** Unedited **

Indexed as:

R. v. Bayes

Between
Her Majesty the Queen, and
James Bayes

[1991] O.J. No. 2830

Ontario Court of Justice (Provincial Division)
Brampton, Ontario
Roberts Prov. J.

Oral judgment: December 12, 1991.
(3 pp.)

Motor vehicles — Regulation of vehicles and traffic — Rate of speed, defences — Jurisdiction.

Appeal from conviction of speeding.

HELD: Appeal allowed and an acquittal entered. The Notice of trial set out the Judicial District of Peel which did not exist on the day the Notice was issued. There was thus a lack of jurisdiction.

Statutes, Regulations and Rules Cited:

Courts of Justice Act.
Highway Traffic Act, s. 109.

Counsel:

M. Morris, for the Crown.
J. Burd, for the accused.

¶ 1 **ROBERTS PROV. J.** (orally):— This is an appeal from the conviction of Mr. Bayes that was entered on the 7th day of June, 1991. Mr. Bayes had been charged with speeding and the ground of appeal on his behalf brought today by the agent, Mr. Burd, is the lack of jurisdiction and the Notice of Trial, stating indeed The Judicial District of Peel, being issued on the 20th day of March, 1991, was inappropriate as the Judicial District of Peel did not exist at that time, as a result of changes in the court's Justice Act.

¶ 2 Indeed, I have heard the evidence of Mr. Burd, who appeared as agent at the trial and indeed on my review of the Certificate of Conviction, which was signed by the justice of the peace at that time, indicated that Mr. Burd was here on June 7th, 1991 for the defendant.

¶ 3 I find that indeed that is a sufficient ground, there being lack of jurisdiction, the Judicial District of Peel not being in existence at the time that the Notice of Trial was issued and as a result, the appeal will be allowed and an acquittal entered and the fine and the costs will be refunded if they had been previously paid.

ROBERTS PROV. J.

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