



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

Judgment of March 20, 2026 | On appeal from the Court of Appeal for Saskatchewan
Neutral citation: 2026 SCC 8

The Supreme Court of Canada says police may approach a vehicle in a person’s driveway, but opening the vehicle can violate privacy rights.

A search occurs when police intrude on a person’s reasonable expectation of privacy. If the police conduct a search that is not authorized by law or carried out in a reasonable way, section 8 of the *Canadian Charter of Rights and Freedoms* may be violated. When this happens, courts must decide whether evidence obtained as a result of the search can be used at trial.

In this case, two RCMP officers were investigating a complaint that a person had been driving drunk. They saw a truck in a residential driveway that matched the description in the complaint. The officers walked onto the driveway and saw the accused sitting in the driver’s seat, appearing to be asleep or unconscious. The officers knocked on the window but received no response. They then opened the truck door to wake him and smelled alcohol. At the officers’ request, the accused provided a roadside breath sample that registered a “fail”. He was arrested and taken into custody, where he refused to provide further breath samples.

At trial, the accused argued that the police had violated his Charter right to be protected from unreasonable searches. He said the officers did not have the right to enter his driveway without a warrant. The judge disagreed and found that the officers’ actions did not violate the Charter. The accused was convicted.

The Court of Appeal for Saskatchewan allowed the accused’s appeal. It found that the police had violated the accused’s Charter right and decided that the evidence obtained after the officers opened the truck door should not be used in court. The Court of Appeal set aside the conviction and entered an acquittal. The Crown appealed to the Supreme Court of Canada.

The Supreme Court of Canada allowed the appeal.

Police may approach a vehicle on private property to communicate with the occupant, but they cannot open and search it without a warrant or other lawful basis.

Writing for the majority, Justice Jamal explained that the law generally allows the public, including police, to approach a vehicle located on a property for the purpose of speaking with the occupant. This principle also applies when the police approach a home. However, the officers went too far in this case when they opened the truck door. This allowed them to enter a private space and gather information from inside the vehicle in breach of section 8 of the Charter.

Justice Jamal said the evidence obtained could nonetheless be used at trial. In deciding whether to exclude evidence obtained in violation of the Charter, courts must consider whether admitting the evidence would damage public confidence in the justice system. In this case, Justice Jamal found that the police conduct was not particularly serious and appeared to reflect a reasonable misunderstanding of the law. He set aside the Court of Appeal’s judgment and sent the case back to the Court of Appeal to deal with an outstanding ground of appeal.

Breakdown of the decision: *Majority:* Justice [Jamal](#) allowed the appeal (Chief Justice [Wagner](#) and Justices [Côté](#), [Rowe](#) and [Kasirer](#) agreed) | *Dissenting:* Justices [O’Bonsawin](#) and [Moreau](#) would have dismissed the appeal (Justice [Karakatsanis](#) agreed) | *Dissenting:* Justice [Martin](#) would have also dismissed the appeal

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

Lower court rulings: Conviction (Provincial Court of Saskatchewan – not available online) | [Appeal](#) (Court of Appeal for Saskatchewan)
