LITIGATION - CANADA

Judge convicts and fines man for flying drone near airport

20 November 2018 | Contributed by Dentons

AUTHOR

Kathryn McCulloch

On 26 October 2018 a Canadian man was convicted and fined for operating his drone within 30 feet of the approach path at Yellowknife Airport.

Toufic Chamas was convicted under Section 77(e) of the Criminal Code of Canada and fined C$3,000 for endangering aviation safety near an airport through the operation of a drone. According to the Royal Canadian Mounted Police, and as reported by the Canadian Broadcasting Corporation, this is the first drone-related conviction of its kind under the Criminal Code of Canada.

Chamas' sentence for the drone offence was jointly recommended by the prosecution and the accused to the presiding judge (known as a 'joint submission'). Judges in Canada must generally accept joint submissions. A judge may decline to accept a joint submission only where the proposed sentence would "bring the administration of justice into disrepute, or would otherwise be contrary to the public interest".(1) In her remarks in open court, Justice Schmaltz explicitly referenced this requirement as a basis for accepting the recommended sentence, signalling that the sentence was, in her view, too lenient. Chamas had a history of disregarding court orders and he had been caught flying his drone illegally in the city of Yellowknife several times before this incident.

This decision clarifies that reckless drone operations near airports and populated areas will be taken seriously by the courts and that significant fines may be levied against recreational pilots (the maximum amounts for which are defined by the Canadian Aviation Regulations).(2)

For further information on this topic please contact Kathryn McCulloch at Dentons Canada LLP by telephone (+1 416 863 4511) or email (kathryn.mcculloch@dentons.com). The Dentons website can be accessed at www.dentons.com.

Endnotes

(1) R v Anthony-Cook, 2016 SCC 43.

(2) For more information please see http://www.dronelawcanada.com.