

**R. v. Dodd**

Ontario Judgments

Ontario Court of Justice

Ottawa, Ontario

J.P. Wright J.

Heard: September 24, 2021.

Oral judgment: September 24, 2021.

Information No. 0411-998-19-7612-00

**[2021] O.J. No. 6084**

Between Her Majesty the Queen, and Ryan **Dodd**

(54 paras.)

## **Counsel**

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T. **Dobec**, Counsel for the Crown.

T. Bobrovitz, Counsel for Ryan **Dodd**.

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[Editor's note: The note "[text deleted by LexisNexis Canada]" indicates the removal of information which may identify individuals protected under LexisNexis Canada's Guidelines for the Protection of Identities.]

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**\*TRANSCRIPTIONIST NOTE:**

**When transcribing this matter, the use of "[indiscernible]" was inserted throughout this transcript due to the poor quality of the recording. The annotations were also deficient.**

### **REASONS FOR SENTENCE**

**J.P. WRIGHT J. (orally)**

**1** The offences are very serious matters. They are disturbing to members of the public. Our society has very little tolerance for offences involving cruelty to animals.

**2** I was reviewing briefly the case law that provided by Crown counsel and there was a passage from the decision of my sister Justice Alder that was in fact, read by Ms. **Dobec** and I think it's very appropriate to remind everyone

that we do not think of pets as simply property, but recognize they are living creatures and recognize that for many people they provide companionship and comfort, as would have been the case here.

**3** The behaviour has had a very significant and ongoing impact on the owners of [text deleted by LexisNexis Canada], on their lives, their sense of well-being, their business and on the miniature horse [indiscernible].

**4** Mr. Dodd has clearly had to deal with a number of issues. He has no record, but there has been a fairly long-standing issue with substance abuse, there are mental health issues. He's had issues with respect to school and employment.

**5** The Presentence Report and the Sexual Behaviours Report both refer to their being an interest in animal pornography. The Sexual Behaviours Report shows responses not surprisingly in these circumstances to animals, but more disturbingly with respect to coercive situations and as well, an interest in children.

**6** Is very important to acknowledge that Mr. Dodd has been going for counselling, that's ongoing. There would seem to be progress in that area. He's back at school. He has family support. Through his counsel, he has agreed to make a payment of restitution for the losses sustained by the owners of the farm -- and those are all important first steps.

**7** This is one of those, I guess, like most criminal case situations where really there are no winners in this. There's no happy outcome for anyone. But at least, we may be at the start or the beginning of first steps for Mr. Dodd that will hopefully impact on his life in the future and keep him from coming back before the Court.

**8** The joint submission is designed to provide the longest possible treatment, as well as protection and that clearly has not been arrived at without considerable thought on the part of both Crown and defence.

**9** Sentencing in criminal matters is guided by statute and by precedent. This is an unusual event, given that it is an attempt and secondly, that it is not linked with any other offence. Of course, the Court must give significant weight to a joint submission.

**10** In all the circumstances, I am prepared to accept the joint submission of counsel, and according there will be condition sentence for a period of two years, followed by probation for three years.

**11** In relation to the conditional sentence, these statutory terms will apply, keep the peace, be of good behaviour. Reside at an address to be approved of by the supervisor. Report to the supervisor today and thereafter as required. To attend for any form of assessment, counselling, therapy or program that the supervisor may deem appropriate, including but not limited to sexual behaviours addition and mental health issues. To continue counselling with Mr. Bathchilder. Not leave the provinces of Ontario or Quebec, except with the prior written approval of the Court or the supervisor. Abstain from the purchase, possession or consumption of alcohol or non-medically prescribed drugs. No contact directly or indirectly with the owners of [text deleted by LexisNexis Canada], R.T. and K.B.. Not to attend within 100 metres of [text deleted by LexisNexis Canada], [text deleted by LexisNexis Canada] Road. Not to attend at any farm, except with a responsible adult present at all times.

**12** For the first year of the conditional sentence, Mr. Dodd will be subject to house arrest. He may not leave his residence except for purposes of school, work, treatment and counselling, as approved by the supervisor, or for medical emergencies and in addition he will be permitted three hours from non till 3:00 p.m. on Wednesdays and Saturdays to buy the necessities or for recreation.

**13** For the second year of the conditional sentence, he will follow a curfew, by being in his residence between the hours of midnight and 6:00 a.m. daily, except with prior approval of the supervisor. He will come to the door and answer the phone for the supervisor or the police at any time that he's supposed to be inside of his place of

residence. And he will sign a release form that may be required by the supervisor to confirm and monitor compliance with the terms of the conditional sentence.

**14** The conditional sentence will be followed by probation for three years, statutory terms. The same reporting term, counselling term, the same no-contact with R.T. and K.B.. The same non-attendance at [text deleted by LexisNexis Canada] or any other farm. Again, to sign any release form required by the probation officer, to confirm and monitor. Just to avoid any confusion, when I say the same counselling, that will also include the requirement to continue with Mr. Bathchilder as long as required by the supervisor.

**15** There will be a SOIRA order for a period of 10 years. The Sexual Behaviours Report will be released then, to the supervisor through the Court.

**16** MR. MANSOUR: Your Honour, if I could just ask the...

**17** THE COURT: And it's my understanding that...

**18** MR. MANSOUR: Sorry, Your Honour. The condition on attending with Mr. Bathchilder, is that as long as -- on both the conditional and the probation, as long as it's required by the counsellor or as long as recommended by the probation officer? I just want to make sure if he retires, there's something...

**19** THE COURT: Five years is a -- five years is a very long time.

**20** MR. MANSOUR: Right.

**21** THE COURT: So, the wording should be -- what I had intended was that to attend for any form of sexual behaviour, addiction, mental health as deemed appropriate by the supervisor, including with Mr. Bathchilder. So, that in the event the supervisor felt that there was no benefit, that someone else would be appropriate, or that the counselor retired, then we don't want to have a term that doesn't make sense.

**22** MR. MANSOUR: [indiscernible] -- Thank you.

**23** THE COURT: All right. And in terms of the restitution, that's something been dealt with directly through counsel, there's no order requested for restitution?

**24** MR. MANSOUR: No -- [indiscernible] ...

**25** MS. DOBEC: No. Counsel has undertaken to me that he'll forward that along, so that's fine.

**26** THE COURT: Okay. So, Mr. Dodd, you need to understand, sir, that the conditional sentence is considered to be a jail sentence. And it is a jail sentence in which you are permitted to be at home, to go to school, to work, and the other exceptions that have been indicated. But it is considered to be a jail sentence. If you breach any of the terms -- so, if you don't follow each and every one of those terms that I have just indicated, or if you commit any further offence of any kind, you are liable to arrested and to serve the balance remaining of the conditional sentence in a real jail. Do you understand that?

**27** RYAN DODD: Yes, Your Honour. I understand. Thank you, Your Honour.

**28** THE COURT: Okay. You don't have to memorize all the terms. You'll be -- you'll be given a copy, and you can go through that with your supervisor. Are there any problems [indiscernible] -- or omissions, have I overlooked anything?

29 MS. DOBEC: Your Honour, I may have just missed it when you were going through the conditions, but was the animal prohibition on both those orders?

30 THE COURT: I don't think it was.

31 MR. MANSOUR: No, it wasn't.

32 THE COURT: I don't think it as on either. So, that's the important -- thank you, that's a very important term -- not to possess -- control or possess any animal and that should be on both the conditional sentence and the probation term to follow.

33 MS. DOBEC: Thank you. So, the wording that I would suggest, Your Honour, is not to possess, own, care for or have control or reside with any animal.

34 THE COURT: That's fine.

35 MR. MANSOUR: [indiscernible] -- can I just say one thing -- Mr. Dodd does currently have a dog, which he will give to his parents today. [indiscernible] -- I'm just alerting the Court that he -- either, if you word it that in the next 24 hours, he give it up or something to that affect. I don't want him to be in breach immediately -- [indiscernible]...

36 THE COURT: So, what's it's going -- maybe the wording could be within 24 hours.

37 MR. MANSOUR: All right.

38 RYAN DODD: Thank you, Your Honour.

39 THE COURT: Are there any other questions, errors, omissions?

40 MS. DOBEC: I believe that's everything.

41 MR. MANSOUR: Nothing for me, Your Honour, other than perhaps the defence materials should be made an exhibit as well, given that Your Honour reviewed them. Otherwise, I have nothing else.

42 THE COURT: That's fine.

43 COURTROOM CLERK: Your Honour, it's the clerk of Court, I just want to inquire, did I miss any -- was there any DNA orders? Did I miss that?

44 THE COURT: No.

45 COURTROOM CLERK: No DNA.

46 THE COURT: No.

47 COURTROOM CLERK: Thank you.

48 THE COURT: There's no DNA order.

49 COURTROOM CLERK: Thank you, very much, Your Honour.

50 THE COURT: Now, madam clerk, I know this is becoming routine, but if I could ask you to sign the documentation on my behalf. Mr. Mansour, do you wish the clerk to sign on behalf of your client as well?

51 MR. MANSOUR: Yes, please. And will -- if it's forwarded to me, I will forward -- I will provide him a copy as well.

52 THE COURT: Okay. And is there any thing further then that we need to address in this matter?

53 MS. DOBEC: I don't believe so, Your Honour.

54 THE COURT: All right. I want to thank both counsel for all of the effort that they obviously have put into this matter.

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