

MEMORANDUM

DATE: June 14, 2021

TO: Richard Stubbings, Assistant Deputy Minister
Ministry of the Solicitor General

FROM: Stephen Leach
Independent Police Review Director
Office of the Independent Police Review Director

SUBJECT: **Revocation of Rule 17 (Reconsideration) of the OIPRD Rules of Procedure**

I would ask that you please share the following update with the policing community.

On April 15, 2020, the Court of Appeal released *Stanley v Office of the Independent Police Review Director*, 2020 ONCA 252. In this decision, the Court of appeal determined that, other than to correct a manifest error, the Director does not have common law authority to reconsider her/his statutory decisions under the *Police Services Act*, R.S.O. 1990, c. P.15. Leave to appeal this decision was subsequently dismissed by the Supreme Court of Canada on January 28, 2021.

Currently, Rule 17 of the OIPRD Rules of Procedure provides the Director with authority to reconsider all screening decisions under sections 60 and 61 of the *Police Services Act*, and all post-screening decisions such as decisions arising from retained investigations or section 71 review decisions.

Please be advised that Rule 17 of the OIPRD Rules Procedure is revoked effective June 14, 2021, which means the Director will deny requests to reconsider decisions arising from classifying and screening complaints, retained investigations, and requests for review. The only means to challenge the Director's statutory decisions is by way of a judicial review application in the Superior Court of Justice.

Should you have any questions or concerns, please contact oiprd@ontario.ca.

Sincerely,



Stephen Leach
Independent Police Review Director