

JR-DSB #08-02

Kenora Police Services Board v. Ontario Civilian Commission on Police Services and City of Kenora

Application dismissed

Ontario Superior Court of Justice (October 9, 2008)

P. Smith J.

Court File # CV-08-108

JUDICIAL REVIEW - Municipality voting to transfer all policing to OPP - Applicant seeking injunction prohibiting dissolution of municipal police force - Applicant arguing that *Police Services Act* grants police services boards with exclusive authority to reduce, disband or abolish a municipal police force - Section 40 of *PSA* not specifically stating that a board may disband a police force - Powers and responsibilities of municipal councils and police services boards reviewed - Only council has authority to disband a police service and to select an alternate method of policing for the community - Role of Commission when change in policing is proposed is to review proposal to ensure compliance with adequacy and effectiveness and severance obligations - Logically inconsistent for a police services board to decide to disband when it plays no role in selecting manner of service delivery - Application dismissed.

JUDICIAL REVIEW - Applicant seeking injunction prohibiting dissolution of municipal police force - Method of policing determined by a municipal council - Police services board only comes into existence after council has selected method of policing - Change in method of policing could mean a change in the powers and responsibilities of a board - Illogical for legislature to confer veto power upon police services board under these circumstances - Conclusion that only council has authority to disband a police service is also consistent with legislative amendment - Repeal of requirement to obtain board's approval when municipality contracts with OPP indicating legislature's intent to limit role of police boards and provide more authority to municipal councils - Application dismissed.