

In the Matter of

Police Discipline Adjudication pursuant to section 202(1) of the
Community

Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1.

B E T W E E N:

Ontario Provincial Police

Applicant

- and -

Respondent

Constable R. Visconti

INTERLOCOTORY DECISION AND ORDER

[1] The Applicant (prosecution) in the matter seeks to proceed with the merits of hearing in the absence of Constable Visconti. This proceeding arises under s. 202(1) of the Community Safety and Policing Act (CSPA). On April 30, 2025, the Ontario Provincial Police (“OPP”) submitted a Request for the Appointment of an Adjudicator pursuant to s. 202(1) of the CSPA, on the basis that the alleged misconduct carried the potential for demotion or termination of Provincial Constable Roberto Visconti.

[2] On May 6, 2025, Adjudicator Peter Lennox was appointed by the Chair of the Ontario Police Arbitration and Adjudication Commission (OPAAC) as the Pre-Hearing Conference adjudicator in this matter pursuant to subsection 202(1) of the Community Safety and Policing Act (the “Act”). Similarly, the Panel was appointed as the Merits Adjudicator in this matter.

[3] The pre-hearing conference was scheduled for October 17, 2025. Multiple attempts were made by Adjudicator Lennox and OPAAC between July 22 and July 24, 2025, to serve PC Visconti by email using both personal and OPP email addresses. Each attempt resulted in an error message indicating that the emails were undeliverable. The personal email address had been confirmed by PC Visconti as correct on April 30, 2025, and July 22, 2025.

[4] On October 18, 2025, Adjudicator Lennox issued a pre-hearing conference order¹. In his Order, Adjudicator Lennox outlined his concerted efforts to engage Constable Visconti in the proceedings. As Adjudicator Lennox was unable to satisfy the regulatory requirements of the pre-hearing conference, he issued an order to refer the matter to the Merits Adjudicator.

[5] On February 9, 2026, the Prosecution (Applicant) filed a Motion to Proceed in Abstentia² was filed with the Adjudicator. The Applicant further advised the panel that Constable Visconti was served a copy of that motion on February 11, 2026.

¹ Pre-Hearing Conference Order dated October 18, 2025, Adjudicator Peter Lennox

² Motion to Proceed in Abstentia dated February 9th, 2026, Prosecutor Joanna Chan

[6] On February 12, 2026, given the failure of Constable Visconti to provide means of communication, the Panel sent notice to Constable Visconti by registered mail at the address he identified as his home address. The letter notified Constable Visconti of the motion and giving him 15 days from receipt or refusal of the notice to respond to the motion. In that letter, the Panel informed Constable Visconti that failure to respond with the timelines would result in a decision on the motion which may result in a hearing on the merits being held in his absence.

[7] The Panel notes that on February 13, 2026, a Canada Post left notice at Constable Visconti's home address indicating that the registered letter was available for pickup. A second and final notice was left at Constable Visconti's address on February 18, 2026, indicating that the letter would be available for pick up until March 1, 2026, failing which, the registered mail would be returned to the sender. Constable Visconti failed to pick up the registered letter. The panel finds that the registered letter is deemed served to Constable Visconti on February 13, 2026.

[8] Constable Visconti has failed or refused to provide a response to the motion within the established timelines. Accordingly, the Panel will proceed by ruling on the motion in the absence of a response from Constable Visconti.

[9] The Applicant seeks to proceed on the merits of hearing in the absence of Constable Visconti. The Panel finds the Applicant's arguments in this regard compelling and convincing. As noted by the Applicant, the adjudicator has express statutory authority under s. 201(6) of the CSPA and O. Reg. 404/23 to proceed with a hearing in the absence of a party who has been given proper notice and fails to attend. In addition to the serious non-engagement identified by Adjudicator Lennox in the pre-hearing conference order, the evidence before the panel clearly establishes that Constable Visconti has demonstrated a pattern of overt resistance to engaging in these proceedings. As noted in the Applicant's record,

On July 10, 2025, Sergeant Major Cole served Constable Visconti with a second copy of the application materials, including the PSU Decision Letter, a copy of the PSU substantiated investigative report, OPAAC Request for the Appointment of an Adjudicator and CSPA Summary of

Allegations. Service was completed only after PC Visconti initially declined to accept the documents and was subsequently instructed to comply, with insubordination cited as a potential consequence. PC Visconti expressly confirmed to Sergeant Major Cole that he remained unrepresented. At no time did PC Visconti identify retained counsel or indicate that he had taken steps to formally engage legal representation despite being made aware of these proceedings.

On July 28, 2025 Sergeant Major Cole again met with PC Visconti to advise him of the delivery issues with the email address he provided. PC Visconti acknowledged that he had no ability to access this email account, had no phone, computer, or electronic device, and took no steps to correct the issue or provide an alternative means of communication. Sergeant Major Cole formed the view that PC Visconti was aware of these limitations when he initially provided the email address and was unwilling to remedy the issue.

On January 22, 2026, Constable Visconti was personally advised that he had failed to attend the pre-hearing conference on October 17, 2025, for this matter. PC Visconti stated that he was unaware of the pre-hearing conference. Importantly, he did not indicate that he had refused service of the Notice sent by OPAAC on September 4, 2025.

On the same date, PC Visconti was informed that OPPA counsel James Girvin was available to assist him if he chose to reach out. PC Visconti declined Sergeant Major Cole's offer to be provide him with written confirmation of the hearing dates and related information.....

The reporting officer documented the understanding that PC Visconti had no interest in retaining the information provided, attending the scheduled hearing, or engaging with counsel or the adjudicative process.

[10] Constable Visconti is aware of the proceedings but has deliberately obstructed and delayed proceedings through obfuscation, lack of cooperation in providing a means of communication, engagement with legal counsel available to him and, refusal to acknowledge or accept notice. There is no evidence before me that Constable Visconti is unable to engage in these proceedings, rather, only that he is unwilling.

[11] Based on the foregoing analysis and findings, the Motion to Proceed in Absentia is allowed. A hearing date will be set.

[12] Prosecution is to provide at their earliest opportunity, anticipated hearing duration, available dates and a list of anticipated witnesses. Given the hearing is to proceed in absentia, and in agreement with the Applicant, the merits hearing will take place virtually.



Leonard Favreau
Adjudicator OPAA

Dated this 10th day of March, 2026 at the City of Oakville

