

April 15, 2014  
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Court File No.

SUPERIOR COURT OF JUSTICE  
(TORONTO REGION)

BETWEEN:

DONALD BEST

Applicant

and

NEIL NEVILLE, SUPERINTENDENT OF THE  
CENTRAL EAST CORRECTIONAL CENTRE  
and  
THE MINISTER OF COMUNITY SAFETY AND  
CORRECTIONAL SERVICES

Respondents

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APPLICATION RECORD

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Counsel for the Applicant

SERVICE OF A TRUE COPY  
ADMITTED THIS 10 DAY OF April 2014  
ATTORNEY GENERAL FOR ONTARIO

Per [Redacted] Time 11:50

Legal Services Branch  
Ministry of Community Safety and Correctional Services  
655 Bay Street, Suite 501  
Toronto, Ontario M7A 0A8

April 15, 2014 ✓

I do not need to deal with the Habeas corpus jurisdiction as I have jurisdiction under the Charter to grant the relief sought.

In my view s. 6(1) of the Prison and Reformatories Act governs. This is a sentence on conviction for contempt in a civil proceeding that does not include a requirement that the prisoner return to court and is therefore not within the exception to the general rule stated in that provision. Mr Best is entitled to remission under s. 6(1) in the normal course.

It is unclear whether the warrant of committal stating "no remission is ordered" purports to deprive Mr Best of statutory remission. This clause is ambiguous. It could simply mean that the trial judge was declining to make any order with respect to remission. However, if the clause has purports to deny remission, it is made without jurisdiction.

Mr. Best's Charter rights are infringed and he is entitled to be released in the normal course when eligible under the statute. I am advised that this

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would be April 20, 2014. Assuming  
making changes between now and  
then, he must be released. He cannot  
be further incarcerated based on  
that term. He would be committed.  
Declaration to issue accordingly.

[REDACTED]  
(MOLLOY, J.)