

OPAAC ADJ# 26-027

ONTARIO PROVINCIAL POLICE
Applicant

And

CONSTABLE DAVID ABUWA
Respondent

Adjudicator:
Ian Nordheimer

Appearances:
A. Iafrate, for the Applicant
J. Girvin, for the Respondent

Heard:
Submissions in writing

Date of decision:
March 31, 2026

Length of decision:
5 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1. Sched. 1, ss. 7(2) and 202(1)
O. Reg. 404/23, s. 8(2)
O. Reg. 407/23

PROCEDURAL ISSUES - Venue - Respondent facing two counts of misconduct - Appropriate venue for merits hearing - Statutory objective of ensuring independent, neutral disciplinary process for police officers - Objective does not require that hearing be held at a third-party facility - Hearing to be held at one of applicant's facilities - Interim decision.

Summary of Reasons for Interim Decision

The respondent faced two counts of misconduct under the Code of Conduct. At the case conference, he raised an issue with respect to the appropriate venue of the hearing on the merits. The applicant offered to hold the hearing at one of its facilities – either OPP headquarters in Orillia or the Mississauga Detachment. The respondent objected to the hearing being held at an OPP facility. He asserted that an important statutory objective underlying the *Community Safety and Policing Act* was ensuring an independent, neutral disciplinary process for police officers and this objective required that the hearing be held at a neutral facility, such as a hotel. The

applicant contended that the *CSPA* did not stipulate the location of hearings; thus, the choice of location was a discretionary decision by the adjudicator; and holding hearings at OPP facilities where events occurred was consistent with OPP practice.

Held, merits hearing to be held at OPP facility.

The procedure for hearings under the *CSPA* was governed by O. Reg. 404/23. Section 8(2) of the Regulation stated that an adjudicator must be guided by the principle of securing “the just, most expeditious and cost-effective determination of every proceeding on its merits”. The respondent’s position with respect to venue would add extra cost to the hearing at public expense; it did not represent the most cost-effective process.

There was no doubt that the *CSPA* was enacted with the objective of ensuring an independent, neutral disciplinary process for police officers. However, the goal of neutrality did not extend to the location where the hearing is held; it did not require that the hearing be held at some “neutral” third-party facility. That assertion ran counter to the experience in proceedings such as criminal or civil proceedings, where hearings and trials were routinely held in provincially supplied facilities, without anyone questioning the independence of the judiciary or other decision-makers. The respondent did not point to any facts or personal circumstances that would raise reasonable concerns about the neutrality of holding this hearing at an OPP facility.

Accordingly, the adjudicator directed that the hearing be held at either of the OPP facilities offered by the OPP.

Authorities cited

Valente v. The Queen, [1985] 2 S.C.R. 673