

CANADA / JUDGMENT

Bedard v. R.

[1978] 1 SCR 1096**COURT**

Supreme Court of Canada

DECIDED

11 October 1977

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Bedard v. R. Collection Supreme Court Judgments Date 1977-10-11 Report

[1978] 1 SCR 1096 Judges Laskin, Bora; Martland, Ronald; Ritchie, Roland Almon; Spence, Wishart Flett; Pigeon, Louis-Philippe; Dickson, Robert George Brian; Beetz, Jean; Estey, Willard Zebedee; Pratte, Yves On appeal from Ontario Subjects Criminal law Decision Content Supreme Court of Canada Bedard v. R., [1978] 1 S.C.R. 1096 Date: 1977-10-11 Bruce Bedard (Plaintiff) Appellant; and Her Majesty The Queen (Defendant) Respondent. 1977: October 11. Present: Laskin C.J. and Martland, Ritchie, Spence, Pigeon, Dickson, Beetz, Estey and Pratte JJ. ON APPEAL FROM THE COURT OF APPEAL FOR ONTARIO. Criminal law—Arson—Buildings or structures—Whether affixation in the soil must be proved—Whether “mobile homes” are buildings or structures—Criminal Code, s. 389(1)(a). APPEAL from a judgment of the Court of Appeal for Ontario allowing an appeal from acquittals by a General Sessions jury on two charges of arson. Appeal dismissed. B.A. Crane, for the appellant. E.G. Hachborn, for the respondent. The judgment of the Court was delivered orally by THE CHIEF JUSTICE—We do not need to hear you, Mr. Hachborn. We agree with the Ontario Court of Appeal that the trial judge erred in directing the jury to acquit the accused on the ground that the mobile homes in their particular location and in their particular conditions were not buildings or structures within the Criminal Code, s. 389(1)(a). We do not agree with the submission of appellant’s counsel that affixation in the soil is a requirement that must be satisfied before a finding of “building or structure” can be made for the purpose of establishing culpability under s. 389(1)(a). The appeal is accordingly dismissed and the direction for a new trial is affirmed. Appeal dismissed, direction for new trial affirmed. Solicitor for the appellant: Lyle F. Curran, Sarnia. Solicitors for the respondent: The Ministry of the Attorney General for Ontario.

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