



Case in Brief: ***R. v. R.B.-C.***

Judgment of September 11, 2026 | On appeal from the Court of Appeal for Ontario
Neutral citation: 2026 SCC 30

The Supreme Court of Canada says there is no specific fixed-time limit after a trial for sentencing an offender.

This case is about the right of a person charged with an offence to be tried within a reasonable time, as protected under section 11(b) of the *Canadian Charter of Rights and Freedoms*. This right applies from the laying of a charge until the sentence is imposed. In [*R. v. Jordan*, 2016 SCC 27](#), the Supreme Court of Canada established time limits for bringing accused persons to trial. The *Jordan* framework applies only to the period between the laying of the charge and the end of the trial. It does not apply to the period between the conviction and sentencing, called post-verdict sentencing. In *R. v. Charley*, 2019 ONCA 726, the Court of Appeal for Ontario extended the logic of *Jordan* to create a five-month time limit to post-verdict sentencing.

In this case, a man was found guilty of sexual assault in October 2021. Sentencing proceedings began immediately, but had not concluded by October 2022. The man applied for a stay of proceedings, arguing that this delay violated his *Charter* right to be tried within a reasonable time. A stay of proceedings is a request to stop the trial. If accepted, it ends the case.

The judge dismissed the stay of proceedings application. She concluded that a post-verdict sentencing delay was subject to a five-month limit, applying the *Charley* decision. However, she calculated that the delay in this case was just under four months. She imposed a sentence of two years less a day, followed by one year of probation.

The Court of Appeal calculated the delay differently and found that it exceeded the five-month limit from *Charley*. It concluded that the man's *Charter* right to be tried within reasonable time had been violated. As a remedy for the unreasonable delay, it reduced the sentence to 20 months. The man appealed to the Supreme Court of Canada, arguing that the proceedings should instead be stayed.

The Supreme Court of Canada dismissed the appeal.

In this case, the man's *Charter* right to be tried within a reasonable time was violated.

Writing for a unanimous Court, Justice Martin explained that there is no fixed-time limit (presumptive ceiling) for post-verdict sentencing delay and rejected the approach adopted in *Charley*. Instead, she said courts must ask whether the time taken to impose a sentence was markedly longer than it reasonably should have been in all the circumstances.

In this case, Justice Martin found that the time taken to complete the sentencing proceedings markedly exceeded what it reasonably should have been. She agreed with the Court of Appeal's decision to reduce the sentence to 20 months as a remedy for the unreasonable delay.

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

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

Lower court rulings: Conviction (Ontario Court of Justice – not available online) | Motion to stay proceedings (Ontario Court of Justice – not available online) | [Appeal](#) (Court of Appeal for Ontario)