

De-identified Summary

Background

In October 2022 the complainant contacted the [REDACTED] Police in regards to a fraud complaint. The complainant explained that they had purchased a vehicle in June of 2022. When they attended to meet with sales staff all documents were signed along with a non export agreement that the complainant signed “without prejudice”. The ownership for the vehicle was provided to the complainant which had been placed in their name prior to the meeting.

Payment for the vehicle was made using a cashier’s cheque issued in another person’s name. Upon noticing this, staff refused to accept the payment and returned the cheque. Over the following months, the complainant, with the help of legal counsel, attempted to resolve the matter and take possession of the vehicle.

The complainant later discovered that the vehicle ownership had been transferred out of their name and back to the dealership’s name through documentation obtained from the ministry of transportation. These documents showed that the ownership, originally in the complainant’s name, had been stamped with the sellers name and signed on the back. The complainant denied signing the document and believed that someone from the dealership had done so without authorization, constituting forgery.

According to the dealership, the transfer back into their name occurred after they submitted a letter to the ministry of transportation explaining that the sale had not been completed. Police obtained this letter during their investigation, and staff at the ministry of transportation confirmed that such letters are a common practice when a vehicle sale is cancelled. However, police were unable to determine who had actually signed the reverse side of the ownership document.

The complainant questioned the dealership’s explanation, pointing out that a letter from the dealership’s legal counsel dated several days after the alleged transfer still discussed possible options for completing the sale. That letter also proposed that the complainant sign an authorization allowing the dealership to transfer ownership back into their name, suggesting the transfer had not yet occurred.

The complainant believes someone from the dealership either attended the registration office in person with the ownership document or had a new copy issued, signing it without authorization. Because the ownership was still in the complainant’s name at that time, they consider the signature to be a forgery.

The complainant’s main concern is that the investigating officers failed to properly identify and pursue this evidence, and did not fully investigate how the ownership was transferred back to the dealership. The complainant disputes the police finding that the act did not constitute forgery, as officers concluded there was no intent to impersonate the complainant. The complainant believes further investigative steps could have been taken to determine who signed the document.

Finally, the complainant expressed concern about a potential conflict of interest, alleging that the police service had a business relationship with the dealership and that this may have affected the impartiality of the investigation.

Investigative findings

The investigator has established that the officers took numerous investigative steps to fully investigate the complaint including the following

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- Speaking to both parties on multiple occasions and getting clarification,
- Reviewing documents including emails between lawyers, letters provided and vehicle document
- Speaking with staff at Service Ontario
- Attempting to collect statements from both parties
- Attempting to collect statements of support from the complainant
- Attempting to collect a statement from Service Ontario Staff
- Attempted to collect video
- Consulting with OMVIC staff
- Consulting with the Crown attorney and submitting an advice brief

The officers made multiple attempts to explain to the complainant their reasoning for the outcome of the investigation and their decision not to pursue charges. All investigative avenues were explored. The officers on two occasions contacted the crown attorney and sought a legal opinion based on the evidence they had.

Based on a review and analysis of all information, the LECA complaint investigation has determined that there is **insufficient evidence** to establish that Neglect occurred in relation to this investigation. As a result, with respect to this allegation, the conclusion is **unsubstantiated**.

It was further alleged that the involved officers failed to conduct an impartial investigation and were in a conflict of interest due to a relationship with a specific business. The investigator determined that the police service had previously been a customer of this business; however, vehicles are purchased and maintained through multiple sources. The service's prior dealings with this business did not create or contribute to a conflict of interest in the investigation.

The investigator also determined that none of the involved officers were customers of, or had any personal relationships with, staff at the business in question.

Based on a review and analysis of all information, the complaint investigation concluded that there was insufficient evidence to establish that neglect occurred. Therefore, the allegation is **unsubstantiated**.

