

# Times & Transcript

145 YEARS  
MONCTON, N.B.

SATURDAY/7 A.M.

OCTOBER 5, 2013

[timestranscript.com](http://timestranscript.com)

## Blood evidence released in Oland slaying

**Dennis Oland, son of Richard Oland, still the prime suspect in the case**

BY CHRIS MORRIS  
LEGISLATURE BUREAU

SAINT JOHN — A jacket with blood on it and clothes taken to a dry cleaner shortly after the slaying of Saint John businessman Richard Oland are key evidence in the ongoing police investigation into the homicide, new information

reveals.

Court transcripts released to the public yesterday show that a brown sports jacket seized at the home of Dennis Oland, 45, the son of Richard Oland and the prime suspect in the case, was tested forensically and was found to have blood on it.

The jacket was among 57 items taken by police from Dennis Oland's home on Gondola Point Road in Rothesay in the days immediately following the discovery of his father's body on July 7, 2011.

Further testing was done on the blood on the jacket, but that information remains secret.

Const. Stephen Davidson, lead investigator in the homicide, said the jacket evidence was being held "extremely close" by Saint John police, who did not want any of it released to the public.

"The reason for that is obviously that it is one of the most important pieces of evidence we have in proving this case and taking it to trial," Davidson told the court during closed-door testimony last

year.

The transcripts are the testimony of Davidson and Const. Sean Rocca during hearings to consider what information should and should not be released to the public from search warrants, production orders and related material in the ongoing homicide investigation.

The hearings were held behind closed doors over several days between July 31 and Aug. 17, 2012.

► See **POLICE**, A15



Dennis Oland

## Riverview school's opening date still unknown

**Construction expected to be completed by end of November: minister**

BY GINABETH ROBERTS  
TIMES & TRANSCRIPT STAFF

Riverview East School won't be completed until the end of November, according to the minister of transportation and infrastructure.

Claude Williams said yesterday that work is continuing on the inside of the new Riverview school, including the gymnasium and front entrance. Flooring is also being installed for classrooms and hallways.

In July, Anglophone East learned the school wouldn't open on time for staff and students to begin the school year in the new facility.

The main reason for the construction delay was a faulty foundation.

At the time Williams expected the delays to move the opening of the school six weeks, putting the move-in date to some time in mid-October.

As soon as construction is

► See **SCHOOL**, A15

## A special cause



GREG AGNEW/TIMES & TRANSCRIPT

RCMP Const. Reid Smith leads the 2013 Law Enforcement Torch Run, which took place on the Riverfront Trail in Moncton and Riverview yesterday. This year's Torch Run was hosted by Codiac Regional RCMP and has now evolved into a provincial run hosted each year by a different municipality. To date, including this year's run in Moncton, Law Enforcement Torch Run New Brunswick has raised close to \$20,000 for the Special Olympics.

## Province defends homes policy

**Segregating dementia residents not main cause of difficult access to care: province**

BY JAMES FOSTER  
TIMES & TRANSCRIPT STAFF

If the province's system of specialized care bed homes falls short of perfection, the current policy of keeping dementia residents separate from other care home residents is not the reason why, says the Department of Social Development's manager of adults with disabilities and seniors' services.

Joan McCarthy was responding to recent news stories in which some care home operators have had potential clients remain in hospitals long after they should have been released, instead of being moved into care homes for more appropriate and less costly care. Part of the issue, the operators have said, is a relatively new provincial policy that dictates that patients with ailments such as dementia and Alzheimer's disease must now have their own small, community-based care home, apart from other types of residents. Previously, these residents could share the same care homes with, for example, those who have full use of their mental faculties but needed daily help physically.

McCarthy agrees that too many New Brunswickers who should be in special care bed homes remain in hospitals for far too long. In the Moncton area alone about 200 people are in that situation. But, she says, almost half of those are waiting for a room in a special care bed home remain in a hospital bed because they can't afford the extra fees added by some home operators.

Home residents pay at most \$83 per day for care, and government chips in another \$40 to the home operators.

"Unfortunately, there are some homes that charge an additional surcharge on top of that," McCarthy says.

Not all home operators add a surcharge, and some that do say it's the only way they can provide the top notch meals, care and services that they offer.

Nevertheless, the manager said, that added surcharge is a roadblock

► See **PROVINCE**, A15

## Rexton stalemate continues

**David Alward says he is willing to meet with chief and council of Elsipogtog First Nation to discuss shale gas opposition**

BY BRENT MAZEROLLE  
TIMES & TRANSCRIPT STAFF

As a blockade of Highway 134 near Rexton went into its fifth full day, Premier David Alward issued a statement yesterday afternoon saying he would be willing to meet with elected officials of the Elsipogtog First Nation, but he made no signal he was willing to negotiate with anyone else.

### INSIDE:

■ ATLANTIC CANADA GAS DEPOSITS POISED FOR WORLD MARKETS: OLIVER/A6

■ OIL, GAS ROYALTY STRUCTURE COMING BY YEAR'S END: MINISTER/A12

■ WHEN OPPOSITE ENERGY VISIONS COLLIDE/D1

That didn't sit well with one of the leaders of the blockade, or

► See **RCMP**, A2



RON WARD/TIMES & TRANSCRIPT

Elsipogtog First Nation Chief Arren Sock speaks to the media on Route 134 yesterday.

## Legal quirk makes combat sports illegal in Moncton

**MMA fights now in limbo after booming in Metro Moncton**

BY JAMES FOSTER  
TIMES & TRANSCRIPT STAFF

Contact sports fans across New Brunswick looked upon Moncton fans with envy.

As the only city in the province with a boxing commission, Moncton has been the only city where legal, sanctioned mixed martial arts fights could be held in accordance with the Criminal Code of Canada, which dictates that these fights have to be sanctioned by such a commission.

Now an amendment to the fed-

eral criminal code has apparently rendered the commission powerless to sanction MMA, and suddenly the world's fastest-growing combat sport seems to have become illegal everywhere in New Brunswick. The new wording also throws into question whether Moncton's commis-

► See **MMA**, A15

Inside Today  
INDEX ON PAGE A2

NEWS	Section A
JOB MARKET	Section B
SPORTS	Section C
CLASSIFIEDS	Section C
NEWTODAY	Section D
LIFE & TIMES	Section E
WHATEVER	Section F
HOME & GARDEN	Section G
TRAVEL & LEISURE	Section H

6 2710100600 9  
PUBLICATION MAIL AGREEMENT #0040010346  
\$2.00 plus HST #86838 1245RT0001

# SCRATCH & SAVE

UP TO **40%** OFF

for **10** DAYS ONLY

September 27 to October 6, 2013

Ends Sunday at 5pm

**SAVE between 5-40%**

when you spend a minimum of \$500 on furniture.\*  
Plus SAVE up to 20% on appliances.

Look for your Scratch card in the mail or pick one up in-store

AMEUBLEMENT  
**LOUNSBURY**  
FURNITURE

love your home  
bien chez soi

SERVING  
NEW BRUNSWICK FOR  
135 YEARS!

Moncton  
1655 Mountain Rd.  
857-4385

\*Some exclusions apply.  
See Salesperson for exact details on offers.  
Browse our products online  
[www.lounsbury.com](http://www.lounsbury.com)



# Key poverty reduction targets reachable

**Director says goals can be accomplished by 2015**

BY SHAWN BERRY  
LEGISLATURE BUREAU

FREDERICTON — Members of the province's Economic and Social Inclusion Corporation say they're confident they can meet two of their major goals by 2015.

The poverty reduction plan introduced in 2009 set a target of reducing poverty by 25 per cent and deep poverty by 50 per cent by 2015.

"We believe those objectives are attainable and we hope to reach them and we're working very hard with our 12 networks and with stakeholders to reach them by 2015," said Stéphane Leclerc, executive director of the Economic and Social Inclusion Corporation.

Corporation president Léo-Paul Pinet said the organization hasn't been able to publish details of the progress because a lot of the information involves data from Statistics Canada that is not yet available.

"We have to do the right analysis, but we also have to make sure we're in line with the objective of 50 per cent reduction by 2015."

Considering the economy and the jobless rate in the province, Pinet acknowledged that it is "challenging right now."

But he said in 2009 when the target was set, half the people in the room probably left thinking it was dreaming while the other half were sure it was realistic.

"We're waiting for details that will show us where those numbers are."

But the men who delivered the organization's annual report for 2011-12 to a legislature committee yesterday said they've made significant progress since that report.

The 2011-12 annual reports 10 of 22 action items as completed at April 1, 2012, with the rest in process or ongoing, some with elements completed.

"When we come back to the committee next year to talk about 2012-13 you will already see a big change

compared to 2011-12," Leclerc said.

The Economic and Social Inclusion Corp. consists of a 22-member board of directors representing government, business, community non-profit and persons having experienced poverty. It oversees and co-ordinates implementation of New Brunswick's poverty reduction plan. The group estimates that there some 110,000 New Brunswickers living under the poverty line – 44,000 of them on welfare, the other 67,000 among the ranks of the working poor. Pinet said it may be time to have a discussion on guaranteeing a living wage that could supplement the working poor.

The corporation is to hold its final public dialogue sessions next week on setting its second five-year plan, which will run from 2014 to 2019. The nighttime meetings are to take place in Saint Andrews on Monday, Saint John on Tuesday and Fredericton on Wednesday. The sessions will be designed to encourage discussion among participants on ways to reduce poverty.

# Police have an idea about homicide weapon

► Continued From A1

Provincial court Judge R. Leslie Jackson ruled yesterday that previously redacted information from the officers' testimony can be released to the public.

However, evidence considered "hallmark" and known only to the killer remains off-limits to the public, including such information as the manner and means of death.

Davidson said that according to autopsy photos, the police have an idea as to what the homicide weapon "appears" to have been.

It has been more than two years since Richard Oland, 69, a businessman and member of the Moosehead beer-making family, was found dead in his office.

There have been no arrests but Saint John Police Chief Bill Reid has said there will be an arrest in the case by the end of 2013.

"As I said before, by the end of the year, I'm quite confident we'll be where we need to be with charges laid," he said recently.

The decision to allow more of the information to be released to the public is the result of legal action by the Telegraph-Journal and the CBC to have search warrant documents unsealed, in accordance with Canadian law.

The information released so far has revealed that police believe Dennis Oland is the main suspect in the death of his father and that money appears to be the motive.

Previously released documents describe Dennis Oland, a stockbroker and investment adviser, as being "on the edge financially," owing his father more than \$500,000.

Police have ordered a forensic audit of Oland's finances, with the help of a federal government accountant.

The transcripts and other documents show the close attention paid by police to articles of clothing seized at Dennis Oland's home in the days following the discovery of the body.

Recently released production orders make it clear police do not believe Dennis Oland's contention that he was wearing a navy jacket when he visited his father's office after work on July 6, 2011 – the day before the body was found.

"I do not believe that Dennis

Oland was wearing a navy blazer when he visited Richard Oland at 52 Canterbury St. on July 6, 2011," Sgt. Tony Hayes said in his statements accompanying the orders.

Among other things, police have security video from the CIBC Wood Gundy office building where Dennis Oland worked showing him coming and going from the building wearing a brown sports jacket and beige pants.

As well, William Adamson, a witness sitting in a car outside the building where the body was found, described seeing a man "who he believed to be Dennis Oland" going into the building sometime prior to the crime, wearing a brown sports coat with lighter coloured pants.

Time elements for July 6, 2011, continue to be sealed by the court.

The latest information released includes the fact that police have examined clothing taken to a Rothesay dry cleaner shortly after the homicide.

Rocca said during his testimony that a receipt for the VIP Dry Cleaners was found in the drawer of a bedroom bureau in Dennis Oland's Rothesay home.

"There has been a pattern of behaviour in terms of the fact that this clothing was brought to the dry cleaners shortly after the murder occurred and for that reason it becomes very important, if not the most important part of our investigation, and we need to protect that evidence," Rocca told the court.

He said police did not want Dennis Oland to know that the dry cleaner was part of the investigation.

"At this point, I don't believe it is well known to our suspect, Mr. Oland, that the main focus of this investigation is the laundry – the fact that we're focusing on a number of exhibits that were brought to be dry cleaned."

Davidson also said police were extremely unhappy about the presence of private investigators who were approaching witnesses after they had been contacted by police.

It is not made clear whom the private investigators were working for, but Davidson said police believed they were making some witnesses think twice about co-operating with police.

"My concern is that what has

occurred previously in this investigation is that witnesses that we spoke to, that being the police, were approached by private investigators after our initial contact," Davidson told the court during one of the in-camera hearings.

"We needed to conduct followup interviews with these individuals and they weren't co-operative because they were approached by the private investigators."

In his decision, Judge Jackson noted that Gary Miller, the lawyer for Dennis Oland, wished to have the references to private investigators redacted "arguing that the public would immediately assume that it was his client who had engaged them and perhaps draw unfavourable inferences."

"I can conceive of no legal basis on which I might order the redaction of these words where they appear in the transcripts," the judge states.

Davidson said the private investigators were involved early in the investigation.

Other evidence revealed in the newly-released information is that Richard Oland's cellphone is believed to be very important to the investigation because he was using it "on the day of his death."

It's not clear police have the cellphone. The officers talk in the transcripts about an item they are still actively seeking.

Divers searched the water around Renforth Wharf on July 8 for an undisclosed item that "would not have been in the water for a long period of time," the documents state. Nothing was found.

Rocca and Davidson also wanted to keep out of the public domain information relating to a red, reusable grocery bag that was seen in Dennis Oland's possession on several occasions on July 6, 2011.

"It also is kept with us for assembling our evidence for trial as it relates to witnesses and who would have seen him with it and that type of thing," Davidson said.

More information may yet come out of court documents in the Oland investigation.

Judge Jackson will announce on Oct. 25 whether he will unseal further information in a search warrant and production orders issued last fall.

# Province trying to deal with aging population

► Continued From A1

to those seniors who can't afford those extra fees.

According to the department, some surcharges amount to as much as \$1,500 per month. Most are less than that.

It is up to each home to set their own rates; the province doesn't dictate the rates charged by these types of homes.

"We can't do anything about surcharges," she says. "That's private business."

The province is grappling with how to meet the needs of an aging population and a coming tide of dementia-related cases who will need appropriate care. It is creating 704 beds for exactly those patients, which is fine as far as the existing home operators say, but the homes contend that they have always provided effective, safe and cost-sensitive care to dementia patients until this recent policy change and should be able to continue to serve that population.

McCarthy points out how none of the responders to the province's request for proposals to create those

new beds has voiced concerns about the new policy, nor have most of the current operators. Two of the five operators who say they have a problem with the new policy have in fact applied to supply the new beds for dementia patients and have been successful in their applications, the department points out.

McCarthy argues there have even been cases in the past where residents "have been asked to leave" their care homes after residing there for a time but then becoming unable to afford their care home's surcharges, including one operator who has asked six residents to leave in the past year alone.

Homes that do not impose surcharges have almost zero empty beds, she points out.

The province is unwavering in its belief that those with dementia-related conditions need small, community-based, quiet and separate care homes from others — for the benefit of both types of residents. Those with dementia require special treatment in a facility that is especially tailored to their needs; residents who need daily living assistance but don't have any

dementia-related conditions sometimes feel out of place among that population, McCarthy says.

If current so-called 3b homes want to continue to care for dementia-related residents, they are free to build additional facilities, including adding on to current ones to create a campus-like setting with different facilities for differing needs, but the policy will remain, McCarthy says.

The ultimate goal is to have everyone who needs care being placed in an appropriate setting, she says, and that includes staying in their own home for those frail, ill or simply elderly people who can manage it with the help of an enhanced level of home assistance — ranging from help from Extra Mural Nurses to installing innovative technologies in those homes to better help family members monitor their loved ones when they cannot be there to pitch in.

To explore care options for your loved ones, contact your regional office of the DSD.

In Moncton they can be reached at 1-866-426-5191. In Miramichi call 1-866-441-4246. In the Acadian Peninsula, dial 1-866-441-4149.

# Insurance board faces committee

BY SHAWN BERRY  
LEGISLATURE BUREAU

FREDERICTON – The CEO of the province's insurance board says it's not a foregone conclusion that a move to triple the soft-tissue injury cap to \$7,500 will lead to higher premiums. The comments come as he prepares for public hearings on how the increase will affect automobile insurance rates in New Brunswick.

"Once we'll have done our study, based on the last 24 months where we've seen very low claims, we could face pressure to reduce rates more. If that's the case, we will reduce rates – despite the increase to the cap," Paul D'Astous told reporters yesterday.

The CEO of the New Brunswick Insurance Board made the comments following an appearance yesterday before the legislature's standing committee on Crown corporations where he answered questions about the board's 2011 annual report.

The insurance board begins its public hearings Monday into the expected impact of the change on automobile insurance loss costs in New Brunswick.

Last year, then justice minister Marie-Claude Blais announced that the provincial government is suggesting a cap of \$7,500. That came after a government-appointed working group recommended changing the definition of minor injury, and an increase of the cap for compen-

sation to between \$4,000 and \$6,000 from the existing \$2,500.

"The goal of Monday's hearing is to determine from industry and representatives, the attorney general and the consumer advocate for insurance, what methods they will use to set future rates," D'Astous said.

During yesterday's hearing at the legislature, D'Astous reported that filings for the industry show an approximate overall rate reduction of three per cent for private passenger automobiles in the regular market. The reduction resulted in an average proposed premium for 2012 of approximately \$720, down from \$754 three years earlier.

He said it marks eight consecutive years of reductions – a sign of what he says is a competitive market. Liberal MLA Chris Collins questioned whether the board, established as a tribunal in 2004 in the wake of mounting concerns about automobile insurance costs, has moved fast enough to bring down rates.

"My concern is over the past eight years, from 2003 to 2011 – the year in question, New Brunswick ratepayers were charged \$3.4 billion for auto insurance and only paid \$1.86 billion in claims," Collins said.

D'Astous said hindsight is always a benefit, but the board's job isn't an exact science as they use information about claims from previous years to try and determine what should be done next.



BOYD ALGEE ARCHITECTS

An artist's conception of the New Riverview East School.

# School opening still delayed

► Continued From A1

completed, and the district receives keys to the school, the move-in process will start, said Carole Murphy, spokeswoman for Anglophone East.

"When construction is complete and (the district) takes over the school, we'll work as quickly as possible to get the classrooms set up and the equipment installed into the schools," she said.

When asked if that meant making the transition during the Christmas break, Murphy said it's a

possibility.

"If it is the end of the November (when the district gets the keys), and there's sort of a natural break there for the students, we would try to take advantage of that," she said.

The 519 students set to attend Riverview East began the school year at Lower Coverdale, Gunningsville or Riverview Middle schools.

Williams said earlier he does not anticipate any extra costs to the \$21.6-million kindergarten to Grade 8 school as a result of the delays.

# MMA now illegal in Moncton

► Continued From A1

sion has any power at all over any combat sports, such as boxing.

"The amendments have had the strange effect of making MMA in Moncton illegal," says Steve Trueman of the city's legal department.

In fact, it's now unclear whether MMA fighting has ever been legal in Moncton, the Atlantic hub of the sport, and this after almost 40 fight cards.

Under the Section 83 of the Criminal Code, professional MMA fighting is illegal in Canada unless it is "held in a province with the permission or under the authority of an athletic board, commission or similar body established by or under the authority of the province's legislature." An amateur MMA event must be held with the permission of "the province's lieutenant governor in council or by any other person or body specified by him or her."

The problem lies in the fact that neither of those situations has ever happened in New Brunswick. Prior to the most recent amendments to that section of the code, MMA fights were not mentioned at all in the code because it is a relatively new sport. Now the new Section 83 includes MMA — but also the new clause about MMA fights having to be held under the authority of the province.

The Moncton Boxing and Wrestling Commission has been the body that has sanctioned fights of all kinds in this city, including MMA matches, but it isn't a provincially sanctioned body. Since there are no such commissions at all in other New Brunswick cities, the centre of the sport has been in Moncton, with at times over 1,500 of fans in attendance at venues ranging from the Moncton Lions Club to Casino New Brunswick.

All of that is on hold now until the mess is sorted out. City legal staff are looking into the matter,

and the provincial government has formed a multi-departmental committee to resolve the issue as quickly as they can.

"Indeed, the Department of Healthy and Inclusive Communities is monitoring what is going on with mixed martial arts here in New Brunswick and in other jurisdictions," department spokeswoman Melanie Sivret said yesterday.

"We are presently at the stage of collecting information, and it would be premature for the department to comment further at this point."

Commission chairman Gerry Thomas hopes the whole mess is merely a misinterpretation of the new section of the Criminal Code. It seems odd to him that after sanctioning fights since 1949 and overseeing dozens of MMA bouts in recent years, the commission now has to tell promoters that their matches can't be held in Moncton — including some that have already been scheduled.

"We have always been allowed, as far as we knew," Thomas said. "Now we're told that we're not allowed. I'm just surprised by all of this."

Fans flocked here from around Atlantic Canada to see the fights, and several MMA gyms popped up in short order thanks to the sport's popularity.

"It was good for tourism. It was good for business," Thomas said.

"One interpretation and all of a sudden all of this is gone? That doesn't make sense."

According to those who are trained in the law, however, the new wording does exactly that because the Moncton Boxing and Wrestling Commission derives its authority from a city bylaw, not from the province, as the new wording of the criminal code seems to require.

That's certainly how Trueman reads it: No provincial authorization means no commission, which in turn means no fights.

"That body doesn't even exist at this point," he opined.