

OPAAC ADJ #26-034

PEEL REGIONAL POLICE SERVICE
Applicant

And

CONSTABLE SAGAR ARORA
Respondent

Adjudicator:
Elie C. Labaky

Appearances:
S. Wilmot and S. Brown, for the applicant
J. Mulcahy, for the respondent

Heard:
March 23-27, 2026; April 1, 2 and 24, 2026; May 4-6 and 14, 2026

Date of decision:
September 28, 2026

Length of decision:
84 pp.

Statutory citations:
Community Safety and Policing Act, 2019, S.O. 2019, c. 1, Sched. 1, s. 202(1)
O. Reg. 407/23, ss. 19 and 31

DECEIT - False or misleading statements - Multiple allegations of misconduct - Applicant alleged that respondent was deceitful in relation to injury on first trip to India, with respect to circumstances surrounding second trip to India, and with respect to attendance in court on several dates - Inaccurate statements and misleading statements distinguished - Applicant provided reasonable explanations - Deceitful conduct not established - Breach of s. 31 of Code of Conduct not proved.

PERFORMANCE OF DUTIES - Failure to perform duties - Alleged that applicant failed to attend court on several dates - Elements of offence under s. 19 of Code of Conduct - Applicant had lawful excuse for missing some court dates - Inaccurate reporting of attendance on one occasion characterized as honest mistake - Not established that missed court appearances crossed the line between imperfect performance and misconduct - Breach of s. 19 not proved.

EVIDENCE - Standard of proof - Multiple counts of misconduct involving alleged pattern of deceit and failure to perform duties - Onus on applicant to establish misconduct on clear and

convincing evidence - While several events invited scrutiny, suspicion not a substitute for evidence - Misconduct not proved on the standard of clear and convincing evidence.

Summary of Reasons for Decision

Constable Arora (respondent) had been a member of the Peel Regional Police (applicant) since 2019. He was assigned to the Strategic Enforcement Unit, part of Road Safety Service (RSS). The applicant initially brought seven allegations of misconduct against Cst. Arora, two of which were withdrawn before the merits hearing. The remaining counts concerned allegations of deceit, contrary to s. 31 of the Code of Conduct, O. Reg. 407/23, as well as allegations of failure to perform duties, contrary to s. 19 of the Code. The applicant sought the respondent's dismissal.

The events underlying the counts of misconduct took place throughout 2024 and early 2025. The remaining counts were:

Count 1: Cst. Arora was deceitful or misleading in relation to an ankle injury sustained on an approved trip to India between February 10 and March 18, 2024;

Count 2: Cst. Arora failed to perform his duties without lawful excuse when he did not attend scheduled court dates between March 19 and April 5, 2024;

Count 3: Cst. Arora was deceitful with respect to circumstances surrounding a second trip to India in December 2024;

Count 5: Cst. Arora was deceitful or misleading regarding his non-attendance at Provincial Offences Court between August 27 and September 19, 2024;

Count 6: Cst. Arora failed to perform his duties without lawful excuse on those court dates.

Regarding Counts 1 and 2, the undisputed evidence was that Cst. Arora sustained an ankle injury during the first trip. When he contacted his supervisor, Sgt. Murphy, he initially described the injury as a broken ankle. In subsequent communications, the injury was identified as a sprain with ligament damage. The injury delayed Cst. Arora's planned return to Canada. The revised date of return was changed again due to difficulties with flights that had been re-scheduled. As a result of his delayed return, Cst. Arora missed scheduled court dates between March 19 and April 5, 2024. He flagged only two missed dates for his supervisor; however, the number of missed court appearances was much greater.

Regarding Count 3, Cst. Arora asked for a block of time off from late November 2024 through early January 2025, for the purpose of attending his wife's brother's wedding in India. Due to operational reasons, he was granted a shorter period. Requests to reconsider the shortened period were denied. Constable Arora ended up leaving sooner than scheduled, however, when he reported that his wife had suffered a cardiac arrest in India. The applicant alleged that Cst. Arora's conduct in relation to this second India trip was deceitful in several respects: the timing of the request for leave; early airline reservations before approval was even sought or granted; it was later discovered that Cst. Arora's wife had been hospitalized with a panic attack, not a heart attack or cardiac arrest; the doctor in India who certified her illness was the same doctor who had certified Cst. Arora's ankle injury and resulting restrictions earlier that year; the brother was not a blood relation but instead was the person who had raised her from infancy; the couple

participated in social events connected to the wedding, notwithstanding the recent hospitalization.

Regarding Counts 5 and 6, Cst. Arora was scheduled to attend Provincial Offences Court on August 27, September 11 and 19, 2024. At this time, he was on modified duties within RSS, due to a back injury. The allegations were that he either failed to attend court or falsely represented that he had attended.

The allegations arose, therefore, from three broad areas: the extension of Cst. Arora's first trip to India in March and April, 2024; a second trip to India in December 2024; and issues relating to court attendance while assigned to accommodated duties between August and September 2024. The prosecution's position was that these events revealed a pattern of deceit and failure to perform duties. The respondent denied any attempt to deceive or mislead; he attributed discrepancies between the facts and information provided at the time to honest mistakes rather than an attempt to mislead. Witnesses testifying at the merits hearing included the respondent, his wife, his immediate supervisor, and other supervisory officers in his unit.

Held, misconduct not proved; reinstatement ordered.

The applicant bore the burden of proving misconduct on the standard of clear and convincing evidence. The seriousness of police disciplinary proceedings, and the potentially significant consequences, required that the evidence be carefully scrutinized. The applicant had to prove the allegations through evidence that was reliable, persuasive, and capable of supporting the conclusions sought. In this case, the evidence did not meet that standard.

Section 19 of the Code of Conduct, O. Reg. 407/23, dealt with the offence of failure to perform duties. There were several components of this offence. To establish a breach of s. 19, it was necessary to: identify the duty in question; determine whether it was performed appropriately; assess whether the officer had a lawful excuse; and consider whether the officer knew or ought reasonably to have known that their conduct would amount to a failure to perform duties appropriately. Misconduct was not established simply because the officer made a mistake, exercised poor judgment, or performed the duty imperfectly.

Section 31 of the Code dealt with the offence of deceit. Section 31 stated that a police officer shall not deceive or mislead anyone in relation to the officer's duties. An inaccurate statement, *per se*, did not constitute deceit. Rather, the applicant had to establish with clear and convincing evidence that the officer intended to mislead or deceive, or acted with a reckless disregard for the truth. This case ultimately turned on that element of intent – in other words, whether statements later shown to be inaccurate were made with the intention to deceive or with a reckless disregard for their truthfulness.

The first set of allegations in this case related to deceit. With respect to the first trip and the ankle injury, it was indisputable that Cst. Arora suffered an ankle injury while on the first trip to India. Whether the ankle was broken or strained, the relevant fact was that he was unable to travel due to his injury. He did not seek authorization to extend his vacation; he had vacation time available in his time bank and he informed his supervisor of his delay in returning. The prosecution did not

prove that Cst. Arora misrepresented the nature or extent of his injury. There were additional delays at the airport during this trip. However, the circumstances were beyond Cst. Arora's control. The prosecution did not prove with clear and convincing evidence that Cst. Arora knowingly withheld information from his supervisors about the number of cases he would miss in court. He did not have his work phone with him or have other access to court schedules. Finally, the authenticity of medical notes authored by the doctor who treated both Cst. Arora and, later, his wife, was not successfully challenged. The doctor's involvement in both medical incidents did not lead to an inference that Cst. Arora was deceitful.

With respect to the second trip to India, none of the evidence relating to Cst. Arora's wife – her hospitalization, the initial reference to cardiac arrest, her post-discharge after-care plan – established deceitful or misleading conduct on the part of Cst. Arora. There was in fact a wedding, which was the purpose of the trip. The allegation that Cst. Arora fabricated the wedding invitation was not proved. The timing of the leave request, the early airline reservations, the reference to the groom as Cst. Arora's brother-in-law, did not establish an intent to deceive.

The second set of allegations related to court attendance while Cst. Arora was working modified duties, between August and September 2024. The primary dates at issue were August 27, and September 11 and 19. The respondent testified that he generally attended court virtually during this period. The evidence established that he did not attend court on August 27, 2024; he acknowledged that he did not attend but could not recall why. There was too much uncertainty regarding September 11th to conclude that Cst. Arora did not attend that day. On September 19, 2024 he attended two of three court sessions. He readily acknowledged that he missed one session and accepted responsibility. His explanation was plausible. His inaccurate reporting of his attendance at this session was the result of an honest mistake rather than a deliberate attempt to deceive.

The Internal Affairs investigation was conducted honestly and in good faith. Nevertheless, the totality of the circumstances did not support a finding of any misconduct. While Cst. Arora may have taken advantage of certain situations, the evidence did not support a finding that he was deceitful. Some events invited scrutiny. However, suspicion was not a substitute for clear and convincing evidence. Considering the various incidents collectively, they did not establish a pattern of deceitful conduct.

Regarding Count 1, the evidence did not establish deceit in relation to Cst. Arora's ankle injury or the number of court dates he believed would be affected by his delayed return. Regarding Count 2, Cst. Arora did not attend court dates that were affected by his extended first trip. However, he reasonably believed that the appropriate notifications would be provided through his chain of command. This amounted to a lawful excuse. Regarding Count 3, the evidence did not support a finding of deceit in relation to his second trip to India. Regarding Count 5, Cst. Arora did not attend court on August 27, 2024 and missed one session on September 19, 2024. However, this was an honest mistake rather than an attempt to mislead or provide false information. Regarding Count 6, while Cst. Arora did miss certain court appearances, this did not cross the line from imperfect performance to misconduct.

Accordingly, none of the allegations of misconduct were proved. The respondent was entitled to be reinstated, with compensation for lost wages flowing from any suspension without pay.

Authorities cited

Carmichael and Ontario Provincial Police (1998)
Penner v. Niagara Regional Police Services Board, 2013 SCC 19
Jacobs v. Ottawa Police Service, 2016 ONCA 345
Hawkes v. McNeilly, 2016 ONSC 5397
Korchinski v. OIPRD, 2022 ONSC 4810
Mohamud v. LECA, 2024 ONSC 7222
Burgess and St. Thomas Police Service (1989), 2 O.P.R. 822
Rollins v. Desjardins, 2020 ONCPC 10