

Citation: *R. v. Lindsay*, 2006 YKTC 6

Date: 20051129
Docket: T.C. 05-05095
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: His Worship Justice of the Peace Cameron

REGINA

v.

RICHARD JOSEPH LINDSAY

Appearances:
Kim Sova
Richard Lindsay

Counsel for Crown
Appearing on his own behalf

REASONS FOR SENTENCING

[1] CAMERON J.P.T.C. (Oral): Mr. Lindsay has plead not guilty to one count under s. 166. The facts are actually not really in dispute in regards to the time and date and location of the accident. It appears that that is accepted by Mr. Lindsay, that in fact Mr. Clark and Mr. Lindsay had an accident at the intersection of Laurier and Third Avenue in Mayo on the 15th of August at approximately four o'clock in the afternoon. That appears to not be in dispute. What appears to be in dispute is, from Mr. Lindsay's point of view, is whether or not he had a stop sign that he was required to abide by.

[2] His position is that he did not stop at that intersection. He was approaching it cautiously, but he did not observe a stop sign and therefore, as he entered the

intersection, when he did see the vehicle, the oncoming vehicle of Mr. Clark's, it was too late and therefore he got hit on the driver's side.

[3] The evidence that has been tendered in the form of photographs, one photograph from the Crown and three photographs from Mr. Lindsay on the intersection, showing the intersection from different angles, indicates quite clearly to the Court that there is, in fact, a stop sign and that that stop sign would have applied to Mr. Lindsay driving his vehicle in the direction and in the lane that he was driving in.

[4] The fact that he did not see it, the Court is not disputing. I believe it is probably true, Mr. Lindsay, that you failed to see the stop sign. I think that is probably true and I mean that happens; that happens to people. Unfortunately for you, here you were in Mayo where, as Mr. Clark had indicated, probably the only two vehicles on the road and they both met in the same intersection. That is a very unfortunate circumstance. The bottom line is that the defence to this particular type of offence has to be one that you either did stop as required, or that you are not required to stop.

[5] The evidence that I have before me would indicate that you were required to stop. There was a stop sign that required your stopping. Even though you failed to see it, it still required that you stop. You failed to do so. I, therefore, have to find you guilty of the offence and I am doing so at this time. Are you seeking anything outside the fine amount?

[6] MS. SOVA: Just the ticket amount, Your Worship.

[7] THE COURT: Okay. The ticket amount, Mr. Lindsay, is a \$125 fine with an \$18 surcharge; it's a total of \$143. How long would you need to come up with that amount of money?

[8] THE ACCUSED: How long could you give me?

[9] THE COURT: I can give you a month. One month? Thirty days. Can you come up with it in thirty days?

[10] THE ACCUSED: Sure.

[11] THE COURT: Okay, I will give you one month. I will also advise you that if you wish to appeal this particular finding, you may do so. You must launch that appeal within one month of today's date, okay?

[12] THE ACCUSED: Okay.

CAMERON J.P.T.C.