

OPAAC ADJ #26-026

CONSTABLE JOSE PEREZ
Applicant

And

TORONTO POLICE SERVICE
Respondent

Adjudicator:
D. Stephen Jovanovic

Appearances:
S. Khehra, for the Applicant
E. Glasbergen, for the Respondent

Heard:
June 22, 2026

Date of decision:
June 22, 2026

Length of decision:
3 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, ss. 210(1)(ii) and 210(10)
O. Reg. 404/23, ss. 65(1) and 65(2)
Criminal Code, R.S.C. 1985, c. C-46, s. 515

DISCIPLINARY HEARING - Time-limits - Appeal of suspension without pay - Applicant released on conditions pursuant to s. 515 of *Criminal Code* - Applicant entering residential treatment facility after adjudicator appointed - Under O. Reg. 404/23, adjudicator to ensure that merits hearing commences no later than 90 days following appointment - Exceptional circumstances demonstrated - Time-limit extended - Interim decision.

PROCEDURAL ISSUES - Time-limits - Appeal of suspension without pay - Pursuant to s. 65 of O. Reg. 404/23, merits adjudicator to ensure that hearing commences within 90 days unless exceptional circumstances applied - Applicant undergoing residential treatment program and unable to attend proceeding - Time-limit extended - Interim decision.

SUSPENSION WITHOUT PAY - Applicant suspended without pay under s. 210(1)(ii) of *Community Safety and Policing Act* - Pursuant to O. Reg. 404/23, adjudicator to ensure that

hearing commences no later than 90 days - Applicant undergoing residential treatment program and unable to attend proceeding - Time-limit extended - Interim decision.

Summary of Reasons for Interim Decision

On March 27, 2026, pursuant to s. 515 of the *Criminal Code*, the applicant became subject to conditions of judicial interim release. He was suspended with pay from that date until April 10, 2026, when he became subject to a new release order. The chief notified the applicant that he was suspended without pay effective April 22, 2026, pursuant to s. 210(1)(ii) of the *Community Safety and Policing Act*.

The applicant challenged the suspension without pay and the adjudicator was appointed to hear his application. On June 8, counsel for the applicant advised that the applicant was entering a residential treatment program which was expected to last three months, with a report due within 30 days thereafter. Sections 65(1) and (2) of O. Reg. 404/23 stated that the merits hearing must commence within 90 days following the appointment of an adjudicator. The time-limit could be extended by the adjudicator due to “exceptional circumstances”. The parties agreed that in this case, exceptional circumstances applied. The applicant was unable to attend while resident in the treatment program. Accordingly, the time-limit was extended, with a new hearing commencement date of October 19, 2026.

Authorities cited
