

CANADA / JUDGMENT

R. v. Dhami

2026 BCSC 361

COURT

Supreme Court of British Columbia

DECIDED

15 January 2026

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2026 BCSC 361 R. v. Dhami

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R. v. Dhami,

2026 BCSC 361

Date: 20260115

Docket: 37276-1-T

Registry: Vancouver

Rex

v.

Jason Gordon Johnson and

Gary Dhami

Before: The Honourable Justice J. Walker

Oral Reasons for Sentence

re Accused Gary Dhami

Counsel for the Crown:

T.J. Lattimer

Q. Stevenson, Articled Student

Counsel for the Accused Dhami:

M.J. Swartz

For the Accused Johnson:

No appearance

Place and Date of Hearing:

Vancouver, B.C.

January 15, 2026

Place and Date of Judgment:

Vancouver, B.C.

January 15, 2026

- [1] THE COURT: On December 18, 2024, Mr. Gary Dhami pleaded guilty to an amended Count 3 on the indictment, charges of trafficking cocaine and methamphetamine between February 4, 2022 and April 6, 2022. The accused is now before me to be sentenced. The parties jointly propose a sentence of three years jail, along with several ancillary orders.
- [2] The circumstances of the offence are helpfully set out in a detailed agreed statement of facts, which has been filed as Exhibit Number 1 at the sentencing hearing and summarized by the Crown in their written submissions.
- [3] In May 2021, the RCMP in Alberta began an investigation into a drug trafficking organization in Lloydminster, Alberta. Between May 18, 2021 and September 10, 2021, 26 undercover scenarios were conducted from Mr. Johnson, a total of 182 grams of cocaine was purchased from Mr. Johnson, or his associates, for approximately \$15,000. Later in the investigation, Mr. Johnson's boss became involved, a Mr. Bal. Mr. Bal sold drugs to the police on three occasions and also facilitated other drug transactions that involved the accused, Mr. Dhami.
- [4] After the transactions with Mr. Bal, Mr. Dhami met with the undercover officer in Kelowna and sold him drugs. Specifically, on March 2, 2022, in Kelowna, Mr. Dhami sold the undercover officer one kilogram of methamphetamine and half a kilogram of cocaine for \$29,200. That transaction had been arranged by Mr. Johnson and Mr. Bal. Later, on April 6, 2022, Mr. Dhami sold a further nine ounces of cocaine to the undercover officer for \$11,500. Mr. Dhami advised the undercover officer that the cocaine was high quality, unlike the cocaine from a previous deal.
- [5] Mr. Dhami's former co-accused also pleaded guilty to their involvement in the offences and entered into joint submissions which judges imposed. Mr. Johnson received a sentence of three and a half years, and Mr. Bal received a sentence of four and a half years.

Mr. Dhami's circumstances

- [6] Mr. Dhami is 35 years old. He was born and raised in the Lower Mainland. His mother was a supervisor for a sportswear company and has recently retired. His father is a truck driver who is looking to retire soon due to health concerns.
- [7] Mr. Dhami has a high school education and after high school obtained his Class 1 driver's licence, and he has worked primarily in the trucking industry since. He has worked with his father who has his own trucking company, and in 2019 Mr. Dhami formed his own company. Mr. Dhami is a member of the Teamsters Union and obtains work through the union.
- [8] Before 2019, Mr. Dhami had worked for a large construction company as a labourer. In 2019, Mr. Dhami purchased a dump truck and in later years purchased a second one.
- [9] Mr. Dhami explains he became involved in the offences after moving to Kelowna. He moved to Kelowna, after experiencing a breakup in a long-term relationship, to get a fresh start. While in Kelowna, he worked for two companies. As matters happened, there ended up not being much work and Mr. Dhami felt financial pressure, specifically in relation to the financing of his dump trucks and other associated costs.
- [10] He was introduced to the former co-accused Mr. Bal and made the unwise decision to become involved in drug trafficking for profit.
- [11] Since the offence, Mr. Dhami has been on bail for four years without any incidents. He has returned to working in the trucking industry as an owner/operator. His prospects for continued work in the industry are good and he is still a member of the union.
- [12] Mr. Dhami has a criminal record, a total of 11 convictions between 2010 and 2020. Most significantly, Mr. Dhami has two convictions for drug trafficking, one in 2018 for which he received a seven-month jail sentence and, as the Crown points out, that is a statutory aggravating factor under s. 10 of the Controlled Drugs and Substances Act, S.C. 1996, c. 19 [CDSA].
- [13] As noted, both counsel jointly submit that a sentence of three years is an appropriate sentence in this case. It is clear that a sentencing judge should not depart from a joint submission unless the proposed sentence would bring the administration of justice into disrepute or would otherwise be contrary to the public interest which has been described in the cases as an undeniably high threshold.

The legal principles

[14] Sections 718 to 718.2 of the Criminal Code, R.S.C. 1985 c. C-46 [Code] sets out the fundamental principles and purposes to be considered by the court in sentencing. Section 718 of the Code provides that the fundamental purpose of sentencing is to protect society and to contribute, along with crime prevention initiatives, to respect for the law and maintenance of a just, peaceful, and safe society by imposing just sanctions, with reference to six objectives:

- 1) denunciation of unlawful conduct;
- 2) deterring the offender and other persons from committing offences;
- 3) separating offenders from society where necessary;
- 4) assisting to rehabilitate offenders;
- 5) providing reparations for harm done to victims or to the community; and
- 6) promoting a sense of responsibility in offenders and acknowledging the harm done to victims or to the community.

[15] These objectives are echoed in s. 10 of the CDSA.

[16] Fundamental to all of this is s. 718.1 of the Code, which requires that a sentence be proportionate to the gravity of the offence or offences and the degree of responsibility of the offender in committing them.

[17] Section 718.2 sets out a number of specific principles that the court must take into consideration in sentencing. Subsection (a) sets out that a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender. Subsection (b) sets out what is commonly referred to as the parity principle, which requires the sentence imposed to be similar to sentences imposed on similar offenders for similar offences, committed in similar circumstances.

Sentence range

[18] The parties submit that in British Columbia, our courts have described the sentencing range for trafficking cocaine at the kilogram level as between a conditional sentence and five years imprisonment. For that, I have been referred to the decision of *R. v. Coty*, 2024 BCSC 1485 at para. 63.

[19] Similarly, our courts have described a sentencing range for trafficking a kilogram of methamphetamine as between two to five years in jail: see *Coty* at para. 63.

[20] Because this case involves the waiver of charges from Alberta, I am required to consider the range of sentences in Alberta, as it is important to recognize the sentencing values from that jurisdiction: see *R. v. Bui*, 2013 BCCA 168.

- [221] The Crown and defence have pointed me to a recent decision from the Alberta Court of Appeal in *R. v. Bellows*, 2025 ABCA 100. In that case, the Court distinguished between commercial-level offenders which attract a starting point jail sentence of three years, and wholesale level offending which attracts a starting point of four and a half years. In that decision, the Alberta Court of Appeal recognized the starting point for methamphetamine mirrors that of cocaine.
- [222] It is important to note that ranges of sentences are guidelines only and not "hard-and-fast rules" that are imposed on a sentencing judge: *R. v. Friesen*, 2020 SCC 9 at para. 37. The reason for this is because the offence and the individual circumstances vary widely between offenders convicted of similar offences.

Aggravating factors

- [23] Crown counsel submits that there are four aggravating factors present in this case. First, Mr. Dhami was actively involved in a drug trafficking operation for a prolonged period, September 2021 to June 2022. Mr. Dhami was committed to the operation, as evidenced by his two sales to the undercover officer on behalf of the drug trafficking enterprise.
- [24] Second, Mr. Dhami was a runner for the drug trafficking group. While the drugs sales were arranged by others, Mr. Dhami played an integral role in completing the significant drug deals. Therefore, he was a trusted member of the enterprise and had intimate knowledge of the drugs sold to the undercover officer.
- [25] Third, the nature, amount, and value of the drugs trafficked to the undercover officer is another significant aggravating factor. Both cocaine and methamphetamine are Schedule 1 substances in the CDSA, reflecting that they are the most serious substances. Mr. Dhami sold approximately 755 grams of cocaine and one kilogram of methamphetamine to the undercover officer. The value of the drugs sold was \$40,700.
- [26] Fourth, Mr. Dhami has a criminal record, as noted, with a total of 11 convictions and two convictions for drug trafficking.
- [27] In terms of the mitigating factors, Mr. Dhami's guilty plea in this matter is a significant mitigating circumstance. By entering a guilty plea, he has acknowledged his involvement in criminal activity and has taken responsibility for his offending. I am advised Mr. Dhami's counsel that he was counsel at the outset of these proceedings in Alberta, and should this matter have proceeded to trial, the earliest available dates were in 2026, and that was many years ago that he was told that. Judicial resources are scarce and in particular in Alberta, and significant court time would have been required had this matter gone to trial, considering the nature of the prosecution.
- [28] Mr. Dhami says he has severed all ties with his former co-accused and his prospects for rehabilitation are high.

- [29] Before me, Mr. Dhami personally apologized for his offending and reiterated his desire to move forward as a productive member of society. Counsel also points out that in terms of the hierarchy in this drug organization, of the three offenders Mr. Dhami was at the bottom. He was accurately described as a runner.

Discussion

- [30] I have no hesitation in acceding to the joint submission proposed by counsel. I agree that a three-year sentence adequately balances the relevant sentencing objectives and principles, it reflects the seriousness of the offending, and accounts for the aggravating factors in this case, including Mr. Dhami's moral blameworthiness, his prior convictions, and it also reflects a careful balancing of the mitigating factors including his guilty plea. In my view, Mr. Dhami's prospects for continued rehabilitation are high and I accept Mr. Dhami's expression of remorse and regret made before me.
- [31] The proposed sentence also appropriately considers the need to craft an individualized and proportionate sentence which prioritizes, in this type of case, general and specific deterrence along with the other sentencing principles. The three-year sentence is consistent with the sentencing range in this province and in Alberta. I also note that it accords with the parity principle; this sentence, when compared with the sentence of the co-accused, is entirely fit.
- [32] In terms of the ancillary orders, these are all by consent. The Crown seeks a weapons and firearms prohibition; A DNA order, which is discretionary on my part, in light of the conviction for trafficking, trafficking is a secondary designated offence; and, a victim fine surcharge which, under s. 737 of the Code is mandatory and prescribes a fine of \$200.
- [33] I first turn to the ancillary orders.
- [34] Mr. Dhami, pursuant to s. 109(3) of the Code, you are prohibited from possessing any firearm, including a prohibited firearm or restricted firearm, prohibited weapon, prohibited device, crossbow, restricted weapon, ammunition, including prohibited ammunition, and explosive substances for life.
- [35] After considering the factors set out in s. 487.051(3) of the Code, I am satisfied that it is in the best interests of the administration of justice to make an order in Form 5.04 authorizing the taking of samples of bodily substances from you for the purpose of registration in the DNA National Data Bank. The samples will be taken from you while you are in jail and you must submit to the taking of the samples.
- [36] The victim fine surcharge, as I mentioned, is mandatory and the prescribed \$200 amount is ordered. That payment is to be made three months following your release from custody.
- [37] Mr. Dhami, will you stand, please.

- [38] For the offence of trafficking in cocaine and methamphetamine, I sentence you to three years in jail.
- [39] Thank you. Counsel has also asked, you may sit down, thank you. Counsel has also asked me to recommend to Corrections that Mr. Dhami serve his sentence at Mission Institution or William Head, to enable him to access work programs. I in no way wish to interfere with the classification decisions that must be made by Corrections; however, I accept that an ability to access work programs will further Mr. Dhami's rehabilitation and if that can be accomplished in the institutions that he requests to attend, then I make that recommendation.
- [40] That concludes my reasons. The outstanding counts?
- [41] CNSL T. LATTIMER: Can be stayed -- stays of proceeding entered by the Crown, please, Justice.
- [42] THE COURT: Thank you, and anything arising?
- [43] CNSL T. LATTIMER: Nothing from the Crown.
- [44] CNSL M. SWARTZ: Nothing, thank you, Justice.
- [45] THE COURT: Thank you for your helpful submissions.
- [46] CNSL T. LATTIMER: Thank you, Justice.

"J. Walker J."

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