

In the Matter of the Review on the Record into the Ordered Investigation of  
Constable Byron Ritchie of the Delta Police Department

**SUPPLEMENTAL**  
**SUBMISSIONS OF COMMISSION COUNSEL**

1. These are the Supplemental Submissions of Commission Counsel on the issue of the correct calculation of the length of demotion that should be imposed regarding Constable Ritchie.
2. In my submission of October 1, 2018 I stressed that the period of demotion should not be durational in nature but should follow the usual course of promotion based on merit.
3. Section 126 of the *Police Act* clearly states that one or more of the following disciplinary or corrective measures in relation to the member could include at (b) "reduce the member's rank". It is important to recognize that the legislation does not include a description of that particular disciplinary corrective measure having any range or stipulation for a timeframe. I am providing these Supplementary Submissions for the purpose of including the authority that sets out the well-established approach for statutory interpretation: *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 S.C.R. 27 by Justice Iacobucci at para. 21

[21] Although much has been written about the interpretation of legislation (see, e.g., Ruth Sullivan, *Statutory Interpretation* (1997); Ruth Sullivan, *Driedger on the Construction of Statutes* (3rd ed. 1994) (hereinafter "*Construction of Statutes*"); Pierre-André Côté, *The Interpretation of Legislation in Canada* (2nd ed. 1991)), Elmer Driedger in *Construction of Statutes* (2nd ed. 1983) best encapsulates the approach upon which I prefer


to rely. He recognizes that statutory interpretation cannot be founded on the wording of the legislation alone. At p. 87 he states:

Today there is only one principle or approach, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.

4. Clearly, had the legislature intended to provide the Discipline Authority the ability to impose a range for the demotion they would have included such information within the *Act*. They did not.
5. Therefore, the correct interpretation of the *Act* requires that the length of the demotion not be durational in nature but to be based on further promotion requiring consideration of merit in the normal course of the workplace.

All of which is respectfully submitted.

Dated this 10<sup>th</sup> day of October, 2018.



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