

A Failure of Judgment at Owen Sound City Hall

How much should Owen Sound taxpayers be willing to spend prosecuting a nursing student over an Amazon box found in a city garbage bin?

Apparently, at least four court appearances—and counting.

This is no longer simply about an Amazon box or a minor bylaw violation. It raises much more important questions about judgment, accountability and the responsible use of taxpayers' money.

According to the *Owen Sound Current*, the City prosecuted a Georgian College nursing student after an Amazon box bearing her name and address was found in a downtown garbage receptacle. The student says she placed the box in her recycling at home, four blocks away, and that someone subsequently removed it. She has also provided security-camera footage showing people going through her recycling. [Owen Sound Current](#)

A Shipping Label is not Proof of Disposal

The City's own witness confirmed at trial that he did not see the student at the garbage receptacle, did not see her place the box there, had no video evidence, conducted no forensic examination and had no evidence connecting her to the disposal other than the shipping label. When asked directly whether he had evidence beyond the label, he agreed that he did not. [Owen Sound Current](#)

The City therefore appears to be asking the court to infer that because the box was addressed to the student, she must have been the person who placed it in the public bin.

But the shipping label establishes only that the box was delivered to her. It does not establish who subsequently disposed of it.

The Supreme Court of Canada's decision in *R. v. Villaroman* is directly relevant. In a circumstantial case, the court must not simply fill gaps in the prosecution's evidence with assumptions. The question is whether the evidence, viewed as a whole, supports guilt beyond a reasonable doubt. If the evidence reasonably supports an alternative inference consistent with innocence, the prosecution has not met its burden. ([Supreme Court of Canada Decisions](#))

The student's alternative explanation is hardly fanciful. She testified that people regularly rummage through the household waste at her residence and produced security footage showing that occurring. The box was found four blocks away. The City presented no evidence showing how it travelled those four blocks, who moved it or when it was moved. [Owen Sound Current](#)

The City also presented no evidence that the student had any reason to carry an empty cardboard box four blocks from her home and put it in a public garbage receptacle. Recycling was available at her residence and, she testified, it was collection day. More importantly, Recycling is a FREE service provided by the city so she no reason to carry that box four blocks to deposit it in a city bin.

The court will ultimately decide the legal question. But on the evidence reported from the trial, there are serious questions about why the City believed this was a sufficiently strong case to prosecute in the first place.

Who was Responsible for Stopping This?

This is where the matter becomes a governance issue.

The *Current* reported in July that Council enacted the bylaw, a City bylaw officer laid the charge, and the City retains SV Paralegal Professional Corporation to prosecute its bylaw matters on an hourly, as-needed basis. The City Manager said the bylaw may apply even where a person did

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not personally deposit the waste, while Mayor Ian Boddy said the matter was in the prosecutor's control. [Owen Sound Current](#)

That cannot be the end of the City's responsibility.

The prosecutor conducts the case, but the City is paying for it. The bylaw officer works for the City. The City Manager oversees the administration. Council is responsible for oversight and for ensuring that public resources are used responsibly.

At some point in that chain of responsibility, someone should have asked whether a prosecution based essentially on a shipping label was likely to succeed—particularly after the student provided evidence that other people routinely accessed her recycling.

The *Current* also reported that the prosecutor asked the student to produce video showing the specific box being removed, despite the fact that the City itself had laid the charge without such evidence. [Owen Sound Current](#)

I raised these concerns with Council before the trial and provided the relevant legal principles. Council nevertheless allowed the prosecution to continue.

This is not about asking Council to cancel parking tickets or interfere in routine enforcement. It is about whether the City's administrative leadership exercised appropriate judgment before committing additional public resources to a prosecution with such a questionable evidentiary foundation. Clearly they did not and by failing to do so cause taxpayers to question city hall's judgment when it comes to spending the tens of millions of taxpayer dollars it spends each year.

Taxpayers Deserve Proportionality

The alleged offence involves an empty cardboard shipping box. The defendant is a nursing student representing herself. The *Current* reports that the matter has now consumed four court dates and is scheduled to return September 16 for submissions and a ruling. [Owen Sound Current](#)

Every appearance requires time from the prosecutor, bylaw staff and other municipal resources. The prosecutor is paid by the hour.

Owen Sound has far more pressing problems: homelessness, addiction, housing, infrastructure, economic development and the escalating cost of municipal services.

Municipal government requires more than the ability to enforce bylaws. It requires discretion and proportionality.

A bylaw may be entirely legitimate, but that does not mean every charge must be pursued regardless of the evidence, cost or public interest.

If City officials cannot distinguish between a clear violation supported by evidence and a case based primarily on an address printed on a discarded box, taxpayers have a legitimate reason to question how their money is being managed.

The City's Prosecution Arrangement also Deserves Scrutiny

There is another issue that should concern taxpayers.

The *Current* reported that SV Paralegal Professional Corporation is paid hourly by the City, on an as-needed basis, with **no formal agreement and no competitive procurement**. The City has said legal services are exempt from its purchasing bylaw. [Owen Sound Current](#)

That raises legitimate questions about value for money and accountability.

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Council should disclose the terms of the arrangement; the total amount paid to the firm and the process used to select it. If the arrangement does not provide adequate accountability or value for taxpayers, Council should terminate it and issue a public competitive tender for municipal prosecution services.

This is not about blaming an individual prosecutor. It is about establishing a transparent and accountable system for spending public money.

Council and the City Manager Owe Taxpayers Answers

Regardless of how the court ultimately rules, Council should conduct a public review of this prosecution.

Taxpayers deserve to know:

- Who authorized the prosecution?
- Who reviewed the evidence before the case proceeded?
- Was the student's explanation and video evidence considered?
- Who assessed the likelihood of success?
- How much has the prosecution cost, including staff time and legal fees?
- Who had authority to discontinue the prosecution?
- Why was the case allowed to consume four court dates?

The *Current* reported that the City has no mechanism for reviewing a provincial offences charge outside the court process once it has been laid, although the prosecutor or bylaw staff may withdraw a charge if an error is identified. [Owen Sound Current](#)

That makes the question of internal oversight even more important.

If the court finds the student not guilty, Council and the City Manager should publicly acknowledge that the prosecution imposed an unnecessary burden on her and consumed taxpayer resources.

The City should apologize to the student, apologize to taxpayers, publish the cost of the prosecution and explain what changes will prevent something similar from happening again.

The City Manager should also meet with the student and discuss reimbursement of reasonable, documented out-of-pocket expenses where appropriate.

An apology would not necessarily constitute an admission of legal liability. It would demonstrate accountability.

This is Bigger Than an Amazon Box

It would be easy to dismiss this as a silly dispute over a cardboard box.

It isn't.

The real issue is whether Owen Sound taxpayers can trust their municipal government to exercise judgment before spending their money.

The evidence presented at trial, as reported by the *Current*, leaves the City with no eyewitness, no video showing the student placing the box in the bin, no forensic evidence, no evidence placing her at the garbage receptacle and no evidence explaining how the box travelled four blocks from her residence. What it does have is a shipping label—and a student who has provided an alternative explanation supported by evidence that others were going through her recycling. [Owen Sound Current](#)

The court will decide the legal outcome.

But Council must answer the governance questions.

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Who decided this case was worth pursuing? Who reviewed the evidence? Who considered the cost? And who had the responsibility to say, “Enough”?

Those are reasonable questions for taxpayers to ask.

Council has a responsibility to oversee the administration of the municipality and protect taxpayers from wasteful or disproportionate spending. The City Manager has a responsibility to ensure municipal operations are managed responsibly.

An Amazon box should not require four court dates, a nursing student’s time and money, and thousands of dollars in municipal resources before City Hall recognizes the importance of judgment, proportionality and accountability.