



## **Legislative Brief: Perpetrator's Violence and Financial Dealings**

**Prepared by: Commission Research and Policy Team**

**NOTE 1:**

This is a document provided for discussion purposes, based on a summary of the applicable law as assembled by Commission Counsel. The Commission welcomes input from Participants as to other laws or sections to be included in this overview.

## **SUBJECT MATTER**

The purpose of this document is to provide information about legislation applicable to gender-based violence (GBV), intimate partner violence (IPV), family violence, and coercive control, as well as additional perpetrator antecedents and financial dealings. This document is not a comprehensive overview and it does not address offences committed by the perpetrator during the mass casualty. Rather, it incorporates legislative provisions that are potentially relevant to facts documented in the Perpetrator's Violence Towards His Common-Law Spouse and Perpetrator's Violent Behaviour towards Others Foundational Documents prepared by the Mass Casualty Commission. It does not provide any commentary, evaluations, or recommendations.

## **TABLE OF CONTENTS**

|  |           |
|--|-----------|
| <b>SUMMARY</b>   | <b>4</b>  |
| <b>INTRODUCTION</b>  | <b>4</b>  |
| <b>FEDERAL LEGISLATION</b>   | <b>4</b>  |
| Criminal Code  | 4         |
| Proceeds of Crime (Money Laundering) and Terrorist Financing Act and Regulations | 16        |
| Income Tax Act   | 20        |
| <b>PROVINCIAL LEGISLATION</b>  | <b>21</b> |
| Domestic Violence Intervention Act and Regulations                               | 21        |
| Parenting and Support Act  | 24        |
| Matrimonial Property Act   | 26        |
| Labour Standards Code  | 27        |
| Violence in the Workplace Regulations  | 28        |
| Denturists Act and Regulations   | 29        |
| Residential Tenancies Act  | 31        |
| Additional Legislation   | 33        |

# Legislative Brief: Violence, Perpetrator Antecedents and Financial Dealings

## SUMMARY

### INTRODUCTION

The purpose of this document is to provide information about legislation applicable to gender-based violence, intimate partner violence, family violence, and coercive control, as well as additional perpetrator antecedents and financial dealings. This document is not a comprehensive overview and it does not address offences committed by the perpetrator during the mass casualty. Rather, it incorporates legislative provisions that are potentially relevant to facts documented in the Perpetrator's Violence Towards His Common-Law Spouse and Perpetrator's Violent Behaviour towards Others Foundational Documents prepared by the Mass Casualty Commission<sup>1</sup>. It does not provide any commentary, evaluations, or recommendations.

### FEDERAL LEGISLATION

#### Criminal Code

| <b><i>Criminal Code, RSC 1985, c C-46</i></b> |   |
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| <b>Key Provisions</b>                         |   |
| Firearm Offences                              |   |
| s. 109(1)                                     | <p><u>Current Version:</u></p> <p>Where a person is convicted, or discharged under section 730, of</p> <ul style="list-style-type: none"><li>(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,</li><li>(a.1) an indictable offence in the commission of which violence was used, threatened or attempted against<ul style="list-style-type: none"><li>(i) the person's intimate partner,</li><li>(ii) a child or parent of the person or of anyone referred to in subparagraph (i), or</li><li>(iii) any person who resides with the person or with anyone referred to in subparagraph (i) or (ii),</li></ul></li></ul> |

<sup>1</sup> For a comprehensive survey of legislation relevant to domestic violence, see Jennifer Koshan, Janet E Mosher and Wanda A Wieggers, *Domestic Violence and Access to Justice: A Mapping of Relevant Laws, Policies and Justice System Components Across Canada* (2021), Canadian Legal Information Institute, 2020 CanLII Docs 3160, <https://canlii.ca/t/szxl>; COMM0059325

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|  | <p>(b) an offence under subsection 85(1) (using firearm in commission of offence), subsection 85(2) (using imitation firearm in commission of offence), 95(1) (possession of prohibited or restricted firearm with ammunition), 99(1) (weapons trafficking), 100(1) (possession for purpose of weapons trafficking), 102(1) (making automatic firearm), 103(1) (importing or exporting knowing it is unauthorized) or section 264 (criminal harassment),</p> <p>(c) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the Controlled Drugs and Substances Act, (c.1) an offence relating to the contravention of subsection 9(1) or (2), 10(1) or (2), 11(1) or (2), 12(1), (4), (5), (6) or (7), 13(1) or 14(1) of the Cannabis Act, or</p> <p>(d) an offence that involves, or the subject-matter of which is, a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance and, at the time of the offence, the person was prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing,</p> <p>the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition and explosive substance during the period specified in the order as determined in accordance with subsection (2) or (3), as the case may be.</p> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>109. (1) Where a person is convicted, or discharged under section 730, of</p> <p>(a) an indictable offence in the commission of which violence against a person was used, threatened or attempted and for which the person may be sentenced to imprisonment for ten years or more,</p> <p>(b) an offence under subsection 85(1) (using firearm in commission of offence), subsection 85(2) (using imitation firearm in commission of offence), 95(1) (possession of prohibited or restricted firearm with ammunition), 99(1) (weapons trafficking), 100(1) (possession for purpose of weapons trafficking), 102(1) (making automatic firearm), 103(1) (importing or exporting knowing it is unauthorized) or section 264 (criminal harassment),</p> <p>(c) an offence relating to the contravention of subsection 5(1) or (2), 6(1) or (2) or 7(1) of the Controlled Drugs and Substances Act, or</p> |
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|              | <p>(d) an offence that involves, or the subject-matter of which is, a firearm, a crossbow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance and, at the time of the offence, the person was prohibited by any order made under this Act or any other Act of Parliament from possessing any such thing, the court that sentences the person or directs that the person be discharged, as the case may be, shall, in addition to any other punishment that may be imposed for that offence or any other condition prescribed in the order of discharge, make an order prohibiting the person from possessing any firearm, cross-bow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited ammunition and explosive substance during the period specified in the order as determined in accordance with subsection (2) or (3), as the case may be.</p> |
| s. 109(2)    | <p>An order made under subsection (1) shall, in the case of a first conviction for or discharge from the offence to which the order relates, prohibit the person from possessing</p> <ul style="list-style-type: none"><li>(a) any firearm, other than a prohibited firearm or restricted firearm, and any crossbow, restricted weapon, ammunition and explosive substance during the period that<ul style="list-style-type: none"><li>(i) begins on the day on which the order is made, and</li><li>(ii) ends not earlier than ten years after the person's release from imprisonment after conviction for the offence or, if the person is not then imprisoned or subject to imprisonment, after the person's conviction for or discharge from the offence; and</li></ul></li><li>(b) any prohibited firearm, restricted firearm, prohibited weapon, prohibited device and prohibited ammunition for life.</li></ul>   |
| s. 109(3)    | <p>An order made under subsection (1) shall, in any case other than a case described in subsection (2), prohibit the person from possessing any firearm, cross-bow, restricted weapon, ammunition and explosive substance for life.</p>  |
| s. 117.01(1) | <p>Subject to subsection (4), every person commits an offence who possesses a firearm, a cross-bow, a prohibited weapon, a restricted weapon, a prohibited device, any ammunition, any prohibited ammunition or an explosive substance while the person is prohibited from doing so by any order made under this Act or any other Act of Parliament.</p>   |
| s. 117.01(2) | <p>Every person commits an offence who willfully fails to surrender to a peace officer, a firearms officer or a chief firearms officer any authorization, licence or registration certificate held by the person when the person is required to do so by any order made under this Act or any other Act of Parliament.</p>   |

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| <p>s. 117.01(3)</p>      | <p>Every person who commits an offence under subsection (1) or (2)<br/>                 (a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or<br/>                 (b) is guilty of an offence punishable on summary conviction.</p>  |
| <p>s. 117.04(1)</p>      | <p>Where, pursuant to an application made by a peace officer with respect to any person, a justice is satisfied by information on oath that there are reasonable grounds to believe that the person possesses a weapon, a prohibited device, ammunition, prohibited ammunition or an explosive substance in a building, receptacle or place and that it is not desirable in the interests of the safety of the person, or of any other person, for the person to possess the weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the justice may issue a warrant authorizing a peace officer to search the building, receptacle or place and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.</p> |
| <p>s. 117.04(2)</p>      | <p>Where, with respect to any person, a peace officer is satisfied that there are reasonable grounds to believe that it is not desirable, in the interests of the safety of the person or any other person, for the person to possess any weapon, prohibited device, ammunition, prohibited ammunition or explosive substance, the peace officer may, where the grounds for obtaining a warrant under subsection (1) exist but, by reason of a possible danger to the safety of that person or any other person, it would not be practicable to obtain a warrant, search for and seize any such thing, and any authorization, licence or registration certificate relating to any such thing, that is held by or in the possession of the person.</p>  |
| <p>s. 117.04(3)</p>      | <p>A peace officer who executes a warrant referred to in subsection (1) or who conducts a search without a warrant under subsection (2) shall forthwith make a return to the justice who issued the warrant or, if no warrant was issued, to a justice who might otherwise have issued a warrant, showing<br/>                 (a) in the case of an execution of a warrant, the things or documents, if any, seized and the date of execution of the warrant; and<br/>                 (b) in the case of a search conducted without a warrant, the grounds on which it was concluded that the peace officer was entitled to conduct the search, and the things or documents, if any, seized.</p>   |
| <p><b>Harassment</b></p> |  |
| <p>s. 264(1)</p>         |  |

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|                | No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.  |
| s. 264(2)      | The conduct mentioned in subsection (1) consists of<br>(a) repeatedly following from place to place the other person or anyone known to them;<br>(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;<br>(c) besetting or watching the dwelling-house, or place where the other person, or anyone known to them, resides, works, carries on business or happens to be; or<br>(d) engaging in threatening conduct directed at the other person or any member of their family.  |
| s. 264(3)      | Every person who contravenes this section is guilty of<br>(a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or<br>(b) an offence punishable on summary conviction.   |
| <b>Threats</b> |  |
| s. 264.1(1)    | Every one commits an offence who, in any manner, knowingly utters, conveys or causes any person to receive a threat<br>(a) to cause death or bodily harm to any person;<br>(b) to burn, destroy or damage real or personal property; or<br>(c) to kill, poison or injure an animal or bird that is the property of any person.   |
| s. 264.1(2)    | <u>Current Version:</u><br>Every one who commits an offence under paragraph (1)(a) is guilty of<br>(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or<br>(b) an offence punishable on summary conviction.<br><br><u>Version from 2005, 2010, 2011, 2013:</u><br>Every one who commits an offence under paragraph (1)(a) is guilty of<br>(a) an indictable offence and liable to imprisonment for a term not exceeding five years; or<br>(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months. |

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| s. 264.1(3)     | Every one who commits an offence under paragraph (1)(b) or (c)<br>(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding two years; or<br>(b) is guilty of an offence punishable on summary conviction.  |
| <b>Assaults</b> |  |
| s. 265(1)       | A person commits an assault when<br>(a) without the consent of another person, he applies force intentionally to that other person, directly or indirectly;<br>(b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose;<br>or<br>(c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs. |
| s. 265(2)       | This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.   |
| s. 265(3)       | For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of<br>(a) the application of force to the complainant or to a person other than the complainant;<br>(b) threats or fear of the application of force to the complainant or to a person other than the complainant;<br>(c) fraud; or<br>(d) the exercise of authority.   |
| s. 265(4)       | Where an accused alleges that he believed that the complainant consented to the conduct that is the subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.                                  |
| s. 266          | Every one who commits an assault is guilty of<br>(a) an indictable offence and is liable to imprisonment for a term not exceeding five years; or<br>(b) an offence punishable on summary conviction.   |
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| s. 267    | <p><u>Current Version:</u></p> <p>Every person is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years or is guilty of an offence punishable on summary conviction who, in committing an assault,</p> <ul style="list-style-type: none"><li>(a) carries, uses or threatens to use a weapon or an imitation thereof,</li><li>(b) causes bodily harm to the complainant, or</li><li>(c) chokes, suffocates or strangles the complainant.</li></ul> <p><u>Version from 1996, 2000, 2001, 2005, 2010, 2011, 2013:</u></p> <p>267(c) is not in included in these previous versions</p>  |
| s. 269    | <p><u>Current Version:</u></p> <p>Every one who unlawfully causes bodily harm to any person is guilty of</p> <ul style="list-style-type: none"><li>(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or</li><li>(b) an offence punishable on summary conviction.</li></ul> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>Every one who unlawfully causes bodily harm to any person is guilty of</p> <ul style="list-style-type: none"><li>(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or</li><li>(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.</li></ul> |
| s. 270(1) | <p>Every one commits an offence who</p> <ul style="list-style-type: none"><li>(a) assaults a public officer or peace officer engaged in the execution of his duty or a person acting in aid of such an officer;</li><li>(b) assaults a person with intent to resist or prevent the lawful arrest or detention of himself or another person; or</li><li>(c) assaults a person<ul style="list-style-type: none"><li>(i) who is engaged in the lawful execution of a process against lands or goods or in making a lawful distress or seizure, or</li><li>(ii) with intent to rescue anything taken under lawful process, distress or seizure.</li></ul></li></ul>   |
| s. 271    | <p><u>Current Version:</u></p> <p>Every one who commits a sexual assault is guilty of</p> <ul style="list-style-type: none"><li>(a) an indictable offence and is liable to imprisonment for a term of not more than 10 years or, if the complainant is under the age of 16</li></ul>  |

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|               | <p>years, to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of one year; or<br/>                 (b) an offence punishable on summary conviction and is liable to imprisonment for a term of not more than 18 months or, if the complainant is under the age of 16 years, to imprisonment for a term of not more than two years less a day and to a minimum punishment of imprisonment for a term of six months.</p> <p><u>Version from 2005:</u></p> <p>Every one who commits a sexual assault is guilty of<br/>                 (a) an indictable offence and is liable to imprisonment for a term not exceeding ten years; or<br/>                 (b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.</p> |
| s. 273.1(1)   | <p>Subject to subsection (2) and subsection 265(3), consent means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.</p>   |
| s. 273.1(1.1) | <p>Consent must be present at the time the sexual activity in question takes place.</p>  |
| s. 273.1(1.2) | <p><u>Current Version:</u></p> <p>The question of whether no consent is obtained under subsection 265(3) or subsection (2) or (3) is a question of law.</p> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>This section was not included at this time</p>   |
| s. 273.1(2)   | <p><u>Current Version:</u></p> <p>For the purpose of subsection (1), no consent is obtained if<br/>                 (a) the agreement is expressed by the words or conduct of a person other than the complainant;<br/>                 (a.1) the complainant is unconscious;<br/>                 (b) the complainant is incapable of consenting to the activity for any reason other than the one referred to in paragraph (a.1);<br/>                 (c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;<br/>                 (d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or</p>  |

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|                    | <p>(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.</p> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>(a.1) was not included at this time</p>   |
| <p>s. 273.1(3)</p> | <p>(3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.</p>  |
| <p>s. 273.2</p>    | <p><u>Current Version:</u></p> <p>It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where</p> <ul style="list-style-type: none"> <li>(a) the accused's belief arose from             <ul style="list-style-type: none"> <li>(i) the accused's self-induced intoxication,</li> <li>(ii) the accused's recklessness or wilful blindness, or</li> <li>(iii) any circumstance referred to in subsection 265(3) or 273.1(2) or (3) in which no consent is obtained;</li> </ul> </li> <li>(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting; or</li> <li>(c) there is no evidence that the complainant's voluntary agreement to the activity was affirmatively expressed by words or actively expressed by conduct.</li> </ul> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>(a)(iii) was not included at this time<br/>                 (c) was not included at this time</p> |
| <p>s. 278</p>      | <p>A husband or wife may be charged with an offence under section 271, 272 or 273 in respect of his or her spouse, whether or not the spouses were living together at the time the activity that forms the subject-matter of the charge occurred.</p>   |
| <p>s. 279(2)</p>   | <p><u>Current Version:</u></p> <p>Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of</p> <ul style="list-style-type: none"> <li>(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or</li> <li>(b) an offence punishable on summary conviction.</li> </ul>   |

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|             | <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>Every one who, without lawful authority, confines, imprisons or forcibly seizes another person is guilty of</p> <ul style="list-style-type: none"><li>(a) an indictable offence and liable to imprisonment for a term not exceeding ten years; or</li><li>(b) an offence punishable on summary conviction and liable to imprisonment for a term not exceeding eighteen months.</li></ul>  |
| s. 286.1(1) | <p><u>Current Version:</u></p> <p>Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of</p> <ul style="list-style-type: none"><li>(a) an indictable offence and liable to imprisonment for a term of not more than five years and a minimum punishment of,<ul style="list-style-type: none"><li>(i) in the case where the offence is committed in a public place, or in any place open to public view, that is or is next to a park or the grounds of a school or religious institution or that is or is next to any other place where persons under the age of 18 can reasonably be expected to be present,<ul style="list-style-type: none"><li>(A) for a first offence, a fine of \$2,000, and</li><li>(B) for each subsequent offence, a fine of \$4,000, or</li></ul></li><li>(ii) in any other case,<ul style="list-style-type: none"><li>(A) for a first offence, a fine of \$1,000, and</li><li>(B) for each subsequent offence, a fine of \$2,000; or</li></ul></li></ul></li><li>(b) an offence punishable on summary conviction and liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than two years less a day, or to both, and to a minimum punishment of,<ul style="list-style-type: none"><li>(i) in the case referred to in subparagraph (a)(i),<ul style="list-style-type: none"><li>(A) for a first offence, a fine of \$1,000, and</li><li>(B) for each subsequent offence, a fine of \$2,000, or</li></ul></li><li>(ii) in any other case,<ul style="list-style-type: none"><li>(A) for a first offence, a fine of \$500, and</li><li>(B) for each subsequent offence, a fine of \$1,000.</li></ul></li></ul></li></ul> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>This section is not included at this time</p> |
| s. 286.1(2) | <p><u>Current Version:</u></p> <p>Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person under the age of 18 years is guilty of an indictable</p>   |

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|   | <p>offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of</p> <ul style="list-style-type: none"> <li>(a) for a first offence, six months; and</li> <li>(b) for each subsequent offence, one year.</li> </ul> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>This section is not included at this time</p>   |
| <p>s. 286.1(5)</p>                            | <p><u>Current Version:</u></p> <p>For the purposes of this section, place and public place have the same meaning as in subsection 197(1).</p> <p><u>Version from 2005, 2010, 2011, 2013:</u></p> <p>This section is not included at this time</p>   |
| <p><b>Possession of Proceeds of Crime</b></p> |   |
| <p>s. 354(1)</p>                              | <p>Every one commits an offence who has in his possession any property or thing or any proceeds of any property or thing knowing that all or part of the property or thing or of the proceeds was obtained by or derived directly or indirectly from</p> <ul style="list-style-type: none"> <li>(a) the commission in Canada of an offence punishable by indictment; or</li> <li>(b) an act or omission anywhere that, if it had occurred in Canada, would have constituted an offence punishable by indictment.</li> </ul>   |
| <p>s. 355</p>                                 | <p>Every one who commits an offence under section 354</p> <ul style="list-style-type: none"> <li>(a) if the subject matter of the offence is a testamentary instrument or the value of the subject matter of the offence is more than \$5,000, is guilty of             <ul style="list-style-type: none"> <li>(i) an indictable offence and liable to imprisonment for a term of not more than 10 years, or</li> <li>(ii) an offence punishable on summary conviction; or</li> </ul> </li> <li>(b) if the value of the subject matter of the offence is not more than \$5,000, is guilty             <ul style="list-style-type: none"> <li>(i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or</li> <li>(ii) of an offence punishable on summary conviction.</li> </ul> </li> </ul> |
| <p>s. 380(1)</p>                              | <p>Every one who, by deceit, falsehood or other fraudulent means, whether or not it is a false pretence within the meaning of this Act, defrauds the</p>  |

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|                     | <p>public or any person, whether ascertained or not, of any property, money or valuable security or any service,<br/>                 (a) is guilty of an indictable offence and liable to a term of imprisonment not exceeding fourteen years, where the subject-matter of the offence is a testamentary instrument or the value of the subject-matter of the offence exceeds five thousand dollars; or<br/>                 (b) is guilty<br/>                 (i) of an indictable offence and is liable to imprisonment for a term not exceeding two years, or<br/>                 (ii) of an offence punishable on summary conviction,<br/>                 where the value of the subject-matter of the offence does not exceed five thousand dollars.</p>  |
| <p>Intimidation</p> |  |
| <p>s. 423(1)</p>    | <p>Every one is guilty of an indictable offence and liable to imprisonment for a term of not more than five years or is guilty of an offence punishable on summary conviction who, wrongfully and without lawful authority, for the purpose of compelling another person to abstain from doing anything that he or she has a lawful right to do, or to do anything that he or she has a lawful right to abstain from doing,<br/>                 (a) uses violence or threats of violence to that person or their intimate partner or children, or injures the person’s property;<br/>                 (b) intimidates or attempts to intimidate that person or a relative of that person by threats that, in Canada or elsewhere, violence or other injury will be done to or punishment inflicted on him or her or a relative of his or hers, or that the property of any of them will be damaged;<br/>                 (c) persistently follows that person;<br/>                 (d) hides any tools, clothes or other property owned or used by that person, or deprives him or her of them or hinders him or her in the use of them;<br/>                 (e) with one or more other persons, follows that person, in a disorderly manner, on a highway;<br/>                 (f) besets or watches the place where that person resides, works, carries on business or happens to be; or<br/>                 (g) blocks or obstructs a highway.</p> |
| <p>s. 423(2)</p>    | <p>A person who attends at or near or approaches a dwelling-house or place, for the purpose only of obtaining or communicating information, does not watch or beset within the meaning of this section.</p>  |
| <p>s. 462.31(1)</p> | <p>Every one commits an offence who uses, transfers the possession of, sends or delivers to any person or place, transports, transmits, alters, disposes of or otherwise deals with, in any manner and by any means, any property or any proceeds of any property with intent to conceal or convert that property or those proceeds, knowing or believing that, or</p>   |

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|  | being reckless as to whether, all or a part of that property or of those proceeds was obtained or derived directly or indirectly as a result of<br>(a) the commission in Canada of a designated offence; or<br>(b) an act or omission anywhere that, if it had occurred in Canada, would have constituted a designated offence. |
| s. 462.31(2)   | Every one who commits an offence under subsection (1)<br>(a) is guilty of an indictable offence and liable to imprisonment for a term not exceeding ten years; or<br>(b) is guilty of an offence punishable on summary conviction.  |
| s. 810(1)  | An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person<br>(a) will cause personal injury to them or to their intimate partner or child or will damage their property; or<br>(b) will commit an offence under section 162.1.                              |
| s. 810(2)  | A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.  |
| <ul style="list-style-type: none"> <li>• Criminal Code, RSC 1985, c C-46: COMM0059314</li> </ul> |   |

**Relevance:** The *Criminal Code* sets out most of the criminal offences that the Parliament of Canada has enacted. These sections are included because one or more witnesses said the perpetrator may have been involved in such criminal acts or the information is relevant to potential recommendations. Changes in the text of some sections are included to reflect the provision that was in place at the time the perpetrator is reported to have engaged in criminal behaviour, even if the behaviour was not reported to the police at the time.

### Proceeds of Crime (Money Laundering) and Terrorist Financing Act and Regulations

| <b><i>Proceeds of Crime (Money Laundering) and Terrorist Financing Act, SC 2000, c 17</i></b> |  |
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| <b>Key Provisions</b>   |  |
| s. 5  | This Part applies to the following persons and entities:<br>(a) authorized foreign banks within the meaning of section 2 of the Bank Act in respect of their business in Canada, or banks to which that Act applies;<br>.... |

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|  | <p>(h) persons and entities that have a place of business in Canada and that are engaged in the business of providing at least one of the following services:</p> <ul style="list-style-type: none"> <li>(i) foreign exchange dealing,</li> <li>(ii) remitting funds or transmitting funds by any means or through any person, entity or electronic funds transfer network,</li> <li>(iii) issuing or redeeming money orders, traveller’s cheques or other similar negotiable instruments except for cheques payable to a named person or entity,</li> <li>(iv) dealing in virtual currencies, or</li> <li>(v) any prescribed service;</li> </ul> |
| s. 6   | Every person or entity referred to in section 5 shall keep records in accordance with the regulations.  |
| s. 7   | <p>Subject to section 10.1, every person or entity referred to in section 5 shall, in accordance with the regulations, report to the Centre every financial transaction that occurs or that is attempted in the course of their activities and in respect of which there are reasonable grounds to suspect that</p> <ul style="list-style-type: none"> <li>(a) the transaction is related to the commission or the attempted commission of a money laundering offence; or</li> <li>(b) the transaction is related to the commission or the attempted commission of a terrorist activity financing offence.</li> </ul>                             |
| s. 9(1)  | <p>Subject to section 10.1, every person or entity referred to in section 5 shall report to the Centre, in accordance with the regulations,</p> <ul style="list-style-type: none"> <li>(a) any financial transaction, or any financial transaction within a class of financial transactions, specified in a directive issued under Part 1.1 that occurs or that is attempted in the course of their activities; and</li> <li>(b) any prescribed financial transaction that occurs in the course of their activities.</li> </ul>   |
| <ul style="list-style-type: none"> <li>• Proceeds of Crime (Money Laundering) and Terrorist Financing Act, SC 2000, c 17: COMM0059673</li> </ul> |   |

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| <b><i>Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations, SOR/2002-184</i></b> |   |
| <b>Key Provisions</b>  |   |
| s. 2   | <p>The following definitions apply in these Regulations.</p> <p>...</p> |

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|  | <p>cash means coins referred to in section 7 of the <i>Currency Act</i>, notes issued by the Bank of Canada under the Bank of Canada Act that are intended for circulation in Canada or coins or bank notes of countries other than Canada.</p> <p>...</p> <p>financial entity means</p> <ul style="list-style-type: none"><li>(a) an entity that is referred to in any of paragraphs 5(a), (b) and (d) to (f) of the Act;</li><li>(b) a financial services cooperative;</li><li>(c) a life insurance company, or an entity that is a life insurance broker or agent, in respect of loans or prepaid payment products that it offers to the public and accounts that it maintains with respect to those loans or prepaid payment products, other than<ul style="list-style-type: none"><li>(i) loans that are made by the insurer to a policy holder if the insured person has a terminal illness that significantly reduces their life expectancy and the loan is secured by the value of an insurance policy;</li><li>(ii) loans that are made by the insurer to the policy holder for the sole purpose of funding the life insurance policy; and</li><li>(iii) advance payments to which the policy holder is entitled that are made to them by the insurer;</li></ul></li><li>(d) a credit union central when it offers financial services to a person, or to an entity that is not a member of that credit union central; and</li><li>(e) a department, or an entity that is an agent of Her Majesty in right of Canada or an agent or mandatary of Her Majesty in right of a province, when it carries out an activity referred to in section 76.</li></ul> <p>...</p> <p>large cash transaction record means a record that indicates the receipt of an amount of \$10,000 or more in cash in a single transaction and that contains the following information:</p> <ul style="list-style-type: none"><li>(a) the date of the receipt;</li><li>(b) if the amount is received for deposit into an account, the number of the account, the name of each account holder and the time of the deposit or an indication that the deposit is made in a night deposit box outside the recipient's normal business hours;</li><li>(c) the name and address of every other person or entity that is involved in the transaction, the nature of their principal business or their occupation and, in the case of a person, their date of birth;</li><li>(d) the type and amount of each fiat currency involved in the receipt;</li><li>(e) the method by which the cash is received;</li><li>(f) if applicable, the exchange rates used and their source;</li><li>(g) the number of every other account that is affected by the transaction, the type of account and the name of each account holder;</li><li>(h) every reference number that is connected to the transaction and has a function equivalent to that of an account number;</li><li>(i) the purpose of the transaction;</li><li>(j) the following details of the remittance of, or in exchange for, the cash received:<ul style="list-style-type: none"><li>(i) the method of remittance,</li><li>(ii) if the remittance is in funds, the type and amount of each type of funds involved,</li></ul></li></ul> |
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|   | <p>(iii) if the remittance is not in funds, the type of remittance and its value, if different from the amount of cash received, and</p> <p>(iv) the name of every person or entity involved in the remittance and their account number or policy number or, if they have no account number or policy number, their identifying number; and</p> <p>(k) if the amount is received by a dealer in precious metals and precious stones for the sale of precious metals, precious stones or jewellery,</p> <p>(i) the type of precious metals, precious stones or jewellery,</p> <p>(ii) the value of the precious metals, precious stones or jewellery, if different from the amount of cash received, and</p> <p>(iii) the wholesale value of the precious metals, precious stones or jewellery.</p> |
| s. 10   | A financial entity shall keep a large cash transaction record in respect of every amount of \$10,000 or more in cash that it receives from a person or entity in a single transaction, unless the amount is received from another financial entity or a public body or from a person who is acting on behalf of a client that is a financial entity or public body.  |
| s. 85(1)  | A person or entity that is subject to these Regulations shall take reasonable measures to verify, in accordance with section 105, 109 or 112, the identity of a person or entity that conducts or attempts to conduct a transaction with them that is required to be reported to the Centre under section 7 of the Act.  |
| s. 85(2)  | If the person or entity believes that taking the reasonable measures would inform the person or entity that conducts or attempts to conduct a transaction with them that the transaction and related information will be reported under section 7 of the Act, they are not required to comply with subsection (1).   |
| s. 126  | <p>If a person or entity that is required under these Regulations to report the receipt from a person or entity of an amount in cash or to keep a large cash transaction record receives amounts in cash that total \$10,000 or more in two or more transactions that are made within 24 consecutive hours, those transactions are deemed to be a single transaction of \$10,000 or more if that person or entity knows that</p> <p>(a) the transactions are conducted by the same person or entity;</p> <p>(b) the transactions are conducted on behalf of the same person or entity; or</p> <p>(c) the amounts are for the same beneficiary.</p>   |
| <ul style="list-style-type: none"> <li>• Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations, SOR/2002-184: COMM0059327</li> </ul> |  |

**Relevance:** The *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* (PCMLTFA) governs Canada’s financial intelligence program. The Act and regulations require regulated reporting entities to identify and report certain activity to the Financial Transactions and Reports

Analysis Centre of Canada (“FINTRAC”). Both financial institutions and accountants have obligations under the Act to make reports in certain circumstances. Those with reporting obligations under the Act and regulations must do so where an individual makes a cash deposit (\$10,000 CAD or more within a 24-hour period), or where there are reasonable grounds to suspect a transaction is related to the commission or attempt to commit a money laundering or terrorist activity financing offence. It is relevant to also note that the submission of a large cash transaction report (LCTR) does not mitigate the responsibility of filing a suspicious transaction report (STR). Notably, unlike accountants, bookkeepers are not included in the list of financial entities with reporting obligations.

### Income Tax Act

| <b>Income Tax Act, RSC 1985, c 1 (5<sup>th</sup> Supp)</b>  |  |
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| <b>Key Provisions</b>   |  |
| s. 2(1)   | An income tax shall be paid, as required by this Act, on the taxable income for each taxation year of every person resident in Canada at any time in the year.   |
| s. 239(1)   | Every person who has<br>(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation,<br>(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer,<br>(c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular, in records or books of account of a taxpayer,<br>(d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act, or<br>(e) conspired with any person to commit an offence described in paragraphs 239(1)(a) to 239(1)(d),<br>(f) is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to<br>(g) a fine of not less than 50%, and not more than 200%, of the amount of the tax that was sought to be evaded, or<br>(h) both the fine described in paragraph 239(1)(f) and imprisonment for a term not exceeding 2 years. |
| <ul style="list-style-type: none"> <li>Income Tax Act, RSC 1985, c 1 (5th Supp): COMM0059321</li> </ul> |  |

**Relevance:** The *Income Tax Act* sets out requirements for individuals to report their worldwide income. Failure to report income or falsely claiming expenses or tax credits can result in penalties under the Act.

**PROVINCIAL LEGISLATION**

**Domestic Violence Intervention Act and Regulations**

| <b><i>Domestic Violence Intervention Act, SNS 2001, c 29</i></b> |   |
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| <b>Key Provisions</b>  |   |
| s. 2   | <p>In this Act,</p> <ul style="list-style-type: none"> <li>(a) “court” means the Supreme Court of Nova Scotia;</li> <li>(b) ...</li> <li>(c) “domestic violence” described in subsection 5(1);</li> <li>(ca) “justice” means a justice of the peace who has been designated for the purpose of this Act, a judge of the Family Court or a judge of the Provincial Court;</li> <li>...</li> <li>(i) “victim” means a person who is at least sixteen years of age and has been subjected to domestic violence by another person who                         <ul style="list-style-type: none"> <li>(i) has cohabited or is cohabiting with the victim in a conjugal relationship, or</li> <li>(ii) is, with the victim, the parent of one or more children, regardless of their marital status with respect to each other or whether they have lived together at any time;</li> </ul> </li> </ul>                   |
| s. 5(1)  | <p>For the purpose of this Act, domestic violence has occurred when any of the following acts or omissions has been committed against a victim:</p> <ul style="list-style-type: none"> <li>(a) an assault that consists of the intentional application of force that causes the victim to fear for his or her safety, but does not include any act committed in self-defence;</li> <li>(b) an act or omission or threatened act or omission that causes a reasonable fear of bodily harm or damage to property;</li> <li>(c) forced physical confinement;</li> <li>(d) sexual assault, sexual exploitation or sexual molestation, or the threat of sexual assault, sexual exploitation or sexual molestation;</li> <li>(e) a series of acts that collectively causes the victim to fear for his or her safety, including following, contacting, communicating with, observing or recording any person.</li> </ul> |
| s. 5(2)  | <p>Domestic violence may be found to have occurred for the purpose of this Act whether or not, in respect of any act or omission described in sub-section (1), a charge has been laid or dismissed or withdrawn or a conviction has been or could be obtained.</p>  |
| s. 6(1)  |   |

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|         | <p>Upon application to a justice, the justice may make an emergency protection order to ensure the immediate protection of a victim of domestic violence if the justice determines that</p> <ul style="list-style-type: none"><li>(a) domestic violence has occurred; and</li><li>(b) the order should be made forthwith.</li></ul>   |
| s. 6(2) | <p>In determining whether to make an order pursuant to this Section, the justice shall consider, but is not limited to considering,</p> <ul style="list-style-type: none"><li>(a) the nature of the domestic violence;</li><li>(b) the history of domestic violence by the respondent towards the victim;</li><li>(c) the existence of immediate danger to persons or property; and</li><li>(d) the best interests of the victim and any child of, or in the care and custody of, the victim.</li></ul>   |
| s. 6(3) | <p>In determining whether to make an order pursuant to this Section, the standard of proof is to be on a balance of probabilities.</p>  |
| s. 7(1) | <p>An application for an emergency protection order may be made by</p> <ul style="list-style-type: none"><li>(a) a victim;</li><li>(b) a member of a class of persons designated in the regulations on behalf of the victim and with the victim's consent; or</li><li>(c) any other person on behalf of the victim and with leave of the justice.</li></ul>   |
| s. 7(2) | <p>An application for an emergency protection order is to be in the form and to be made in the manner prescribed by the regulations.</p>  |
| s. 8(1) | <p>An emergency protection order may do any or all of the following:</p> <ul style="list-style-type: none"><li>(a) grant the victim or other family members exclusive occupation of the victim's residence for a defined period regardless of any legal rights of possession or ownership;</li><li>(b) direct a peace officer to remove the respondent from the victim's residence immediately or within a specified time;</li><li>(c) direct a peace officer to accompany a specified person, within a specified time, to the victim's residence to supervise the removal of personal belongings;</li><li>(d) restrain the respondent from directly or indirectly communicating with the victim or any other specified person;</li><li>(e) require the respondent to stay away from any place identified specifically or generally in the order;</li><li>(f) grant temporary possession of or control over specified personal property, including an automobile, cheque book, bank card, health services card or supplementary medical insurance cards, identification documents, keys, utility or household accounts or other personal effects;</li></ul> |

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|   | <p>(g) restrain the respondent from taking, converting, damaging or otherwise dealing with property;</p> <p>(h) restrain the respondent from committing any further acts of domestic violence against the victim;</p> <p>(i) prohibit the publication of the name and address of the victim or any other information that may identify the victim;</p> <p>(j) require a peace officer to seize</p> <ul style="list-style-type: none"> <li>(i) any weapons, and</li> <li>(ii) any documents that authorize the respondent to own, possess or control a weapon referred to in subclause (i);</li> </ul> <p>(k) award temporary care and custody of a child of the victim to the victim or to another person;</p> <p>(l) do any other thing that the justice considers necessary to ensure the immediate protection of the victim or any child.</p> |
| s. 8(2)   | A justice may make an emergency protection order for a period not exceeding thirty days.   |
| s. 8(3)   | A provision of an emergency protection order made pursuant to clause (1)(j) ceases to be in force upon an order or final determination with respect to the respondent’s ownership, possession or control of weapons being made under the <i>Criminal Code</i> (Canada) or the <i>Firearms Act</i> (Canada).  |
| s. 8(4)   | An emergency protection order prevails over any order respecting custody of or access to a child including an order made under the <i>Divorce Act</i> (Canada) or the <i>Parenting and Support Act</i> but does not prevail over any order made under the <i>Children and Family Services Act</i> respecting custody of or access to a child.  |
| <ul style="list-style-type: none"> <li>• Domestic Violence Intervention Act, SNS 2001, c 29: COMM0059317</li> </ul> |  |

**Relevance:** The *Domestic Violence Intervention Act* allows victims of intimate partner violence to apply for a thirty-day emergency protection order before a Justice of the Peace. The Act creates specific offences for breaching an order made under it, and provides the police with accompanying powers of arrest. The *Domestic Violence Intervention Act* is included here because one or more witnesses said the perpetrator grew up in a home where there was domestic violence and one or more witnesses said the perpetrator committed violence against some of his domestic partners.

| <b><i>Domestic Violence Intervention Regulations, NS Reg 75/2003</i></b> |  |
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| <b>Key Provisions</b>  |  |
| s. 3   | The following classes of persons are designated for the purposes of clause 7(1)(b) of the Act: <ul style="list-style-type: none"> <li>(a) peace officers;</li> </ul> |

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|   | <p>(b) senior victim services officers, victim services officers and victim services support workers employed by the Policing and Victim Services Division of the Nova Scotia Department of Justice;</p> <p>(c) victim services officers employed by a municipal police department or the Royal Canadian Mounted Police; and</p> <p>(d) the executive director of a transition house or employees of the transition house designated by the executive director.</p> |
| <ul style="list-style-type: none"> <li>• Domestic Violence Intervention Regulations, NS Reg 75/2003: COMM0059318</li> </ul> |   |

**Relevance:** The regulations allow other designated persons (like peace officers, victim services workers and transition house staff) to apply for a thirty-day emergency protection order before a Justice of the Peace on a victim’s behalf.

### Parenting and Support Act

| <b>Parenting and Support Act, RSNS 1989, c 160</b> |   |
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| <b>Key Provisions</b>                              |   |
| s. 2   | <p>In this Act,</p> <p>...</p> <p>(da) “family violence, abuse or intimidation” means deliberate and purposeful violence, abuse or intimidation perpetrated by a person against another member of that person’s family in a single act or a series of acts forming a pattern of abuse, and includes</p> <ul style="list-style-type: none"> <li>(i) causing or attempting to cause physical or sexual abuse, including forced confinement or deprivation of the necessities of life, or</li> <li>(ii) causing or attempting to cause psychological or emotional abuse that constitutes a pattern of coercive or controlling behaviour including, but not limited to,                             <ul style="list-style-type: none"> <li>(A) engaging in intimidation, harassment or threats, including threats to harm a family member, other persons, pets or property,</li> <li>(B) placing unreasonable restrictions on, or preventing the exercise of, a family member’s financial or personal autonomy,</li> <li>(C) stalking, or</li> <li>(D) intentionally damaging property,</li> </ul> </li> </ul> <p>but does not include acts of self-protection or protection of another person;</p> <p>...</p> <p>(m) “spouse” means either of two persons who</p> <ul style="list-style-type: none"> <li>(i) are married to each other,</li> <li>(ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity,</li> <li>(iii) have entered into a form of marriage with each other that is void, if either or both of them believed that the marriage was valid when entering into it,</li> </ul> |

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|          | <p>(iv) are domestic partners or are former domestic partners within the meaning of Section 52 of the Vital Statistics Act,</p> <p>(v) not being married to each other, cohabited in a conjugal relationship with each other continuously for at least two years, or</p> <p>(vi) not being married to each other, cohabited in a conjugal relationship with each other and have a child together.</p>   |
| s. 3(1)  | <p>The court may, on application by either or both spouses, make an order requiring a spouse to secure or pay, or to secure and pay, such lump sum or periodic sums, or such lump sum and periodic sums, as the court thinks reasonable for the support of the other spouse.</p>  |
| s. 3(2)  | <p>Where an application is made pursuant to subsection (1), the court may, on application by either or both spouses, make an interim order requiring a spouse to secure or pay, or to secure and pay, such lump sum or periodic sums, or such lump sum and periodic sums, as the court thinks reasonable for the support of the other spouse, pending the determination of the application under subsection (1).</p>  |
| s. 3(3)  | <p>The court may make an order pursuant to subsection (1) or an interim order pursuant to subsection (2) for a definite or indefinite period or until a specified event occurs, and may impose terms, conditions or restrictions in connection with the order as the court thinks fit and just.</p>   |
| s. 18(6) | <p>In determining the best interests of the child, the court shall consider all relevant circumstances, including</p> <p>...</p> <p>(j) the impact of any family violence, abuse or intimidation, regardless of whether the child has been directly exposed, including any impact on</p> <ul style="list-style-type: none"><li>(i) the ability of the person causing the family violence, abuse or intimidation to care for and meet the needs of the child, and</li><li>(ii) the appropriateness of an arrangement that would require co-operation on issues affecting the child, including whether requiring such co-operation would threaten the safety or security of the child or of any other person.</li></ul> |
| s. 18(7) | <p>When determining the impact of any family violence, abuse or intimidation, the court shall consider</p> <ul style="list-style-type: none"><li>(a) the nature of the family violence, abuse or intimidation;</li><li>(b) how recently the family violence, abuse or intimidation occurred;</li><li>(c) the frequency of the family violence, abuse or intimidation;</li><li>(d) the harm caused to the child by the family violence, abuse or intimidation;</li></ul>   |

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|  | <p>(e) any steps the person causing the family violence, abuse or intimidation has taken to prevent further family violence, abuse or intimidation from occurring; and</p> <p>(f) all other matters the court considers relevant.</p>  |
| s. 18(8)   | <p>In making an order concerning custody, parenting arrangements or parenting time in relation to a child, the court shall give effect to the principle that a child should have as much contact with each parent as is consistent with the best interests of the child, the determination of which, for greater certainty, includes a consideration of the impact of any family violence, abuse or intimidation as set out in clause (6)(j).</p>  |
| s. 40(3)   | <p>In determining whether a denial of parenting time, contact time or interaction was wrongful, the court shall consider all relevant circumstances, including whether there was</p> <p>(a) a reasonable belief that the child would suffer family violence, abuse or intimidation if the parenting time, contact time or interaction was to be exercised;</p> <p>(b) a reasonable belief that the applicant was impaired by drugs or alcohol at the time the parenting time, contact time or interaction was to be exercised;</p> <p>(c) repeated failure, without reasonable notice or excuse, by the applicant to exercise parenting time, contact time or interaction in the twelve months immediately prior to the denial; or</p> <p>(d) a failure by the applicant to give notice of when parenting time, contact time or interaction would be reinstated following advance notice that the time would not be exercised.</p> |
| <ul style="list-style-type: none"> <li>• Parenting and Support Act, RSNS 1989, c 160: COMM0059326</li> </ul> |  |

**Relevance:** The *Act* allows common-law spouses to apply for spousal support and exclusive occupation of the home in some cases. It is included because one or more witnesses said the perpetrator grew up in a home where there was domestic violence, and one or more witnesses said the perpetrator committed violence against some of his domestic partners.

### Matrimonial Property Act

| <b>Matrimonial Property Act, RSNS 1989, c 275</b> |  |
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| <b>Key Provisions</b>                             |  |
| s. 2  | <p>In this Act,</p> <p>...</p> <p>(g) “spouse” means either of a man and woman who</p> <p>(i) are married to each other,</p> |

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|   | (ii) are married to each other by a marriage that is voidable and has not been annulled by a declaration of nullity, or<br>(iii) have gone through a form of marriage with each other, in good faith, that is void and are cohabiting or have cohabitated within the preceding year,<br>and for the purposes of an application under this Act includes a widow or widower. |
| s. 5(1)   | This Act applies to spouses who entered into marriage before or after the first day of October, 1980.  |
| s. 5(2)   | This Act applies to real and personal property whether acquired by a spouse before, on or after the first day of October, 1980.  |
| <ul style="list-style-type: none"> <li>• <a href="#">Matrimonial Property Act, RSNS 1989, c 275: COMM0059323</a></li> </ul> |  |

**Relevance:** The *Matrimonial Property Act* only applies to married spouses and registered domestic partnerships. It excludes common-law spouses. The Act has provisions that deal with the division of property and the exclusive occupation of a marital home upon separation. The division of property is how married spouses divide what they own upon separation.

### Labour Standards Code

| <b>Labour Standards Code, RSNS 1989, c 246</b> |   |
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| <b>Key Provisions</b>                          |   |
| s. 60Y   | <p>In this Section and Sections 60Z to 60ZB,<br/>                     ...<br/>                     (b) “domestic violence” means<br/>                     (i) an act of abuse between<br/>                     (A) an employee and<br/>                     (I) the employee’s current or former intimate partner,<br/>                     (II) a child of the employee or an individual under eighteen years of age who resides with the employee, or<br/>                     (III) an adult who resides with the employee and is related to the employee by blood, marriage, foster care or adoption, or<br/>                     (B) a child of the employee and<br/>                     (I) the child’s current or former intimate partner, or<br/>                     (II) an individual who resides with the child of the employee,<br/>                     whether the abuse is physical, sexual, emotional or psychological and may include an act of coercion, stalking, harassment or financial control,<br/>                     or<br/>                     (ii) a threat or attempt to do an act described in sub-clause (i);</p> |

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|   | (c) “intimate partner” means a spouse, boyfriend or girlfriend, dating partner, sexual partner or other individual in a similar relationship;  |
| s. 60Z(1)   | <p>An employee who has been employed by an employer for a period of at least three months is entitled to an unpaid leave of absence if the employee or a child of the employee experiences domestic violence and the leave of absence is taken</p> <p>(a) to seek medical attention for the employee or the child of the employee for a physical or psychological injury or disability caused by the domestic violence;</p> <p>(b) to obtain services for the employee or the child of the employee from a victim services organization, an employee of a transition house or a person employed by the Department of Justice, a municipal police department or the Royal Canadian Mounted Police who provides victim services;</p> <p>(c) to obtain psychological or other counselling from a qualified person for the employee or the child of the employee;</p> <p>(d) to relocate temporarily or permanently;</p> <p>(e) to seek legal or law enforcement assistance, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence; or</p> <p>(f) for a purpose prescribed by the regulations.</p> |
| s. 60Z(2)   | <p>An employee is entitled to take, in each calendar year, the leave of absence described in subsection (1) for</p> <p>(a) up to ten days, which the employee may take intermittently or in one continuous period; and</p> <p>(b) up to sixteen weeks in one continuous period.</p>  |
| s. 60Z(3)   | Nothing in this Section precludes an employee from taking a leave of absence to which the employee is otherwise entitled under this Section, at any time, irrespective of when the domestic violence occurred.   |
| <ul style="list-style-type: none"> <li>Labour Standards Code, RSNS 1989, c 246 : COMM0059322</li> </ul> |  |

**Relevance:** The *Labour Standards Code* provides domestic violence leave to survivors of domestic violence. It is included because one or more witnesses said the perpetrator grew up in a home where there was domestic violence and one or more witnesses said the perpetrator committed violence against some of his domestic partners. The perpetrator employed his common-law spouse in his denturist business.

## Violence in the Workplace Regulations

***Violence in the Workplace Regulations, NS Reg 209/2007***

| Key Provisions  |   |
|---|---|
| s. 2  | <p>In these regulations,</p> <p>...</p> <p>(a) “violence” means any of the following:</p> <p>(i) threats, including a threatening statement or threatening behaviour that gives an employee reasonable cause to believe that the employee is at risk of physical injury,</p> <p>(ii) conduct or attempted conduct of a person that endangers the physical health or physical safety of an employee.</p> |
| <ul style="list-style-type: none"> <li>• Violence in the Workplace Regulations, NS Reg 209/2007: COMM0059329</li> </ul> |   |

**Relevance:** *Violence in the Workplace Regulations* are made under the *Occupational Health and Safety Act*, SNS 1996, c 7 (COMM0059324) and apply to certain workplaces, including health services, medical services, education services provided by institutions, dental services, policing services, correctional services, and more. The Regulations require that employers conduct a violence risk assessment in order to determine if there is a risk of violence in the workplace. The Regulations require them to prepare a written report on the risk assessment. They must conduct a violence risk assessment every five years. Based on the results, there may also be a requirement for employers to establish and implement a workplace violence prevention plan. It is included because one or more witnesses said the perpetrator grew up in a home where there was domestic violence and one or more witnesses said the perpetrator committed violence against some of his domestic partners. The perpetrator employed his common-law spouse in his dentist business. One or more witnesses reported that the perpetrator sexually harassed staff at his dentist business.

### Denturists Act and Regulations

| <i>Denturists Act</i> , SNS 2000, c 25 |  |
|--|--|
| Key Provisions                         |  |
| s. 2                                   | <p>In this Act,</p> <p>...</p> <p>(g) “disciplinary matter” means any matter involving an allegation of professional misconduct, conduct unbecoming a dentist or professional incompetence, including incompetence arising out of physical or mental incapacity;</p> |
| s. 31                                  | <p>Every person involved in the administration of this Act and any member of the Board, or a committee of the Board, shall maintain confidentiality with respect to all health information that comes to that person’s knowledge regarding clients, except</p>       |

| <b>Denturists Act, SNS 2000, c 25</b>   |   |
|---|---|
| <b>Key Provisions</b>   |   |
|   | (a) in connection with the administration of Sections 32 to 51 and the regulations or proceedings thereunder;<br>(b) to one’s own legal counsel;<br>(c) as otherwise required by law; or<br>(d) with the consent of the person to whom the information relates. |
| s. 34(1)  | The Registrar shall<br>(a) investigate complaints regarding a disciplinary matter concerning any licensee;<br>(b) investigate any matter referred by the Board; and<br>(c) perform such other duties as may be assigned by the Board.                           |
| <ul style="list-style-type: none"> <li>• Denturists Act, SNS 2000, c 25: COMM0059315</li> </ul> |   |

| <b>Denturists Regulations, NS Reg 136/2003</b>   |   |
|--|---|
| <b>Key Provisions</b>  |   |
| s. 30(1)   | A licensee may be found guilty of professional misconduct if the licensee<br>(a) breaches the Act or the regulations;<br>(b) fails to adhere to the code of ethics as prescribed in the Board Regulations;<br>(c) is convicted of a criminal offence that would make it inappropriate for the licensee to practise denturism;<br>(d) submits a false or misleading account for services;<br>(e) pays or gives a gift to a person who has referred a patient, or receives or accepts a rebate, payment or gift from a person to whom a patient is referred; or<br>(f) fails to keep adequate records or fails to provide information as required by the Registrar. |
| s. 30(2)   | Professional misconduct is not limited to the circumstances set out in subsection (1).  |
| <ul style="list-style-type: none"> <li>• Denturists Regulations, NS Reg 136/2003: COMM0059316</li> </ul> |   |

**Relevance:** The *Denturists Act* and the *Denturists Regulations* set out rules for denturists to follow. It governs who can and cannot call themselves a denturist, and the process for registering and keeping a license. It also details what might cause a denturist’s licence to be suspended or revoked, including for claims of ‘professional misconduct’.

## Residential Tenancies Act

| <b>Residential Tenancies Act, RSNS 1989 c 401</b> |  |
|---|--|
| <b>Key Provisions</b>                             |  |
| s. 2  | <p>In this Act,</p> <p>...</p> <p>(abb) “domestic violence” has the same meaning as in the Domestic Violence Intervention Act;</p> <p>...</p> <p>(ja) “victim” has the same meaning as in the Domestic Violence Intervention Act;</p>  |
| s. 10F(1)   | <p>Notwithstanding Section 10, where a tenant in a year-to-year or fixed-term tenancy is a victim of domestic violence, the tenant may terminate the tenancy by giving the landlord</p> <p>(a) one month’s notice to quit in the form prescribed by regulation; and</p> <p>(b) a certificate issued by the Director of Victim Services confirming that one of the grounds to issue a certificate under subsection 10H(2) has been established, no later than 60 days after the date the certificate is issued.</p> |
| s. 10F(2)   | <p>The landlord shall ensure that information in a certificate received from the tenant pursuant to subsection (1) is kept confidential.</p>   |
| s. 10F(3)   | <p>The landlord may apply to the Director of Residential Tenancies under Section 13 for an order setting aside the notice to quit only on the ground that the notice to quit and the certificate were not properly given to the landlord as required by subsection (1).</p>  |
| s. 10F(4)   | <p>Where a tenancy is terminated pursuant to subsection (1), the tenancy is terminated for all the tenants in the same residential premises but, for greater certainty, the other tenants and the landlord may agree to enter a new landlord and tenant relationship.</p>  |
| s. 10G  | <p>The Director of Victim Services may authorize one or more employees in the Department of Justice to exercise the powers and carry out the duties of the Director of Victim Services under Section 10H.</p>  |

|           |   |
|-----------|---|
| s. 10H(1) | Where a tenant in a year-to-year or fixed-term tenancy is a victim of domestic violence, the tenant or a person on behalf of the tenant and with the tenant's consent may apply to the Director of Victim Services, in the form and manner and including the information required by the Director of Victim Services, for a certificate confirming that one of the grounds to issue a certificate under subsection (2) has been established.  |
| s. 10H(2) | The Director of Victim Services may issue a certificate to the tenant for the purpose of clause 10F(1)(b) if either of the following grounds is established:<br>(a) an emergency protection order relating to the tenant has been issued under Section 11 of the Domestic Violence Intervention Act and has not been revoked under clause 12(1)(c) of that Act, and the tenant made the application for the certificate no later than 90 days after the date of the order; or<br>(b) the Director of Victim Services is satisfied that all of the following requirements are met:<br>(i) a domestic violence complaint has been filed with a police agency identifying the tenant as the victim,<br>(ii) a peace bond or other order of a court has been issued that contains a condition that the person who is alleged to have committed the domestic violence have no contact with the tenant, and the peace bond or other court order is currently in force, and<br>(iii) after having completed an assessment, the Director of Victim Services has reason to believe the tenant is a victim of domestic violence for the purpose of the peace bond or order referred to in subclause (ii). |
| s. 10H(3) | For the purpose of this Section, the Director of Victim Services may request information from a police agency respecting a domestic violence complaint filed with the police agency, and, where requested, the police agency must provide the information.  |
| s. 10H(4) | In considering an application under this Section, the Director of Victim Services is not required to hear or consider representations from the person who is alleged to have committed the domestic violence.   |
| s. 10H(5) | Subject to subsection (6), the decision by the Director of Victim Services to issue or refuse to issue a certificate under this Section is final and not subject to review or appeal.   |
| s. 10H(6) | A tenant who is refused a certificate under this Section may re-apply for a certificate under this Section if there is a change in circumstances.   |

- Residential Tenancies Act, RSNS 1989, c 401: COMM0059328

**Relevance:** The *Residential Tenancies Act* allows a survivor of domestic violence to terminate their lease at an earlier date than normally prescribed. It is included here because one or more witnesses said the perpetrator grew up in a home where there was domestic violence, and one or more witnesses said the perpetrator committed violence against some of his domestic partners.

### Additional Legislation

| Legislation   | Relevance   |
|---|---|
| <p><b><i>Human Rights Act, RSNS 1989, c 214</i></b></p>   | <p>Nova Scotia's <i>Human Rights Act</i> is a piece of legislation that prohibits discrimination against others based on a protected characteristic in areas including employment, housing or accommodation, services and facilities, or purchase or sale of property, in addition to some others. The protected characteristics include age, race, colour, sexual orientation, physical disability, source of income, gender identity and gender expression, among others.</p> |
| <ul style="list-style-type: none"> <li>• Human Rights Act, RSNS 1989, c 214: COMM0059320</li> </ul>                           |   |
| <p><b><i>Children and Family Services Act, SNS 1990, c 5</i></b></p>  | <p>The <i>Children and Family Services Act</i> concerns child protective services.</p>  |
| <ul style="list-style-type: none"> <li>• Children and Family Services Act, SNS 1990, c 5: COMM0059309</li> </ul>              |   |
| <p><b><i>Employment Support and Income Assistance Act, SNS 2000, c 27</i></b></p>   | <p>The <i>Employment Support and Income Assistance Act</i> details the requirements for individuals to receive income assistance. Income assistance types may include shelter allowance, a personal allowance and special needs assistance.</p>   |
| <ul style="list-style-type: none"> <li>• Employment Support and Income Assistance Act, SNS 2000, c 27: COMM0059319</li> </ul> |   |