

**Tenaschuk Sgt DPW@CFNIS@Esquimalt**

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**From:** Tenaschuk Sgt DPW@CFNIS@Esquimalt  
**Sent:** May-22-18 1:24 PM  
**To:** 'Bobbie Garnet Bees'  
**Subject:** RE: Pressing charges against Dan M [REDACTED]

Mr Bees,

As the investigation is still with the Crown Prosecutor I view this as a positive note. As for Mr M [REDACTED] I engaged my legal advisor and he provided the below information. Based on the information, the statute of limitations has expired and charges cannot be brought forward.

Please find these excerpts from the NDA in its 1950, 1970 and 1985 version. At the end, you will find that it is in 1998 that the statute of limitations was removed.

NDA 1950:

**PERIOD OF LIABILITY UNDER CODE OF SERVICE DISCIPLINE.**

**Time bar.**      **60.** (1) Except in respect of the service offences mentioned in subsection two, no person shall be liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

**Exceptions.**      (2) Every person, subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence of mutiny, desertion or absence without leave or a service offence for which the highest punishment that may be imposed is death, shall continue to be liable to be charged, dealt with and tried at any time under the Code of Service Discipline.

NDA 1970:

***Period of Liability under Code of Service  
Discipline***

**Time bar**      **59.** (1) Except in respect of the service offences mentioned in subsection (2), no person is liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

NDA 1985:

*Period of Liability under Code of Service  
Discipline*

**Time bar** 59. (1) Except in respect of the service offences mentioned in subsection (2), no person is liable to be tried by a service tribunal unless his trial begins before the expiration of a period of three years from the day upon which the service offence was alleged to have been committed.

**Exceptions** (2) Every person, subject to the Code of Service Discipline at the time of the alleged commission by him of a service offence of mutiny, desertion or absence without leave or a service offence for which the highest punishment that may be imposed is death, continues to be liable to be charged, dealt with and tried at any time under the Code of Service Discipline.

NDA 1999:

PART III  
CODE OF SERVICE DISCIPLINE

DIVISION I

DISCIPLINARY JURISDICTION OF THE CANADIAN  
FORCES

*Application*

55. to 59. [Repealed, 1998, c. 35, s. 17]

Persons subject  
to Code of  
Service  
Discipline

60. (1) The following persons are subject to the Code of Service Discipline:

- (a) an officer or non-commissioned member of the regular force;
- (b) an officer or non-commissioned member of the special force.

Sgt D. (Damon) Tenaschuk

NCO IC Sexual Offence Response Team (SORT), Canadian Forces National Investigation Service, Pacific Region  
Department of National Defence / Government of Canada

Équipe de défense contre les offenses sexuelles de la NCO IC (SORT), Service National des Enquêtes des Forces  
canadiennes, Région de Pacifique  
Ministère de la Défense nationale / Gouvernement du Canada