OPAAC ADJ #26-035

INSPECTOR JOYCE SCHERTZER
Appellant

And

TORONTO POLICE SERVICE
Respondent

Adjudicators:
L. Hodgson, J. Theoharis, M. Helt

Appearances:
J. Mulcahy, for the appellant
S. Hutchison, for the respondent

Heard:
August 20, 2026

Date of decision:
August 31, 2026

Length of decision:
6 pp.

Statutory citations:
*Community Safety and Policing Act, 2019,* S.O. 2019, c. 1, Sched. 1, s. 216(4)
*Police Services Act,* R.S.O. 1990, c. P. 15 (repealed), s. 87

**PROCEDURAL ISSUES - Rules of practice -** Appeal from hearing officer's findings of misconduct and penalty decision - Pre-hearing conference order included directions respecting length and formatting of factums - Appeals conducted pursuant to transitional provisions of *Community Safety and Policing Act* followed predecessor commission's rules of practice - Appellant filing factum over three times stipulated length of 30 pages - Nothing exceptional about appeal that warranted significant extension of factum - Request to file extended factum denied.


Summary of Reasons for Decision

Inspector Schertzer appealed from the findings of misconduct and the penalty decision of the hearing officer. The disciplinary hearing was held under the now-repealed *Police Services Act*; however, the appeal was filed after the *PSA* was repealed on April 1, 2024. Pursuant to the transitional provisions of the *Community Safety and Policing Act,* a panel of adjudicators was appointed by the Ontario Police Arbitration and Adjudication Commission to hear the appeal.

In a pre-hearing conference order dated January 28, 2026 the panel issued directions respecting the appeal. These directions included filing and formatting requirements and deadlines; among these was a 30-page limit for factums, exclusive of schedules or appendices.

Prior to the deadline of August 7, 2026 counsel for the appellant requested an extension of time to file materials. This request was granted, with a one-week time extension; and the respondent was given a corresponding one-week time extension. On the revised filing deadline for the appellant, August 14, 2026, counsel for the appellant filed a factum which was 236 pages, consisting of a 93-page factum with 143 pages of attachments that included legal argument. Nineteen reasons were offered for the request to file this extended factum; counsel also advised that the appellant would be raising 67 grounds of appeal. The respondent objected to the request to file an extended factum.

*Held,* request to file extended factum denied.

The 30-page length stipulated for factums was the same page limit set out in the rules of practice of the predecessor commission, the Ontario Civilian Police Commission. Section 216(4) of the *CSPA* stated that the OPAAC would appoint adjudicators who would exercise the powers and duties of the OCPC in the appeal. In pre-hearing conferences, parties were advised that the OCPC rules of practice would be followed in transitional appeals, such as the instant appeal.

The Ontario Divisional Court and the Court of Appeal had a similar factum page length. As stated in the jurisprudence, the rationale for imposing page lengths was to keep appeals focused, concise, manageable, and cost-effective. Relief from compliance with the 30-page limit was exceptional, to be granted sparingly. In this case, the factum was unreasonably long; it was over three times the page limit ordered. The appellant failed to establish that there was anything exceptional, factually or legally, that would warrant such a significant extension. The choice to raise over 60 grounds did not justify a factum of over 90 pages.

Although the request to file the 236-page document was denied, both the appellant and the respondent were permitted to file factums not exceeding 40 pages, with directions not to include argument in schedules. New time-limits for filing were also set: September 4, 2026 for the appellant, and September 18, 2026 for the respondent.

Authorities cited

*OZ Merchandising Inc. v. Canadian Professional Soccer League Inc.,* 2020 ONCA 532