

CANADA / JUDGMENT

R. v. Edwards

2026 ONCA 251

COURT

Court of Appeal for Ontario

DECIDED

2 April 2026

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R. v. Edwards Collection Decisions of the Court of Appeal Date 2026-04-02 Neutral citation 2026 ONCA 251 Docket numbers COA-24-CR-0458 Judges van Rensburg, Katherine; Miller, Bradley; Wilson, Darla A. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Edwards, 2026 ONCA 251 DATE: 20260402 DOCKET: COA-24-CR-0458 van Rensburg, Miller and Wilson JJ.A. BETWEEN His Majesty the King Respondent and Du-Vanier Edwards Appellant Anita Nathan, for the appellant Rachael Ward, for the respondent Heard: March 26, 2026 On appeal from the convictions entered by Justice Nancy J. Spies of the Superior Court of Justice, on May 5, 2023. REASONS FOR DECISION

- [1] The appellant appeals his convictions for two counts of possession of drugs for the purpose of trafficking. He argues that the application judge erred in dismissing his challenge to the search warrant, pursuant to which the drugs were located. He submits that there wasn't sufficient evidence in the Information to Obtain (the "ITO") to issue the search warrant and that the evidence ought to have been excluded pursuant to section 24(2) of the Charter. We do not agree that the application judge made the alleged errors. We dismissed the appeal without calling on the respondent, with reasons to follow. These are our reasons.

ANALYSIS

- [2] Three confidential sources provided information to the police that an individual named "Mike" or "Mikey" was dealing drugs out of a black car in the area of 841 Queen St. E. in Toronto. They described the dealer as a Black male between 30-35 years of age. Each identified the appellant, a Black male who was 26 years old at the time, as "Mike" or "Mikey" through single photo identification.
- [3] One of the confidential sources advised that the dealer drove a black Honda Civic and delivered drugs to an individual named "Dave" who lived at 841 Queen St. E. Police had previously observed a "David", a known resident of 841 Queen St E., exit the building, run to a black Honda Civic registered to the appellant, and put something on the passenger seat before entering the vehicle. When the police approached the vehicle, the driver, a Black male, sped away at a high rate of speed.

- [4] Police database checks revealed that the mailing address associated with the appellant's car registration with the Ministry of Transportation was 207 Browning Ave. in Toronto. The appellant was also observed entering and exiting that address and, one occasion, had arranged with a tow truck driver for his car to be dropped off there.
- [5] On July 29, 2020, the police obtained a search warrant for 207 Browning Ave. The warrant was executed on the same day. Inside the residence, the police located fentanyl, cocaine and a quantity of money. The appellant was arrested near the residence and charged with possession for the purpose of trafficking.
- [6] Before trial, the appellant brought a Charter application, challenging the validity of the search warrant. The application judge, Pinto J., dismissed the challenge, concluding that the information disclosed in the ITO provided reasonable grounds to believe that "Mike" or "Mikey" was the appellant and that he had control of, and an enduring presence at, 207 Browning Ave., such that it was reasonable to believe that evidence of drug dealing would be located there.
- [7] The appellant submits that the application judge erred in finding that the information from the confidential sources was reliable and that it established a sufficient link between "Mike" or "Mikey" and the appellant. We reject this submission.
- [8] The application judge correctly set out the law, examined the totality of the circumstances, and determined that there was compelling, credible and corroborated evidence that established a reasonable basis for believing that the appellant was the person identified as "Mike" or "Mikey". The appellant points to various weaknesses and minor discrepancies in the evidence provided by the confidential sources. These weaknesses and discrepancies, which were considered by the application judge, do not provide a basis for appellate intervention. Absent legal error, a misapprehension of evidence, or a failure to consider relevant evidence, this court cannot intervene: *R. v. Sadikov*, 2014 ONCA 72, 305 C.C.C. (3d) 421, at para. 89. There is no basis to re-weigh evidence the application judge appropriately considered.
- [9] Second, the appellant argues that the ITO did not disclose a sufficient link between the appellant's drug dealing and the address of 207 Browning Ave. Again, we do not accept this submission.
- [10] The application judge identified multiple links that tied the appellant to this address and reasonably concluded that the evidence established that the appellant was more than merely associated with the residence. We see no error in the application judge's determination that the appellant had a sufficient degree of control over, and an enduring presence at, 207 Browning Ave. and that it was reasonable to believe that evidence of the offence would be found at that location.

DISPOSITION

[11] The appeal is dismissed. “K. van Rensburg J.A.” “B.W. Miller J.A.” “D.A. Wilson J.A.”

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