

ONTARIO COURT OF JUSTICE

HER MAJESTY THE QUEEN

V.

R.B.

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

BEFORE THE HONOURABLE MADAM JUSTICE MORNEAU

On January 20, 2021, at OWEN SOUND, Ontario

APPEARANCES:

P. Leger

R.B.

Counsel for the Crown

Self-represented

(i)  
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WEDNESDAY, JANUARY 20, 2021

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

5 MORNEAU, J. (ORALLY):

[1] These are my reasons on the sentencing matter for Mr. B [REDACTED] today. Mr. B [REDACTED], you were prosecuted for causing a disturbance by yelling in the core of Owen Sound. I was satisfied beyond a reasonable doubt that occurred. Yelling and causing a disturbance in a public place is the essence of the offence. In this case you were clearly yelling and as observed by Detective Cranny, she described it as a rant.

[2] In this case the yelling of words offended people. So while the offence is about yelling in a public place, in this particular case I cannot ignore the fact that your words also offended people. It is an aggravating fact. I actually thought, and by the afternoon of the trial when you decided that you were not going to ask questions of an additional witness, and that you acknowledged that you had clearly upset Ms. Tettenborn, that I actually believed that at that time that you had developed some insight into your behaviour.

[3] I understand Mr. Leger's position, however given, Mr. B [REDACTED], your mental health diagnosis

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5 as confirmed by Dr. Webb, your engagement in ongoing treatment to address that mental health issue, and the opinion of Ms. Bosveld, a very experienced probation officer, that you are suitable for community supervision, I am satisfied that a sentence served in the community will adequately address the sentencing principles of deterrence and denunciation.

10 [4] Mr. B [REDACTED], the message should be clear to you, you cannot yell and scream and rant in a public place about any topic. Your misplaced, unfounded and erroneous views of members of the LGBTQ community offends that community and the community at large. And notwithstanding  
15 everything that has gone here I am of the view that I do not have to send you to jail and that as I said earlier, a sentence served in the community will address the issues. You need to develop insight. I did not order a transcript of my reasons but I did type them up for myself that  
20 day after trial and, Madam Clerk, I am sending through to you to be sent to the probation officer so that the probation office will have a copy of what my notes were. Mr. B [REDACTED], I am not  
25 ordering it but I think Dr. Webb should see my reasons as well, that would assist him because he is obviously caring for you but also a strong advocate, and it might help him in the process of helping you develop some insight.  
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[5] In all the circumstances, in light of the

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5 fact that this matter has been going for some  
time, and Ms. Bosveld's opinion, I will suspend  
the passing of sentence today and place you on  
probation for two years. I am not going to grant  
you a conditional discharge. I am of the belief  
that the aggravating feature here, being the  
words coming out of your mouth about gay people,  
is offensive and a conditional discharge would  
not satisfy the provisions of the Criminal Code.  
10 However, I will suspend the passing of sentence  
and place you on probation for two years. Mr.  
B [REDACTED], is your address the same as it was when  
we started the trial?

15 R.B. [REDACTED] Yes, Your Honour.

[6] Okay, the terms are as follows. You will  
keep the peace and be of good behaviour. You  
will appear before the court when required to do  
so by the court. You will notify the court or  
20 the probation officer in advance of any change of  
your name or address, and promptly notify the  
court or the probation officer of any change in  
employment or occupation. You will report in  
person to a probation officer - and I think you  
live in Owen Sound, Mr. B [REDACTED], can you go to the  
25 Owen Sound probation office this afternoon?

R.B. [REDACTED] Is that the one in the  
courthouse, Your Honour?

THE COURT: It is, sir.

30 R.B. [REDACTED] Yes, yes, I can attend now  
today.

THE COURT: Okay, so you will report to the Owen

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Sound probation office today, this afternoon, and after that at all times and places as directed by the probation officer or any person authorized by a probation officer to assist in your supervision. You will cooperate with your probation officer. You must sign any releases necessary to permit the probation officer to monitor your compliance, and you must provide proof of compliance with any condition of this order to your probation officer on request. You are to live at a place approved of by the probation officer and not change that address without obtaining the consent of the probation officer in advance.

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[7] Number eight, Madam Clerk. Mr. B [REDACTED], do not associate or communicate in any way, by any physical, electronic or other means, or be in the company of Anne Tettenborn and/or Garnett Tettenborn. In addition you are not to be within 10 meters of any place where you know them to live, work, go to school, frequent or any place you know them to be.

[8] You are to attend and actively participate in all assessment, counselling or rehabilitative programs as directed by the probation officer and complete them to the satisfaction of the probation officer for the issues they identify and, again, sign the necessary release of information forms. Do you understand the terms of my probation order, sir?

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 January 20, 2021, in the  
Ontario Court of Justice held at 611 9th Avenue East, Owen  
Sound, Ontario taken from Recording 1011-crtrm#101-20210120-  
090404-6-MORNEAJ which has been certified in Form 1 by Kathy  
10 Tippin.

15 October 6, 2021

Date

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Elaine Paquette  
Authorized Court Transcriptionist

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