

Revision Date:
Public Schools Branch
Signed by: Regulation

POLICY: #4045
issue: #2
Date: 1987/12/22

PURPOSE

The Education Act does not have any provisions concerning trespassing. The purpose of this policy is to deal with such incidents.

STATEMENT

NO PERSON SHALL TRESPASS ON THE PREMISES OF A SCHOOL OR PREMISES USED FOR OTHER EDUCATIONAL PURPOSES, WITH RESPECT TO WHICH HE HAS HAD NOTICE BY AN AUTHORIZED PERSON NOT TO TRESPASS.

LEGISLATION

N/A in the Education Act
The Trespass Act

REFERENCES

APPLICATIONS

- Trespassing Prohibited
- Trespass by Motor Vehicle
- Arrest of Person and Seizure of Vehicle

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THE TRESPASS ACT

1. DEFINITIONS (below)

2. Trespassing prohibited

- (1) No person shall trespass on the premises of a school, vocational school, university, college trade school or premises used for other educational purposes, with respect to which he has had notice by an authorized person not to trespass.
- (2) For the purposes of subsection (1), a person has notice not to trespass when he has been given notice to refrain from entering or from remaining on any premises and the notice shall be deemed (a) to have been given by an authorized person under the Act until the contrary is proved and (b) to continue until, it is revoked.
- (3) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of not more than \$1,000 or to imprisonment for not more than 30 days or both.

3. Trespass by motor vehicle

- (1) In this section, "motor vehicle" means a vehicle that is designed to be self-propelled in any manner except solely by muscular power.
- (2) Where a trespass under section 2 is committed by means of a motor vehicle, the operator of the motor vehicle commits the offence.
- (3) Where the operator of a motor vehicle referred to in subsection (2) is not identified, the owner of the vehicle shall be presumed to be the operator unless the contrary is proved.
- (4) For the purposes of subsection 3, in the case of a vehicle rented or leased from a person in the business of renting or leasing, the owner of the vehicle shall be deemed to be the person to whom the vehicle is rented or leased.
- (5) For the purposes of subsection (3), the person in whose name a motor vehicle is registered under the Motor Vehicles Act shall

be presumed to be the owner of the vehicle in the absence of evidence to the contrary.

4. Arrest of person and seizure of vehicle

- (1) A person who is found committing a trespass to which this Act applies may be apprehended without warrant by a peace officer to establish the identity of the person committing the offence for the purposes of a prosecution under this Act, and the person shall be released upon his identity being established.
- (2) Where in the opinion of a peace officer an offence under this Act is committed by means of a motor vehicle, he may seize the vehicle on or off the premises without a warrant and retain the vehicle in custody.
- (3) A vehicle seized under subsection (2) shall not be released until the costs of the seizure and keeping it in custody have been paid, and if the vehicle remains in custody for more than seven days those costs shall be deemed to be a lien on the vehicle recoverable by the Government of the Yukon in the manner provided as if it were a lien under the Garage Keepers Lien Act.

5. Regulations

The Commissioner in Executive Council may make such regulations as he deems necessary for carrying out the purposes and provisions of this Act.

DEFINITIONS - In or related to this policy

1. In this Act:

Authorized person: means school administration, teaching and maintenance personnel.

Notice: includes notice by word of mouth, in writing, or by sign bearing the words "no trespassing" or words of similar effect.

Premises: includes a building and any land that is used in connection therewith for parking, recreational or other purposes.

Trespass: includes entering or remaining without lawful authority on premises referred to in subsection 2(1).