

CANADA / JUDGMENT

R. v. Versi

2026 ONCA 291

COURT

Court of Appeal for Ontario

DECIDED

23 April 2026

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R. v. Versi Collection Decisions of the Court of Appeal Date 2026-04-23 Neutral citation 2026 ONCA 291 Docket numbers COA-23-CR-0953 Judges Roberts, Lois B.; Miller, Bradley; Rahman, Moiz Subject Criminal Decision Content COURT OF APPEAL FOR ONTARIO CITATION: R. v. Versi, 2026 ONCA 291 DATE: 20260423 DOCKET: COA-23-CR-0953 Roberts, Miller, and Rahman JJ.A. BETWEEN His Majesty the King Respondent and Arif Ali Versi Appellant Arif Ali Versi, acting in person Jacob Millns, for the respondent Heard: April 13, 2026 On appeal from the sentence imposed on October 3, 2023 by Justice Peter Fraser of the Ontario Court of Justice.[1] REASONS FOR DECISION

- [1] The trial judge found the appellant guilty of five counts of fraud over \$5,000. He was sentenced to three years' imprisonment. The trial judge also imposed a restitution order for \$338,400 pursuant to s. 738(1) of the Criminal Code, R.S.C., 1985, c. C-46 (the "Code"), which represented the total amount that he defrauded from his five victims. The trial judge further imposed a fine in lieu of forfeiture pursuant to s. 462.37(1) of the Code for the same amount and gave the appellant nine years to pay it (which is six years after the end of his sentence). The trial judge fixed the sentence in default of payment of the fine at three years.
- [2] The appellant appeals against the restitution and fine in lieu of forfeiture orders.
- [3] The appellant submits that both orders are unfair and that they are based on a misinterpretation of the amount of the fraud. He further argues that the three-year sentence in default of payment is unfair, especially because he had been on bail for six years.
- [4] We see no merit in the appellant's submission that either order was unfair. The appellant was represented at his sentencing hearing. He did not contest the imposition of the restitution order, including its amount. Although the appellant did contest the imposition of the fine in lieu of forfeiture at the hearing, we see no basis to interfere with the trial judge's decision to impose it. The trial judge imposed the fine in lieu of forfeiture because all the preconditions under the Code had been met, it was the appellant's third conviction for fraud over \$5,000, and he had not paid any of the prior restitution orders in connection with those convictions. The three-year sentence in default of payment was the lowest sentence that the trial judge could impose pursuant to s.462.37(4) of the Code, given the amount of the fine.

- [5] While leave to appeal sentence is granted, the appeal is dismissed. “L.B. Roberts J.A.” “B.W. Miller J.A.” “M. Rahman J.A.”
- [1] The appellant previously abandoned his conviction appeal.
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