



Case in Brief: ***R. v. Landry***

Judgment of January 17, 2024 | On appeal from the Court of Appeal of Quebec
Neutral citation: 2024 SCC 2

The Supreme Court upholds the verdict by which a former Sûreté du Québec police officer was convicted of defrauding his employer.

Nicolas Landry became a police officer with the Sûreté du Québec (SQ) in 2001. In 2009, his family doctor recommended that he stop working temporarily because of health problems. His inability to work was confirmed and extended for several years. That said, while he was off work, Mr. Landry performed a number of activities as a manager in his former spouse’s travel agencies and travelled frequently.

In 2014, Mr. Landry met with a physician-arbitrator to have his inability to perform his work as a police officer assessed. During that meeting, Mr. Landry minimized his role in the travel agencies and negatively presented the state of his psychological health in general. The SQ had information about Mr. Landry’s activities at the travel agencies before that meeting, but it did not share it with the physician-arbitrator. The physician-arbitrator found that Mr. Landry was permanently unable to perform his duties as a police officer. The SQ did not contest these findings. Because of his permanent disability, Mr. Landry was entitled from then on to his full salary, including all of his employment-related benefits, until his retirement in 2026.

Further to the physician-arbitrator’s report, the SQ’s professional standards division began investigating Mr. Landry. The investigation eventually led to a formal charge of fraud over \$5,000 being laid against him.

A Court of Québec judge convicted Mr. Landry of defrauding the SQ and sentenced him to six months’ imprisonment. In the judge’s opinion, the Crown had proved all the constituent elements of the offence of fraud: the commission of a dishonest act, prejudice or risk of prejudice to the victim’s financial interests, and subjective knowledge that the dishonest act could result in prejudice to others. According to the judge, the material non-disclosure by Mr. Landry of the true nature of his role within the travel agencies constituted a dishonest act. Furthermore, Mr. Landry knew that his dishonest acts could result in financial prejudice to the SQ, or put it at risk of prejudice, if it had to pay him his full salary until his retirement because of his untruthful allegations.

A majority of the Quebec Court of Appeal agreed with the trial judge and dismissed the appeal. One judge would have allowed the appeal. In her opinion, despite the dishonest acts that Mr. Landry was accused of, he did not cause actual prejudice or a risk of prejudice to the SQ’s interests. Because the SQ did not contest the physician-arbitrator’s findings and because Mr. Landry clearly had a disability, the Sûreté du Québec was obligated to pay him his full salary. Furthermore, given that the SQ had information about Mr. Landry’s activities and concealed it from the physician-arbitrator, it could not claim that it was deceived and put at risk of prejudice. For these reasons, the dissenting judge would have replaced the verdict of fraud with a verdict of attempted fraud, which carries a lower sentence.

Mr. Landry appealed to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal.

As a result, the verdict of fraud is upheld.

Justice Karakatsanis read the majority judgment of the Court.

A print version of the judgment that was read out will be available [here](#) once finalized.

Breakdown of the decision: A majority of the Court dismissed the appeal (Justices [Karakatsanis](#), [Kasirer](#), [O’Bonsawin](#) and [Moreau](#)) | Justice [Côté](#) would have allowed the appeal and replaced the verdict of fraud with a verdict of attempted fraud.

More information: [Decision](#) | [Case information](#)

Lower court rulings: [Decision](#) (Court of Québec – unpublished) | [Appeal](#) (Court of Appeal of Quebec – in French only)

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