

**DISCLAIMER:** In accordance with the *Community Safety and Policing Act* and the *Freedom of Information and Protection of Privacy Act*, the summary below has been de-identified to remove the personal information of individuals, including public complainants and persons who were the subject of the investigation.

## DE-IDENTIFIED SUMMARY UNDER SECTION 167(2) OF THE CSPA

Original Police Service: [REDACTED] Date of Complaint: 09/10/2024

Type of Investigation:

Referred to Same Service: ☒

Referred to Other Service: ☐

Retained by LECA: ☐

Service Investigations Referred to:

### De-identified Summary of Complaint

On Wednesday, November 6, 2024, the [REDACTED] - Professional Standards Unit received a public complaint from the Law Enforcement Complaints Agency (LECA) from complainant regarding the conduct of two (2) [REDACTED] Officers and this incident was now assigned for investigation.

The complainant alleges that on September 1, 2024, they and their partner were in their apartment. Complainant alleges that RO#1 and RO#2, of the [REDACTED] entered their residence and ordered them to leave immediately.

Throughout the incident, the complainant kept telling the officers that they were "tenants" and occupying the apartment lawfully. Complainant stated that only a Sheriff, acting on behalf of the Enforcement Office of the Attorney General's Office can evict them.

The complainant was informed by RO#1 and RO#2 that they were deemed "unauthorized occupants", which means they had no lawful authority to occupy the residence and needed to exit the apartment immediately. When the complainant and their partner did not comply with the order to leave, they both were arrested under the authority of the Trespass to Property Act of Ontario and removed from the apartment.

A short time later, the two Officers unconditionally released the complainant and partner – once they were removed from the property.

Complainant alleged they were not allowed to collect their personal belongings before they were ordered to leave the area.

The complainant believed that RO#1 and RO#2 were negligent of their duties because they were lawful "tenants" and were not properly evicted from their apartment.

## Unsubstantiated Code of Conduct Allegations

### Neglects to do Duty – Section 19 Community and Policing Act:

“A police officer shall not, by act or omission, fail to perform their duties appropriately without lawful excuse if, at the time, they know or reasonably ought to know that their act or omission would amount to a failure to perform their duties appropriately.”

## Decision and Reasons

On September 1, 2024, it is alleged that RO#1 and RO#2, of the Primary Response Unit neglected to do their duty, by improperly evicting the complainant and their partner from the residence. Also, the complainant alleges that neither themselves nor their partner were given a reasonable amount of time to retrieve their personal items from the home, prior to being removed by [REDACTED] Officers.

The investigator reviewed all the Respondent Officers’ and Witness Officers’ confidential duty reports, notes and body worn camera footage when they had dealings with complainant.

The investigator reviewed <https://openroom.ca> website and saw the Landlord Tenant Board Tribunal Eviction Notice used by RO#1 and RO#2.

The investigator reviewed the Trespass to Property Act of Ontario – “Fail to Leave Premises When Directed” and “Arrest without warrant on premises.”

The investigator reviewed the [REDACTED] Police Service Procedure – “Arrest, Release and Detention”.

The investigator reviewed the Residential Tenancies Act, 2006 and reviewed Sections 95, 97 and 100 that deal with subletting and unauthorized occupancy.

The investigator consulted the area Crown Attorney who stated RO#1 and RO#2 were justified in their actions because of a clause in the Tribunals Ontario document, which stated, “The parties agree that the police are free to provide vacant possession to the Landlords at their discretion on or after September 1, 2024.”

Based upon a review and analysis of all the information gathered, the Professional Standards Unit’s investigation has determined that the actions of RO#1 and RO#2 were correct, conducted in good faith and did not bring the reputation of this police service into disrepute. With respect to the allegation of “Neglects to do Duty,” the investigator concludes that this allegation of misconduct is unsubstantiated.