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: Date of Complaint: 01/13/2025

Type of Investigation:

Referred to Same Service: ◉ Referred to Other Service: ○ Retained by LECA: ○

Service Investigations Referred to:

De-identified Summary of Complaint
The Complainant reported purchasing a used vehicle from a private seller who failed to disclose an active lien on the vehicle. After registering the vehicle with Service Ontario, it was subsequently seized by a bailiff acting on behalf of the lienholder. The Complainant alleged he was defrauded and further claimed the Respondent Officers (ROs) failed to conduct an adequate Fraud investigation into the matter.

Unsubstantiated Code of Conduct Allegations

Duty-Neglect or Omit - Sec 19 CSPA Reg. 407/29

Decision and Reasons

Neglect of Duty – Respondent Officer 1

It is alleged Respondent Officer 1 conducted a negligent investigation that should have resulted in a charge of Fraud being laid against the SELLER.

In this case, Respondent Officer 1 reviewed the information provided by both the BUYER and the SELLER. Based on the available evidence, he was unable to clearly determine whether the lien on the vehicle had been disclosed to the BUYER prior to the sale. As a result, Respondent Officer 1 was unable to form the necessary RPG to support a charge of fraud. Additional documentation later submitted by the BUYER did not alter this assessment. There was no written sales agreement nor other definitive evidence to confirm the terms of the transaction. Furthermore, the Assistant Crown advised Respondent Officer 1 that they would not proceed with criminal charges against the SELLER. The Assistant Crown noted that, in their experience, a successful fraud prosecution would require proof that the BUYER had been misled despite having taken reasonable steps to conduct their own due diligence—something they did not believe was evident in this case. Therefore, due to the absence of RPG and the lack of corroborating evidence, the investigative findings did not meet the threshold required to support a charge of fraud. Respondent Officer 1 was not negligent while assessing the evidence provided to him and in choosing not to lay a criminal charge against the SELLER. During his investigation, Respondent Officer 1 spoke with both the complainant and suspect. The officer documented information obtained in both his officer notes and the NICHE RMS occurrence. Respondent Officer 1 consulted his supervisor along with the Assistant Crown. The RO maintained consistent communication with the complainant throughout the investigation. The evidence supports Respondent Officer 1 took reasonable and methodical steps to determine if the evidence available to him would support laying a criminal code charge of Fraud against the SELLER. A review of related (Readcted) Policy and SOP revealed the RO was compliant with policy. Therefore, the allegation of Neglect of Duty is unsubstantiated.