

Citation: *R. v. 3542 Yukon Ltd.*, 2004 YKTC 54

Date: 20040629
Docket: T.C. 04-00008
Registry: Whitehorse

IN THE TERRITORIAL COURT OF YUKON

Before: His Honour Judge Overend

Regina

v.

3542 Yukon Ltd.
o/a Riverside Grocery

Appearances:
Suzanne Duncan
Ray McLennan

Counsel for Crown
Appearing for 3542 Yukon Ltd.

REASONS FOR SENTENCING

[1] OVEREND T.C.J. (Oral): Having found the accused guilty, the Crown seeks a penalty of \$500, plus an order of publication. As with any sentencing, I have to take into consideration all of the circumstances. I accept that on this occasion, there was a 14-year-old youth who was a clerk in the store and that she was approached by someone who was two years older than she was. I think I can take judicial notice of the fact that young people in teenage years often think that anybody who is older than them is very old. While I do not have any evidence from Brianna of what she thought on that particular occasion, I am satisfied that this was the mistake of somebody very young and not the policy of the store. That does not exempt the store, of course, from the

liability, but it is a factor to be taken into consideration in determining the appropriate penalty.

[2] There will be a fine of \$300. There will also be an order that the store publish a notice, by publishing the following advertisement in one edition of each of the *Yukon News* and the *Whitehorse Daily Star* the following:

On the 29th day of June, 2004, 3542 Yukon Limited was convicted of the Federal *Tobacco Act* offence of furnishing tobacco to a young person in a public place and fined \$300. Smoking is addictive and kills.

[3] Does the company need time to pay the fine?

[4] MR. McLENNAN: No.

[5] THE COURT: That means payable today, you understand that, then?

[6] MR. McLENNAN: Is that what it means?

[7] THE COURT: Yes. Do you need time?

[8] MR. McLENNAN: Yes, please.

[9] THE COURT: If I give you two weeks, is that sufficient?

[10] MR. McLENNAN: Yes.

[11] THE COURT: The 15th of July to pay the fine, and the publication in the two local newspapers will occur in the month of July of this year.

OVEREND T.C.J.