

In the Court of Appeal of Alberta

Citation: R v Sun, 2026 ABCA 337

Date: 20261023
Docket: 2601-0149A
Registry: Calgary

Between:

His Majesty the King

Respondent

- and -

Maoxin Sun

Applicant

**Reasons for Decision of
The Honourable Justice April Grosse**

Application for Permission (Leave) to Appeal

**Reasons for Decision of
The Honourable Justice April Grosse**

[1] This is an application for permission to appeal pursuant to section 19(1) of the *Provincial Offences Procedure Act*, RSA 2000, c P-34. At the request of the applicant, the oral hearing proceeded with interpretation. I advised the parties I would provide a written decision rather than requiring the applicant to digest an oral decision through interpretation.

[2] The applicant was charged with contravening section 52(1)(a) of the *Traffic Safety Act*, RSA 2000, c T-6, which makes it an offence to operate or park a motor vehicle on a highway unless there is a subsisting certificate of registration. The applicant failed to attend the trial and was convicted. In January 2026, the applicant applied to the Court of Justice to have the conviction set aside. The application to set aside was denied by the presiding Justice of the Peace on January 20, 2026. The Justice of the Peace held that the applicant had not provided a reasonable excuse for failing to dispute the charge or failing to appear in person or by agent at trial. Specifically, the applicant did not take reasonable care to remember the court date. The Justice of the Peace concluded, “Forgetting your court date is not a valid reason for a set aside”.

[3] The applicant appealed the ruling of the Justice of the Peace to the Court of King’s Bench, and the appeal was dismissed. The applicant has not provided a transcript of the oral decision of the Court of King’s Bench, but the Clerk’s notes confirm that the appeal was dismissed.

[4] The materials filed by the applicant in this Court acknowledge that the applicant or her husband forgot to renew the vehicle registration and that they forgot to attend the trial.

[5] Because the underlying conviction was under the *Traffic Safety Act*, section 19(1) of the *Provincial Offences Procedure Act* governs the application for permission to appeal. The applicant must satisfy the Court that the order of the Court of King’s Bench involves a question of law of sufficient importance to justify a further appeal. The applicant has not identified any such question. The applicant argues that the vehicle in question was susceptible to tickets because it was subject to secret GPS tracking. She argues that she and her husband made honest errors in not renewing the vehicle registration and not attending the trial and that they do not have money to pay the fine. None of these arguments identify an issue of law sufficient to warrant hearing by a panel of this Court.

[6] I note that the applicant offered to do volunteer service instead of paying the fine. I am not in a position to consider that remedy in the context of this permission to appeal application. Further, the applicant alleged that her initial application to set aside the conviction was misplaced by the Court of Justice. I need not delve into that issue because the applicant acknowledges that she was ultimately able to file the application to set aside and it was heard.

[7] The application for permission to appeal is dismissed.

[8] Rule 9.4(2)(c) is invoked, and the Court will prepare the resulting order.

Application heard on October 15, 2026

Reasons filed at Calgary, Alberta
this 23rd day of October, 2026

Grosse J.A.

Appearances:

Z. Lakhoo
for the Respondent

Applicant M. Sun