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WEAPONS OFFENCES MANUAL

The Honourable Justice Miriam Bloomenfeld

Release No. 2, July 2026

This update features significant updates to legislation affecting registration and licencing of restricted weapons, proclaimed and in force.

- ***R. v. Greer*, 2026 ONCA 222, 2026 CarswellOnt 4567 (Ont. C.A.)**—The imposition of a two-year consecutive sentence as part of a global, five-year term of imprisonment for possessing a firearm in breach of a s. 109 prohibition order was upheld by the Court of Appeal. Possessing a firearm in the context of intimate partner violence elevates the risk and seriousness of the offending conduct and merits a consecutive sentence.

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- ***R. v. White*, 2026 NSCA 36, 2026 CarswellNS 349 (N.S. C.A.)**—The Court of Appeal determined that the trial judge had erred in principle in granting a conditional sentence to a racialized, 24-year old offender who was found in a car with two others in possession of cocaine, cannabis and a loaded handgun with ammunition. The conditional sentence violated the fundamental principle of proportionality, given the gravity of the offences and the offender’s moral culpability. Further, the trial judge had erroneously followed the irrelevant precedent in *R. v. Bratzar*, where an 18-year-old first offender received a conditional sentence upon his guilty plea to three robberies that were deemed to be out of character by the sentencing judge. The offender possessed the gun as a tool of his drug trafficking enterprise. He was found guilty after trial and showed no significant indicia of remorse or rehabilitation. The appropriate sentence was 4 years’ imprisonment. In view of the need for denunciation and deterrence, the Court of Appeal declined the offender’s application for a stay of the sentence and required him to serve its remainder in custody.
- ***R. v. Kulatheeswaran*, 2026 ONCA 128, 2026 CarswellOnt 2358 (Ont. C.A.)**—The Court of Appeal held that the trial judge had erred in imposing a conditional sentence for the offender’s possession of a loaded, prohibited, semi-automatic handgun with an overcapacity magazine in his car. The firearm discharged when the offender’s car collided with another vehicle, and the offender fled the scene on foot with the gun, which he then disposed of by dropping it in a residential neighbourhood. A fit sentence for this criminal conduct would normally a significant penitentiary term. Here, the appropriate length of sentence would have been tempered by significant mitigating factors including the offender’s otherwise positive antecedents, his youth, and a serious neurological condition that began while he was awaiting trial. In the particular circumstances of this case, including fresh evidence documenting the offender’s rehabilitative progress and ongoing medical treatment and evaluation, the Court of Appeal declined to reincarcerate the offender.
- ***R. v. Sonny*, 2026 ONSC 1292, 2026 CarswellOnt 3402 (Ont. S.C.J.)**—Section 103(2)(a) of the *Criminal Code* prescribing a mandatory minimum penalty of three years’ imprisonment for a first offence of importing or exporting a firearm does not violate *Charter*, s. 12.
- ***R. v. Knowles*, 2025 ONSC 3465, 2025 CarswellOnt 22645 (Ont. S.C.J.)**—The summary conviction appeal court judge upheld an absolute discharge for a police officer who improperly stored his police firearm at home.
- ***R. v. Pinkney*, 2026 ONSC 319, 2026 CarswellOnt 5258 (Ont. S.C.J.)**—The offender was granted a conditional sentence equivalent to two years’ less a day plus three years’

probation for possessing a loaded handgun plus cocaine, cannabis and 11.14 grams of fentanyl. The Court distinguished this case from other “drug and gun” sentences because neither the gun nor the drugs belonged to the offender and were not being used by him for any criminal purpose. The offender had positive antecedents, no criminal record, excellent rehabilitative potential and had been subjected to anti-black racism, as reflected in an enhanced presentence report.

