

POA - PROVINCIAL OFFENCES ACT (Court Services)

VALUE STATEMENT

I expect to have timely access to justice and that the integrity of the justice system is maintained. I need to be able to pay any POA charge in a timesaving and convenient manner using the channel I want, when I want, with convenient options for challenging the fairness of a charge.

POA (COURT SERVICES)

What is this Service?

In 2001, the Province of Ontario transferred the responsibility for the administration and prosecution of provincial offences to municipalities. In administering the POA Courts, staff are responsible for setting trials, prosecuting certain Provincial Offence matters, recording court proceedings, and receiving fine payments resulting from charges laid by the various police forces and enforcement agencies operating within the municipality. Municipalities also uphold the decisions of the court by pursuing collection of unpaid POA fines.

Provincial offences are minor (non-criminal) offences that include, but are not limited to:

- Speeding, careless driving, or not wearing your seat belt – Highway Traffic Act;
- Failing to surrender your insurance card or possessing a false or invalid insurance card – Compulsory Automobile Insurance Act;
- Being intoxicated in a public place or selling alcohol to a minor – Liquor License Act;
- Entering prohibited premises or failing to leave premises after being directed to do so – Trespass to Property Act;
- Violations of the Occupational Health and Safety Act and environmental legislation,
- Noise, taxi and animal care by-laws – municipal by-laws.

Influencing Factors:

- **Geographic Location:** Significant flow-through traffic due to presence of major highways, geographic location and/or other factors such as: Municipalities that experience seasonal swings between permanent and seasonal residents (e. g. “cottage country”), border towns or with major highways going through them have offences disproportionate to population or local demographics. Charges managed by municipal POA Courts represent defendants residing in various jurisdictions.
- **Allocation of Court Time:** Judiciary controls allocation of court time. No transparent rationale for allocation of court time to municipal courts. Court Administration units are assigned Justices of the Peace and based on the priorities of the day Justices of the Peace are reassigned which has the effect of reducing their availability to POA Court.
- **Utilization of Allocated Court Time:** Justices of the Peace control utilization of allocated court time. Justices of the Peace are not accountable to municipal Court Administration for efficient utilization of allocated court time.

- **Level of Enforcement:** Level of enforcement regarding POA matters is at the discretion of enforcement agencies. Enforcement varies year to year based upon the enforcement agencies staffing complement and the prioritization of their resources. Beyond the control of Court Administration.
- **Cost Structures:** Mix of charges and different cost structures affect cost measures. Parking versus non-parking charges; costs that might be unique to some municipalities, e.g., interpreter costs, and ability to account for the true cost of delivering the service can affect the results.
- **Police Appearance:** Probability of police appearing in court impacts fines and ability to collect fines.
- **Payment Options:** Municipalities have developed different payment options dependent on Senior management and Council direction related to levels of service.
- **Collection Methods:** Municipalities have adopted different approaches to revenue collection dependent on Senior management and Council direction. Approaches include using municipal staff and/or external collection agencies. Degree of revenue collection is dependent on type of collection approach and contract clauses for external collection agencies.
- **Legislative:** In the Province of Ontario, charges laid under Provincial Statutes, Municipal Bylaws and certain Federal Contraventions are filed with courts that are administered by designated municipalities who have a reporting relationship with the Ministry of the Attorney General of Ontario. Changes in laws affect how Municipal POA Courts operate, including changing legislation, regulatory processes, guidelines or standards, provincial policy reviews, inter-governmental agreements and/or bylaw updates.

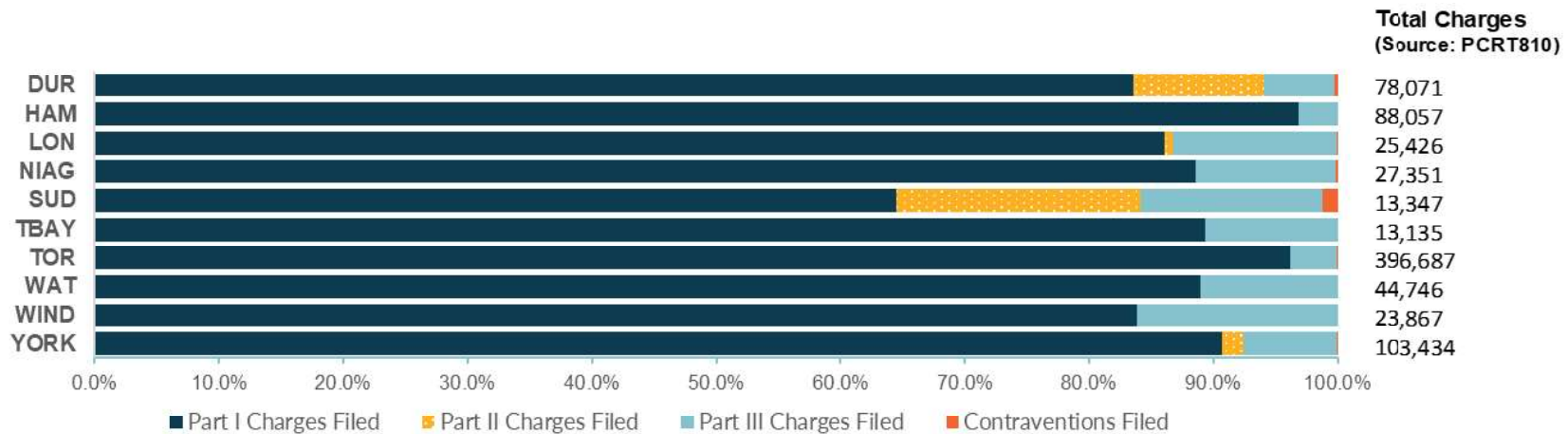
Extenuating Circumstances:

- **COVID-19 Pandemic:** The Ontario Court of Justice closed courts starting March 16, 2020, extended legislative timelines into 2021. This closure of court operations impacted the number of charges filed, operating costs, staffing levels and collection rates.

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Figure 25.1 Total Number of Charges Filed by Type - Percent Distribution

This figure identifies 4 types of charges filed: Part I Charges Filed: Often referred to as a “ticketing” process and is used for less serious offences. The defendant has 3 options: pay the fine, meet with prosecutor/walk-in guilty plea or request a trial. Part II Charges Filed: Applies exclusively to parking offences. The defendant has 2 options: pay the fine or request a trial. Part III Charges Filed: Used for more serious offences. The defendant must appear before a Justice of the Peace and has 2 options: resolve the charge(s) or request a trial. The charge cannot be resolved through the payment of a set fine. Contraventions Filed: Violations of minor federal laws that can be ticketed using provincial ticketing procedures.



MUNICIPALITY	Part I Charges Filed			Part II Charges Filed			Part III Charges Filed			Contraventions Filed		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
DUR	48,500	44,308	65,266	14,373	14,451	8,176	5,534	5,435	4,406	367	333	223
HAM	76,173	80,659	85,272	N/A	N/A	N/A	4,860	4,499	2,785	0	0	0
LON	33,179	29,010	21,895	149	169	169	4,305	4,141	3,336	145	72	26
NIAG	27,315	31,066	24,234	N/A	N/A	N/A	3,802	3,934	3,074	N/A	N/A	43
SUD	10,318	10,454	8,602	22,391	21,440	2,635	1,258	1,666	1,947	175	123	163
TBAY	15,574	14,503	11,733	N/A	N/A	N/A	1,505	1,764	1,402	N/A	N/A	N/A
TOR	314,008	301,961	381,569	429	459	0	28,813	25,660	14,975	123	128	143
WAT	47,311	40,725	39,806	N/A	N/A	N/A	4,774	5,172	4,940	0	0	0
WIND	21,089	24,619	20,014	N/A	N/A	N/A	4,144	4,717	3,853	N/A	N/A	N/A
YORK	144,849	131,360	93,786	3,316	4,344	0	10,911	11,708	7,763	313	288	86
MEDIAN	40,245	35,896	32,020	3,316	4,344	1,799	4,540	4,608	3,595	145	72	65

Source: PCRT810A (Statistic)

Source: PCRT810B (Statistic)

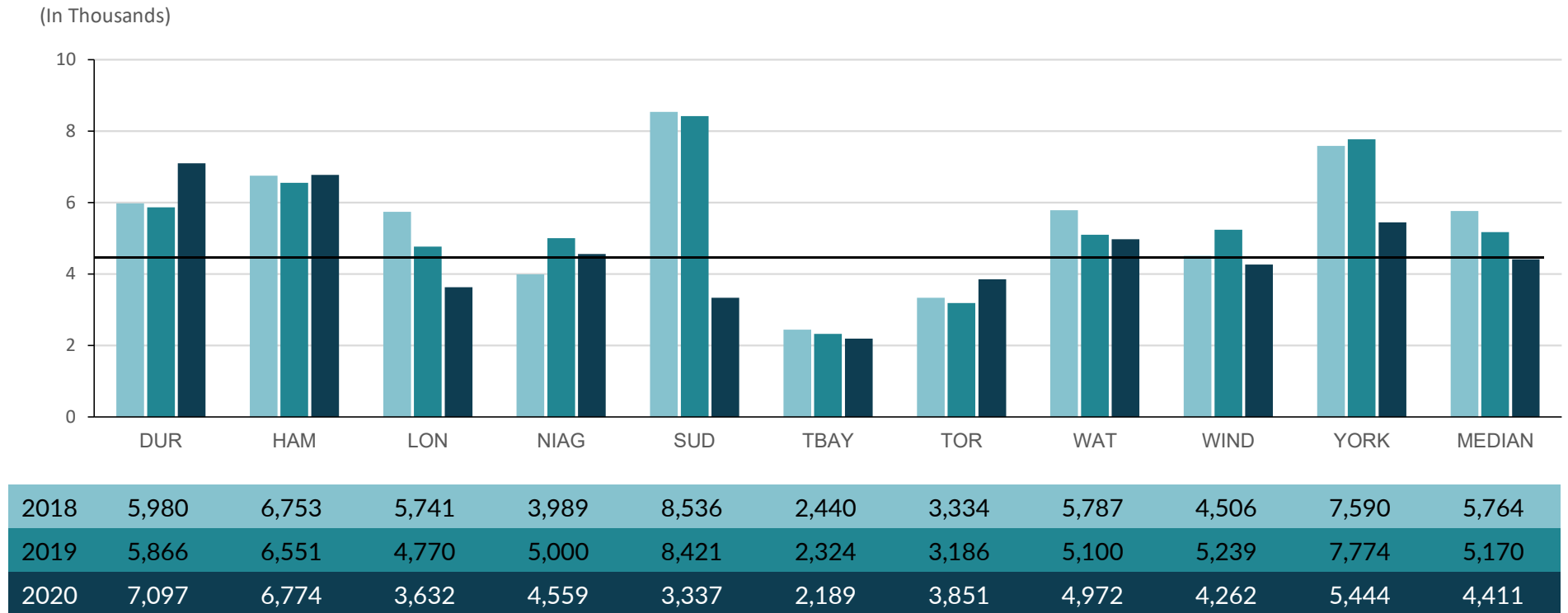
Source: PCRT810C (Statistic)

Source: PCRT810D (Statistic)

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Figure 25.2 Number of Charges Filed per Court Administration Clerk

Level of enforcement regarding POA matters is at the discretion of enforcement agencies. Enforcement varies year to year based upon the staffing complement and prioritization of resources of enforcement agencies. In 2020, staff number used for this measure were not adjusted for COVID-19 staff redeployment resulting in fluctuations from 2019 across municipalities.



Source: PCRT222 (Service Level)

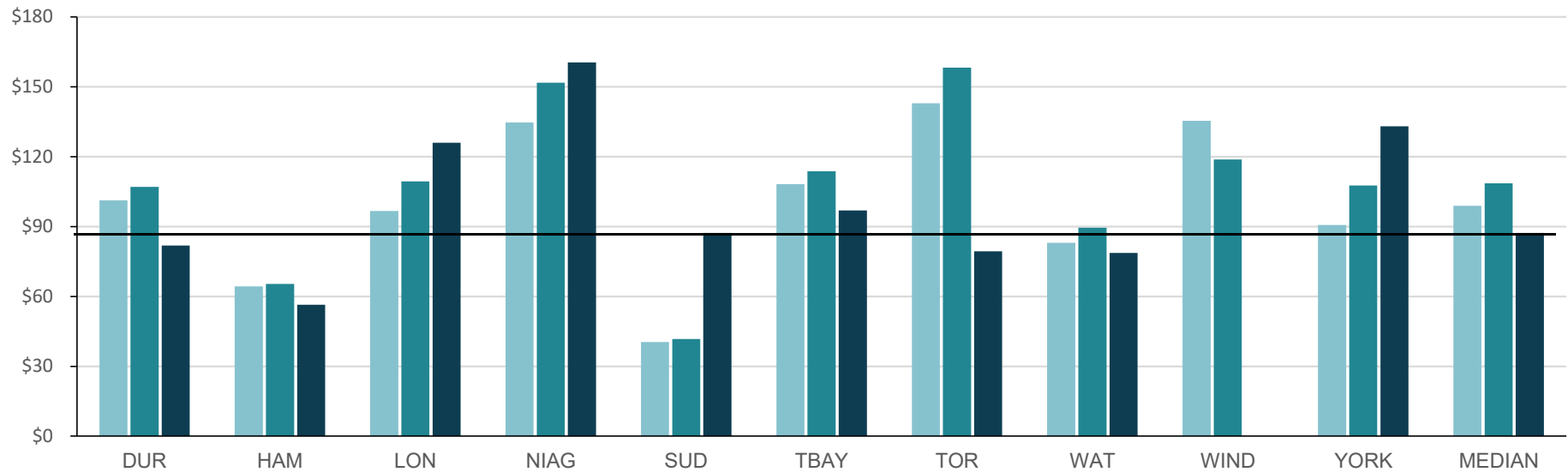
Durham: The increase in 2020 is due to the implementation of the Automated Speed Enforcement and Red Light Camera Offences.

Toronto: Due to the implementation of Administrative Penalty System for parking charges, parking tickets are not adjudicated under Provincial Offences Act (POA). As a result, Part II charges were significantly lower in 2018 and future compared to pre-2018. (See Figure 25.1). The increase in charges in 2020 is due to the implementation of Automated Speed Enforcement (ASE) activity from July 6, 2020.

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Figure 25.3 Total Cost of POA Services per Charge Filed

This measure reflects the total cost to administer POA Services on a per charge basis. Level of enforcement regarding POA matters is at the discretion of enforcement agencies. Enforcement varies year to year based upon the staffing complement and prioritization of resources of enforcement agencies.



	DUR	HAM	LON	NIAG	SUD	TBAY	TOR	WAT	WIND	YORK	MEDIAN
2018	\$101.24	\$64.32	\$96.65	\$134.72	\$40.38	\$108.23	\$142.91	\$82.99	\$135.41	\$90.66	\$98.95
2019	\$106.99	\$65.39	\$109.45	\$151.81	\$41.75	\$113.74	\$158.21	\$89.55	\$118.80	\$107.61	\$108.53
2020	\$81.83	\$56.44	\$126.02	\$160.52	\$87.29	\$96.97	\$79.44	\$78.64	N/A	\$133.02	\$87.29

Source: PCRT305T (Efficiency)

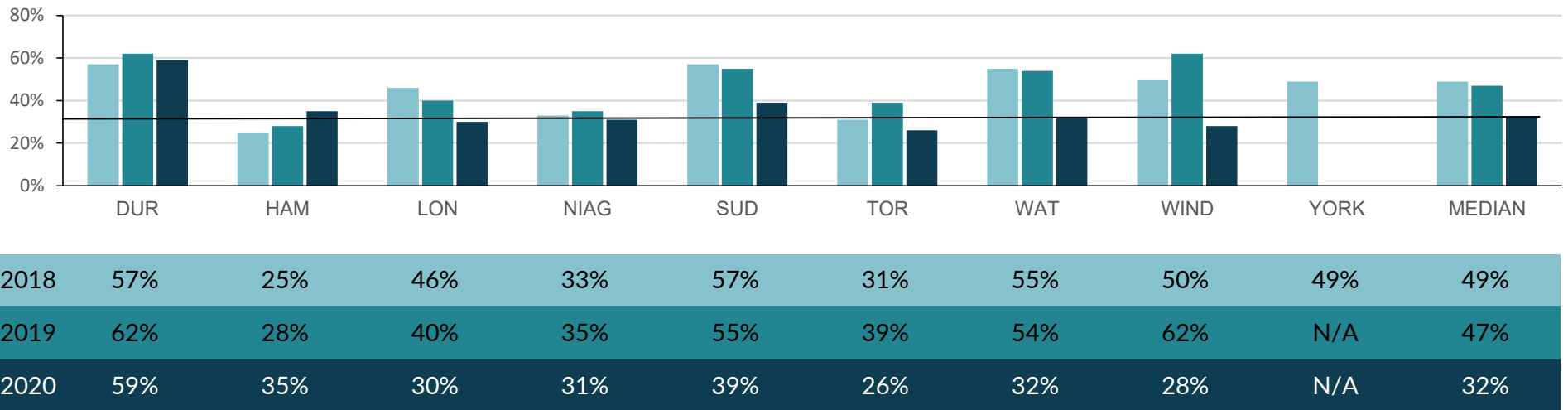
Toronto: Due to the implementation of Administrative Penalty System for parking charges, parking tickets are not adjudicated under Provincial Offences Act (POA). As a result, Part II charges were significantly lower 2018 and future compared to pre-2018. (See Figure 25.1). The increase in charges in 2020 is due to the implementation of Automated Speed Enforcement (ASE) activity from July 6, 2020.

Windsor: 2020 under review.

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Figure 25.4 Defaulted Collection Rate

This measure tracks how successful Ontario municipalities with POA responsibilities are in collecting defaulted fines using a variety of collection methods, including but not limited to collection agencies, tax rolls, license suspension and plate denial. The Provincial Offences Act (POA) gives defendants charged with offences three options: (1) to pay fine, (2) dispute the charge through early resolution, or (3) request a trial. If a defendant fails to choose one of these 3 options or fails to pay the fine imposed by the court following early resolution or trial, the fine goes into default. POA fines are debts to the Crown and therefore remain in default until paid. Collection rates are not being reported for 2020 due to collection activity ceasing when the Ontario Court of Justice ordered closure of Courts starting on March 16, 2020 and extended legislative timelines into 2021.



Source: PCRT310 (Efficiency)

London: Collection rate improved in 2018 due to increased efforts by internal collection staff to collect prior to sending to a third party.

Thunder Bay: Does not report - technology restrictions.

Toronto: Increased default collection rate in 2019 due to improved collection efforts, including contracting eleven collection agencies comprising 1st, 2nd and 3rd tiers.

Windsor: There was a significant increase in the number of tickets issued in 2019.

York: Did not report in 2019 and 2020 due to technical challenges and limited data availability.