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<p><b>PROFITING FROM RISK MANAGEMENT AND COMPLIANCE</b> Archibald • Jull Release No. 10, November 2025</p>
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**Release Updates**

This publication provides an important perspective on the liability of organizations in regulatory and criminal contexts, and deals with issues that are relevant to many areas of the law including occupational health and safety, the environment, competition and securities. Expert guidance and insightful analysis is provided on the basis for regulatory and criminal liability, how regulations apply to organizations and individuals, how the principles of sentencing will impact upon a given scenario, and navigating the regulatory and criminal liability systems in Canada.

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## What's New in this Update

This release features updates to Appendix B. Sentencing Tables including updates to II. Criminal Code Offences, VIII. Offences Against Competition Act, XIII. Offences under Provincial Securities Acts, XX. Occupational Health and Safety, and XXI. Miscellaneous Regulatory Offences.

## Highlights

**Sentencing Tables — Offences Against Competition Act — Section 45 Offences** — Between December 2011 and February 2016, the five conspiring contractors manipulated 54 social housing contracts awarded by the Manitoba Housing and Renewal Corporation, for a total value of approximately \$3.5 million. Their scheme allowed them to determine in advance which one would obtain the public contract and to establish the price of the project funded by taxpayers. The contractors pleaded guilty before the Manitoba Court of King's Bench for conspiring to divide up social housing refurbishment contracts among themselves. They each pleaded guilty to one count of conspiracy under section 45 of the Competition Act. They were ordered to pay a combined amount of \$196,000 in fines: *R. v. Gregoire* (unreported judgment of Man. K.B., dated February 6, 2025).

**Sentencing Tables — Miscellaneous Regulatory Offences — Offences Under *the Fisheries Act and Regulations*** — The Court noted that in the context of environmental violations, jail sentences of increasing severity are imposed where lesser sentences have failed to deter an offender. This principle is reflected in several prior sentencing decisions concerning Steer himself. Steer had a remarkably long record of violations of the Act and other offences, as well as court orders and prohibitions related to those offences. He had 34 convictions on thirteen prior cases, all but two of which had occurred before the present offences. His offences dated back to 2008. However, his record of non-compliance actually predated 2008, before which he received several formal administrative warnings and ticket violations for breaches of the Act and its regulations. The Crown primarily proposed a total effective sentence of 7 years' imprisonment. Defence proposed a custodial sentence of 18 to 24 months' imprisonment, served concurrently. With respect to culpability, the Court noted that Steer's actions were at the extreme high end of the culpability scale: they were deliberate, calculated, and stealthy, rather than resulting from a reckless or negligent due diligence failure, as is often case with regulatory offences. The Court did not agree that an 18-month sentence will be appropriate. An 18-month sentence would fail to satisfy the paramount sentencing objectives of denunciation and deterrence. As Steer had shown, it was impossible for the DFO, with its limited resources, to actively patrol every bay and fjord on the vast British Columbia coast for marine poaching: a significant

sentence must be imposed to deter Steer and other active or potential poachers. It was clear that past lesser sanctions, including multiple shorter periods of incarceration, over his long record of violations, had been wholly ineffective in changing Steer's behaviour. He was wholly unrepentant. Rehabilitation was highly unlikely. On the contrary, his actions over the past 17 years indicated that he would almost certainly return to marine poaching as soon as he was released from prison. Only a very significant step up in incarceration had any hope of effecting rehabilitation, denunciation, and deterrence. Only incarceration would prevent him from inflicting further harm on the scarce public resource of the fisheries. The Court agreed that despite some overlap in the offences (some fishing equipment was likely used for some of the illegal fishing on the prohibited vessels), the circumstances and this offender strongly supported the imposition of consecutive sentences on the various counts on which Steer had been found guilty. Each offence covered a different time period. Each involved offences committed in different locations. Each offence involved the invasion of a different legally protected interest. Moreover, Steer was breaching multiple prohibition orders. The Court explained that concurrent sentences resulting in a modest term of imprisonment would wholly fail to denounce and deter Steer's apparently incorrigible long-term and ongoing illegal fishing, and, equally important, flouting of court orders. Even after considering the restraint principle, consecutive sentences were both proportionate and necessary to address the uniquely egregious culpability of this offender and those offences. His actions and offences before and after the present counts showed the need for specific deterrence and denunciation, as well as protection of the public and its interests in the fisheries and environment, through a significant period of incarceration. The Court was satisfied that the Crown's proposed reduction of the consecutive sentences by 4.5 years, from which the Court would deduct a further year, from the aggregate sentence length of 11.5 years, achieved the totality principle and rendered a sentence commensurate to Steer's culpability: one that was proportionate, just, and appropriate. The discount reflected both the cumulative incarceration time based on the six offences, as well as the significant monetary penalties imposed on Steer and his *alter ego* corporation. Those fines in turn had been discounted to reflect the length of Steer's incarceration. In view of all of the circumstances, including the considerable aggravating circumstances, the paucity of mitigating circumstances, and the totality of the sentence, the Court sentenced Steer to a global sentence of six years, with the time for each count in the Crown's proposal, as reduced, each served consecutively: *R. v. Steer*, 2025 BCSC 1443 (B.C.S.C.).