

CANADA / JUDGMENT

R. v. Peers

2017 SCC 13

COURT

Supreme Court of Canada

DECIDED

24 February 2017

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R. v. Peers Collection Supreme Court Judgments Date 2017-02-24 Neutral citation 2017 SCC 13 Report

[2017] 1 SCR 196 Case number 36865 Judges McLachlin, Beverley; Abella, Rosalie Silberman; Moldaver, Michael J.; Karakatsanis, Andromache; Wagner, Richard; Gascon, Clément; Côté, Suzanne; Brown, Russell; Rowe, Malcolm On appeal from Alberta Notes SCC Case Information: 36865 Decision Content SUPREME COURT OF CANADA Citation: R. v. Peers, 2017 SCC 13, [2017] 1 S.C.R. 196 Appeal heard: February 14, 2017 Judgment rendered: February 24, 2017 Docket: 36865 Between: Jeremy James Peers Appellant and Her Majesty The Queen (Alberta Securities Commission) Respondent and Attorney General of Canada, Attorney General of Ontario, Attorney General of Quebec, Attorney General of Alberta, Canadian Constitution Foundation, Ontario Securities Commission, British Columbia Civil Liberties Association and Canadian Civil Liberties Association Interveners Coram: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ. Reasons for Judgment: (para. 1) The Court R. v. Peers, 2017 SCC 13, [2017] 1 S.C.R. 196 Jeremy James Peers Appellant v. Her Majesty The Queen (Alberta Securities Commission) Respondent and Attorney General of Canada, Attorney General of Ontario, Attorney General of Quebec, Attorney General of Alberta, Canadian Constitution Foundation, Ontario Securities Commission, British Columbia Civil Liberties Association and Canadian Civil Liberties Association Interveners Indexed as: R. v. Peers 2017 SCC 13 File No.: 36865. 2017: February 14; 2017: February 24. Present: McLachlin C.J. and Abella, Moldaver, Karakatsanis, Wagner, Gascon, Côté, Brown and Rowe JJ. on appeal from the court of appeal for alberta Constitutional law — Charter of Rights — Securities — Offences — Right to trial by jury — Accused charged with offences under Alberta Securities Act, which provides for maximum penalty of imprisonment of five years less a day or fine up to five million dollars or both — Accused seeking determination that maximum penalty engages his constitutional right to trial by jury under s. 11 (f) of Canadian Charter of Rights and Freedoms — Provincial Court judge finding that accused has right to jury trial and transferring matter to Court of Queen's Bench for trial — Reviewing judge disagreeing and returning matter to Provincial Court — Court of Appeal holding that s. 11 (f) should be interpreted as primarily engaging deprivation of liberty inherent in maximum sentence of

imprisonment imposed by statute and that imprisonment of five years less a day does not become “more severe punishment” when mere prospect of fine or financial penalty is added — Accused not entitled to trial by jury — Securities Act, R.S.A. 2000, c. S-4, s. 194. APPEAL from a judgment of the Alberta Court of Appeal (Berger, Slatter and O’Ferrall JJ.A.), 2015 ABCA 407, 609 A.R. 352, 656 W.A.C. 352, 32 Alta. L.R. (6th) 304, 330 C.C.C. (3d) 175, [2016] 3 W.W.R. 464, [2015] A.J. No. 1413 (QL), 2015 CarswellAlta 2332 (WL Can.), affirming a decision of Topolniski J., 2015 ABQB 129, 605 A.R. 283, 18 Alta. L.R. (6th) 396, 329 C.R.R. (2d) 299, [2015] 9 W.W.R. 514, [2015] A.J. No. 207 (QL), 2015 CarswellAlta 296 (WL Can.), allowing an application for judicial review of decisions of the Provincial Court (Day Prov. Ct. J.) and returning the matter to that court for trial. Appeal dismissed. Nathan J. Whitling, Alexander Millman and Steven J. Fix, for the appellant. Don Young and Robert Stack, for the respondent. Marianne Zoric and Jeanette Gevikoglu, for the intervener the Attorney General of Canada. Matthew Horner and Jennifer Luong, for the intervener the Attorney General of Ontario. Written submissions only by Sylvain Leboeuf, for the intervener the Attorney General of Quebec. Robert J. Normey, for the intervener the Attorney General of Alberta. Byron Shaw and Brandon Kain, for the intervener the Canadian Constitution Foundation. Hugh Craig and Carlo Rossi, for the intervener the Ontario Securities Commission. Gerald Chan, for the intervener the British Columbia Civil Liberties Association. Adriel Weaver, for the intervener the Canadian Civil Liberties Association. The following is the judgment delivered by

- [1] The Court — The appeal is dismissed. We conclude that the appellant was not entitled to a trial by jury, substantially for the reasons of the majority of the Court of Appeal, 2015 ABCA 407, 609 A.R. 352. Appeal dismissed. Solicitors for the appellant: Beresh Aloneissi O’Neill Hurley O’Keefe Millsap, Edmonton; Alexander Millman Law Office, Edmonton; Fix & Smith, Edmonton. Solicitor for the respondent: Alberta Securities Commission, Calgary. Solicitors for the intervener the Attorney General of Canada: Attorney General of Canada, Toronto; Public Prosecution Service of Canada, Toronto. Solicitor for the intervener the Attorney General of Ontario: Attorney General of Ontario, Toronto. Solicitor for the intervener the Attorney General of Quebec: Attorney General of Quebec, Québec. Solicitor for the intervener the Attorney General of Alberta: Alberta Justice, Constitutional Law Branch, Edmonton. Solicitors for the intervener the Canadian Constitution Foundation: McCarthy Tétrault, Toronto. Solicitor for the intervener the Ontario Securities Commission: Ontario Securities Commission, Toronto. Solicitors for the intervener the British Columbia Civil Liberties Association: Stockwoods, Toronto. Solicitors for the intervener the Canadian Civil Liberties Association: Goldblatt Partners, Toronto.

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Prepared on 26 October 2026 · Esheria