

SUPREME COURT OF YUKON

Citation: *R. v. Mendelsohn*, 2011 YKSC 49

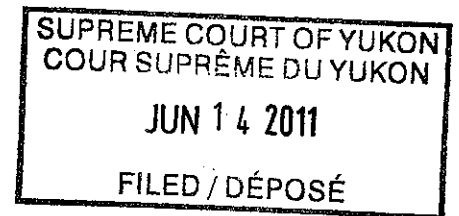
Date: 20110526
Docket S.C. No.: 11-00044
Registry: Whitehorse

BETWEEN:

HER MAJESTY THE QUEEN

AND:

MARK MENDELSON



Before: Mr. Justice L.F. Gower

Appearances:
Judy Bielefeld
Mark Mendelsohn

Appearing for the Crown
Appearing on his own behalf

**REASONS FOR JUDGMENT
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): Under s. 520(7) of the *Criminal Code*, I am satisfied that Mr. Mendelsohn has shown cause why the previous order should be vacated, in the sense that only one condition will be amended, and that is Condition 3. That will specify that Mr. Mendelsohn is not to be found in the pool area of the Canada Games Centre. If there is some other name for it I am not aware of it, but that he is not to be found on those premises. Otherwise, my intention is that he be allowed access to the other premises of the Games Centre for the purposes that I have identified in my discussion with counsel.

[2] So, I will make that change, and Mr. Mendelsohn, you will have to wait around until a new undertaking is drafted up by the clerk and it is initialled by you.

[3] THE ACCUSED: Just for my own clarification, that pool area -- are you familiar with the swimming pool?

[4] THE COURT: Somewhat.

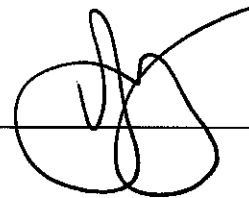
[5] THE ACCUSED: Now, the pool itself is pretty much all closed off. So if I'm outside the glass walls, for example, I'm just wanting to make sure I'm not going to overstep the bounds accidentally by, okay, I'm looking through the glass walls to see if I can identify the people but I'm not going into the swimming area, if it is acceptable?

[6] THE COURT: Yes. I do not want you going in the change rooms. I do not want you crossing the threshold of that part of the building, because originally it was just a pool, right, and it has been added onto. So all the public areas outside the pool are fair game, but not the change rooms and not the pool area itself. Okay?

[7] THE ACCUSED: Okay. Thank you.

[8] THE COURT: Thank you.

GOWER J.

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a vertical line and a horizontal line, all enclosed within a large, irregular loop.