

Citation: *R. v. Woloszeniuk*, 2009 YKTC 126

Date: 20091102
Docket: 09-00563
09-00564
09-00565
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Faulkner

REGINA

v.

PETER WOLOSZENIUK

Appearances:

Melva Smith
Barbara Legault
Fern Shaw
Peter Woloszeniuk

Appearing on her own behalf
Appearing on her own behalf
Appearing on her own behalf
Appearing on his own behalf

REASONS FOR JUDGMENT

[1] FAULKNER T.C.J. (Oral): This application is the result of three Informations sworn by three applicants against the same respondent, Peter Woloszeniuk. Each of the applicants, Melva Smith, Barbara Legault and Fern Shaw, allege that they are afraid of Mr. Woloszeniuk.

[2] The Court heard a considerable amount of testimony, and it is quite clear that Mr. Woloszeniuk and the three ladies do not get along and that there has been a dispute between them of long standing, but that is not the issue before the Court. The issue is

whether there are reasonable grounds for the applicants to be in fear of the respondent, Mr. Woloszeniuk.

[3] In that regard, I place particular emphasis on the letters which Mr. Woloszeniuk admits that he authored. The first letter, which was posted in the applicants' residence at 600 College Drive, makes a number of allegations but refers to the applicants as, amongst other things, "evel [sic] lying witches", "evel objects", indicates that they cannot be called human, and that they should be punished.

[4] Later on, Mr. Woloszeniuk sent a letter to the editor of the *Whitehorse Star*. That letter does not refer to the applicants by name, but Mr. Woloszeniuk, in his evidence, made it quite clear that they are the persons that he is referring to, amongst others. In fact, he indicated there was a conspiracy of some seven persons who were out to get him. That letter refers to the applicants, amongst others, as "evil monster," "liars and thieves" and so on, and accuses them, without any evidence that I was able to ascertain, of having vandalized his car.

[5] To make a very long story short, I think there are reasonable grounds for the applicants to be concerned, and it is quite clear that there should not be contact between Mr. Woloszeniuk and the applicants. Indeed, I do not think Mr. Woloszeniuk wants to have contact with them any more than they want to have contact with him.

[6] So I am satisfied that there are grounds to require Mr. Woloszeniuk to enter into a recognizance to keep the peace. Given the fact that this matter has been going on for quite some time, that recognizance should be in effect for the maximum period allowed

by law, which is a period of one year, that the terms should be that Mr. Woloszeniuk should:

1. Keep the peace;
2. Have no contact, directly or indirectly, by any means whatsoever, with Melva Smith, Barbara Legault or Fern Shaw; and
3. Not attend at or within 50 metres of the senior's complex at 600 College Drive, Whitehorse, Yukon.

[7] The recognizance will be in the amount of \$200, but without cash deposit.

[8] So, Mr. Woloszeniuk, you are required to enter into that recognizance. If you refuse to do so, you will be subject to being arrested. This is not a criminal charge. You are not being accused of being a criminal, but there are reasons for these women not to want any contact from you, and you are not to have contact with them. If you end up having contact with them or going within 50 metres of 600 College Drive, the police will be called and you will be subject to being arrested.

[9] PETER WOLOSZENIUK: Does that mean, Your Honour, that I cannot go and visit my friend there?

[10] THE COURT: You cannot go to 600 College Drive. If you want to visit anybody there, you will have to arrange to meet them somewhere else.

[11] PETER WOLOSZENIUK: But, well, there is no justice. There is no justice, Your Honour, because they the ones that accuse me, they the one that harass me, all those times that I've been there, and they still harassing me now.

[12] THE COURT:
from them.

Yes, well, all the more reason to stay away

FAULKNER T.C.J.