

OPAAC ADJ #25-024

TORONTO POLICE SERVICE
Applicant

And

CONSTABLE WASEEM JAVED
Respondent

Adjudicator:
Marke Kilkie

Appearances:
E. Glasbergen, for the Applicant
W. Javed, Respondent

Heard:

Date of decision:
November 20, 2025

Length of decision:
8 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c.1, Sched. 1, ss. 195(1),
202(1), 202(8), and 202(9)
O. Reg. 404/23; O. Reg. 407/23, s. 27

PERFORMANCE OF DUTIES - Failure to comply with procedures - Absence on sick leave - Respondent failed to advise supervisor that he was recovering at location other than his residence - Actions contrary to service's sickness reporting procedure - Misconduct admitted - Respondent accepting penalty of 3-month demotion with return to rank at end of demotion - Memorandum of Agreement issued as consent order of adjudicator.

DISCIPLINARY PENALTIES - Demotion - Respondent pled guilty to charge of violating s. 27 of Code of Conduct, O. Reg. 407/23 - Respondent agreed he failed to comply with service's sickness reporting procedure - Parties reaching Memorandum of Agreement, including disposition - Respondent to be demoted from First Class Constable to Second Class Constable for period of 3 months, with return to rank thereafter.

SETTLEMENT - Respondent failed to comply with service's sickness reporting procedure - Parties reaching settlement, including agreed disposition of 3-month demotion and return to rank

thereafter - Memorandum of Agreement issued as consent order of pre-hearing conference adjudicator.

Summary of Reasons for Decision

The respondent joined the Toronto Police Service on December 16, 2010. On September 17, 2024 he booked off sick, having been diagnosed with a blood clot. On October 1, 2024 the respondent's platoon supervisor messaged him to check on his well-being and advise him that someone would be attending his residence for a home visit. The respondent replied that he was out of the country getting additional treatment. He had not advised any supervisor that he was leaving his residence. This omission was contrary to TPS procedure 08-02, *Sickness Reporting*, which stated that prior to leaving their place of residence to recuperate at another location, the officer shall notify their unit officer in charge.

The respondent was charged with one count of violating s. 27 of the Code of Conduct, O. Reg. 407/23, in that he failed to comply with procedures. A pre-hearing conference adjudicator was appointed to hear the service's application under s. 202(1) of the *Community Safety and Policing Act*. As contemplated under s. 202(8), the parties reached a Memorandum of Agreement and consented to the pre-hearing conference adjudicator issuing an order which embodied their agreement, *per* s. 202(9). An Agreed Statement of Facts, included in the MOA, indicated that the respondent had three prior disciplinary convictions on his record, two of which resulted in demotions. In the MOA the respondent acknowledged, therefore, that another instance of proven misconduct could result in the TPS seeking his termination.

Held, MOA issued as consent order.

By pleading guilty to the disciplinary charge, the respondent agreed that he violated s. 27 and accepted the penalty agreed to by the parties. Accordingly, the respondent would be demoted from First Class Constable to Second Class Constable for a period of three months, following which he would return to the rank of First Class Constable.

Authorities cited
