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R. v. Colavita Construction Ltd.

Between
Her Majesty the Queen, and
Colavita Construction Ltd.

[1993] O.J. No. 4484

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

Oral judgment: September 10, 1993.
(3 paras.)

Counsel:

Michael H. Morris, for the Crown.
J. Burd, agent, for the accused.

¶ 1 **ATWOOD PROV J.** (orally):— There is no doubt, in my view, that Mr. Burd is correct. This is a matter in which the Ministry is obliged to provide admissible evidence. It would be my view that the proper, of course, method of providing registration of ownership is through a certified copy of the registration from the Ministry and, similarly of course, for the registered gross weight.

¶ 2 I'm not quite sure in this case why the matter was proceeded with in this form, other than, I suppose, because the trial was ex parte. But much as, of course, evidence of prohibition of driving must be properly adduced through certified copies, and not merely from reading from a form, so similarly in this case. It is true that Mr. Angi testifies that he sees these things on a piece of paper, but the piece of paper is not able to be cross-examined. This is the heart of the hearsay, and not admissible evidence.

¶ 3 For these reasons, the appeal will be granted. Conviction will be set aside.

QL Update: 20010813
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