

IN THE MATTER OF A REQUEST  
FOR A REVIEW BY LAURA  
MACARTHUR PURSUANT TO  
THE POLICE ACT, R.S.P.E.I 1988,  
CAP. P-11.1

BETWEEN:

**LAURA MacARTHUR**

COMPLAINANT

AND:

**OFFICER LIAM JAY, OFFICER GREG THOMPSON, OFFICER COLBY LANDRIGAN,  
OFFICER JASON POUND, OFFICER ZACHARY GOULD, OFFICER DAKOTA  
VanCOLEN, and CASSIDY McGEAN**

RESPONDENTS

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**DECISION**  
**Dated March 31, 2025**

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Decision of Hon. Wayne D. Cheverie

1. As will be seen from the Agreed Facts, which I shall reproduce in their entirety, the complaint pursued by Laura MacArthur is against officers Landrigan, Jay, Gould, McGean, Thomspson, Pound, and VanColen. McGean's employment with the Charlottetown Police Services (CPS) ended on or about February 7, 2023. Officer Gould's employment with the CPS ended on or about July 25, 2024 and he began working as a Constable with the Royal Canadian Mounted Police (RCMP) within PEI on or about July 26, 2024. Likewise, on or about July 31, 2024, Officer Jay's employment with CPS ended and he began working with the RCMP within PEI on or about August 1, 2024. On or about August 21, 2024, Officer Pound's employment with CPS ended and he began working as a Constable with the RCMP within PEI on or about August 22, 2024.
2. McGean is no longer a police officer and resigned before the investigation by the Summerside Police Services (SPS) was completed, and before any discipline was determined. Her resignation also occurred before the Office of the Police Commissioner released its review and referred the complaint to adjudication. Given the timing of her resignation and the nature of her new employment, neither Laura MacArthur (the Complainant), nor the Attorney General is pursuing any remedy against her. In fact, the Complainant supports the dismissal of this matter as against her. That being so, I dismiss the complaint against Cassidy McGean.
3. The motion brought by the Attorney General and supported by the Complainant raises the preliminary issue of jurisdiction. Officers Gould, Jay, and Pound, are now members of the RCMP (the RCMP officers). However, they were members of the CPS at the time when the Complainant sought an adjudication under the *Police Act*, R.S.P.E.I. 1988, Cap. P-11.1 (the *Act*). The question for resolution is whether I, as adjudicator under the *Act*, have jurisdiction over the three officers who are now members of the RCMP.

**Agreed Facts**

4. For ease of reference, I shall set out below the Agreed Facts which have been filed to provide context for the motion. To be clear, I have not seen the original complaint, nor have I seen the decision of the Chief of Police of the CPS, nor the result of the review by the Office of the Police Commissioner (OPC).

*IN THE MATTER OF A REQUEST  
FOR A REVIEW BY LAURA  
MACARTHUR PURSUANT TO  
THE POLICE ACT, R.S.P.E.I 1988,  
CAP. P-11.1*

## **AGREED FACTS**

FOR PURPOSES OF THE PRELIMINARY ISSUE RELATED TO THE  
SCOPE OF THE ADJUDICATOR'S JURISDICTION PURSUANT TO  
THE POLICE ACT RE: JAY, GOULD, POUND AND MCGEAN

1. On or about January 16, 2023, members of the Charlottetown Police Services (hereinafter "CPS") were called to the residence of Tyler Knockwood (hereinafter "Knockwood") and Laura MacArthur (hereinafter "MacArthur") on three separate occasions that day: at 6:18 am, at 8:39 am, and at 9:11 am.
2. On the first call for service at 6:18 am, CPS dispatched three officers to the residence, being Constable Liam Jay (hereinafter "Jay"), Constable Colby Landrigan (hereinafter "Landrigan"), and Constable Greg Thompson (hereinafter "Thompson").
3. On the second call for service at 8:39 am, Constable Cassidy McGean (hereinafter "McGean") and another officer providing back-up attended the home of MacArthur's sister, where MacArthur went after the first call for service. The backup officer was Constable Manning (hereinafter "Manning").
4. On the third call for service at 9:11 am, Constable Jason Pound (hereinafter "Pound") and Constable Zach Gould (hereinafter "Gould"), as members of the Community Wellness Team, were dispatched to conduct a wellness check on Knockwood at his residence.
5. Later that same day, McGean and Constable Dakota VanColen (hereinafter "VanColen") attended at the residence of Knockwood and MacArthur and served an Emergency Protection Order on Knockwood. McGean and VanColen removed Knockwood from the home per the conditions of the Emergency Protection Order.
6. In the early morning hours of January 17, 2023, Knockwood was found deceased. His death was deemed to be a suicide.
7. MacArthur filed a complaint pursuant to section 27(9) of the Police Act on or about February 2, 2023. The initial complaint specifically names Jay, Thompson, Landrigan and McGean and the "wellness team". Pound and Gould were the members of the Community Wellness Team that responded to calls on January 16, 2023 in relation to this matter.
8. On or about February 13, 2023, a member of the Summerside Police Services commenced an investigation into the complaint pursuant to the provisions of the Police Act. The investigation focused on:

- a. Landrigan,
  - b. Jay,
  - c. Gould,
  - d. McGean,
  - e. Thompson,
  - f. Pound, and
  - g. VanColen.
9. *Regarding Constable Manning, the investigator's report stated: "In speaking to Cst. Manning, it was learned that he had no interaction with Mr. Knockwood, Ms. MacArthur, nor involve (sic) himself in the files being reviewed, to a degree that he would be thought to have significant information to provide for the investigation."*
10. *By letter dated December 4, 2023, and following receipt and review of the investigator's report by Summerside Police Services, the Chief Officer of the CPS ("Chief Officer") issued a notice of decision to MacArthur dismissing MacArthur's complaint as unsubstantiated. The Chief Officer provided a verbal caution in relation to the officers below regarding their note-taking. The notice of decision letter confirms the decision of the Chief Officer and is with respect to:*
- a. Landrigan,
  - b. Jay,
  - c. Gould,
  - d. McGean,
  - e. Thompson,
  - f. Pound, and
  - g. VanColen.
11. *On or about December 20, 2023, MacArthur submitted a signed request for a review of a decision on a complaint pursuant to section 28 of the Police Act. The Form 4 issued by the Office of the Police Commissioner ("OPC") referenced a complaint against:*
- a. Landrigan,
  - b. Jay,
  - c. Gould,
  - d. McGean,
  - e. Thompson,
  - f. Pound, and
  - g. VanColen.
12. *On or about May 14, 2024, the OPC released its decision on the request for a review (hereinafter the "Review Decision"). The Review Decision found that Manning was on the periphery of the events that transpired and was not subject to the initial complaint and therefore the Review Decision did not include his conduct.*

13. *The Review Decision also found that McGean is no longer an employee of the Charlottetown Police Service having resigned later in the year of 2023. As such, the Review Decision found that "the Chief Officer no longer has employer jurisdiction over her".*
14. *The Review Decision found that Gould is on a leave of absence with the CPS but, to the knowledge of the OPC is still an employee of that service, and therefore, "Gould does fall within the jurisdiction of the Police Act and is subject to this review".*
15. *The Review Decision expressly stated it was in relation to the conduct of Jay, Thompson, Landrigan, Pound, Gould and VanColen. McGean and Manning's conduct was not considered for the purposes of the Review Decision.*
16. *The Review Decision found that the Chief Officer's decision to dismiss the complaint respecting Jay, Thompson, Landrigan, Pound, Gould and VanColen was not appropriate.*
17. *By email of June 4, 2024, MacArthur advised the OPC that she wished to proceed to adjudication under the Police Act.*
18. *By letter dated June 17, 2024, the OPC provided an update on the review decision to Jay, Thompson, Landrigan, McGean, Pound, Gould, VanColen and Manning. The letter stated that "[r]especting Csts. Jay, Thompson, Landrigan, Pound, Gould and VanColen, I have concluded that it was not appropriate for the Chief Officer of the CPS to dismiss the complaint". The letter goes on to state that Cst. McGean "is no longer an employee of the Charlottetown Police Service. Therefore, the OPC has no jurisdiction over her conduct and no further action will be taken respecting this aspect of the request for a review." Further with respect to Manning, that the "involvement of Cst. Manning to the events giving rise to the request for review were peripheral at best. Pursuant to s. 29(3)(c)(i)(A) of the Police Act, I have concluded based on the investigation conducted that the decision to dismiss the complaint respecting Cst. Manning was appropriate."*
19. *On or about February 7, 2023, McGean's employment with CPS ended. She began working as an Indigenous justice case manager for the Mi'kmaq Confederacy of Prince Edward Island on or about March 2023.*
20. *On or about July 25, 2024, Gould's employment with CPS ended. He began working as a constable with the Royal Canadian Mounted Police within PEI on or about July 26, 2024. Prior to leaving his employment at CPS, Gould had been working in a non-policing*

*governance role on secondment from the CPS to the Abegweit First Nation since April 2023.*

21. *On or about July 31, 2024, Jay's employment with CPS ended. He began working with the Royal Canadian Mounted Police within PEI on or about August 1, 2024.*
22. *On or about August 21, 2024, Pound's employment with CPS ended. He began working as a constable with the Royal Canadian Mounted Police within PEI on or about August 22, 2024.*
23. *As of the date of these Agreed Facts, Landrigan, Thompson and VanColen remain employed with CPS. McGean, Gould, Jay, and Pound are no longer employed with CPS.*

*Dated this 17 day of December, 2024.*

### **Positions of the Parties**

5. The Complainant and the Attorney General both submit that I have jurisdiction over the three RCMP officers. The Complainant relies on the case of *Jamieson v. Tortola* 2014 Canlii 72767 (NSPRB), public policy considerations, the intent of the PEI Legislature, and the interpretation of the *Act*.
6. For his part, the Attorney General submits that a narrow interpretation of the *Act* only serves to undermine the intent and purpose of the *Act*, is contrary to sound public policy, and creates a precedent that is procedurally unfair and contrary to the principles of natural justice.
7. Counsel for Police Chief McConnell submits that I do not have jurisdiction over the complaints against the three RCMP officers based on the express wording of the *Act* which is to be considered in its proper context and purpose. In addition to the specific wording of the *Act*, counsel raises the issue of the doctrine of jurisdiction by necessary implication. She argues this doctrine has no application in the present case. Counsel for the Complainant takes a contrary view. I shall deal with this doctrine later in these reasons.
8. Counsel for the RCMP officers submits that given a proper interpretation of the *Act* and its regulations when taken together with the relevant sections of the *Interpretation Act*, R.S.P.E.I. 1988, Cap. I-8.1 and relevant jurisprudence, leads to a conclusion that I do not have jurisdiction over these officers.
9. Counsel for officers Thompson, Landrigan, and VanColen, indicated by email dated January 24, 2025 that he would not be filing a Submission with respect to the motion and intended to remain neutral on the issue.

## **Statutory Interpretation**

10. There is no express provision in the Act that a former officer is either included or excluded from the complaint process. The Act is simply silent on this issue. Part VII governs complaints concerning police officers. The Complainant followed the process outlined in Part VII including the request for the present adjudication. Section 20 of the Act reads in part:

*In this Part,*

*(a) “Complainant” means the person who has made a complaint under this Part concerning the conduct of a police officer or an instructing officer;*

*(b) “police officer” means a person who is a police officer of a police department, but does not include the chief officer of the police department;*

*(c) “respondent” means*  
*(i) in the case of a complaint concerning the conduct of a police officer, the police officer whose conduct is the subject of the complaint, ...*

Counsel who submit that I have no jurisdiction over the RCMP officers rely on the definition of police officer as one “who is a police officer of a police department”, and the definition of respondent which means “the police officer whose conduct is subject of the complaint”. The definition of police officer and respondent is expressed in the present tense, and thus it is argued that only a police officer who is presently a member of a police department can be the subject of a complaint process. That being so, there is no jurisdiction over the RCMP officers because they are no longer members of a police department as defined in paragraph 1(u)(i) of the Act to mean a “police department established for the City of Charlottetown”.

11. The starting point in this analysis is s. 11 and s. 12 of the *Interpretation Act*. They read as follows:

### *11. Principles of interpretation*

*(1) The words of an Act and regulations authorized under an Act shall be read in their entire context, and in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act and the intention of the Legislative Assembly.*

### *Remedial construction*

*(2) Acts and regulations shall be construed as being remedial and shall be given the fair, large and liberal interpretation that best ensures the attainment of their objects. 2021,c.10,s.11.*

## 12. *Enactment always speaking*

*Where a provision in an enactment is expressed in the present tense, the enactment shall be construed as applying to circumstances as they arise. 2021, c.10, s.12.*

Section 14 of the *Act* makes it clear that the Code of Professional Conduct and Discipline Regulations, PEI Reg. EC142/10 (the Code) applies to any disciplinary proceeding involving a member of a police department that is conducted under the *Act* in respect of a complaint. Therefore, when determining the scheme of the *Act*, the objects of the *Act* and the intention of the Legislative Assembly, the entire *Act* and the Code must be considered.

12. When read in its entirety, the *Act* sets out a comprehensive scheme governing police officers, chief officers and related members of the law enforcement community. The *Act* is divided into a number of parts governing administration, Prince Edward Island Provincial Police Service, Royal Canadian Mounted Police, police departments, ministerial appointments, police commissioner, adjudicator, complaints concerning police officers and instructing officers, complaints concerning chief officers and others, auxiliary constables, and the Atlantic Police Academy as well as a general section. The various steps in a complaint process are set out in the *Act* with the final step being an adjudication. The adjudication is open to the public and conducted by way of a hearing *de novo* (see subsections 32(2) and 32(6) of the *Act*).
13. Section 16 of the Code is under the heading “Disciplinary and Corrective Measures”. It reads as follows:

### *16. Principles of discipline and correction*

*If a disciplinary authority considers that one or more disciplinary or corrective measures are necessary in respect of the conduct of a police officer or security officer, the disciplinary authority shall impose on the police officer or security officer a disciplinary or corrective measure listed in section 17 that seeks to correct or educate the police officer or security police officer rather than one that seeks to blame and punish, unless the imposition of a disciplinary or corrective measure that seeks to correct or educate the officer is unworkable or would bring the administration of police discipline into disrepute. (EC142/10)*

I note particularly the concluding part of Section 16 where it directs the disciplinary authority to be cautious about the imposition of a disciplinary or corrective measure that seeks to correct or educate the officer that is unworkable or would bring the administration of police discipline into disrepute. That suggests to me that the



adjudicator is given a broader mandate than simply the imposition of disciplinary and corrective measures.

14. Before proceeding further with this analysis, I wish to make reference to two decisions: one from the Prince Edward Island Court of Appeal and a more recent one from the Supreme Court of Prince Edward Island. The first is a recent decision of Coady J. of the PEI Supreme Court in the case of *Field v. Aviva Insurance Company* 2024 PESC 8 at paragraphs 19 and 20. Counsel for Chief McConnell has drawn my attention to this decision where Coady J. writes that the plain meaning of the text in a statute is not determinative of the issue, but the text must be considered together with other indicators of legislative meaning – such as context, purpose, and relevant legal norms. He goes on to state the text chosen by the legislator remains the starting point for interpretation (paragraph 19). He cautions care must also be taken when resorting to external interpretative aids and that immediate use of such devices is an error in approach. He says there must first be a real or genuine ambiguity, and a statutory provision is only ambiguous when its words can reasonably be interpreted in more than one way after considering the context in which they appear, the purpose of the provision and relevant legal norms. (paragraph 20). I do not see any ambiguity in the jurisdictional question before me so much as it requires a determination of the overall scheme, objects and intention of the Legislative Assembly.
15. The second decision drawn to my attention by counsel for the RCMP officers is the binding decision of the Prince Edward Island Court of Appeal in the case of *Charlottetown (City) v. Island Reg. & Appeals Commission*. 2013 PECA 10 at paragraph 31, where Jenkins, CJ writing for the majority cautions at paragraph 31 “the fundamental principle of administrative law is that any tribunal exercising delegated statutory power must exercise its legal authority only in accordance with the provisions of its enabling and operating legislation. Otherwise, its decisions are unlawful and subject to being set aside on appeal.” Care must be taken not to run afoul of the Chief Justice’s comments.
16. When the *Act* and Code are read in their entire context as required by subsection 11(1) of the *Interpretation Act*, it appears that the Legislature sought to put in place a regime to govern the interaction between police officers and the public. The effect of that scheme as seen from the complaint process would be to hold police officers accountable for their actions, but would also weed out frivolous complaints from the public thereby striking an appropriate balance. I believe this conclusion to be a fair, large and liberal interpretation of the *Act* and the Code which ensures the attainment of their objects.
17. Relevant to the objects and scheme of the *Act*, are the comments made by the Attorney General on November 30, 2006 when speaking to this legislation. She had this to say at pages 485 and 486 of Hansard (Prince Edward Island, Legislative Assembly, Hansard, 62<sup>nd</sup> Leg., 4<sup>th</sup> Sess):

“Speaker: The hon. Minister of Education and Attorney General.

*Ms. Dover: Thank you, Mr. Speaker.*

*The current Police Act, R.S.P.E.I., 1988, Cap. P-11, came into effect in 1951 and was amended on at least eight occasions. The various amendments have been "piecemeal" and have resulted in inconsistencies within the act and difficulties with the appointment processes for police officers.*

*In 1990 a new police act, Bill No.29, was brought forward and considered by a special committee of the Legislature, but it was not passed.*

*In 1998 the hon. Member from Charlottetown-Kings Square introduced a private member's bill, the police commission act, Bill No.205. The Standing Committee on Community Affairs and Economic Development held public hearings and Bill No.205 received mixed support. The Standing Committee recommended that the Office of the Attorney General investigate various procedures used in appeals of complaints against police departments in other provinces and implement a process of appeal to an independent body - and I quote - "to ensure that all disputes against police departments would have a fair and equitable conclusion with a hearing of appeal by a completely independent and impartial individual or body."*

*In developing the proposed legislation, which I have already tabled, consideration has been given to issues raised during the hearings for these previous versions of policing legislation. To the greatest extent possible, efforts have been made to maintain processes that are currently working, avoid bureaucratic processes, and improve problematic areas. The proposed legislation aims to clarify relationships and responsibilities, simplify appointment processes, and balance improved accountability with minimal provincial intervention into municipal police departments."*

This statement by the Minister as to the objectives of the legislation is reflected in the statute itself.

18. It is also worth noting that s. 12 of the *Interpretation Act* deals expressly with the use of the present tense in an enactment. As counsel opposed to my having jurisdiction over the RCMP officers have noted, s. 20 of the Act defines a complainant as one who made a complaint concerning the conduct of a police officer, and a police officer means a person who "is a police officer of a police department" (underlining mine). The respondent in the case of a complaint means the police officer whose conduct is the subject of the complaint.
19. In my view, when applying s. 12 of the *Interpretation Act* to the present tense used in s. 20 of the Act, the enactment must be construed as applying to circumstances

as they arise. In this case, the circumstances are that the RCMP officers were police officers within the meaning of the *Act* when the complaint was first reviewed by the Chief and then subsequently reviewed by the Police Commissioner. It was only after the matter was referred for adjudication did the RCMP officers leave the employ of the CPS. S. 12 of the *Interpretation Act* invites an introduction or substitution of the verb “was” for “is” in s. 20 of the *Act*. If a police officer could merely resign or leave their employment for other police work and thus frustrate the complaint process in the *Act*, that would undermine the public policy and objectives which the *Act* sought to put in place.

20. The facts before me are important. It is not a case where officers had left the employ of CPS and then sometime later were subject of a complaint under the *Act*. Rather, in this case, they participated in the process in the first two phases, and only moved on to other policing duties when the adjudication process was triggered. In my view, these officers cannot escape adjudication. For these reasons, I am satisfied that I have jurisdiction over the RCMP officers for the purposes of a *de novo* hearing of the complaint.

### **Doctrine of Jurisdiction by Necessary Implication**

21. The application and purpose of this doctrine is explained by Bastarache J. in the Supreme Court of Canada case *ATCO Gas and Pipelines Ltd. v. Alberta (Energy & Utilities Board)* 2006 SCC 4 at paragraph 51:

51 *The mandate of this Court is to determine and apply the intention of the legislature (Bell ExpressVu, at para. 62) without crossing the line between judicial interpretation and legislative drafting (see R. v. McIntosh, 1995 CanLII 124 (SCC), [1995] 1 S.C.R. 686, at para. 26; Bristol-Myers Squibb Co., at para. 174). That being said, this rule allows for the application of the “doctrine of jurisdiction by necessary implication”; the powers conferred by an enabling statute are construed to include not only those expressly granted but also, by implication, all powers which are practically necessary for the accomplishment of the object intended to be secured by the statutory regime created by the legislature (see Brown, at p. 2-16.2; Bell Canada, at p. 1756). Canadian courts have in the past applied the doctrine to ensure that administrative bodies have the necessary jurisdiction to accomplish their statutory mandate:*

*When legislation attempts to create a comprehensive regulatory framework, the tribunal must have the powers which by practical necessity and necessary implication flow from the regulatory authority explicitly conferred upon it.*

*Re Dow Chemical Canada Inc. and Union Gas Ltd. (1982), 1982 CanLII 3238 (ON SCDC), 141 D.L.R. (3d) 641 (Ont. H.C.), at pp. 658-59, aff’d (1983), 1983 CanLII 1879 (ON CA), 42 O.R. (2d) 731 (C.A.)*

(see also *Interprovincial Pipe Line Ltd. v. National Energy Board*, 1977 CanLII 3163 (FCA), [1978] 1 F.C. 601 (C.A.); *Canadian Broadcasting League v. Canadian Radio-television and Telecommunications Commission*, 1982 CanLII 5204 (FCA), [1983] 1 F.C. 182 (C.A.), *aff'd* 1985 CanLII 63 (SCC), [1985] 1 S.C.R. 174).

The *Act* expressly grants the jurisdiction over three officers named in the complaint but not the RCMP officers. Since the object of the *Act* is to provide transparency and accountability for officers interacting with the public, then by necessity, jurisdiction must extend to those RCMP officers who were police officers employed by CPS during the first two complaint stages. In keeping with the opinion expressed in *ATCO*, it follows that I must have the necessary powers which as a practicality necessarily flow from the explicit authority conferred by the *Act*.

22. At paragraph 73 of *ATCO*, Bastarache J. confirms the circumstances when the doctrine of jurisdiction by necessary implication may be applied. Those circumstances are as follows:

\* *[when] the jurisdiction sought is necessary to accomplish the objectives of the legislative scheme and is essential to the Board fulfilling its mandate;*

\* *[when] the enabling act fails to explicitly grant the power to accomplish the legislative objective;*

\* *[when] the mandate of the Board is sufficiently broad to suggest a legislative intention to implicitly confer jurisdiction;*

\* *[when] the jurisdiction sought must not be one which the Board has dealt with through use of expressly granted powers, thereby showing an absence of necessity; and*

\* *[when] the Legislature did not address its mind to the issue and decide against conferring the power upon the Board.*

Each of these enumerated circumstances exist in the present case:

- (1) Jurisdiction over the RCMP officers is necessary to accomplish the objective of accountability and transparency which are part of the legislative scheme contained in the *Act*. Therefore adjudication is essential;
- (2) The *Act* fails to explicitly grant jurisdiction over former officers who were subjects of a complaint. Thus, the legislative objective of adjudication could not be achieved;
- (3) As discussed earlier, the mandate of the adjudicator is sufficiently broad to suggest a legislative intention to implicitly confer the necessary jurisdiction;

- (4) The jurisdiction sought over the RCMP officers is not one which has been dealt with through use of expressly granted powers; and
- (5) There is nothing in the *Act* to indicate that the legislature decided against conferring jurisdiction over former officers who were subject of the initial complaint.

By following the legal principle articulated in *ATCO*, in light of the circumstances when the doctrine may be applied, I conclude the powers conferred by the *Act* must be construed to include jurisdiction over the RCMP officers. Such a construction is necessary to accomplish the objects intended by the legislature.

### **Jurisprudence**

23. For the most part, cases cited and relied upon by Chief McConnell and the RCMP officers are of little assistance in disposing of the issue of jurisdiction. Most of the cases cited are initial decisions of similar, but not identical police review mechanisms. None of the cases cited are binding on me.
24. However, the *Jamieson* case out of Nova Scotia bears particular reference because of its reliance on the Supreme Court of Canada decision in *Maurice v. Priel*, [1989] 1 SCR 1023. That case involved a complaint under the Saskatchewan *Legal Profession Act* against a respondent who had been appointed to the Court of Queens Bench in October 1981. The complaint to the Law Society was made some years after his appointment and it referenced misconduct alleged to have occurred while he had been a member of the bar. Cory J. concluded that the jurisdiction of the Law Society of Saskatchewan to conduct a discipline hearing was dependent on whether or not the respondent is a member of the Law Society. He concluded the respondent was not a member of the Law Society and based his conclusion upon consideration of specific sections and the *Legal Profession Act* as a whole.
25. In *Jamieson*, Constable Tortola of the Halifax Regional Police Force tendered his irrevocable letter of resignation effective December 31, 2014. He was a member of the police force at the time of the alleged conduct as well as at the time of the investigation and at the time of the discipline imposed. At the time of the hearing of the jurisdiction issue, Tortola was still a member of the police force. The Board concluded in the circumstances of that case where the alleged conduct occurred while the individual was a member and the complaint was made while the individual was a member, that the matter should continue to the conclusion of a legislative process. Thus, the Board concluded it had jurisdiction to complete the process. Although the *Jamieson* case is over ten years old, counsel advised that it has never been varied or overturned. While it is not binding on me, it still stands for the proposition that discipline process can be continued against an officer who has resigned his employment.

26. Since this is the first adjudication under the *Act* in this province, I do not have the benefit of any prior decisions on the issue of jurisdiction. Of all the cases cited by counsel, the *Jamieson* case, although not binding on me, does represent a factual situation similar to the present case.

### **Conclusion**

27. For all of the foregoing reasons, I conclude that I do have jurisdiction over the RCMP officers and they shall continue to be respondents to the MacArthur complaint as this matter moves forward to a *de novo* hearing. While I have concluded that I have the necessary jurisdiction over the RCMP officers to continue, it may be prudent for the Legislature to review the *Act* and explicitly confer jurisdiction over former officers who are the subject of complaints. It may consider placing parameters as to how long that jurisdiction exists after the officers have left the police force.
28. There is one final matter I wish to address. Given that I have concluded the RCMP officers shall continue as respondents, their counsel at paragraph 65 of her brief, seeks an order that CPS be required to assume their costs incurred in respect of the hearing, in accordance with subsection 32(7.1) of the *Act*. That subsection provides that where the conduct of a respondent that is the subject of a complaint occurred while the respondent was acting in good faith and in the execution of his or her duties, then the employer of the respondent shall assume responsibility for the costs incurred by the respondent in respect of a hearing under this section. I am unable to make the requested order at this time because the Agreed Facts constrain me. There is nothing in the Agreed Facts to indicate that the RCMP officers were “acting in good faith and in execution” of their duties. That is a prerequisite for an order under subsection 32(7.1). The request may be revisited once the *de novo* hearing is complete and findings have been made.

Date: March 31, 2025

  
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Hon. Wayne D. Cheverie  
Adjudicator