

**IN THE TERRITORIAL COURT OF YUKON**  
(Before His Honour Chief Judge Lilles)

REGINA

v.

TREVOR MACPHEAT,  
MACMILLAN RIVER OUTFITTERS  
And SHAWN ALLEN RAYMOND

Lee Kirkpatrick

Appearing for Crown

Glen Thompson

Appearing as Agent  
for Defence

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**REASONS FOR JUDGMENT**

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[1] LILLES C.J.T.C.(Oral): Based on the fact that this is a joint submission with which I am in full agreement (and I do want to credit both counsel for their efforts in discussing and negotiating this result) and notwithstanding the fact that Mr. Thompson's principals were, from time to time, out of the jurisdiction and difficult to locate - I think the outcome in this particular case is appropriate. I think the agreed upon dispositions in this case adequately reflect the seriousness of the charges before the court.

[2] I shall try to restrain myself and not repeat the verbiage that usually

accompanies convictions for these kinds of charges and the fact that wildlife has a special importance in this Territory. Outfitters, in my view, have a trust responsibility towards wildlife, not only to ensure wildlife viability but also to ensure that this important business activity can be sustained into the future. It is an important economic activity in the Yukon. When individuals ignore the rules, and in the case of MacMillan River Outfitters, apparently on a repeated basis based on previous violations, convictions and fines, I have cause to be concerned and the Territory has cause to be concerned.

[3] A fine of \$10,000 will apply to Count 1, that is to say, hunting in an area that he was not authorized to hunt, pursuant to s. 140(1) of the *Wildlife Act*, R.S.Y. 1986, c.178. In this particular case, mountain sheep were being hunted. I note, as both counsel have already noted, that the \$10,000 fine against MacMillan River Outfitters is the maximum dollar penalty that can be imposed under the legislation applicable at that time. In the circumstances, the victim fine surcharge will be waived, and the fine amount will be payable forthwith.

[4] Trevor MacPheat was the guide for Mr. Jenkins with respect to whom these charges relate. Mr. Jenkins was from the United States, and he was being outfitted by MacMillan River Outfitters and guided by Mr. MacPheat.

[5] Mr. MacPheat, at the time when the sheep were shot, was not accompanying Mr. Jenkins as he was required to do. Mr. MacPheat was not in a position to perform the functions of a guide including indicating where Mr. Jenkins was allowed to shoot and where he was not allowed to shoot. Mr. MacPheat was also not in a position, and did not ensure that the meat from the sheep that was shot was not wasted. As I am told, significant portions of edible meat were left behind at the kill site.

[6] With respect to Count 2, the offence contrary to s. 23(1), wasting of meat, there will be a fine of \$1,750 and it will be payable forthwith. There will be no victim fine surcharge.

[7] With respect to not performing his functions as a guide properly, the offence contrary to s. 46 of the *Wildlife Act*, there will be a fine of \$750 for Mr. MacPheat, payable forthwith, no victim fine surcharge.

[8] I believe that concludes this matter; is that correct? Nothing further?

[9] MS. KIRKPATRICK: That's right. There will be a stay on the outstanding count with respect to MacMillan River Outfitters, stays on all remaining counts with respect to Trevor MacPheat, and stays on the charges involving Shawn Raymond.

[10] THE COURT: Thank you, counsel, for your assistance and good work.

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LILLES C.J.T.C.