

CANADA / JUDGMENT

R. v. Rahi

2026 ONCA 335

COURT

Court of Appeal for Ontario

DECIDED

8 May 2026

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R. v. Rahi Collection Decisions of the Court of Appeal Date 2026-05-08 Neutral citation 2026 ONCA 335 Docket numbers COA-24-CR-1117 Judges Huscroft, Grant; Roberts, Lois B.; Pomerance, Renee M. Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Rahi, 2026 ONCA 335[1] DATE: 20260508 DOCKET: COA-24-CR-1117 Huscroft, Roberts and Pomerance JJ.A. BETWEEN His Majesty the King Respondent and Kalib Rahi Appellant Caroline Ward and Laura Remigio, for the appellant Samuel Greene, for the respondent Heard and rendered orally: May 6, 2026 On appeal from the convictions entered by Justice Shaun S. Nakatsuru of the Superior Court of Justice, sitting with a jury, on December 8, 2022. REASONS FOR DECISION

- [1] The appellant was convicted of human trafficking-related offences following the dismissal of his s. 11(b) Charter application by Ducharme J. This appeal concerns only the s. 11(b) ruling.
- [2] The appellant raises several issues, but in our view the appeal turns on the period deducted for COVID delay. The application judge calculated the total delay for the K.H. trial to be over 48 months. He deducted over 13 months as defence delay. He found that there were exceptional circumstances beyond the Crown's control resulting in additional delay and deducted 24 months, bringing the total delay below the presumptive ceiling.
- [3] We accept, as the Crown concedes, that the application judge double counted by applying a defence delay deduction to the adjournment of the first trial dates, as part of that period was included in the period deducted due to COVID. But that error is of no moment. Key to the decision is the application judge's decision to deduct 24 months for delay because of the COVID pandemic.
- [4] The application judge found that the appellant did not waver from his request for a jury trial. This finding was open to the application judge and reveals no error. So too was the application judge's decision to deduct 24 months attributable to the COVID pandemic. This was the length of the period in which jury trials were suspended because of the pandemic. Even without deducting the approximately 5 months that were double counted, total delay was well under the 30-month ceiling.

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- [5] The application judge considered whether a stay was appropriate even though delay was under the ceiling. He found that the Crown made efforts to move the matter forward and that the case did not take markedly longer than it reasonably should have. These findings were open to him, and he made no error in concluding that the exceptional remedy of a stay was not appropriate.
- [6] Accordingly, the appeal is dismissed. “Grant Huscroft J.A.” “L.B. Roberts J.A.” “R. Pomerance J.A.”
- [1] This appeal is subject to a publication ban pursuant to s. 486.4 of the Criminal Code, R.S.C. 1985, c. C-46.
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