

Action No.: B97783954C  
E-File Name: CCP20ALBERTAPAVING  
Appeal No.: \_\_\_\_\_

IN THE PROVINCIAL COURT OF ALBERTA  
JUDICIAL CENTRE OF CALGARY

HER MAJESTY THE QUEEN

v.

ALBERTA PAVING LTD.

Accused

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PROCEEDINGS

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Calgary, Alberta  
February 10, 2020

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1 Proceedings taken in the Provincial Court of Alberta, Calgary Courts Centre, Calgary,  
2 Alberta

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3  
4 February 10, 2020 Morning Session  
5  
6 The Honourable Provincial Court  
7 Judge L.D. Henderson of Alberta  
8  
9 R. Jackson For the Crown  
10 J. Couture For the Accused  
11 (Agent)  
12 J. Muzzo Court Clerk

---

13  
14  
15 **Discussion**

16  
17 THE COURT CLERK: Alberta Paving Limited. Interpreter present to  
18 ask about a French trial.

19  
20 THE COURT: Good morning, sir.

21  
22 THE INTERPRETER: Bonjour, monsieur.

23  
24 MR. COUTURE: Bonjour.

25  
26 THE INTERPRETER: Good morning.

27  
28 THE COURT: Hello. And I understand that you want to set a --  
29 a trial in French; is that right?

30  
31 MR. COUTURE: Oui. En --en fonction de -- en fonction du  
32 Règlement 158(2013), paragraphe 3 --

33  
34 THE INTERPRETER: Taking -- if I -- parfait -- based on the  
35 reglementation (phonetic) -- Regulation 158/2013 -- continue.

36  
37 MR. COUTURE: -- paragraphe 3, je -- je suis ici pour vous  
38 présenter une demande de -- pour procéder à un procès en français avec le consentement  
39 de la Couronne.

40  
41 THE INTERPRETER: Under paragraph 3, I'm here to ask -- to make a

1 request to have a proceeding in French with the consent of the Crown.

2

3 THE COURT: You will have to give me a moment here. I am  
4 looking for my --

5

6 THE COURT: -- what I have on the bench. All right. Crown,  
7 do you --

8

9 MR. JACKSON: Okay.

10

11 THE COURT: -- take any position on French trials?

12

13 MR. JACKSON: Well, the only thing, I -- I -- I just talked to this  
14 gentleman briefly without the assistance of the interpreter in English. So I -- I would not  
15 be consenting.

16

17 THE COURT: Thank you. To be fair, Crown, that's not what  
18 the test is.

19

20 MR. JACKSON: Okay.

21

22 THE COURT: This is a bilingual country. However, I know  
23 that Alberta Paving Limited has made his application multiple times already. I also know  
24 Alberta Paving Limited has been turned down multiple times already. For the benefit of  
25 the gentleman representing Alberta Paving Limited, a case in the Supreme Court of  
26 Canada called *Bessette*, B-E-S-S-E-T-T-E came out in the spring which mandated that a  
27 traffic court trial had to be heard in French in British Columbia. Because in British  
28 Columbia their traffic legislation automatically adopts the *Criminal Code* rules. The  
29 *Criminal Code* rules allow anyone to have a trial in French or English.

30

31 In -- or in Alberta, we have different regulations. We must follow the Alberta Courts  
32 regulation which requires the consent of the prosecutor and the discretion of the judge to  
33 allow it. If the prosecutor does not consent or the judge does not exercise the discretion to  
34 conduct the trial in French the defendant is more than welcome to use French in oral  
35 communications in the proceedings. They must give reasonable notice of their wish to do  
36 so and the Crown is obliged to arrange for an interpreter. I believe that this is not the first  
37 time that Alberta Paving Limited has gotten this answer. And I'm going to suggest that  
38 Alberta Paving stop making this request, but I'll leave that with Alberta Paving Limited.

39

40 However, I'm the administrative Justice of the Peace. I'm responsible for ensuring that  
41 the Justice of the Peace Program is carried out effectively. And I'm not particularly

1 interested with this issue being brought into court time and time again. Alberta Paving  
2 Limited has gotten its answer. Alberta Paving Limited understands it needs to get the  
3 consent of the Crown. And if Alberta Paving Limited wants to make any further such  
4 applications. I'm directing they must be brought before myself.

5

6 THE INTERPRETOR: Excuse-moi?

7

8 THE COURT: They have to be brought before me. Thank you.

9

10 THE COURT: I'm denying your application for a French trial,  
11 sir. If you wish to set a trial date, I'm happy to arrange for you to have an interpreter.

12

13 MR. COUTURE: Merci de -- merci des explications.

14

15 THE INTERPRETER: Thank you for explanations (sic).

16

17 MR. COUTURE: Donc, j'aimerais ajourner. J'aimerais faire une  
18 demande d'ajournement.

19

20 THE INTERPRETER: I would like to ask for an adjournment --

21

22 MR. COUTURE: -- d'une -- d'une durée indéterminé --

23

24 THE INTERPRETER: -- for an unlimited time --

25

26 MR. COUTURE: -- en fonction -- en attente d'une décision -- en  
27 attente d'une décision sur la constitutionnalité du Règlement 158(2013).

28

29 THE INTERPRETER: -- while I am waiting for the decision that will  
30 be taken on the constitutionality of the Regulation 158/2013.

31

32 MR. COUTURE: Cet -- cet avis de constitutionnalité --

33

34 THE INTERPRETER: This notice of constitutional (sic) --

35

36 MR. COUTURE: Question -- a été déposé le 20 -- le 23 juin 2015  
37 à -- à -- au -- à la -- au District judiciaire de Calgary.

38

39 THE INTERPRETER: This notice has been deposited (sic) on 23rd,  
40 2015 in the judicial district of Calgary.

41

- 1 THE COURT: I need you to repeat -- what happened on the  
2 23rd in 2015?  
3
- 4 THE INTERPRETOR : The -- the notice of constitutional question has  
5 been deposed -- has been -- they -- has been deposed on the -- in the judicial district of  
6 Calgary.  
7
- 8 THE COURT: You've made an application in 2015?  
9
- 10 MR. COUTURE: Donc, le 23 juin 2015, il y a eu un avis d'une  
11 question constitutionnelle --  
12
- 13 THE INTERPRETOR : On the 23rd, June, 2015, we've had a notice  
14 on -- on the constitutional question.  
15
- 16 THE COURT: Who's we?  
17
- 18 MR. COUTURE: Les requérants sont François Paquette  
19 (phonetic), Xavier McGuire (phonetic), Sonia Pourame (phonetic), Hugo Beaulieu  
20 (phonetic), Simon Morin (phonetic), et moi-même, Joey Couture.  
21
- 22 THE INTERPRETOR : That was François Paquette, Xavier McGuire,  
23 Sonia Pourame, Huguette (sic) Beaulieu, Simon Morin, and myself, Joey Couture.  
24
- 25 MR. COUTURE: Et cette -- cette requête a été faite au Cour -- à  
26 la Cour du Banc de la Reine de l'Alberta.  
27
- 28 THE INTERPRETOR : This request has been introduced in -- in the  
29 Court of Queen (sic) Bench in Alberta.  
30
- 31 THE COURT: And what's the status of that case now?  
32
- 33 MR. COUTURE: En ce moment, aucune décision a encore été  
34 rendu. C'est pour cela que je vous demande un ajournement indéfini en attente de la  
35 décision.  
36
- 37 THE INTERPRETOR : At this day, no -- there is no decision made yet.  
38 That (sic) why I am asking for an adjournment for an unlimited time.  
39
- 40 THE COURT: Thank you. I wish to make two things clear.  
41 First of all, one, the application has been denied, and there will no further applications on

1 this ticket, ticket 954C, unless you have appealed my interim decision to the Court of  
2 Queen's Bench. Second, I am not granting an unknown amount of time for an  
3 adjournment. I will grant you one month, the same as I would grant any other person on a  
4 first application for an adjournment. The law is the law. The law has not been overturned.  
5 I'm bound to follow the law. That's what I'm doing. Sir, I can give you an adjournment  
6 to any time the second week of March.

7  
8 MR. COUTURE: Mars. Est-ce que la -- la semaine du 23 mars --

9  
10 THE INTERPRETER: Is it possible to have the week of 23rd, March?

11  
12 THE COURT: No. That's two months. I said one month.

13  
14 THE INTERPRETER: Cela --

15  
16 THE COURT: That's a month and a half. That's too long.

17  
18 MR. COUTURE: Okay. Donc, quel est votre décision?

19  
20 THE INTERPRETER : Okay. What is your decision, then?

21  
22 THE COURT: I said anytime up until the second week of  
23 March.

24  
25 MR. COUTURE: Je vais être absent du pays jusqu'au 3 mars.

26  
27 THE INTERPRETER: I will be out of the country until 3rd of March.

28  
29 MR. COUTURE: Et -- et la -- et le 20 -- et le 6, 7, 8, je suis --

30  
31 THE COURT: Fine.

32  
33 MR. COUTURE: -- j'ai aussi un rendez-vous.

34  
35 THE COURT: March 23rd? March 23rd, back in this  
36 courtroom. And sir, I'm going to ask this, do you have any more applications coming up  
37 of this nature?

38  
39 MR. COUTURE: Oui. Aujourd'hui, j'ai un autre application au --

40  
41 THE COURT: When?

1  
2 THE INTERPRETOR : Today, I have another one.  
3  
4 THE COURT: When?  
5  
6 MR. COUTURE: Aujourd'hui en -- en cette cour, ici.  
7  
8 THE INTERPRETOR : Today, here in this court.  
9  
10 THE COURT: Another one.  
11  
12 MR. JACKSON: He's -- he's representing another person.  
13  
14 THE COURT: All right. Sir, do you have any other  
15 applications to make other than today?  
16  
17 MR. COUTURE: Laisse-moi un moment que je trouve --  
18  
19 THE INTERPRETOR : One moment so that I can --  
20  
21 THE COURT: My apologies to everyone in the courtroom.  
22 This is an important issue that we need to deal with.  
23  
24 MR. COUTURE: Donc, le -- le ticket est 7769 --  
25  
26 THE INTERPRETOR : The ticket number is 7769 --  
27  
28 MR. COUTURE: -- 0480.  
29  
30 THE INTERPRETOR : -- 0480.  
31  
32 THE COURT: Oh, sorry. I was -- I was trying to listen in  
33 French.  
34  
35 THE COURT CLERK: It's --  
36  
37 THE COURT: Oh, is that this one?  
38  
39 THE COURT CLERK: (INDISCERNIBLE) he's reading out the ticket  
40 number --  
41



1 THE COURT: Oh.  
2  
3 THE COURT CLERK: -- he's the next ticket.  
4  
5 THE COURT: That's fine. After today, anymore of these  
6 applications?  
7  
8 MR. COUTURE: Pas en ce moment, mais, je vais -- je vais me  
9 représenter la prochaine fois qui en -- qui en aurait d'autre.  
10  
11 THE COURT: I want to make sure I'm here for it.  
12  
13 THE INTERPRETER: So not -- this is not today, but next time if i  
14 have another one, I will come.  
15  
16 THE COURT: It's to be made in front of myself. I'm familiar  
17 with your matters now, and you know what my decision is. And there's no point in  
18 making a whole bunch of these applications until you have a legal answer.  
19  
20 MR. COUTURE: Ben -- merci beaucoup.  
21  
22 THE COURT: Thank you.  
23  
24 MR. COUTURE: J'apprécie, aussi, le passer toujours  
25 (INDISCERNABLE) le même.  
26  
27 THE COURT: All right. This matter is completed, sir. We'll  
28 see you back here on March 23rd, 9:30, back in this courtroom.  
29  
30 MR. COUTURE: Et pour ce qui a de la -- la prochaine, est-ce que  
31 je dois me présenter pour la prochaine?  
32  
33 THE INTERPRETER: And for the other one, should -- should I --  
34  
35

---

36  
37  
38 PROCEEDINGS ADJOURNED UNTIL 9:30 AM, MARCH 23, 2020  
39  
40  
41

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1 **Certificate of Record**

2

3 I, Joanne Muzzo, certify that this recording is the record made of the evidence in the  
4 proceedings in Traffic Court held in courtroom 908 on the February 10th, 2019 (sic), and  
5 that I was the court official in charge of the sound-recording machine during the  
6 proceedings.

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1 **Certificate of Transcript**

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3 I, Nicole Martins, certify that

4

5 (a) I transcribed the record, which was recorded by a sound-recording machine, to the  
6 best of my skill and ability and the foregoing pages are a complete and accurate  
7 transcript of the contents of the record, and

8

9 (b) the Certificate of Record for these proceedings was included orally on the record and  
10 is transcribed in this transcript.

11

12 Royal Reporting, A Veritext Company

13 Order Number: AL-JO-9593

14 Dated: February 12, 2020

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