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**Local News**

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**Naked hiker cleared**  
Dropped charges may set precedent for naturists

By SARA ROSS THE PACKET & TIMES  
Posted 7 months ago

The law has tried to stop an Orillia man from walking naked. But it failed.

"It's like total freedom. You can just feel the breeze, the sun, unless you try it you have no idea what it feels like," says the 60-year-old free-hiker who frequents a local recreational trail.

"Other naturists are still fearful of being in the general public on out of the way trails because of the fact they think they're going to get convicted."

On Monday, the man who requested anonymity, went to trial in an Orillia court charged with an indecent act.

Two off-duty police officers witnessed him walking naked on the Uththoff Trail in Severn Township in September 2009.

The charges were dismissed.

Gleb Bazov, a Toronto-based lawyer who represents the man, believes the decision sets an important precedent.

"It is a landmark case in the sense that the law has been applied to nudists and naturists. Now there is a clear pronouncement that a naturist is not engaging in an indecent act."

The man was initially also charged with nudity in a public place, but that was withdrawn in September of this year.

The Crown did not receive consent from the Attorney General to commence proceedings, which is required on a nudity charge. The indecent act charge was dismissed because what the man was doing was not harmful, Bazov said.

Acts that would constitute this charge are public masturbation, luring for sexual act, luring children and flashers, he noted.

"They might not think it's appropriate, or they might think it's not moral, but it's not indecent in the sense that it causes anybody any harm."

Charlene Ewanchuk disagrees.

Her home on Thorburn Road backs onto the Uththoff Trail. She has called police on the "naked man" several times.

"I find it offensive. If I catch him going by my house, I'll call the cops."

One day while travelling the trail with her children, now aged 10 and 14, they came across the man.

"Turn your head the opposite way and just go by," Ewanchuk told her children. "Don't look, don't talk to him, just go by."

Ewanchuk questions why Orillia walks in Severn Township.

"If it's so acceptable why isn't he doing it in downtown Orillia? Why does it have to be out here?"

Severn Township Mayor Phil Sled says the township has received complaints about the man "a few times."

"It's more shock than anything that he would be out there exposing himself in that way."

The township wrote a letter to the man in November 2006 "prohibiting" him from using the Uththoff Trail while "improperly clothed."

"The Uththoff Trail is used for recreational purposes only and to provide a benefit to all users young and old alike," the letter states.

"If the courts can't charge him, I guess he's within his (rights.) Personally, I don't think it's appropriate," Sled said.

The man requested anonymity to protect the reputation of his family members.

He has two grown children, who live in the area, disapprove of his lifestyle.

"I understand (their opinion) but I don't agree with them. I don't force myself lifestyle on them."

His two sisters, who also live here, are very bothered by his activity.

"They are frightened to death of naturism in any sort. Very strict upbringing."

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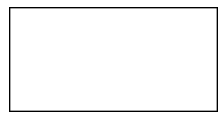
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Once a very self-conscious man, he became curious about naturism and decided to visit a nudist resort.

"(The resort) changed my whole life, it gave me my life back. I wish I had tried it many, many years ago."

He has been a naturist for 10 years. The man wanted to share his story with the public to let other naturists know they are "well within their rights."

Having a good understanding of the law, he would like to start a freehiker group in Orillia.

"I want to get across to naturists that they don't have to fear being out in the public."

Stéphane Deschênes, director of the Federation of Canadian Naturists, says naturists are just embracing their "natural self."

"We, as a society, have a real phobia about our own body. We are so incredibly uncomfortable that we find our own image embarrassing, shameful and offensive."

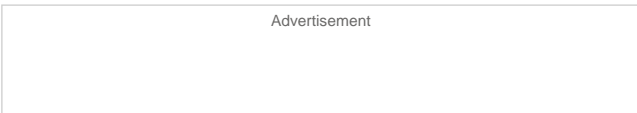
Deschênes is also the owner of Bare Oaks Family Nudist Park, a year-round nudist park and campground near Toronto.

The park has 1,500 day visitors this season and 4,180 overnight visits. Deschênes says there are at least two families in the Orillia area who attend the camp.

Deschênes says most naturists prefer to practise their lifestyle only in nudists resorts.

"They are aware that others will take great exception to their body for whatever reason. Social pressure is far more powerful than any law."

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Well Charlene, now that the wintry weather is here, your problem should be solved.

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Post #1 By [goddess59](#), 7 months ago | 3 Votes | [Vote](#)



"Turn your head the opposite way and just go by," Ewanchuk told her children. "Don't look, don't talk to him, just go by."  
I am shocked that in this day and age some parents still teach their young children that "Nude is Lewd".  
Parent have no idea how this can have a negative impact on their childrens future.  
They grow up feeling ashamed and embarrassed of their own body and fearful of ever being naked around anyone.  
It's a form of child abuse that will have serious long term negative affect on them.

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Post #2 By [Activist2](#), 7 months ago | 4 Votes | [Vote](#)



I'm glad to see there is some common sense finally. I get a kick out of some of the comments included in the article. The woman who told her kids to look away while passing you on the trail. She is a perfect example of the problem, and she is passing it on to her kids. Then it becomes there problem also, as if kids don't have enough to deal with nowadays. Hopefully they won't automatically inherit her phobia. And she hit the nail on the head when she said, why isn't he walking in downtown Orillia, instead of out here. Well, Ma'am, it's because of people like you. Freehikers don't walk downtown and don't want too. Freehikers prefer the peace and quiet of the great outdoors in less populated areas. Walking naked on a public trail that is there for "everyones enjoyment" to use, should be tolerated. Unleashed dogs, and they are out there, are more dangerous than a harmless naturist. Graham (also a freehiker)

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Post #3 By [freehiker](#), 7 months ago | 5 Votes | [Vote](#)



I am very happy and proud for this hiker's resilience. People in North America are about 50 or so years behind just about everything from europeans/southamericans. A loong time ago, men in North America were still wearing a one piece full suit to the beach when Europeans were already wearing shorts. Their women have been enjoying topless sunbathing for years, and here we are still trynt to struggle with it. They have lots of nude beaches now and they are FAMILY beaches. It is North American mentality that lacks common sense.

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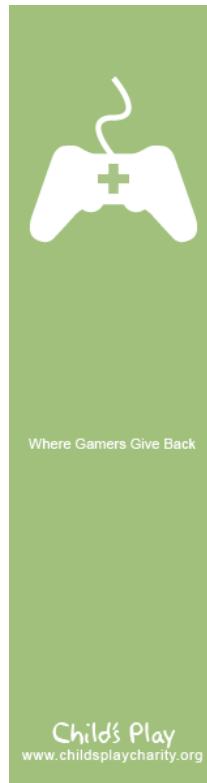
Post #4 By [Paocomedic](#), 7 months ago | 4 Votes | [Vote](#)



Naturism is about being one with nature, the feeling of the wind on your body, as you shed your clothes so you shed all your problems and worries, it doesn't matter if your a king or a garbage collector, once everyone is naked your all the same, and share the same feelings of peace and freedom, my husband and I have been practicing naturist for years, one of our children also practice, one doesn't, the world didn't come to an end and we still love one another.

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Post #5 By [Didema](#), 7 months ago | 4 Votes | [Vote](#)





I am very please with the decision.  
Yvon

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Post #6 By [beauvieux](#), 7 months ago | 3 Votes | [Vote](#):



Way To Go! I'm so impressed with this decision. If only those who are wrapped up in their own issues, could see the HARMLESS freedom that can be had in the naturist lifestyle. Not hiding their very being, from life. Nude is NOT Lude. We are not out there to shock or attack you. We are there for our own enjoyment of what life has to offer. The feeling of the air and the warmth of the sun on our skin. Naturism is not about sex. In fact it's the total opposite.

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Post #7 By [CrazyBare](#), 7 months ago | 4 Votes | [Vote](#):



We here at the Diablo Sun Devils Naturist Club are also very impressed and pleased with the decision. No... Nude is not Lewd... and it's about time someone showed a little common sense when it comes to naturism.

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Post #8 By [USMarshal](#), 7 months ago | 3 Votes | [Vote](#):



At least the attorny generals of some provinces are showing somme common sence now if we could only convince the prudish and repressed members of the public to do the same life would be a lot better and saner for all. BC Naturist

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Post #9 By [Zap766](#), 7 months ago | 4 Votes | [Vote](#):



I notice the charges were brought forward by off-duty police officers, whom I assume would have known the law, and perhaps even the history of this local gentleman's struggle to enjoy nude recreation. Hopefully this is not the waste as it first seems; may it cause people to reason what is truly natural, and acceptable in pursuit of health and recreation. I do hope the freehiker gets both the respect he deserves, and some company as he enjoys the trails for years to come.

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Post #10 By [as\\_i\\_came\\_in](#), 7 months ago | 3 Votes | [Vote](#):



Congratulations to the man for winning his case. If we were all brought up nude there would be much fewer sexual and social hangups. One of the biggest hangups in our society is the size and appearance of the \*\*\*\*\*. The Bay is a fine example when advertising male and female underwear. They must be hiring porn stars for the advertisements. Being brought up nude would demonstrate that everyone is normal and that "Normal" encompasses a wide variety. Just ask your local urologist. we should not be brought up being ashamed of our bodies, but instead should embrace it's diversity.

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Post #11 By [Bob1954](#), 7 months ago | 4 Votes | [Vote](#):



That's a great precedent!! I love nudism, and I am trying to start a naked hiking group in Toronto; torontonakedhikingclub@gmail.com  
Once, after walking naked along Dufferin St. an irate guy who also used the park, approached me and said, "are you trying to get yourself arrested?" Now I know that probobley wouldn't happen. Anyone interested in hiking naked in Toronto, please contact me.  
Cheers, Errol.

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Post #12 By [luv2pleaseu](#), 7 months ago | 1 Votes | [Vote](#):



"The law is very straightforward. If someone is absolutely and completely bereft of clothing then one is considered nude.....however things become a little more complicated if there is a scrap of apparel anywhere on the body then the Crown has to show that the person is indecently clad which gets into what the current Canadian legal test is for indecency." If one is wearing only footwear the crown has to prove indecency, and it couldn't." This guy was walking the Uthoff Trail, which I see from photos, is crushed stone so he must have had, at least, footwear on. That is probably why the Attorney General did not give consent to proceed with the nudity charge  
so that charge was withdrawn by the crown and since "mere" nudity is not an indecent act there could be no possibility of a conviction under section 173 of the Criminal Code. (Indecent Act) This guy must had really done his research.....and he appears to have done it very well.

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Post #13 By [Activist2](#), 6 months ago | 1 Votes | [Vote](#):



Dear all,  
Kindly see my response to some of the issues raised in the fora at <http://www.orilliapacket.com/Community/NewsDisplay.aspx?c=95109>  
Yours truly,  
Gleb Bazov

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Post #14 By [Gleb Bazov](#), 6 months ago | 0 Votes | [Vote](#):

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