COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *R. v. Bourque,*
2013 BCCA 447

Date: 20131016
Docket: CA040597

Between:

Regina

Respondent

And

Kayla Alexina Nelis Bourque

Appellant

Restriction on publication: A publication ban has been mandatorily imposed under s. 486.4(2) of the *Criminal Code* restricting the publication, broadcasting or transmission in any way of evidence that could identify a complainant or witness. This publication ban applies indefinitely unless otherwise ordered.

Before: The Honourable Chief Justice Bauman
The Honourable Mr. Justice Chiasson
The Honourable Madam Justice Bennett

On appeal from: An order of the Provincial Court of British Columbia, dated November 28, 2012 (*R. v. Bourque*, Vancouver Docket No. 225268-4-C).

Counsel for the Appellant:	A. Bonfield
Counsel for the Respondent:	M. Brundrett and B. Wolfe
Place and Date of Hearing:	Vancouver, British Columbia September 11, 2013
Place and Date of Judgment:	Vancouver, British Columbia October 16, 2013

Written Reasons by:
The Honourable Madam Justice Bennett

Concurred in by:
The Honourable Chief Justice Bauman
The Honourable Mr. Justice Chiasson

Summary:

This is an appeal of a sentence of nine months' incarceration and three years' probation. The appellant was convicted of causing unnecessary suffering to two animals, killing two animals, and possessing a weapon for a purpose dangerous to the public peace. The probation order contains 46 conditions and the appellant appeals some of these conditions on the basis that they are irrelevant, unnecessary, vague, unreasonable, and do not fulfill a valid purpose under the Criminal Code.

Held: Appeal allowed, but only with respect to clarifying the language in conditions 35 and 39. The remaining conditions are reasonable as they are designed to both protect the public and facilitate the appellant's rehabilitation and reintegration with society.

Reasons for judgment of the Honourable Madam Justice Bennett:

[1] Kayla Bourque killed and eviscerated her family's pet dog and pet cat. She photographed and filmed these events. She also had in her possession what has been described as a "kill kit", which included a knife, at her apartment at Simon Fraser University. She pleaded guilty to causing unnecessary suffering to the two pets (s. 445.1(1)(*a*) of the *Criminal Code*), killing the two pets (s. 445(1)(*a*) of the *Criminal Code*), and possessing a weapon for a purpose dangerous to the public peace (s. 88(2) of the *Criminal Code*). Ms. Bourque was sentenced to two months' incarceration (in addition to seven months' pre-trial custody) and three years' probation. There are 46 conditions of her probation designed to protect the public and rehabilitate Ms. Bourque.

[2] She applies for leave to appeal some of the conditions found in her probation order. The probation order is appended to these reasons. Initials have been substituted for any names in the order to comply with the restriction on publication.

Background

[3] Ms. Bourque is 23-years-old. She was born in Romania and lived in an orphanage in that country until she was adopted at age eight months by Canadian parents living in Prince George, B.C. She has a brother, six months her junior, who was adopted from the same orphanage.

[4] Ms. Bourque's childhood was unstable, in that her parents had significant difficulties and financial stresses. Her parents separated in 1997, but continued to reside in the same home for some time. Ms. Bourque lived with her mother and brother, but maintained a relationship with her father. He passed away several years ago. Her mother commenced a new relationship when Ms. Bourque was about 17 years old.

[5] Initially, Ms. Bourque did not perform well academically. However, since grade 8 she has been on the school honour roll, and has had an excellent academic record, almost completing her bachelor's degree at Simon Fraser University.

[6] She had difficulties in high school, when, at age 15, she wrote a violent story for English class, and the following year told counsellors she was thinking of killing someone at school. She was admitted to a psychiatric ward. There she encouraged two others to assist her in attempting to strangle a 12-year-old patient. She was charged with attempted murder, but ultimately pleaded guilty to assault causing bodily harm. She was sentenced to two years' probation for this offence. Dr. Stefanelli, who assessed her at this time, opined that she should be under supervision for the rest of her life. He stated, "[s]he is a sexual sadist who becomes extremely aroused at thoughts of aggression and torture particularly towards younger children or other vulnerable potential victims."

[7] She returned to schooling and after graduation, studied for two years at the College of New Caledonia, and then transferred to Simon Fraser University to complete her degree. She was majoring in criminology.

[8] Ms. Bourque came to the attention of the police while living in the student residence at Simon Fraser University. She told another student that she had killed and dismembered cats in the Prince George area. She said she had killed a neighbour's cats before she killed her family's pets. She also expressed a desire to kill a homeless person.

[9] She said she was studying forensics so she could learn how to "get away with things in the future." She said she had been on chat rooms involving serial killers.

[10] The student contacted campus security, who in turn called the police. Ms. Bourque was arrested under the *Mental Health Act*, R.S.B.C. 1996, c. 288. The police obtained a search warrant for Ms. Bourque's room and discovered the "kill kit" – a bag containing a knife with a 7-3/4 inch blade, a razor blade, zap straps, plastic bags, latex gloves, and a syringe. A grotesque mask was found in the same drawer. Ms. Bourque's explanation of the "kill kit" varied. She told Dr. Tomita that she kept the bag in the event an opportunity arose to use it, whereas she told Dr. LaTorre that she did not intend to use it. She told a student that she liked to take the bus downtown at 3:00 a.m., looking for a homeless person to kill, and that she always carried her "tools" with her (including her knife), in case the opportunity arose.

[11] Another warrant was obtained for her computer, where the videos and photos of the execution of the family dog and cat were located. Other material found depicted gratuitous violence and the infliction of pain on others. Her drawings and commentary depicted violence, rape, and killing. While the Crown did not proceed with a fourth count relating to pornography, there is no dispute that pornography involving children was also found on her computer.

[12] The police discovered a number of exchanges in her computer within her 2010 calendar in which she appears to be actively soliciting like-minded individuals and fantasizing with them about torturing and murdering people.

[13] Ms. Bourque underwent considerable psychological testing in preparation for the sentencing hearing. She informed the psychologist, Dr. LaTorre, that she had been killing and torturing toads and birds since she was around the age of 12. She also admitted killing another family cat and stray cats. She killed Molly, the family dog, in September 2009 by hanging her. Afterwards, she eviscerated the dog, and stuck the dog's head on a stick in the woods. These actions are supported by the photos and video she took of the acts. She took a photo of herself, naked, while

standing in front of the disembowelled dog. She claims no sexual arousal during the killings. She felt excitement when preparing for the killing and mutilation, but self-reports that she felt nothing during the killing, but was rather, "really detached in my mind when I did it." She did, however, tell Dr. Tomita and her probation officer that she masturbated with the entrails of the dead animals. She told Dr. LaTorre that she invented this story.

[14] She killed the cat Snowflake, the family pet of 10 years, in March 2010 in the same manner that she killed the dog.

[15] Dr. LaTorre observed Ms. Bourque as highly intelligent, very articulate, and attractive. She is an "affectionless psychopath" meaning she is unable to show affection or concern for others. She is at a moderate-high to high risk to reoffend violently. In Dr. LaTorre's opinion, "[s]he is likely to target vulnerable individuals. The worst case has already been described by another assessor; she will find another person of like-mind and interests and they will sadistically torture and kill others." This concern was also raised by Dr. Tomita, the defence psychiatrist.

[16] Dr. LaTorre also diagnosed Ms. Bourque as meeting the criteria of sexual sadism, hematolagnia (drinking blood), zoosadism (inflicting pain and suffering on animals), and antisocial personality disorder.

[17] Ms. Bourque has expressed that she is not interested in changing, as her conduct gives her a great deal of pleasure. She has no empathy and no remorse for her conduct.

[18] It is clear from the medical reports and the pre-sentence report that Ms. Bourque needs highly intensive supervision and treatment.

[19] The sentencing judge said this:

> [55] In all of the circumstances, and particularly considering the gravity of the offences and the need to address the principles of denunciation, deterrence, and protection of the public, the sentence proposed by the Crown is a fit sentence. When imposing the sentence, I have taken into account Ms. Bourque's guilty plea, her age and her potential for rehabilitation must

> also be considered. Ms. Bourque is young, and while her prognosis is guarded, it is hopeful that in a structured environment and with a structured treatment plan, there will be an improvement in her psychological and psychiatric condition. While she receives that treatment, it is imperative that she be subjected to strict supervision and control.

[20] We were advised during the hearing of the appeal that Ms. Bourque is currently living in a residential setting that has 24-hour supervision, and is permitted to leave with an adult supervisor.

Issues on appeal

[21] Ms. Bourque says that some of the terms of probation are irrelevant, unnecessary, vague, unreasonable, and exceed the jurisdiction of the trial judge as they do not fulfill a valid purpose under the *Criminal Code*.

Discussion

[22] A probation order may be added to any sentence of two years or less. The maximum length of a probation order is three years, but can be increased if an offence occurs while on probation.

[23] The relevant statutory framework is as follows:

> 732.1(3) The court may prescribe, as additional conditions of a probation order, that the offender do one or more of the following:
>
> (*a*) report to a probation officer
>
> (i) within two working days, or such longer period as the court directs, after the making of the probation order, and
>
> (ii) thereafter, when required by the probation officer and in the manner directed by the probation officer;
>
> (*b*) remain within the jurisdiction of the court unless written permission to go outside that jurisdiction is obtained from the court or the probation officer;
>
> (*c*) abstain from
>
> (i) the consumption of alcohol or other intoxicating substances, or
>
> (ii) the consumption of drugs except in accordance with a medical prescription;
>
> (*d*) abstain from owning, possessing or carrying a weapon;

> (*e*) provide for the support or care of dependants;
>
> (*f*) perform up to 240 hours of community service over a period not exceeding eighteen months;
>
> ...
>
> (*h*) comply with such other reasonable conditions as the court considers desirable, subject to any regulations made under subsection 738(2), for protecting society and for facilitating the offender's successful reintegration into the community.

[24] The section at issue in this appeal is subsection (*h*), which grants a court residual power to impose conditions.

Standard of review

[25] A trial judge has considerable latitude and discretion when imposing conditions of probation. This Court will not interfere with the exercise of this discretion unless it is wrong in principle or clearly unreasonable. In *R. v. Knott*, 2012 SCC 42, [2012] 2 S.C.R. 470 at para. 61, the Court described the standard of review as follows:

> [61] But probation orders permitted by s. 731(1)(*b*) are, like other elements of a sentence, subject to review for their fitness. Courts are precluded by the relevant sentencing principles from making a probation order that is clearly unreasonable in the circumstances (*R. v. Shropshire*, [1995] 4 S.C.R. 227). Put differently, a probation order that is manifestly inappropriate in itself or that renders unfit the sentence of which it is a part will be set aside on appeal.

Law

[26] While probation is primarily considered as an important tool for rehabilitation, the legislation is also designed to protect the public while the offender is in the community. What is prohibited is the imposition of a term of probation for a primarily punitive purpose. See *R. v. Proulx*, 2000 SCC 5, [2000] 1 S.C.R. 61 at paras. 31-34; *R. v. Shoker*, 2006 SCC 44, [2006] 2 S.C.R. 399 at paras. 10, 13; *R. v. Badyal*, 2011 BCCA 211 at para. 3.

[27] In *Shoker*, Charron J., speaking for the majority, discussed the nature of the residual power found in s. 732.1(3)(*h*), and concluded that to be "reasonable", the condition did not have to be linked to the substantive offence. She said, at para. 13:

> [13] Reasonable conditions will generally be linked to the particular offence but need not be. What is required is a nexus between the offender, the protection of the community and his reintegration into the community.

[28] A term of probation does not have to address both rehabilitation and protection of the public. In *R. v. Timmins*, 2006 BCCA 354 at para. 9, this Court concluded that a condition of probation is reasonable if it serves one or both of the stated purposes.

Discussion

[29] With these principles in mind, I turn to the impugned conditions.

[30] Let me commence the discussion by stating the obvious – this is a most difficult case. Ms. Bourque is young and clearly dangerous. The substantive offences could not attract a sentence of long imprisonment or one that would attract a long-term supervision order, yet all of the psychiatric and psychological reports indicate that she needs to be under constant supervision. She has been under supervision in the community since January of this year, and it appears to be effective in terms of protecting society. There has been no suggestion of further offending. The sentencing judge has conducted regular reviews of the terms of her probation and has extended her curfew from 6:00 p.m. to 9:00 p.m. The sentencing judge was required to craft a sentence, including the terms of her probation order, within the law that would best address all of the principles of sentencing.

[31] Ms. Bourque says that the terms of the order are preventing her from reintegrating with society: they keep her completely away from anyone not connected with the justice system and prevent her from working, going to school, or even volunteering.

Conditions 9, 10 & 11

[32] Ms. Bourque submits that conditions 9, 10 & 11 have nothing to do with her offence and should be deleted. These are:

> Condition 9: You are not to have any person at your residence between the hours of 6:00 p.m. and 6:00 a.m. each day seven days a week.
>
> Condition 10: You are not to have any person reside at your residence unless that person has been advised in writing by your Probation Officer of the charges to which you have plead guilty and your history.
>
> Condition 11: You shall be subject to a curfew and as such you are not to be outside of your residence between the hours of 6:00 p.m. and 6:00 a.m. daily seven days a week except:
>
> a) for the purposes of obtaining emergency medical treatment, and if you leave your residence for that purpose, you shall report the next business day to your Probation Officer and advise the Probation Officer of the nature of the treatment you received or requested, and where it was administered.
>
> b) and except with the prior written permission of your Probation Officer and if you are outside of your residence pursuant to that permission, it must be carried on you.

[33] Ms. Bourque submits that she lived for two years in a university dorm without any problems with other students. There is no indication that she will lure others into a situation where she could harm them. She says that these conditions have no nexus to her offences.

[34] As the Crown points out, this is not entirely correct. Ms. Bourque reported that she was tempted to kill one of the women in her dormitory when the woman was intoxicated. In addition, there is evidence that Ms. Bourque was attempting to find like-minded individuals to participate in a murder with her. The restriction on Ms. Bourque's contact with people unfamiliar with her history is clearly designed to protect the public and monitor her behaviour. These are legitimate purposes of probation, therefore these conditions are reasonable. In this case, any impediment to rehabilitation is outweighed by the need to protect the public.

Conditions 13 & 14

> Condition 13: You are not to have any association with any person under the age of 18 unless you are in the company of an informed adult approved in advance by your Probation Officer
>
> Condition 14: You are not to attend any public school, parks, playgrounds, or public swimming pools, or areas adjacent to the swimming pools or any other locations where it can reasonably be expected that persons under the age of 18 are likely to be present unless you are accompanied by an informed adult approved in advance by your Probation Officer.

[35] Ms. Bourque submits that these conditions prevent her from participating in a number of activities and have no connection with her offence. The evidence is clear that Ms. Bourque has fantasies about doing harm to vulnerable people including children. She has a history of harming classmates. Her previous conviction was for a serious attack on a 12-year-old child. We were told that she does attend at recreation facilities and parks with a supervisor. In my view, these terms are reasonable and I would not disturb them.

[36] In addition, Ms. Bourque submits that the term "association" in condition 13 is vague and therefore unenforceable. The term has a clear meaning and is used regularly in every day conversation. In my view, it is not vague.

Conditions 18 & 19

> Condition 18: You may use a computer, including access in the internet, for the sole purpose of seeking employment but only at the offices of Vancouver Probation Service at 275 East Cordova Street, Vancouver, British Columbia and only while being supervised by a person approved by your Probation Officer.
>
> Condition 19: You shall not access any social networking sites.

[37] Ms. Bourque submits that these restrictions hinder her ability to reintegrate with society, as she is essentially cut-off from communication. Ms. Bourque was completely imbedded in Internet chat rooms, posting her violent and graphic drawings and writings. She was also trying to find like-minded people to commit crimes with her. Supervised Internet access is not only reasonable, but clearly necessary in order to protect the public from further offences. Condition 18 also facilitates rehabilitation by allowing computer use for a legitimate purpose.

[38] Ms. Bourque also submits that the term "social networking sites" is too vague to be enforceable. In my opinion, this term could not be more clear. She is prohibited from accessing any web-based community that enables any form of communication among participants in that community.

Conditions 27, 28 & 29

> Condition 27: You shall immediately advise your Probation Officer of any close, intimate, familiar, or familial relationships and refrain from continuing such a relationship until that person has been advised of your criminal record and background in the presence of your Probation Officer.
>
> Condition 28: You shall not associate or have a relationship with anyone named by your Probation Officer which your Probation Officer has reasonably determined to be detrimental to your programming, counselling, or re-integration into the community. If the Probation Officer decides and advises you the association or relationship constitute a risk to yourself or others, you shall end that association or relationship forthwith.
>
> Condition 29: You are not to engage in any area of study, employment, or volunteer work that would bring you into contact with any animals or any vulnerable person which includes but is not limited to the elderly, person under the age of 18, the infirmed, or persons with physical or mental disabilities.

[39] These conditions prevent Ms. Bourque from forming relationships with or being around individuals who are unaware of her predilection for violence and may therefore be vulnerable. These conditions are designed to achieve maximum protection of the public. They also contribute to her rehabilitation since they minimize her opportunities to reoffend and reduce her potential for developing relationships that would negatively impact her rehabilitation.

[40] Ms. Bourque also submits that the term "familiar" is too vague to understand and therefore compliance will be difficult. In my view, this term is used in common parlance and means "well-acquainted with" in the context of personal relationships. This term is understandable and not vague.

Conditions 30 & 31

> Condition 30: You are to advise your Probation Officer forthwith upon receiving any offer of employment or offer to participate in volunteer work and

> cease any such employment or volunteer work at the request of your Probation Officer.
>
> Condition 31: You are not to attend any college or university or enrol in any post-secondary courses without the prior approval of your Probation Officer.

[41] Ms. Bourque submits that these conditions will interfere with her rehabilitation as they limit her access to employment, education, and volunteer activity. The term does not prohibit her from doing any of these activities – she may participate, but only with the approval of her probation officer. I see nothing unreasonable with these terms.

Condition 35

> Condition 35: You shall not have in your possession any item that allows you to mask your face or disguise your face or facial core features.

[42] Ms. Bourque submits that this term is vague and unenforceable. It prevents her from possessing almost any garment. The Crown properly conceded that this term had some difficulties. This term will be varied as follows:

> Condition 35 (revised): You shall not possess anything intended to mask or disguise your face, including a face mask or balaclava. You will not use anything to mask or disguise your face.

[43] Ms. Bourque also argued that this condition had no nexus with the offence. However, as the Crown indicated, Ms. Bourque has expressed a desire to kill and avoid detection and did include a face mask in her "kill kit".

Condition 37

> Condition 37: You shall submit to having your photograph taken upon the reasonable demand by a peace officer or your probation officer or a probation officer.

[44] Ms. Bourque submits that this term permits an unlawful intrusion on her privacy as it would permit a police officer or a probation officer to enter her home to photograph her face. In my view, this term is designed to keep track of Ms. Bourque's appearance should she change it. It does not permit entry into her home, but requires compliance with a reasonable request to take her photograph.

Condition 38 and 39

> Condition 38: You are prohibited from owning, having custody or control of, or residing in any premises where animals or birds are present.
>
> Condition 39: Having consented, a probation officer or peace officer acting on behalf of a probation officer may attend any place where you are residing to ensure compliance with this condition.

[45] Ms. Bourque does not challenge condition 38, but does challenge condition 39 on the basis that it is not clear what condition it refers to in the order. In my view, it clearly applies to condition 38. Counsel could not assist us with the reference to the words "having consented". It would appear that Ms. Bourque consented to this term, which would permit the police or her probation officer to enter her premises to ensure that she did not possess birds or animals. I would amend condition 39 to clearly refer to condition 38 by deleting the word "this" before the word "condition" in the second sentence and by adding the number 38 at the end of the sentence. The sentence would read:

> Condition 39 (revised): Having consented, a probation officer or peace officer acting on behalf of a probation officer may attend any place where you are residing to ensure compliance with condition 38.

[46] Ms. Bourque also objects to the life-long prohibition on owning or residing with animals found in s. 447.1 of the *Criminal Code*. This section reads:

> 447.1 (1) The court may, in addition to any other sentence that it may impose under subsection 444(2), 445(2), 445.1(2), 446(2) or 447(2),
>
> > (*a*) make an order prohibiting the accused from owning, having the custody or control of or residing in the same premises as an animal or a bird during any period that the court considers appropriate but, in the case of a second or subsequent offence, for a minimum of five years;

[47] Ms. Bourque has a history of killing and torturing animals. She takes pleasure from this conduct, and has no insight into the harm and suffering she causes these creatures. Her condition is life-long, and is not situational. In my view, there is nothing to support a request for leniency on this prohibition. Ms. Bourque has lost the privilege of having the companionship of animals by betraying their trust in her.

[48] I would grant leave to appeal and allow the appeal only to the extent noted above with respect to changing the language of conditions 35 and 39.

The Honourable Madam Justice Bennett

I agree:

The Honourable Chief Justice Bauman

I agree:

The Honourable Mr. Justice Chiasson

Appendix – Probation Order Terms

Conditions

Condition 1: Keep the peace and be of good behaviour.

Condition 2: Appear before the Court when required to do so by the Court.

Condition 3: Notify the Court or the Probation Officer in advance of any change of name or address, and promptly notify the Court or the Probation Officer of any change of employment or occupation.

Condition 4: You are to be released into the custody of a person, including a police officer, designated by your Probation Officer to transport you to your residence.

Condition 5: Forthwith upon your release, you are to report to nearest Community Corrections Office and you are to report thereafter as and when directed which may include daily in person reporting but reporting in person will not be less than once per week.

Condition 6: You are to report to a Police Officer in the High Risk Offender Unit of Vancouver Police Department as directed by a Probation Officer.

Condition 7: You shall reside at a residence approved of in advance by your Probation Officer and you are not to change that address without the prior written permission of your Probation Officer.

Condition 8: You shall obey the rules and regulations of your residence.

Condition 9: You are not to have any person at your residence between the hours of 6:00 p.m. and 6:00 a.m. each day seven days a week.

Condition 10: You are not to have any person reside at your residence unless that person has been advised in writing by your Probation Officer of the charges to which you have plead guilty and your history.

Condition 11: You shall be subject to a curfew and as such you are not to be outside of your residence between the hours of 6:00 p.m. and 6:00 a.m. daily seven days a week except:

a) for the purposes of obtaining emergency medical treatment, and if you leave your residence for that purpose, you shall report the next business day to your Probation Officer and advise the Probation Officer of the nature of the treatment you received or requested, and where it was administered.

b) and except with the prior written permission of your Probation Officer and if you are outside of your residence pursuant to that permission, it must be carried on you.

Condition 12: You shall present yourself at the door of your residence or on the telephone at the request of your Probation Officer or peace officer to ensure compliance with the curfew provisions of this order.

Condition 13: You are not to have any association with any person under the age of 18 unless you are in the company of an informed adult approved in advance by your Probation Officer.

Condition 14: You are not to attend any public school, parks, playgrounds, or public swimming pools, or areas adjacent to the swimming pools or any other locations where it can reasonably be expected that persons under the age of 18 are likely to be present unless you are accompanied by an informed adult approved in advance by your Probation Officer.

Condition 15: You are not to possess any pornography of any kind.

Condition 16: You are not to possess any computer or device or telecommunication device capable of accessing the internet. You will allow your Probation Officer or a Police Officer acting on behalf of your probation officer access to your residence to ensure compliance with this term.

Condition 17: You are not to possess any computer software that is designated to eliminate evidence of internet activity.

Condition 18: You may use a computer, including access in the internet, for the sole purpose of seeking employment but only at the offices of Vancouver Probation Service at 275 East Cordova Street, Vancouver, British Columbia and only while being supervised by a person approved by your Probation Officer.

Condition 19: You shall not access any social networking sites.

Condition 20: You are not to possess any cellphones except you may possess one registered in your name which does not have access to the internet. You are to provide the make of the cellphone and its serial number to your Probation Officer and provide your Probation Officer with your cellphone accounts on request to ensure compliance with this term.

Condition 21: You shall attend, participate in, and complete the BC Corrections Branch core programs as directed by your Probation Officer.

Condition 22: At the direction of your Probation Officer, you shall attend the Forensic Outpatient Clinic at 300-307 West Broadway, Vancouver, British Columbia or elsewhere. Participate in psychiatric or psychological assessments, counselling, or educational programming as you are directed to take and to the satisfaction of your Probation Officer.

Condition 23: At the direction of your Probation Officer, you will attend from time to time to your treating physician for the purposes of receiving such medical counselling and treatment as may be recommended except you shall not be required to submit to any treatment or medication to which you do not consent. If you do not consent to any form of medical treatment or medication prescribed to you or recommended, you shall immediately advise your Probation Officer.

Condition 24: You shall provide your treating physician a copy of this order, and the name and address and phone number of your Probation Officer.

Condition 25: You shall instruct your treating physician that if you fail to take medication as prescribed by him or her, or fail to keep an appointment with him or her, he or she is to immediately advise your Probation Officer.

Condition 26: You shall attend and participate in personal counseling as directed by your Probation Officer.

Condition 27: You shall immediately advise your Probation Officer of any close, intimate, familiar, or familial relationships and refrain from continuing such a relationship until that person has been advised of your criminal record and background in the presence of your Probation Officer.

Condition 28: You shall not associate or have a relationship with anyone named by your Probation Officer which your Probation Officer has reasonably determined to be detrimental to your programming, counselling, or re-integration into the community. If the Probation Officer decides and advises you the association or relationship constitute a risk to yourself or others, you shall end that association or relationship forthwith.

Condition 29: You are not to engage in any area of study, employment, or volunteer work that would bring you into contact with any animals or any vulnerable person which includes but is not limited to the elderly, person under the age of 18, the infirmed, or persons with physical or mental disabilities.

Condition 30: You are to advise your Probation Officer forthwith upon receiving any offer of employment or offer to participate in volunteer work and cease any such employment or volunteer work at the request of your Probation Officer.

Condition 31: You are not to attend any college or university or enrol in any post secondary courses without the prior approval of your Probation Officer.

Condition 32: You are not to possess any weapons as defined in the Criminal Code of Canada including firearms, imitation firearms, ammunition, crossbows, or

explosive substance, or any related authorization, licenses, permits, or registration certificates in relation to those.

Condition 33: You are not to possess any knives or other bladed instruments except for the immediate preparation and consumption of food, for the actual course of lawful employment and only at the sites of such employment.

Condition 34: You shall not possess any tool or device that can be used to restrain persons including duct tape, strap, rope, wires, similar items, unless specifically required during the actual course of lawful employment and only at the sites of such of employment.

Condition 35: You shall not have in your possession any item that allows you to mask your face or disguise your face or facial core features.

Condition 36: You shall not have in your possession any hypodermic syringe or needles used for such syringes unless permitted under a current prescription given to you by a licensed medical professional.

Condition 37: You shall submit to having your photograph taken upon the reasonable demand by a peace officer or your probation officer or a probation officer.

Condition 38: You are prohibited from owning, having custody or control of, or residing in any premises where animals or birds are present.

Condition 39: Having consented, a probation officer or peace officer acting on behalf of a probation officer may attend any place where you are residing to ensure compliance with this condition.

Condition 40: You shall not leave the Province of British Columbia without the prior permission of the court.

Condition 41: You shall surrender any travel documents in your possession including but not limited to any passport, Nexus card, or enhanced drivers license to the

Provincial Court Registry at 222 Main Street, Vancouver, B.C. within 72 hours of your release from custody.

Condition 42: You shall not apply for any travel documents including any passport, Nexus card, or enhanced drivers license during the term of this probation order without the prior written permission of your Probation Officer.

Condition 43: You shall not be found on any campus or property occupied by Simon Fraser University including any adjacent parking lots or student residences.

Condition 44: You are not to have any contact, directly or indirectly, via internet or otherwise with S.S. If by chance you see S.S., you are to immediately turn and leave the area without word or gesture.

Condition 45: You are not to be found within 50 metres of any place known to you to be the residence, place of employment, or educational facility attended by S.S.

Condition 46: The probation order will be reviewed three months after you are released from custody.