

IN THE PROVINCIAL COURT OF NOVA SCOTIA

Citation: R. v. Doucette, 2007 NSPC 19

Date: 2007 April 27

Docket: 1056555-58

Registry: Halifax

Between:

Her Majesty the Queen

v.

Peter Victor Doucette

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Judge: The Honourable Associate Chief Judge R. Brian Gibson,
J.P.C.

Heard: November 14, 2006
November 16, 2006
December 13, 2006
January 26, 2007
January 29, 2007
February 6, 2007
In Dartmouth, Nova Scotia

Subject: **Forfeiture Application pursuant to s.16(1) of the
Controlled Drugs and Substance Act (C.D.S.A.)
regarding real property.**

Summary:

Issue: **The offender, being the sole officer and director
of 3029062 Nova Scotia Limited (the Company)
committed C.D.S.A. designated offences in
respect of real property owned by the Company
being 22-24 Waddell Avenue, Dartmouth (the
property) on April 6, 2001. The offences were
committed prior to C.D.S.A. amendments which
amendments eliminated the presumed exclusion**

of real property from the definition of “offence-related property” and thereby the presumed exemption of real property from forfeiture. Since applicable provisions of the C.D.S.A. presumed the property to be exempt from forfeiture, the central issue was whether the property had been “significantly modified for the purpose of facilitating the commission of a designated offence” thereby falling within the definition of “offence-related property” and subject to an order of forfeiture.

Result:

On the facts, the property was found to have been “significantly modified for the purpose of facilitating the commission of a designated substance offence” and was thereby found to be “offence-related property”. In so finding, the narrow definition of the words “significantly modified”, as determined in R. v. Gisby [2000] A.J. No.1145, was rejected and instead the wider definition of “significantly modified” as determined in R. v. Pomerleau [2003] J.Q. No.5082, was held to be applicable and therefore followed.

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