

Titan Investigations Inc. -

Investigation Articles

Hiring a Private Investigator through online marketplaces such as Facebook, Upwork, Bark, Kijiji, and others – BUYER BEWARE

Over the past few years many social media, app, and online platforms have expanded to offer a conduit between potential clients and service providers. This seems like a benefit to both consumers and small businesses, but when it involves hiring a Private Investigator or any other regulated professional, there are some genuine concerns. Many of these “marketplaces” or “freelancer” sites; where service providers and potential clients can connect, **there is absence of vetting that the service providers are operating according to regulations, licensing, or other legal requirements.** Unfortunately, the general public is not necessarily aware of legal requirements related to the Private Investigation profession and also are not aware of what services can legally be provided by Private Investigators in the Province of Ontario.

- **An individually licensed Private Investigator in the Province of Ontario is not legally permitted to, advertise, sell, or engage, their services as a Private Investigator.**

Only licensed Private Investigation Agencies with The Ministry of Community Safety & Correctional Services can advertise, sell, or engage, the services of a Private Investigator. Only licensed Private Investigation Agencies have and are required by law to have general liability insurance and E&O insurance.

If a member of the general public hires a private investigator, then they have hired “an agent” working on their behalf. This can lead to the client being accountable/liable for the actions of their “agent”. Consumers could face legal exposure if they hire a Private Investigator, who does not possess the proper license, insurance coverage, and/or knowledge of what is legally permissible.



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Many members of the general public contemplate hiring private investigators for services that are unknowingly either illegal or unethical. These include, but are not limited to the following:

- Tracking a person via GPS or software / apps on smartphone &/or computers. Also referred to as “electronic monitoring”, is not legal. Only law enforcement as the ability to legally employ these methods with a court order that are not easily obtained and require a legal process.
- Investigating a private individual can be conducted, but only in relation to specific circumstances. Early on in Canadian Privacy Law there was the development of investigative body status which was applied to Private Investigation activities. The Investigative Body caveat introduced a test that most professional private investigators in Ontario (and Canada) continue to adhere to in determining if the contemplated investigation is permissible. In assessing the merits of an investigation and whether or not the client has a permissible reason to investigate, the private investigation agency would refer to the following - **Information can be collected and disclosed on a private individual (corporation) without their consent, if there is a contravention of an Act or law, breach of contract, or is in litigation.** This can extend further if the matter is subject to contemplated litigation.

It is possible for Privacy torts can be brought against a private investigator, a private investigation agency, and/or their clients; if the investigation was conducted without a permissible reason, and the subject of the investigation had their private information collected and disclosed improperly.



Titan Investigations Inc.'s President & Director of Operations – Mr. Peter Grace has been a licensed Private Investigator for over 20 years. Mr. Grace has a Bachelor of Commerce Degree, a Diploma with Honors in Private Investigation and is a Certified Master Investigator with the Council of Professional Investigators of Ontario (CPIO–MI) . Mr. Grace has a broad range of experience in private investigations having conducted investigations involving surveillance, Family law, Matrimonial investigations, Child Custody, insurance claims / fraud, witness locates/ statements/ interviews, and missing persons investigations.

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How does this apply to a member of the general public when contemplating hiring a private investigator. Examples are provided below where we or any professional private investigation agency we know of, would decline to accept the investigation.

(1) A person wants to investigate their boyfriend (girlfriend) that they have dated for a few months, to see if they are maintaining a relationship with anyone else. DECLINE – Unless there has been a legally created “Dating contract” with an exclusivity clause (which I have never seen), then an investigation of the subject party could constitute a breach of their privacy. Marriage is a contract, investigating the breach of a marriage contract is permissible.

(2) A person wants to place video &/or audio recording devices in their place of residence to monitor the activities and/or discussions of their spouse. DECLINE – Firstly, recording private conversations (which you are not a party to) is illegal without a court order. To our limited legal knowledge, court orders for surreptitiously recording conversations are only available to law enforcement when investigating serious criminal matters, are only granted when the Court has been satisfied that there is no other investigative means by which evidence can be obtained, and there is sufficient evidence of a crime being or about to be committed. Secondly, Surreptitiously recording video of someone in their private residence or in a location where they are perceived to have privacy, would be subject to Criminal Code offenses and/or civil actions.

(3) Honey trapping – Can I hire a private investigator to seduce / coerce my spouse to engage in or initiate infidelity. DECLINE – We or any professional private investigation agency we know of, would decline to accept the investigation. This is a form of entrapment and could have irreparable consequences for the private investigation agency and/or their client. Employing illegal, unethical, and/or distasteful tactics in conducting investigations reflects the poor character of the private investigator, the private investigation agency, and the client. Not limited to possible liability / civil actions, but engaging in this type of investigation would likely be used to attack the credibility of the parties involved.

(4) A parent wants to investigate their 30 year old son/daughter, to see if they are in a relationship or have continued a relationship with a party they do not approve of. DECLINE – There is no contravention of an Act or law, breach of contract, or potential litigation. The son/daughter is an adult and they are entitled to privacy and to make their own decisions in their relationships.



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(5) A neighbour seems suspicious and keeps odd hours. Client would like to hire a private investigator to determine their neighbour's activities / employment. DECLINE – There is no contravention of an Act or law, breach of contract, or potential litigation.

(6) Client suspects their spouse of infidelity and wants to identify the possible other party by a license plate the client obtained. DECLINE – Ministry of Transportation information in the Province of Ontario is regulated by strict guidelines and permissible access, which prohibits access for Family Law matters and/or disclosure to private individuals. In investigating infidelity, the investigation is of the spouse and whether or not they are adhering to their marriage contract. The potential 3rd party is not relevant and there is no contravention of an Act or law, breach of contract, or potential litigation that would involve the 3rd party. Therefore, collection and disclosure of their information would likely constitute a breach of their privacy which could lead to legal ramifications.

(7) Client wants to investigate their spouse's smartphone, communication app, or computer. DECLINE - Accessing someone's private phone or other electronic device without their consent is illegal.



If you are contemplating hiring a private investigator or engage a private investigator through a “marketplace” or “freelancer” online /app, you should **be sure to inquire about and confirm they have the required license, insurance, experience, and adhere to laws/regulations governing their profession.** Most professional private investigation agencies will discuss your case, assess the feasibility of the investigation requested, address viable means of conducting the investigations as well as investigation tactics that are either illegal, unethical, and/or could be damaging to you or the agency itself. Professional private investigation agencies will have a services agreement/contract that states the parties and their relationship, confidentiality, extent of services to be provided, period for when services will be provided, product that will be provided at the conclusion of the investigation (ie. Report, video, appendices, etc.), compensation / payment terms (which may also include penalties for late payment and/or failure to pay for services), and integration of the agreement/contract.



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