



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

Judgment of April 17, 2026 | On appeal from the Court of Appeal of Quebec
Neutral citation: 2026 SCC 10

The Supreme Court of Canada says that even if criminal charges are stayed, courts may still decide what happens to property seized during a criminal investigation.

This case is about what happens to property seized by police when criminal charges are stayed. A stay means a case is stopped before or during trial, and therefore, no one is found guilty.

Here, several people were charged with offences related to cannabis production. During the investigation, police seized some of their property. One of the individuals later pleaded guilty and was sentenced. The proceedings against the other individuals were stayed because of unreasonable delay, which violated their right to be tried within a reasonable time guaranteed by section 11(b) of the *Canadian Charter of Rights and Freedoms*.

After the charges were stayed, the Crown made an application before the Court of Quebec to keep the seized property. This is known as a forfeiture application. The individuals argued that the Court of Quebec no longer had the power to make such an order and that the property should be returned to them because the criminal proceedings were stayed. The Court of Quebec rejected that argument and allowed the application to go ahead. The individuals made a separate application to the Superior Court to stop the forfeiture application from continuing before the Court of Quebec. The Superior Court dismissed their application. The individuals appealed the Superior Court decision to the Court of Appeal who allowed the appeal, saying the Court of Quebec could no longer make the order in question because the criminal cases had ended. However, it declined to return the property to the individuals. The Crown appealed to the Supreme Court of Canada.

The Supreme Court of Canada allowed the appeal in part.

This case is sent back to the lower court to decide whether the property should be returned or forfeited.

Writing for a unanimous Court, Justice Kasirer explained that a stay of proceedings ends the prosecution, but it does not prevent a court from deciding what happens to property linked to the alleged crime. These are separate questions. Some forfeiture rules only apply if a person is found guilty or is sentenced. Because a stay stops the case before any finding of guilt, those rules cannot be used by the Crown in this case. However, other rules focus on the property itself and allow courts to decide what should happen to it even when someone is not found guilty. Justice Kasirer found that the Crown could have relied on such rules. As a result, he sent the case back to the Court of Quebec to decide whether the property should be returned or forfeited.

Breakdown of the decision: *Unanimous*: Justice [Kasirer](#) allowed the appeal in part (Chief Justice [Wagner](#) and Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Jamal](#), [O'Bonsawin](#) and [Moreau](#) agreed)

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

Lower court rulings: [Application](#) (Court of Quebec) | [Application](#) (Superior Court of Quebec – in French only) | [Appeal](#) (Court of Appeal of Quebec)
