

**SUPREME COURT OF CANADA**

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| **Citation:** R. *v.* Bélanger, 2013 SCC 7, [2013] 1 S.C.R. 401 | **Date:** 20130212  **Docket:** 34512 |

**Between:**

**Her Majesty The Queen**

Appellant

and

**Frédérick Bélanger**

Respondent

**Official English Translation**

**Coram:** McLachlin C.J. and LeBel, Fish, Abella, Rothstein, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

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| **Reasons for Judgment:**  (paras. 1 to 6) | Wagner J. (McLachlin C.J. and LeBel, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ. concurring) |

R. *v.* Bélanger, 2013 SCC 7, [2013] 1 S.C.R. 401

Her Majesty The Queen Appellant

v.

Frédérick Bélanger Respondent

**Indexed as:** R. ***v.*** Bélanger

2013 SCC 7

File No.: 34512.

2013: February 12.

Present: McLachlin C.J. and LeBel, Fish, Abella, Rothstein, Cromwell, Moldaver, Karakatsanis and Wagner JJ.

on appeal from the court of appeal for quebec

*Criminal law — Offences — Dangerous driving — Elements of offence — Trial judge taking all relevant factors into account and making no error in finding accused guilty.*

**Statutes and Regulations Cited**

*Criminal Code*, R.S.C. 1985, c. C-46, s. 249.

APPEAL from a judgment of the Quebec Court of Appeal (Brossard, Doyon and Kasirer JJ.A.), 2011 QCCA 1598, SOQUIJ AZ-50784910, [2011] Q.J. No. 12012, 2011 CarswellQue 15741, setting aside the conviction for dangerous operation of a motor vehicle entered by Aubry J., 2010 QCCQ 13775, SOQUIJ AZ-50721988, [2010] J.Q. no 24271, 2010 CarswellQue 15068. Appeal allowed.

Robin Tremblay and Guy Loisel, for the appellant.

Jean-Claude Dufour and Patrick Jacques, for the respondent.

English version of the judgment of the Court delivered orally by

1. Wagner J. — The Crown appeals from a judgment in which the Quebec Court of Appeal reversed the trial judge’s decision and acquitted the respondent of dangerous operation of his motor vehicle and of thereby causing bodily harm to Michel Bisson and the death of Michel Rostand, contrary to s. 249 of the *Criminal Code*, R.S.C. 1985, c. C-46.
2. It is common ground that passing on a double line does not on its own suffice to establish the respondent’s criminal liability. All the circumstances of the case must be considered.
3. The trial judge made no fatal error in finding the respondent guilty.
4. She took the relevant factors and all the circumstances into account.
5. The Court of Appeal’s intervention was therefore not warranted.
6. For these reasons, the appeal is allowed. The judgment of the Quebec Court of Appeal dated September 8, 2011 is set aside, the judgment of the Court of Québec dated September 14, 2010 is restored, and the case is remanded to the Court of Québec in the judicial district of Baie-Comeau for sentencing submissions.

Judgment accordingly.

Solicitor for the appellant: Poursuites criminelles et pénales du Québec, Baie-Comeau.

Solicitor for the respondent: Jean-Claude Dufour, Baie-Comeau.