

IN THE PROVINCIAL COURT  
Winnipeg Centre

IN THE MATTER OF: *The Law Enforcement Review Act, CCSM c L75*

BETWEEN:

[REDACTED]

Applicant,

- and -

LAW ENFORCEMENT REVIEW AGENCY

Respondent.

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NOTICE OF MOTION

HEARING DATE: August 26, 2026

*AUGUST 25, 2026 @ 14:00*  
*COURT ROOM 306*

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CHARTER ADVOCATES CANADA  
Michelle Nguyen

[REDACTED]

[REDACTED]

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Respondent.

**NOTICE OF MOTION**

The Applicant, [REDACTED], will make a motion before the Presiding Associate Judge on Wednesday, the 26<sup>th</sup> of August, 2026 at 9:30 a.m., or as soon after that time as the motion can be heard, at Law Courts, 408 York Avenue, Winnipeg, Manitoba.

THE MOTION IS FOR an Order:

1. That the Winnipeg Police Service (the “**WPS**”) produce for inspection the following categories of documents, both generated by the WPS or otherwise in its possession, related to WPS File Nos. 25101681 and 25101682, and connected with Law Enforcement Review Agency Complaint No. 2026/43 (the “**Complaint**”):
  - a. **Incident records**, such as occurrence reports, duty reports, arrest reports, investigation notes, witness statements, digital and multimedia evidence, and exhibit and forensic reports;
  - b. **Communications**, such as emails, letters, texts, and messages between parties to the incident, officers, and WPS staff members;
  - c. **Governing documents**, such as policies, bylaws, or internal rules regarding conduct in respect of the circumstances surrounding the incident;
  - d. **Internal records and files**, such as meeting minutes, internal memos, drafts,

investigation notes, police information checks, non-conviction records, and decision records;

- e. **Electronic records**, such as system logs of the incoming and outgoing phone calls to and from the dispatch unit, recordings of emergency service calls, and transcripts of such calls; and
- f. **Other relevant records**, meaning anything in a party's possession, custody, or control that could help prove or disprove a material issue

(the "**Disclosure**").

THE GROUNDS FOR THE MOTION ARE:

- 2. On September 26, 2025, the Winnipeg Police Service (the "**WPS**") received eight (8) separate phone calls from witnesses and the University of Winnipeg security services between 2:20 p.m. and 3:33 p.m., several of which requested immediate response. Despite being advised that a WPS unit would be sent out right away, no WPS officers appeared by 5:03 p.m., when the Applicant left the premises (collectively, the "**Incident**").
- 3. The Applicant was advised that information relating to the Incident would be recorded and investigated under WPS File Nos. 25101681 and 25101682.
- 4. The Applicant believes the information within WPS File Nos. 25101681 and 25101682 will explain the reason for and/or the lack of police response to the Incident, including the actions and identities of the WPS officers that were dispatched to the University of Winnipeg.
- 5. The Applicant made two requests for WPS disclosure with respect to all documentation related to the Incident within File Nos. 25101681 and 25101682 (the "**Disclosure**") on October 10, 2025 and June 2, 2026 (the "**Requests**"). These Disclosure Requests were denied by reason of s. 25(1)(a) of the *Freedom of Information Protection and Privacy Act*, CCSM c F175, which states, "The head of a public body may refuse to disclose information to an applicant if disclosure could reasonably be expected to (a) harm a law enforcement matter."
- 6. The Disclosure requested is highly relevant and critical to the Complaint and the

Commissioner's Decision not to act further regarding the Complaint. The Applicant submits that the Complaint cannot be meaningfully assessed without the Disclosure.

7. Furthermore, the Applicant also submits that the LERA complaint process is sufficiently separated from more public court proceedings and that granting Disclosure to the parties would not impede or obstruct the ongoing investigation of the WPS File Nos. 25101681 and 25101682. The Applicant is interested in the smooth operation of these investigations.
8. In the alternative, the Applicant submits that an order for the Disclosure could be conditional upon a limited inspection by the parties and court only. This would protect the integrity of the ongoing investigations.
9. Finally, the Applicant seeks an order that the Disclosure be introduced as evidence to the review of the Commissioner's Decision not to act further on the Complaint. The Disclosure is likely to show that WPS officers were dispatched, as according to witness statements, and yet did not attend to the University of Winnipeg. It may also provide an explanation as to why no WPS officers attended the Incident. Hence, the Disclosure is probative of the central issue of the judicial review, whether the Commissioner was reasonable in deciding not to act further on the Complaint.

THE FOLLOWING RULES AND/OR LAWS will be relied on in this Motion:

10. Pursuant to section 7 of the *Provincial Court Act*, CCSM c C275, every judge has authority to "exercise all the powers and perform all the duties conferred or imposed upon a judge by or under any Act of the Legislature."
11. Under section 13(2) of the *Law Enforcement Review Act*, CCSM c L75, a provincial judge who hears submissions shall order a hearing or take other actions under the *Act* respecting the complaint, pursuant to section 13(3).
12. Section 10.2(8) of the *Manitoba Evidence Act*, CCSM c E150 provides that a court may authorize disclosure that would encroach upon a protected public interest upon considering the public interest at stake, the right to fair trial, and any form and conditions to disclosure that limit encroachment upon the protected public interest.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

13. The affidavit of [REDACTED] sworn August 19, 2026;
14. Such further and other material as counsel may advise and this honourable court may permit.

August 19, 2026

**CHARTER ADVOCATES CANADA**

[REDACTED]

**Michelle Nguyen**

[REDACTED]

Counsel for the Applicant

TO: **LAW ENFORCEMENT REVIEW AGENCY**

[REDACTED]

AND TO: **WINNIPEG POLICE SERVICE**

[REDACTED]