidavit of the manager, Gary Rusnak; both the legal description and the civic address, along with an aerial photograph of the subdivision, are included. The certificate of title shows Pamela Bob and her late husband as owners of the property. The property is located in a densely populated subdivision of Riverdale in Whitehorse. It includes a detached house. The surrounding neighbourhood is a typical suburban residential neighbourhood with children playing, and residents gardening or dog walking.

[17] I will start my review of the evidence with the information from the complainants. The *SCAN Act* allows for complaints to be made anonymously in order to protect complainants from retaliation and from being witnesses in a court proceeding.

The anecdotal information that comes from the complainant or complainants initiates a SCAN investigation, which then provides evidence as required by the legal test. The information from the complainants is also relevant to the adverse effects of the activities on the community.

[18] Here, the three complainants were all neighbours of 53 Alsek and their reports to SCAN were made between July 11, 2023 and January 28, 2025 — specifically in July and October 2023; in January, February, April, and September 2024; and in January 2025. The details included:

- heavy vehicle and foot traffic at all hours of the day and night at the property and at the back alley behind the property;
- the presence of many different vehicles, including taxis and vehicles with British Columbia licence plates;
- short duration visits;
- people being dropped off at the front of the property and then being picked up in an alley behind the property;
- observations of intoxicated people at the property;
- hand-to-hand transactions thought to be drug related transactions;
- observations of drug paraphernalia, including needles, spoons, and wristbands lying on the ground around the property.

Evidence of the SCAN investigators

[19] Significant detail was provided in the Director's report about the covert surveillance conducted by the investigators. As noted, there were four periods during which surveillance occurred: between July 2023 and September 2024; in October 2024;

between January and February 2025; and between February and September 2025.

During those periods, the investigators documented the following activities at or connected to the property:

- 28 associations by people at or connected to the property with known drug users or traffickers (the use of the word “known” is because of information from law enforcement agencies, knowledge of SCAN investigators and observations of SCAN investigators or information from witnesses or complainants);
- seven incidents indicative of drug trafficking at the property;
- 36 incidents indicative of drug trafficking that occurred away from but were connected to the property because it involved people who resided at or frequented the property, and specifically Jose Kaze, Shannon Bob, Guy Lachance, and Nevada Bob;
- 39 incidents of people connected to the property using law-enforcement evasion techniques;
- 10 incidents connected to other individuals and properties being investigated by the SCAN Unit for activities related to drug trafficking;
- six incidents where one of the residents at the property, Jose Kaze — also known as Antonio Dobra or Andy — returned to the property and left within minutes; and
- six incidents where Jose Kaze attended at places where other drug traffickers were known to attend.

[20] The video surveillance undertaken by SCAN between July 19 and 21, 2023, capturing 52 hours and between October 3 and October 6, 2023, capturing 114 hours revealed the following:

- i) In the July video, a black Hyundai Santa Fe parked at the property made 28 trips away from the property. Jose Kaze was the primary driver, Guy Lachance was the driver once, and Shannon Bob was frequently a passenger.
- ii) In the October video, Jose Kaze was seen leaving the property four times within four hours and twice within 48 hours. Guy Lachance was observed making short -duration visits several times, leaving to go to the rear of the property or to the road five times over 12 minutes in one evening for a minute each time.

[21] Gary Rusnak, the manager of the SCAN Unit, has been a SCAN investigator for over five years, during which time SCAN has received approximately 700 complaints involving illegal or suspected drug activity, illegal sale of alcohol and cannabis, and other illegal activities set out in the *SCAN Act*. Over approximately 20 years before this, Mr. Rusnak held other positions in the justice system, including working at the Whitehorse Correctional Centre as a youth service worker at the Young Offenders Facility; a youth addictions counsellor; a manager of Youth Justice; and the Director of Justice Child Welfare and Recreation at Kwanlin Dün First Nation. This experience has given him familiarity with known drug users and traffickers, the lifestyles and behaviours associated with drug users, and the methods of evading detection by law enforcement.

[22] Most of the other SCAN investigators also have justice -related or law enforcement experience similar to this.

[23] In Mr. Rusnak's affidavit, he attests to commonly observed activities by SCAN Unit investigators indicative of drug trafficking, such as:

- high-volume short duration visits by non--residents of the property, sometimes several times a day, long enough to exchange money for drugs;
- visits to the property by known drug traffickers for re-supply of drugs or for use as a temporary base;
- high-volume short duration trips by drug traffickers on foot or in vehicles from the property to other locations, which is indicative of dial-a-dope operations where drug orders are called in or texted on a cell phone and arrangements are made for a drug transaction at a specific place and time, and short exchanges occur in the drug trafficker's vehicle; and
- common law enforcement evasion techniques, including switching vehicles and licence plates, heat checks (meaning erratic driving patterns, including doubling back, sudden turns, round about routes, excessive speeds, sudden slow downs) all in order to evade surveillance vehicles.

[24] There is ample evidence of all of these activities in the Director's report from the SCAN surveillance and complaints in this case. The individuals identified were:

- i) Pamela Bob's daughter, Shannon Bob, a resident at the property. She was a passenger in the vehicle on multiple trips away from the property which appeared to be for drug trafficking purposes. She was observed

leaving what was thought to be drugs around the property, and she was a known drug user and trafficker.

- ii) Nevada Bob, also a resident at the property and Shannon Bob's son, a known drug user and trafficker.
- iii) Jose Kaze, which is likely an assumed name — also known as Antonio Dobre or Andy — engaging in law evasion techniques, the driver of multiple vehicles, making multiple trips to and from the property, seen having meetings with other known drug users and traffickers at the property.
- iv) Guy Lachance, a neighbour and resident part of the time at the property, who was evicted from his nearby residence after a SCAN investigation related to drug trafficking and who began living at the property. He was observed having frequent short meetings in the back alley, as a driver or passenger in the vehicle with Jose Kaze, engaging in activities indicative of drug trafficking, and also seen engaging in law-enforcement evasion techniques.

[25] Additional evidence in this case came from the RCMP. Inspector Kent Langley wrote in February 2025 to the Director to advise that between 2018 and February 2025, there were 55 calls for service at 53 Alsek, 26 of which were for drug trafficking, drug use, and violence — and six of which were for overdose, with one fatality.

[26] Superintendent Stephen Bergerman provided an update in September 2025, saying that, between February 28, 2025, and September 10, 2025, there were two calls for service at 53 Alsek, including one where drug related activity was suspected.

[27] Pamela Bob, who lives in Ross River, told the SCAN investigators in 2023 that she wanted Shannon Bob and Andy — she knew Jose Kaze by that name — out of 53 Alsek, that Shannon Bob has an addiction and that Andy was taking advantage of it. In 2024, on three occasions, she advised SCAN investigators that she was continuing to try to remove them but so far had been unsuccessful. She said the same thing in March 2025.

[28] In September 2025, Pamela Bob advised the SCAN investigators that no one was living at 53 Alsek anymore. At the hearing, she reiterated this information, saying that Shannon Bob and Nevada Bob were now living in Ross River, but she added that her granddaughter, Trinity Bob, who is 21 years old, is living at 53 Alsek. She works at a mine during the summer months. Pamela Bob confirmed that no tenancy agreements existed.

[29] During their interactions with Pamela Bob, the SCAN investigators advised her, starting in 2023, that they intended to apply for a community safety order, including seeking a remedy of closing the property. They also gave Shannon Bob, who was living at the property, several warnings during 2023 and 2024. The SCAN Unit and the Director delayed bringing this application for well over a year because of Pamela Bob's assurances that she would be removing Shannon Bob, Nevada Bob, Jose, and others, from the property. When she advised that they were gone in September 2025, the court process for obtaining a community safety order was in motion and the Director decided to proceed. In total, the SCAN Unit provided 12 warnings to Shannon Bob, Pamela Bob, and Guy Lachance before instituting court proceedings.

[30] I have reviewed all of the evidence provided in this case and I am satisfied, on a balance of probabilities, that a reasonable inference can be drawn from that evidence that the property at 53 Alsek Road is being habitually used for the possession, production, use, consumption, sale, transfer or exchange of, or traffic in, a controlled substance as defined in the *CDSA*.

[31] I also find that the community surrounding 53 Alsek is adversely affected by these activities. The constant foot and vehicle traffic at all hours of the day and night in and around the property, the presence of known drug users and traffickers, and the evidence of drug use in and around the property are all activities that negatively affect the safety or security of people in the neighbourhood and interfere with their peaceful enjoyment of their own properties.

[32] The test under s. 6 of the *SCAN Act* has been met.

Remedy

[33] The *SCAN Act* sets out mandatory terms for a community safety order in s. 6(3), and discretionary provisions in s. 6(2). Requiring persons to leave the property and preventing them from re-entering or re-occupying is a discretionary provision.

[34] I have considered Pamela Bob's request that leniency be exercised so that her children be allowed to stay there when they are in Whitehorse. I am not able to grant this request based on the evidence provided, with the exception of Trinity Bob. There is evidence, on the balance of probabilities, that Shannon Bob and Nevada Bob were involved with activities indicative of drug use and trafficking at the property or near the property. Unlike her mother, Shannon Bob was uncooperative with the investigators

when they gave her warnings and tried to find alternate solutions to a community safety order.

[35] Pamela Bob stated during the hearing that her children have addiction issues and they may be pursuing treatment. Pamela Bob was unsuccessful for approximately two years in voluntarily removing them from the property and it took this court application to make it happen.

[36] There is no evidence that Trinity Bob has had any involvement in drug activities so she will not be included in the order and she shall be permitted to remain at the property if Pamela Bob wishes.

[37] The SCAN Unit and the Director initially contemplated a property closure order but they are not pursuing this now. However, they want to reserve the right to return to court to seek a closure order of the property if activities that adversely affect the neighbourhood or the community continue.

[38] So, the order will go as follows.

[39] On finding that the property at 53 Alsek Road, Whitehorse, Yukon, is being habitually used for a specified use as defined in the *SCAN Act* — namely the possession, use, consumption, sale, transfer, or exchange of, or traffic in, a controlled illegal substance, as defined in the *CDSA* — and the community of Riverdale is adversely affected by the activities, this Court orders that all persons — in particular, the owner of the property, Pamela Bob, and Trinity Bob — shall be enjoined from causing, contributing to, permitting, or acquiescing in the activities beginning on the day after the person is served with the order and continuing until the order ceases to be in effect.

[40] Pamela Bob and Trinity Bob shall do everything reasonably possible to prevent the activities from continuing or reoccurring on the property, including complying with provisions of the order as set out below.

[41] All persons, except Trinity Bob, shall vacate the property within 14 days of the date of this order and shall be enjoined from re-entering or re-occupying it until the order ceases to be in effect, except for the owner or her agent for the purposes of maintaining or repairing the property after obtaining the consent of the Director. And, for certainty, "all persons" includes the individual known as Jose Kaze (or Antonio Dobre or Andy), Guy Lachance, Shannon Bob, and Nevada Bob.

[42] The Director shall post a copy of the order in a conspicuous place on the property. A peace officer, including an RCMP officer, shall, on request, provide any assistance required by the Director or her agents in posting this order or in serving this order.

[43] For the purpose of enforcing this order, a peace officer has full power and authority to enter the property or onto any land on which any person required to be served with the order may be found.

[44] The Director or her agents may monitor the property for compliance with this order.

[45] This order shall be in place for 12 months from the date it is made.

[46] If any suspected drug activities occur at the property, the Director may apply for a court order to close the property for 90 days.

[DISCUSSIONS]

[47] MS. KIRKPATRICK: Paragraph 5 is:

All persons and Pamela Bob, in particular, be enjoined from causing, contributing, permitting, acquiescing in the activities occurring at the property.

[48] THE COURT: Okay. And adding Trinity Bob to that, too. I guess that is consistent then with the next one.

[49] So, in particular, the owner of the property, Pamela Bob and Trinity Bob.

[50] MS. KIRKPATRICK: The only other thing I wanted to flag is in para. 10, where it says the Director or her agents may monitor the property for compliance.

[51] THE COURT: Yes.

[52] MS. KIRKPATRICK: That monitoring would include surveillance and it may include knock-and-talks — SCAN Unit members going to the house, knocking on the door, just to see who might be around on the property.

[53] THE COURT: Mm-hmm.

[54] MS. KIRKPATRICK: Okay.

[55] THE COURT: Yes.

[DISCUSSIONS]

[56] MS. KIRKPATRICK: And the last thing, Your Honour, is, because the order is posted, the way I dealt with the last order we got was I hived off the community safety portion of the order from the rest of the order, the preamble to the order. So that's in the *Hendrie* matter. I have a copy of that order here, if you just wanted to see how we structured it, so that what actually got posted on the property was the order as it begins at the second page.

[57] THE COURT: Yes, I think that is fine.

[DISCUSSIONS]

[58] The problem is it's not the full order and the SCAN Act does say a full order. I mean, I might be being picky, but I am wondering if you can post that part as the first page —

[59] MS. KIRKPATRICK: Sure.

[60] THE COURT: — and then put the preamble behind it so at least the full order is there for people to see it.

[61] MS. KIRKPATRICK: That's fine.

[DISCUSSIONS]

DUNCAN C.J.