

New Trial Ordered After Acquittal of Company on Fisheries Act Charge



A company was charged with unlawfully depositing or permitting the deposit of agricultural runoff containing pesticides in water frequented by fish in violation of the *Fisheries Act*. The trial court acquitted the company, so the Crown appealed. The appeals court ordered a new trial, ruling that the trial court had erred in overlooking, rejecting, and misapprehending facts and evidence. In addition, the trial court misapplied the due diligence defence. For example, although the company made significant efforts in its other fields to avoid agricultural runoff into the river, but didn't make the same efforts at the field in question in this case. Thus, the trial court's verdict was unsupported by the evidence and unreasonable [*R. v. Brookfield Gardens Inc.*, [2017] PESC 5 (CanLII), March 30, 2017].