

# Prosecution of Municipal Bylaw Offences

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# Overview

1. City of Regina Prosecution Statistics
2. Basic Principles
3. Rules of Evidence
4. Proving an Offence – examples
5. Enforcement Tips

# 1. City of Regina Prosecutions Statistics

**175** Court days in 2015

**135** matters scheduled for trial June-December 2015

First Appearances 2015

- **13,808** parking charges
- **343** animal licensing and “at large” charges
- **133** appearances on other matters

## 2. Fundamental Principles

- Role of the Prosecutor/Crown
- Burden of Proof
- Regulatory Offences
- Disclosure

# 3. Rules of Evidence

- Hearsay – must be firsthand unless an admission by the person charged
  - Cannot submit written statements from witnesses
  - Cannot testify to what a witness told an investigator
  - Can testify to what a defendant told an investigator
- Documents
  - May be permitted by legislation if certified (ie. records, land titles)
  - Documents may form part of witness testimony of the author
- Photos and videos
- Demonstration (bring in a sign, point to a map)

# 4. Proving an Offence

- **Who is in violation?** “owner”, “occupant”, “person” who is “causing”
  - Proof: land titles search, property tax assessment, admission, observations of a witness
- **When and where** did the offence occur?
  - Proof: witness observations and records
- **What** is the offence? Specific to wording of the provision
  - Proof: photos, witness description of the events

Charge:

On **October 29, 2015**, in the City of Regina, Province of Saskatchewan at **1200 Smith Street**, being the **owner** of an animal, allow the animal to be **at large**.

Additional information:

“at large” means being on (a) public property and not under the control of a person by means of a leash; or (b) on private property without permission.

# Enforcement Tips

- Service
- Limitation Periods
- Who should be charged
- What do you need to prove
- Provide all evidence to the prosecutor
- What do you want to achieve