

AK [REDACTED]
Vancouver Registry

In the Provincial Court of British Columbia
(BEFORE JUDICIAL JUSTICE OF THE PEACE MAKHDOOM)

Vancouver, B.C.
August 31, 2004

REGINA

v.
[REDACTED]

PROCEEDINGS AT HEARING

COPY

Appearing for the Crown:

Constable G. Louie

Appearing on his own behalf:

J. [REDACTED]

Transcriber:

A. Dauke

1

Proceedings

1 Vancouver, B.C.
2 August 31, 2004
3
4 THE COURT: Mr. J [REDACTED] G [REDACTED]
5 J [REDACTED] G [REDACTED]: Your Honour, I have a question.
6 THE COURT: Yes? Please rise when you're addressing
7 the bench.
8 J [REDACTED] G [REDACTED]: I'm inquiring into which J [REDACTED] G [REDACTED] you're
9 referring to, the natural person J [REDACTED] G [REDACTED] or the
10 artificial person, J [REDACTED] G [REDACTED]?
11 THE COURT: Well, whichever person you wish to be
12 today.
13 J [REDACTED] G [REDACTED]: Well, I wish to present myself as an agent
14 for J [REDACTED] G [REDACTED], the artificial person.
15 THE COURT: All right.
16 J [REDACTED] G [REDACTED]: And I'm presenting myself in my capacity
17 as a natural person.
18 THE COURT: You are the boss.
19 J [REDACTED] G [REDACTED]: Okay.
20 THE COURT: Whichever way you want to do it. This is
21 your court and you will take charge of this court
22 the way you deem appropriate, as long as you stay
23 within the bounds of law, as long as you stay
24 focussed, as long as you stay respectful of the
25 court. That is your court, not mine. *
26 J [REDACTED] G [REDACTED]: Thank you.
27 THE COURT: So you want to be a natural person today,
28 be my guest. Be a natural person today.
29 J [REDACTED] G [REDACTED]: Thank you, Your Honour.
30 THE COURT: You want to be a natural person, be a
31 natural person. I am your servant. I will hear *
32 you either way.
33 J [REDACTED] G [REDACTED]: Thank you, Your Honour.
34 THE COURT: So what would you like to be today?
35 J [REDACTED] G [REDACTED]: A natural person.
36 THE COURT: All right. Are you J [REDACTED] J [REDACTED] A [REDACTED] G [REDACTED]
37 of Vancouver? *
38 J [REDACTED] G [REDACTED]: If that that you're reading is spelt with
39 *capitis diminutio minima* -- sorry, my Latin's not
40 very good.
41 THE COURT: So is mine, you know.
42 J [REDACTED] G [REDACTED]: If that is how you're reading it, then,
43 yes, that is me.
44 THE COURT: All right, very well. Now, you are
45 appearing because of the violation notice number
46 [REDACTED]?
47 J [REDACTED] G [REDACTED]: Correct.

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1 THE COURT: And that concerns a parking infraction that
2 you have been charged with?

3 J[REDACTED] G[REDACTED]: That's correct.

4 THE COURT: And the allegation is that, that on or
5 about the 28th of January, 2004 you were the owner
6 of a motor vehicle that bore B.C. licence number
7 [REDACTED] [REDACTED], and this vehicle was unlawfully permitted
8 or allowed to park in a street where a traffic
9 sign restricted parking except in accordance with
10 such restriction, in the 1100 block of Broughton
11 Street in the City of Vancouver, Province of
12 British Columbia contrary to By-law 2849. You
13 understand that charge?

14 J[REDACTED] G[REDACTED]: I do understand the charge.

15 THE COURT: And how are you pleading?

16 J[REDACTED] G[REDACTED]: Not guilty.

17 THE COURT: A not guilty plea is entered.

18 THE COURT: Well, you may occupy that chair. You can
19 write your notes and whatever else you wish to do.

20 J[REDACTED] G[REDACTED]: I would prefer not to cross the bar, Your
21 Honour, and to stay at this side of the bar.

22 THE COURT: That's fine with me.

23 J[REDACTED] G[REDACTED]: Thank you.

24 THE COURT: In the witness box, Officer Louie. What
25 would you like to do, swear or affirm.?

26 Now, I understand, Mr. G[REDACTED], that you
27 understand how it works in court; right? Or would
28 you like me to explain it to you?

29 J[REDACTED] G[REDACTED]: Well, I would ask for the court's
30 assistance in all ways, to uphold my rights.

31 THE COURT: Absolutely. That's what I do for a living.
32 Is there anything that you do not understand in
33 the process that I should explain it to you? *

34 J[REDACTED] G[REDACTED]: Not at this time, Your Honour.

35 THE COURT: All right. Very well.

36

37

GUY LOUIE

38

a witness called by the
39 Crown, sworn.

40

41

THE COURT: Please give me your full name and the
42 spelling of your last name.

43

THE WITNESS: Surname Louie, L-o-u-i-e, Parking
44 Enforcement Officer number 245 employed by the
45 City of Vancouver in the Province of British
46 Columbia.

47

THE COURT: You may be seated, Mr. G[REDACTED].

Guy Louie (for the Crown)
Evidence by the Officer

1 J[REDACTED] G[REDACTED]: Thank you.

2 THE WITNESS: I was so employed on the date of the
3 alleged violation, that date being January 28,
4 2004, that day being Wednesday. Everything I'm
5 about to relate to this court occurred on this day
6 on this date.

7

8 **EVIDENCE BY THE OFFICER:**

9

10 Q Your Honour, may I refer to notes I made when I
11 wrote the violation, Your Honour?

12 THE COURT: Do you have any objection to that?

13 J[REDACTED] G[REDACTED]: No, Your Honour.

14 THE COURT: All right. Go ahead.

15 A Your Honour, currently I'm assigned to the area
16 noted as the west end. My specific assignment
17 actually is to deal with the west end permits and
18 the west end permit fraud that is currently
19 happening in the west end. Therefore, my
20 assignment is rather specific when it comes to
21 permits.

22 On the said date, being a Wednesday at 7:25
23 p.m., I was patrolling the area of the west side,
24 1100 Broughton. I noted that an Acura bearing
25 British Columbia plate [REDACTED] [REDACTED] was stationary in
26 an area that was signed that it required a permit,
27 and I will describe the signs.

28 The sign is white, rectangular in shape.
29 There is a "P" with a circle and a diagonal slash
30 through it. That's the universal sign of no
31 parking. Below that are written the words "Except
32 with Permit". This permit area would be the west
33 end permit.

34 According to my notes, the vehicle was
35 approximately one car length from the sign to the
36 front bumper of this vehicle with the arrow
37 pointing towards the front bumper. There was an
38 identical sign approximately three car lengths to
39 the rear of the bumper with the arrow pointing to
40 the rear bumper of this vehicle. I was satisfied
41 that this vehicle was within the bounds of this
42 sign and was facing southbound on the west side of
43 1100 Broughton.

44 Seeing no permit attached to this vehicle,
45 issued violation notice [REDACTED] under City of
46 Vancouver By-law 2849, s. 16.6(b), and that is
47 parking on a street where the traffic sign

**Guy Louie (for the Crown)
Evidence by the Officer**

1 restricts parking except in accordance with such
2 restriction. In this case, the restriction is
3 requiring it to have a permit.

4 I placed the copy of the violation notice on
5 the windshield of the vehicle.

6 At this point, Your Honour, I wish to enter
7 into evidence an extract from the Insurance
8 Corporation of British Columbia indicating that
9 the defendant is the owner of the vehicle in
10 question, and I'll show this document to Mr. G. *

11 THE COURT: Thank you very much. Mr. G., do you have
12 any objection if this document is admitted into
13 the evidence?

14 J. G.: I would just like the court to note that
15 the J. G. that's referred to in that document
16 is J. G. the artificial person, Your Honour.

17 THE COURT: So in other words, you will not have any
18 objection to --

19 J. G.: No.

20 THE COURT: -- this document being admitted into the
21 evidence?

22 J. G.: No.

23 THE COURT: Exhibit 1.

24

25 **EXHIBIT 1: Registered Owner's Certificate**

26

27 OFFICER LOUIE: That's the evidence on behalf of the
28 Crown, Your Honour.

29 THE COURT: Do you have any questions of this witness?

30 J. G.: No, Your Honour. No questions.

31 THE COURT: All right. You may step down.

32 THE WITNESS: Thank you.

33

34 (WITNESS EXCUSED)

35

36 THE COURT: That is the case for the Crown?

37 OFFICER LOUIE: Yes it is, Your Honour.

38 THE COURT: Are you going to be giving evidence
39 yourself, Mr. G.?

40 J. G.: Yes, Your Honour.

41 THE COURT: In the witness box, please.

42 J. G.: I can -- would not like to cross the bar.

43 THE COURT: Well, I cannot hear you from there. With
44 respect to evidence there are some rules of the
45 court that must be followed, and I cannot relax
46 those rules for anyone. If you are giving
47 evidence you'll have to get in the proper place

J [REDACTED] G [REDACTED] (for Defence)
Evidence by the Defendant

1 17.6 No person shall park a vehicle:

2
3 Subsection (b):

4
5 (b) at any place on a street where a traffic
6 sign restricts parking, except in
7 accordance with such restriction.

8
9 That being the case, my question was what is the
10 definition of a person in this by-law, and I could
11 not find a definition contained within the by-law.
12 So part of the reason I'm here today is out of
13 confusion, because the ticket itself is addressed
14 to J [REDACTED] G [REDACTED] the artificial person under the
15 **Motor Vehicle Act**, whereas the court notice and
16 hearing notice for me to appear today is to J [REDACTED]
17 G [REDACTED] the natural person. And in the by-law itself
18 I could not find which is which.

19 Now, I understand that there's the vicarious
20 liability that you mentioned earlier of a car;
21 however, is this by-law valid to apply in this
22 situation where I've hurt no man? And in the law
23 there is a maxim that the -- bear with me one
24 moment. That an act of the law does no injury to
25 no man. And I feel that this fine is an injury to
26 myself when I have not injured anyone.

27 THE COURT: Anything else? Now, those are arguments.
28 Do you have any evidence as well, or just you will
29 reply on your argument?

30 THE WITNESS: I have for the evidence, Your Honour, the
31 original ticket. Then I did write a cheque for
32 this ticket for \$40. They did not receive it in
33 time; they upped the fine to \$80 and requested --
34 and that's why I decided to instead to take it to
35 court. And I also have the notice of hearing to
36 show that, why I have this confusion.

37 THE COURT: I believe you. You don't have to show me.

38 THE WITNESS: Okay. Okay.

39 THE COURT: I have no reason not to believe you.

40 THE WITNESS: Okay. And that is all I have, Your
41 Honour.

42 THE COURT: All right.

43 THE WITNESS: For evidence.

44 THE COURT: Thank you.

45 THE WITNESS: Okay.

46 THE COURT: Do you have any questions?

47 OFFICER LOUIE: The Crown has no questions, Your

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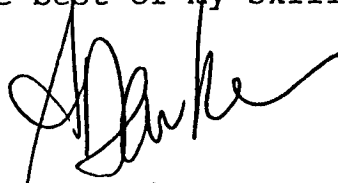
1 Honour.
2 THE COURT: You may step down, Mr. G.
3 THE WITNESS: Thank you, Your Honour.
4
5 (WITNESS EXCUSED)
6
7 THE COURT: Now, any other argument you wish to forward
8 at this time?
9 J. G.: No, Your Honour.
10 THE COURT: So essentially, let me recap. Your issue | *
11 is one -- is the definition of a person?
12 J. G.: Yes.
13 THE COURT: And the second one is since you have not | *
14 injured anyone, why should you be penalized;
15 right?
16 J. G.: Correct.
17 THE COURT: So those are the two issues?
18 J. G.: Correct. .
19 THE COURT: All right. Yes. Please have a seat.
20
21 [REASONS FOR JUDGMENT]
22
23
24 THE COURT: What is it that the Crown is seeking?
25 OFFICER LOUIE: The Crown will leave it up to your
26 discretion, Your Honour.
27 THE COURT: All right. Please rise, Mr. G. Do we
28 take it that you will not get in trouble again in
29 this context?
30 J. G.: Yes, Your Honour. Yes.
31 THE COURT: So no more parking tickets?
32 J. G.: Yes, Your Honour.
33 THE COURT: Very good. How are you doing financially?
34 J. G.: I'm fine.
35
36 [REASONS AT SENTENCE]
37
38 THE COURT: If you pay \$20 today, that is the end of
39 this matter. I wish you all the best. You have a
40 good day.
41 J. G.: Thank you. Could I say one thing?
42 THE COURT: Yes.
43 J. G.: I would like to thank you very much, and I
44 knew that I would be paying, but I wanted to at
45 least learn something for my money, and I did. I
46 learned very much, and I appreciate that.
47 THE COURT: Thank you very much.

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1 J█████ G█████: Thank you.
2 THE COURT: You can come anytime back to this court
3 just for a visit, but don't get in trouble. | *
4 J█████ G█████: Thanks.
5 THE COURT: Thank you so much.
6 J█████ G█████: Thank you.
7
8 (PROCEEDINGS CONCLUDED)
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I hereby certify the foregoing to
be a true and accurate transcript
of the evidence recorded on a sound
recording apparatus, transcribed to
the best of my skill and ability.



Audrey Dauke
Court Transcriber