

What Would YOU Do?

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Recently, in Ontario, there was quite a stir when a man with a crossbow broke into someone's home. The resident defended his home with sufficient force to put the intruder in hospital, for which the homeowner was charged—yes, you heard me correctly.

It seems like we should be looking at our rights in Canada, should our lives be threatened. What do you do if an intruder comes into your home? This is really sticky because you have to be thinking clearly to make the correct decision. The Criminal Code of Canada tells us . . .

"34. (1) A person is not guilty of an offence if:

(a) they believe on reasonable grounds that force is being used against them or another person or that a threat of force is being made against them or another person;

(b) the act that constitutes the offence is committed for the purpose of defending or protecting themselves or the other person from that use or threat of force; and,

(c) the act committed is reasonable in the circumstances."¹

Part "a" seems pretty easy to justify if you feel or are threatened . . . "Yes, Judge, I felt threatened."

Part "b" calls our action to defend ourself an "offence", but combined with Part "1", it seems you're not guilty of that offence...even though it is called an offence. Part "c" is the rub though. Is the act reasonable in the circumstances?

You've just woken up. An armed intruder stands over your bed. This is a timed response—your answer is needed NOW!

Do you...pretend to be asleep and hope for the best? Do you engage the person in a calm and rational conversation so you can determine his state of mind? Do you grab the baseball bat that you sleep with and start swinging?

Remember, you've just woken up from non-REM sleep—the deepest sleep. Your breathing and heart rate have slowed down; your muscles are relaxed; you're groggy. He's an armed intruder, who has likely been up all night planning each step of this invasion.

I have to admit, grabbing my bedside copy of the Criminal Code of Canada to quickly read through and determine legal expectations for this situation seems a bit unlikely. Smacking the intruder over the head with this 500-700 page tome in hopes of knocking him out is much more likely.

But, in the end, the key is that you're being awoken from your sleep to an unknown threat, and you will not have time to consider whether you are using reasonable force. You will act by instinct to save yourself and your family members.

Canada doesn't have a "Castle Law". What we do have is a subjective law that calls for you to make a well-considered decision, even when you are half asleep and aware only that you are being threatened—but not the level of the threat. A vet who has served in the battlefield will likely react differently to our armed intruder than the beauty queen with shiny lacquered nails, who has never encountered any form of threat.

So, what's the answer?

The CHP says that:

"We have a right to defend ourselves against harm to our home, self or family.

"We cannot depend on police to rescue us when in a dangerous life-threatening situation; rather there is a place for self-sufficiency.

"Canadians must have the right to defend themselves and their family and, with proper training, Canadians have a right to protect themselves using firearms.

"CHP Canada would defend your right to self-defence."²

It is a natural reaction to defend your own, and your family members' lives. Being victimized by the legal system after having been victimized by criminals is not justice.

It's time to stop the nonsense that generations of bleeding-hearts have heaped upon us. When you and/or your family are in danger, then it only makes sense to protect yourself and your family.

Join CHP Canada³ and stand together with us for a common sense approach to self-defence and criminal justice.

Footnotes

¹ [lois-laws.justice.gc.ca/eng/acts/C-46/section-34.html](https://laws.justice.gc.ca/eng/acts/C-46/section-34.html)

² www.chp.ca/platform/category/justice

³ www.chp.ca/get-involved/

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