

## **IMPAIRED DRIVING - 24(2) - CERTIFICATE OF ANALYSES**

***R. v. Melnychuk*** 2010 ABPC 132 per Kerby, PCJ:

Impaired driving trial. Section 8 breach found on the basis that objectively reasonable grounds to arrest did not exist. Issue regarding 24(2) analysis, and application to exclude Certificate.

**Held: Certificate admitted.**

Not a case where there were no grounds to stop and investigate the accused. No evidence of wilful or reckless disregard of Charter rights. Therefore, not a serious breach. Impact of the breach of the Charter protected interests was however serious. Serious intrusion on liberty interests. Regarding the final factor in ***Grant***, the taking of breath samples was minimally intrusive, the evidence gathered was reliable, and society had a significant interest in an adjudication on the merits.