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Reasons for Sentence  
- Kenkel, J.

FRIDAY, DECEMBER 4, 2020

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R E A S O N S F O R S E N T E N C E

5 KENKEL, J. (ORALLY):

[1] I take into account the circumstances of the offences. One of the things I have to take into account is that Parliament says that when an offence is motivated by bias or here racial and religious hatred, that is a serious aggravating feature. The reason that is is because the impact of this on the community, when they see people widespread through that area...

15 KURT EDWARDS: Yeah.

THE COURT: ...putting these types of messages out, this whole community has been victimized as you know many times throughout history, and when they see those messages it all comes back and it really makes the community not just in that area but all the York Region fear for their safety for and for good reason. So they don't know that it is just you, that he doesn't really have any feelings that way, he is just saying stupid things, so....

25 KURT EDWARDS: I know, this is understandable.

[2] So I take into account that impact and I take into account your record with the portions that I have heard of it. I certainly know there is a background, but I also take into account your guilty plea, the fact that you have insight

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into your offence and that you are genuinely sorry and that is reflected in your plea, but also more so in what you said.

5 [3] So taking into account all those factors particularly given the record. Ninety days is a very lenient sentence, even with your reduced moral culpability for some of your personal factors, it still comes at the very bottom of the range. With your record after a trial I would have thought the sentence for this would have been 9 to 12 months easily. So, I have taken into account the 48 days that you have spent in pre-trial custody, and I took that specific credit at one and a half. I know you have spent it in Covid and everything else but I am limited as to what I can give. I do not think in this case I could reduce the sentence further as it would render the sentence unfit. So 90 days less credit, 45 times time and a half, so it leaves 18 days to serve, and I will sentence you to 18 days remaining on each of the counts concurrent to each other for a total of 18 days, credit to 72 pre-trial custody.

25 [4] In addition to that also I will place you on probation for a period of three years, with the direction to keep the peace and be of good behaviour. You are not to attend within 100 meters of Mulholland Drive in Thornhill or Vaughan. And you are not to contact the persons named by the Crown. And you are not to be within

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100 meters of the Sephardic Kehila Center on 7026 Bathurst Street in Thornhill. And you are not to attend within 100 meters of any Jewish community center, synagogue or school. The remaining counts?

MR. DECHELLIS: The remaining counts on all of the informations should be marked withdrawn, Your Honour.

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[REDACTED]

7.  
Certification

Certificate of Transcript  
Evidence Act, Subsection 5(2)

I, Elaine Paquette, certify that this document is a true and  
5 accurate transcript of the recording of December 4, 2020, in the  
Ontario Court of Justice held at 50 Eagle Street West,  
Newmarket, Ontario taken from Recording 4911-201-20201204-  
084833-6-KENKELJ which has been certified in Form 1 by Marco  
Magnante.

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15 October 11, 2021

Date

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Elaine Paquette  
Authorized Court Transcriptionist

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