

THE PROVINCIAL COURT OF MANITOBA

IN THE MATTER OF: Law Enforcement Review Act  
Complaint #2011-201

AND IN THE MATTER OF: An Application for Review pursuant  
to s.13(2) of The Law Enforcement  
Review Act R.S.M. 1987, c. L75

BETWEEN: ) Ms. [REDACTED],  
 ) in person  
 [REDACTED] AND )  
 ) Ms. [REDACTED]  
 ) on behalf of [REDACTED]  
 Complainants )  
 )  
 - and - )  
 ) Mr. P. McKenna  
 CONSTABLE [REDACTED], ) for the Respondents  
 CONSTABLE [REDACTED] )  
 CONSTABLE [REDACTED] ) Mr. D. Johnston  
 CONSTABLE [REDACTED] ) for the LERA Commissioner  
 )  
 Respondents. ) Judgment delivered  
 ) October 8, 2013

1 LERNER, P.J. (Orally)  
 2 I do not know that I really need to hear from  
 3 you, Mr. McKenna. I do not know if you have any further  
 4 comment to make, Mr. Johnston; I know you are here just  
 5 with respect to jurisdictional issues and the like. I will  
 6 simply say, in effectively repeating what I told both [REDACTED]  
 7 and [REDACTED], that the law here is not that I am to  
 8 substitute my assessment, my opinion, my perspective for

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1 that of the LERA Commissioner. The law, as I understand  
2 it, is to look at what the LERA commissioner did, the  
3 conclusions reached, the outcome here and decide whether or  
4 not he acted reasonably in reaching his decision that there  
5 was insufficient evidence; because that is test for him,  
6 whether there is insufficient evidence to have this matter  
7 proceed to a public hearing.

8 And as I said earlier, while others might  
9 reasonably come to a different conclusion with respect to  
10 this particular complaint, I am obliged to conclude, and do  
11 conclude on all the facts here, for the reasons articulated  
12 by the Commissioner in his decision, that the process, the  
13 conclusion and the outcome was within the range, and it is  
14 a broad range of what is reasonable here in terms of his  
15 determination; based on that, I must and do conclude that  
16 the application does not succeed and that it is dismissed.  
17 Any existing ban on publication will continue. If there  
18 are additional orders that I ought to consider I will  
19 certainly hear from either you, Mr. McKenna, or from  
20 counsel.

21 Anything further, Mr. McKenna?

22 MR. MCKENNA: Nothing further, Your Honour.  
23 Thank you.

24 THE COURT: All right. Thank you. All right,  
25 thank you, all, and that completes the matter.

26

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