IN THE SUPREME COURT OF NEWFOUNDLAND AND LABRADOR
GENERAL DIVISION

Citation: *R. v. Gorman*, 2022 NLSC 67
Date: April 12, 2022
Docket: 202001G6082

HER MAJESTY THE QUEEN

v.

CHRISTOPHER GORMAN

Before: Justice Daniel M. Boone

Place of Hearing: St. John's, Newfoundland and Labrador

Date of Hearing: April 4, 2022

Summary:

The Court declared s. 41(1) of the *Canada Post Corporation Act* of no force and effect. The declaration was suspended for one year to allow Parliament time to remedy the inconsistency of the statute with the *Charter*. The accused should be exempted from that suspension and s. 41(1) of no force and effect in his case. However, on application of the *Grant* factors, the Court decided that the evidence resulting from a Canada Post search of a parcel should not be excluded from evidence at trial.

Appearances:

Trevor N. Bridger and Paul Adams	Appearing on behalf of the Crown
Jonathan E. Noonan	Appearing on behalf of the Accused

Authorities Cited:

CASES CONSIDERED: *R. v.* Gorman, 2022 NLSC 3; *Ontario (Attorney General) v. G*, 2020 SCC 38; *R. v. Grant*, 2009 SCC 32; *R. v. Le*, 2019 SCC 34; *R. v. Reilly*, 2020 BCCA 369, aff'd 2021 SCC 38; *R. v. Collins*, [1987] 1 S.C.R. 265; *R v. Harrison*, 2009 SCC 34

STATUTES CONSIDERED: *Canada Post Corporation Act*, R.S.C. 1985, c. C-10; *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11; *Constitution Act*, R.S.C. 1985, App. II, No. 44, Sched. B

REASONS FOR JUDGMENT

BOONE, J.:

INTRODUCTION

[1] Mr. Gorman was charged after a search of a mailed parcel turned up a substance that was allegedly cocaine. That search was conducted under the authority of the *Canada Post Corporation Act*, R.S.C. 1985, c. C-10 (the *CPCA*), s. 41(1). In a previous decision, *R. v.* Gorman, 2022 NLSC 3, I ruled that s. 41(1) is inconsistent with the guarantee against unreasonable search in s. 8 of the *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

[2] Now, I must consider what to do generally about the unconstitutional statute, and specifically whether to exclude the search results from evidence in Mr. Gorman's trial.

[3] Mr. Gorman stands charged with trafficking in cocaine. The Crown alleges that he picked up a package containing two kilograms of cocaine from a private mailbox at a UPS store. A Canada Post inspector had searched the package before delivery and it appeared to contain illicit drugs. The inspector alerted police, who took possession of the package. The police then obtained a warrant allowing for a controlled delivery: the parcel was outfitted with a tracking device and an alarm that would alert police to it being opened. The police tracked the parcel from the UPS store to Gorman's home. Another person joined Gorman at his home, and then the alarm went off indicating that the package had been opened. The other person fled; the police arrested Gorman.

[4] At the request of the parties, although I found s. 41(1) inconsistent with the *Charter*, I did not consider any constitutional remedy until I heard further evidence and argument. Mr. Gorman and the Crown now agree that I should declare s. 41(1) of no force and effect, but I still have to consider this because the effect of the declaration goes beyond those parties. If I issue a declaration, then I have to decide, on the application of the Crown, whether to suspend that declaration to allow the Government time to amend the *CPCA*. If I do suspend the declaration, then I have to decide whether to exempt Gorman so that he can avail of the finding of unconstitutionality in the case against him.

[5] I also have to consider whether to allow Gorman's application to exclude the evidence resulting from the search from the evidence in his trial. Gorman argues that admitting the evidence from a search under an unconstitutional statute would bring the administration of justice into disrepute. He also argued that the postal inspector did not in any event have reasonable and probable grounds to search the package and, therefore, the manner in which the search was conducted supports exclusion of the evidence.

[6] For the reasons that follow, I will declare s. 41(1) of no force and effect, suspend that declaration for one year but exempt Gorman from that suspension and, nevertheless, dismiss Gorman's application to exclude the evidence from the search.

ISSUES

[7] I must resolve the following issues:

1. Should I apply s. 52 of the *Constitution Act*, R.S.C. 1985, App. II, No. 44, Sched. B, Pt. VII, to declare the *CPCA*, s. 41(1), unconstitutional?

2. Should I suspend that declaration of unconstitutionality for a period of time and, if so, for how long?

3. If I suspend the declaration of unconstitutionality, should I exempt Gorman from that suspension so that he can avail of the declaration of unconstitutionality?

4. Should the evidence from the package search be excluded from evidence at Gorman's trial under s. 24(2) of the *Charter*?

ANALYSIS

Should the Court declare that s. 41(1) of the CPCA is unconstitutional?

[8] In my previous ruling, I decided that s. 41(1) of the *CPCA*, which authorized Canada Post to search all non-letter mail, is inconsistent with the guarantee against unreasonable search under s. 8 of the *Charter*.

[9] The Crown had asked that I delay making a declaration of unconstitutionality until the hearing of this latest application. Gorman and the Crown now agree that a declaration of unconstitutionality should follow on my determination that s. 41(1) of the *CPCA* is inconsistent with the *Charter*. However, as such a declaration would have implications beyond the interests of the parties in this prosecution, their agreement does not control the outcome of this issue.

[10] The *Constitution Act, 1982*, s. 52(1) provides for the supremacy of the constitution over other laws: "The Constitution of Canada is the supreme law of Canada, and any law that is inconsistent with the provisions of the Constitution is, to the extent of the inconsistency, of no force or effect."

[11] The Supreme Court of Canada decision in *Ontario (Attorney General) v. G*, 2020 SCC 38, is the leading case on constitutional remedies. The court explained that a law can no longer have practical application once it is determined to be inconsistent with the *Constitution*. However, in order to give full effect to s. 52(1), superior courts have inherent jurisdiction to declare that an unconstitutional law is of no force and effect, and the court should exercise that jurisdiction whenever it finds a law inconsistent with the *Constitution*.

[12] The Supreme Court noted that a declaration that a statute is of no force and effect should extend only to the extent of its inconsistency with the *Charter*. This raises the possibility of tailored remedies such as reading in, reading down, or severance. In my previous ruling, I found that those lesser remedies were not available in this case because the entirety of s. 41(1) of the *CPCA* is inconsistent with s. 8 of the *Charter*.

[13] Therefore, a declaration will issue that s. 41(1) of the *CPCA* is of no force and effect.

Should the Court suspend that declaration of unconstitutionality for a period of time and, if so, for how long?

[14] A declaration ordinarily takes effect from the time that it is issued. However, in *Ontario (A.G.) v. G* at para. 117, the Supreme Court noted: "There are times when an immediately effective declaration of invalidity would endanger an interest of such great importance that, on balance, the benefits of delaying the effect of that declaration outweigh the cost of preserving an unconstitutional law that violates *Charter* rights."

[15] In deciding whether to suspend a declaration, the Court must be mindful that delay comes at the expense of *Charter*-protected interests. If the government relies on public safety concerns to justify delay, then these concerns must be weighed against the protection of *Charter* rights and the considerable public interest in requiring that legislation meet constitutional standards. The Supreme Court held in *Ontario (A.G.) v. G*, at para. 133, that declarations of invalidity should only rarely be suspended, and only when delay is supported by evidence showing that the unconstitutional legislation supported or protected a specific interest that would therefore be under immediate threat following a declaration of invalidity.

[16] The Crown asks for a suspension in this case because, otherwise, the safety of the postal system, and of Canadians generally, would be endangered during the time that it takes Parliament to consider how to provide for searches of the postal system in a manner that complies with the *Charter*.

[17] In my previous ruling, I decided that the Crown had demonstrated, in the context of s. 1 analysis, that alleviating concerns about safe postal operations was a substantial and pressing state purpose. I accept that the Crown has demonstrated that those same concerns represent an interest of great importance that outweigh the need for an immediate declaration of unconstitutionality.

[18] The Crown's case for suspension is bolstered because other sections of the *CPCA* prohibit anyone opening mail unless otherwise authorized under the *Act*, and may restrict other agencies from searching mailed parcels even under warrant. If s. 41(1) is of no force and effect, then there would be no definite legal means to respond to possible threats in mailed parcels.

[19] In considering the factors that must be weighed against public safety concerns, the Supreme Court said in *Ontario (A.G.) v. G*, at para. 132 that:

> Given the imperative language of s. 52(1), and the importance of the fundamental remedial principles of constitutional compliance and of providing an effective remedy that safeguards the rights of those directly affected, there is a strong interest in declarations with immediate effect. Indeed, leaving unconstitutional laws on the

> books can lead to legal uncertainty and instability, especially if those laws are criminal prohibitions, which compel multiple actors (including police, Crown prosecutors, and the public) to conduct themselves in a certain way (Leckey, at pp. 594-95). Public confidence in the Constitution, the laws, and the justice system is undermined when an unconstitutional law continues to have legal effect without a compelling basis. And, of course, the violation of constitutional rights weighs heavily in favour of an immediate declaration of invalidity. A principled approach requires these countervailing factors to be weighed and does not allow for a suspension to be granted simply because the case engages, for example, public safety.

[20] However, the Supreme Court also noted, at para. 131, that in balancing the interests, the Court should consider not only that rights are infringed by the unconstitutional law, but the extent of the infringement. All expectations of privacy protected by s. 8 are not of the same order. My previous ruling was that mailed parcels attract s. 8 protection because some parcels might contain items that reveal choices that impact the dignity of the senders or recipients. However, the overwhelming majority of mailed parcels do not contain such items, and this reduces the impact from the intrusion of s. 41(1) searches.

[21] Moreover, the evidence shows that Canada Post policies prevent the more egregious infringement that the express words of s. 41(1) would otherwise allow. Policies adopted pursuant to an unconstitutional statute cannot so mitigate the unconstitutional effects of the statute as to render the statute compliant with the *Charter*. Policies can, after all, be changed without Parliamentary involvement. However, the constitutional protections that policy provides can lighten the weight of an unconstitutional statute on this side of the scale. The Crown has demonstrated that the Canada Post policy for parcel searches requires the very kind of objective standard for justifying a search that was missing from s. 41(1), the absence of which was the basis for my finding the law unconstitutional. The Crown also demonstrated that Canada Post actually searches only a very few parcels under its policy, and almost all of those searches turn out to have been justified because they disclosed non-mailable material. There is nothing in the evidence that suggests that Canada Post will alter its policy or approach regarding searches in the near future.

[22] Finally in this regard, it is a consideration that a person whose rights might be infringed during the period of suspension can seek an exemption from the suspension and a personal remedy under s. 24(2) of the *Charter*.

[23] Overall, the balance between significant public safety concerns and relatively minimal rights infringement justifies the Crown request for a suspension of the declaration of invalidity.

[24] As the Supreme Court said in *Ontario (A.G.) v. G*, the Court must also determine the length of a suspension, based on the evidence proffered by the Crown:

> 139 ... The period of suspension, where warranted, should be long enough to give the legislature the amount of time it has demonstrated it requires to carry out its responsibility diligently and effectively, while recognizing that every additional day of rights violations will be a strong counterweight against giving the legislature more time.

[25] The Crown asks for a suspension of one-year duration, and supports that request with an Affidavit from Chad Schella, General Manager, Government and Community Affairs, with Canada Post. Mr. Schella said that Canada Post has to conduct significant legal research, risk analysis, and consultations with stakeholders and government departments before drafting amendments to the *CPCA*. Once that work is completed and amendments drafted, those amendments must then go through the legislative process in Parliament. Schella says that the whole process of amendment will take more than one year in total, but the preliminary work has already started.

[26] There is no evidence contrary to Schella's, and he was not cross-examined on the assertions that he made in his Affidavit.

[27] I therefore am satisfied that the suspension of one year as requested by the Crown is consistent with the evidence and with the applicable legal principles.

Should Gorman be exempted from that suspension?

[28] The suspension means that s. 41(1) has full force and effect as applied to this case, unless Gorman is exempted from the suspension.

[29] The Supreme Court in *Ontario (A.G.) v. G* stated at para. 147 that "when the effect of a declaration is suspended, an individual remedy for the claimant will often be appropriate and just," because the litigant who demonstrates the unconstitutionality of a law has thereby effected a public service.

[30] It is therefore just to exempt Gorman from the suspension of the declaration of invalidity. That means that I consider s. 41(1) to be unconstitutional and of no force and effect as applied to Gorman. Unfortunately for him, this is a hollow victory because the declaration of unconstitutionality is an insufficient remedy to resolve the case against him.

DMB

Should the evidence from the package search be excluded from evidence at Gorman's trial under s. 24(2) of the Charter?

[31] The remedy that Gorman really wants is the exclusion from his trial of the evidence obtained through the parcel search. He relies on two grounds to say that he should get that remedy. First, he says that the law that authorized the search is unconstitutional. Second, he says that the manner in which the search was conducted was unreasonable. Gorman says, therefore, that allowing the evidence would bring the administration of justice into disrepute and the evidence should be excluded under s. 24 (2) of the *Charter*.

[32] Gorman bears the onus to show that admitting the unconstitutionally obtained evidence would bring the administration of justice into disrepute.

[33] The methodology the Court should use in conducting the s. 24(2) analysis is that set out by the majority of the Supreme Court of Canada in *R. v. Grant*, 2009 SCC 32, at para. 71: the assessment requires a balancing of the effect of admitting the evidence on societal confidence in the justice system, having regard to three factors:

- The seriousness of the *Charter*-infringing state conduct;
- The impact of the breach on the *Charter*-protected interests of the accused; and
- Society's interest in the adjudication of the case on its merits.

[34] The Supreme Court of Canada explained the principles underpinning the *Grant* analytical framework in *R. v. Le*, 2019 SCC 34. Those principles were summarized by a majority of the B.C. Court of Appeal in *R. v. Reilly*, 2020 BCCA 369, aff'd 2021 SCC 38, at para. 88 as follows

> • Section 24(2) of the *Charter* provides that, where evidence is obtained in a *Charter*-infringing manner, the evidence shall be excluded if its admission would bring the administration of justice into disrepute.
>
> • While the inquiry under s. 24(2) is often phrased as whether or not the evidence should be excluded, the proper question is whether the administration of justice would be brought into disrepute by its admission.
>
> • The focus of the inquiry is on the effect admitting the evidence would have on the administration of justice broadly, not the impact of the state misconduct on the criminal trial.
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> • In *Grant*, the Court identified three lines of inquiry relevant to whether evidence should be admitted: (1) the seriousness of the *Charter*-infringing conduct; (2) the impact of the breach on the *Charter*-protected interests of the accused; and (3) society's interest in the adjudication of the case on its merits.
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> • The first two lines of inquiry typically work together to pull toward exclusion of the evidence. However, they do not need to pull with identical degrees of force to justify exclusion of the evidence. It is the sum, not the average, of the first two lines of inquiry that determines the pull toward exclusion.

> • The third line of inquiry typically pulls toward the admission of evidence, particularly where the evidence is reliable and critical to the Crown's case.
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> • If the sum of the first and second inquiries pulls strongly toward exclusion of the evidence, the third inquiry will rarely tip the balance in favour of admissibility. On the other hand, if the first two inquiries make a weak case for exclusion, the third inquiry will often confirm that admitting the evidence will not bring into disrepute the administration of justice.

Seriousness of Charter-infringing Conduct

[35] The *Charter* in s. 8 guarantees the right to be secure against unreasonable search and seizure. In *R. v. Collins*, [1987] 1 S.C.R. 265, the Supreme Court held at para. 34: "A search will be reasonable if it is authorized by law, if the law itself is reasonable and if the manner in which the search was carried out is reasonable."

[36] The law pursuant to which this search was conducted is unreasonable and, therefore, the search was in violation of the *Charter*. The infringement of *Charter* rights by a statute is always serious. However, there can be degrees of seriousness even among statutory provisions that violate the *Charter*. The seriousness of the breach is mitigated in this case because the law that authorized the search was not enacted despite, or without regard for, conflicting *Charter* rights; the provision in this case has been included in the *CPCA* since before the *Charter* was enacted. Further, notwithstanding that many criminal prosecutions have been based on evidence obtained through s. 41(1) searches, the constitutionality of s. 41(1) was never challenged before this case.

[37] Gorman also contends that the manner in which the search was conducted was unreasonable.

[38] The parties presented the Court with an Agreed Statement of Facts describing the basis for the search. This Statement described the activity of postal inspector Goodyear in relation to the parcel that allegedly contained cocaine:

- Goodyear received a Suspicious Activity Report (SAR) that referenced the parcel. A SAR is generated by artificial intelligence through the application of specific search criteria.

- The following criteria were applied to include this package on the SAR: it was sent from BC (Canada Post set this criteria because BC is a known source for the shipping of illegal drugs to this province); the parcel was sent by priority; and the parcel weighed greater than 4 kg.

- Goodyear located the parcel on the plant conveyor belt and removed it to his office for further inspection;

- Goodyear saw that the parcel was heavily taped and that it said the sender was EQ Electronics to C2 Infotech at a UPS-store private mailbox;

- Goodyear checked the internet for information concerning sender and recipient. He could not find any web presence for the recipient. The address stated for the sender did exist, but the internet search showed that a different company occupied that location.

- Goodyear checked the shipping information and learned that the cost of shipping had been paid in cash.

- Goodyear completed a Canada Post internal form requesting approval to open and inspect the parcel from the Postal Inspector in Charge. Attached to the form was an email from Goodyear outlining the preceding factors and expressing his conclusion that these presented reasonable and probable grounds to believe that the parcel contained non-mailable material.

[39] Goodyear was cross-examined. He testified that notwithstanding the impression from the way that the factors were laid out in his report, he did not look specifically for the parcel because it had been referenced in the SAR. He said that he observed the parcel on the conveyor belt and noted suspicious things, including the use of packing tape, the placement of the recipient and return address on an envelope attached to the box rather than the box itself, that the package was being sent from BC and by one commercial electronics company to another, but he didn't recognize the name of either, and the recipient address was a UPS store. He explained that BC is a known source for shipping illegal drugs to this province. He observes all parcels sent through the plant in St. John's every day, and therefore, he recognizes companies that commonly send and receive items through the mail (most of which have Canada Post accounts). He did not recognize the sender or recipient here and his subsequent internet search left him with questions whether they were real electronics companies. He testified that all Canadian individuals and companies have the right to a free place (street address or community mailbox) to receive mail from Canada Post, and therefore the delivery to a private mail box at a UPS store, although itself legal, increased the suspicion created by those other factors.

[40] Gorman argued that Goodyear changed the story from the Agreed Statement of Facts when he testified, to downplay the significance of the SAR as the real instigation for the search. I don't see it that way. First, the inclusion of the parcel on the SAR was the initial factor referenced in Goodyear's email to his Postal Inspector in Charge, but neither that email nor the Agreed Statement of Facts described that as the impetus for the closer inspection. Second, if anything, the inclusion of the parcel on the SAR would have added to the basis for the decision by Goodyear to remove the parcel from the conveyor belt for further inspection. I cannot conclude that there was any contradiction between the Agreed Statement of Facts and Goodyear's testimony.

[41] The grounds on which Goodyear relied to request authorization for the search were valid and based both on his own experience in dealing with parcels sent to this province and on the broader experience of Canada Post, reflected in the data captured in the SAR. He presented these grounds to the Postal Inspector in Charge, who approved the search based on Canada Post policy that required the Postal Inspector in Charge to review and consider each such request on the merits. The search was not a fishing expedition or based on a hunch or mere suspicion.

[42] Further, Goodyear and the Postal Inspector in Charge were acting in good faith on a law that authorized the search, which had not previously been challenged for unconstitutionality.

[43] I find that the manner in which the search was conducted was reasonable and did not constitute a separate infringement of Gorman's s. 8 rights.

[44] Therefore, the only *Charter*-infringing conduct of the State that I will consider in applying the first *Grant* factor is the infringement created by the statute. That the infringement was caused by an unconstitutional law is something that pulls toward the exclusion of this evidence. However, as the law was not passed in flagrant disregard of *Charter* rights, and had never been the subject of challenge before this case, this factor only weakly points toward exclusion.

Impact of Charter Violation

[45] This factor is considered from the perspective of the person whose rights were infringed.

[46] The most important consideration in application of this factor is Gorman's relationship to the parcel at the time of the s. 41(1) search. The evidence on this *voir dire* (as opposed to the understanding of the facts under consideration in my previous decision) shows that Gorman was not the addressee named on the parcel; it was addressed to CQ Infotech. It is alleged that Gorman retrieved the parcel from the UPS mailbox, but it has not been demonstrated that he rented that mailbox or that there was any connection between Gorman and CQ Infotech. Consequently, Gorman has not demonstrated any infringement of his *Charter* rights.

[47] As the Supreme Court of Canada noted in *Ontario (A.G.) v. G,* at para. 96: "... adherence to the principle of the rule of law means that the impact of legislation, even unconstitutional legislation, extends beyond those whose rights are violated — it is bad for all of society for unconstitutional legislation to "remain on the books."

This foundational principle gave Gorman the standing to challenge the constitutionality of *CPCA*, s. 41(1) even though he had no known relationship to the parcel at the time of search. But, this principle does not go so far as to turn the public impact of an unconstitutional law into a direct infringement of Gorman's personal *Charter* rights.

[48] Gorman has demonstrated that he was charged following a search under an unconstitutional statute. But, he has not demonstrated that he personally had any expectation of privacy in the parcel – which he did not send and which was not addressed to him – at the time that it was searched by Goodyear. He therefore has not demonstrated any particular impact on his rights resulting from the unreasonable search of the parcel.

[49] This factor does not pull toward the exclusion of this evidence.

Society's Interest in Adjudication on the Merits

[50] The third *Grant* factor recognizes that the public expects that criminal cases will be decided on the truth, and that sometimes finding the truth may come at the expense of *Charter* rights. The exclusion of any helpful evidence diminishes confidence in the justice system. This is especially so when the evidence is highly reliable or where it is crucial to finding the truth.

[51] Therefore, the third *Grant* factor almost always favours the admission of evidence gathered in violation of *Charter* rights, but the degree of force it exerts in that direction depends on the assessment of the reliability of the evidence. Public confidence in the ability of the justice system to find the truth is undermined if highly reliable evidence is not admitted; but the public confidence cannot be expected to tolerate the admission of evidence of questionable reliability that was obtained unconstitutionally.

[52] For similar reasons, the third *Grant* factor requires assessment of the importance of the evidence to the case against the accused. The exclusion of evidence crucial to the case against an accused may lead to the appearance that finding guilt or innocence turns on a mere technicality.

[53] In this case, the exclusion of evidence of the cocaine found through the search of the parcel would "gut" the Crown case against Gorman. There would be no case without it.

[54] Consideration of this factor pulls strongly toward admitting this evidence.

Balancing of Grant Factors

[55] This balancing exercise is intended as a weighing of the three factors to assess the effect on the long-term repute of the justice system of admitting evidence obtained in breach of *Charter* rights: *R v. Harrison*, 2009 SCC 34, at para. 36.

[56] Each of the first two *Grant* factors usually point toward exclusion; that of the third factor will almost always tend toward admission. The balancing process requires weighing the seriousness of the *Charter*-infringing conduct and the significance of the impact on *Charter*-protected interests against the importance of the evidence to truth-finding on the merits.

[57] In this case, the search was conducted reasonably but pursuant to an unconstitutional statute, and this points toward excluding the evidence. However, the pull toward exclusion of this factor is reduced because the statute has been part of the *CPCA* since before the adoption of the *Charter*, and the constitutionality of the provision had never been challenged before this case. It was not a law that was adopted with disregard for *Charter* rights.

[58] There was no direct impact on Gorman's *Charter* rights. The Crown alleges that he was in possession of the parcel when he was arrested, but Gorman did not show that he had any interest or expectation of privacy in the package when it was searched by Canada Post.

[59] The exclusion of the evidence would effectively end the Crown's case against Gorman.

[60] Excluding the evidence would give the appearance that the justice system puts more value on protection against a minimal intrusion on the *Charter*-protected interests of the accused, caused indirectly through the impact of an unconstitutional statute on the public at large, than the search for the truth in a criminal prosecution.

[61] On balance, the long-term confidence in the administration of justice will be more likely negatively impacted if this reliable evidence is excluded than if it is admitted.

CONCLUSION and DISPOSITION

[62] The application for a declaration that s. 41(1) of the *CPCA* is of no force and effect is allowed. However, the issuance of the declaration is suspended for one year. Gorman is exempt from that suspension, and therefore, s. 41(1) is of no force and effect in the case against him.

[63] Gorman has not demonstrated that the admission of the evidence found through the search of the parcel by Canada Post will bring the administration of justice into disrepute in the long-term. Therefore, his application to exclude the evidence is dismissed.

DANIEL M. BOONE
Justice