

Citation: *R. v. Kenyon*, 2013 YKTC 43

Date: 20130604
Docket: 12-07485
Registry: Whitehorse
Heard: Whitehorse

IN THE TERRITORIAL COURT OF YUKON
Before: Her Worship Justice of the Peace Morrison-Harvey

REGINA

v.

JAMES EDMUND KENYON

Appearances:
Judith Hartling
James Kenyon

Counsel for Territorial Crown
Appearing on his own behalf

REASONS FOR JUDGMENT

[1] MORRISON-HARVEY J.P.T.C. (Oral): This is the matter of James Kenyon. It is a parking ticket that was issued on the 23rd day of December, 2012 at the Whitehorse airport.

[2] We have made a site visit to the airport to determine where these signs were that were entered as exhibits. For the record, the picture that was entered as Picture 1 is marked as number one on the airport map that was submitted. Picture 2 that was submitted is marked as number two. Picture 3, which has been submitted is marked as number three, and Picture 4, is marked as number four on the map.

[3] There is no disputing some of the facts that Mr. Kenyon's vehicle was parked - indicated by a solid triangle on the map as well - that it was parked there on that date. The issue and the argument before me is around sign number three. Sign number three, there has been evidence given by the officer who issued the ticket that it is indeed up on a curb, and it was put there for reasons of Yukon winters. There is snow that accumulates and people have been parking up on the curb area.

[4] Mr. Kenyon's argument is that the sign is in an inappropriate area; that a driver, when parking in a spot, would not be looking at a curb or near a crosswalk for that signage, they would be looking where they parked. Having viewed the airport and having viewed where that sign is, I am convinced, by Mr. Kenyon's argument, that a reasonable driver would pull into that spot, see an empty pole, and once they walked up onto the walkway there would be no signage indicating that he could not park there. I am finding you not guilty, Mr. Kenyon, based on the fact that I accept your argument.

[5] I would make a further comment that the airport could put - in addition to the curb sign - could put the sign back where Mr. Kenyon's vehicle would be parked and it would be clear, to all parties parking there, that, not only can you not park on the curb, which would not be permitted anyways, but you definitely have an end zone to that parking area.

[6] That concludes the matter. Thank you.

MORRISON-HARVEY J.P.T.C.