

# Ticket fighter wins one in Supreme Court

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The Supreme Court of Canada has ruled that Alberta must cover about \$120,000 in legal costs for an Edmonton francophone truck driver who challenged a \$54 traffic ticket that was not written in both of the country's official languages.

In a unanimous decision, the Supreme Court rejected an appeal from the Alberta government.

It ruled the Court of Appeal had jurisdiction to order the payment to Gilles Caron, saying it was in the public interest that Caron receive the financial support to continue his legal battle because of the consequences of his case.

The 50-year-old Caron is pleased the Supreme Court ruled in his favour. He is unemployed and doesn't think he could have paid back the legal costs.

"I was confident that I would win, but also very worried. It could have meant bankruptcy for me had I lost," Caron said.

Justice Ian Binnie wrote that the issues central to Caron's case would not be laid to rest if he had to abandon his defence because it was too costly. The judicial resources already spent by the public and Caron "would be thrown away," Binnie wrote.

The decision shows the court recognizes the case is an important one, said Dolores Nolette, the president of the Association Canadienne-francaise de l'Alberta, which has been supporting Caron since his case began more than seven years ago.

Caron's case is about more than one man fighting a traffic ticket, Nolette said Friday. It's really a constitutional issue. "The Supreme Court is saying the questions being asked in this case have not been answered already. That's another reason why this is a celebration for us in a sense.

"We're happy, but it's far from over."

While the Alberta government must pick up Caron's court costs, the main issue is still to be decided -- whether there is a constitutional right to have laws in Alberta written in English and French.

Caron, charged with failing to make a left turn safely in December 2003, was seeking advanced cost awards to cover an estimated \$100,000 in legal fees related to having an expert witness testify in his case, now before the Alberta Court of Appeal.

Lawyers representing Caron and the association have argued Caron is entitled to the provincial funding after the government spent thousands of dollars to bring in expert witnesses on linguistic issues.

Caron's Saskatchewan-based lawyer, Rupert Baudais, said there is an important public interest issue at stake in the case.

"It would be really unfair and against the interests of justice if it had to be closed down because one side had all the money and the other party had nothing," he said.

"The question for Mr. Caron was whether he would go bankrupt or not ... but of course we still have a challenge for the future because we still have a long way to go in the Court of Appeal of Alberta."

Alberta Justice spokesman Josh Stewart said the Alberta government paid Caron \$120,000 in court costs some time ago. Now the government is expecting another bill for "substantially less" money to cover costs for the Supreme Court proceedings, Stewart said. "We're reviewing the decision closely."

If Caron wins his main challenge against the traffic ticket, soon to be scheduled by the appeal court, it could eventually force Alberta to spend millions of dollars to ensure that its laws, courts, legislature and public services are bilingual.

The case is based upon the conditions surrounding the transfer of the western part of the country into the Canadian Constitution that ensured the adoption of laws in both English and French, protecting the use of both languages in provincial legislatures and courts.

The law would have been automatically adopted when provinces such as Alberta and Saskatchewan were officially created in 1905. However, the provisions have been largely ignored until a similar court case was settled for Manitoba about 20 years ago.

But Boudais noted that doesn't necessarily affect the rights of the English minority in Quebec. "Englishspeaking people in Quebec have always had, and still have today, much more rights than what we're going to get, even if we win this case."

Ken Dickerson is the program manager at the University of Alberta's Centre for Constitutional Studies and said elements of Caron's case are rare in Alberta.

"The order by the Court of Queen's Bench for his legal fees in provincial court to be covered is very rare," said Dickerson.

It's the first time this has happened in Alberta, and it brings up new legal questions in the province, said Dickerson.

Caron says that whole ordeal has been very difficult on him and maintains the court crossed the line.

"I believe the province used out-of-court tactics. They don't like citizens like me that fight them."

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