

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.

Provincial Offences Act (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:

1. 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 400 series highways going through them have offences disproportionate to population or local demographics. Charges managed by municipal POA Courts represent defendants residing in various jurisdictions.
2. 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 (JP) and based on the priorities of the day JP's are reassigned which has the effect of reducing their availability to POA Court.
3. Utilization of Allocated Court Time: Justices of the Peace (JP) control utilization of allocated court time. JPs are not accountable to municipal Court Administration for efficient utilization of allocated court time.
4. 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.
5. 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.

6. Police Appearance: Probability of police appearing in court impacts fines and ability to collect fines.
7. Payment Options: Municipalities have developed different payment options dependent on Senior management and Council direction related to levels of service.
8. 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.
9. 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:

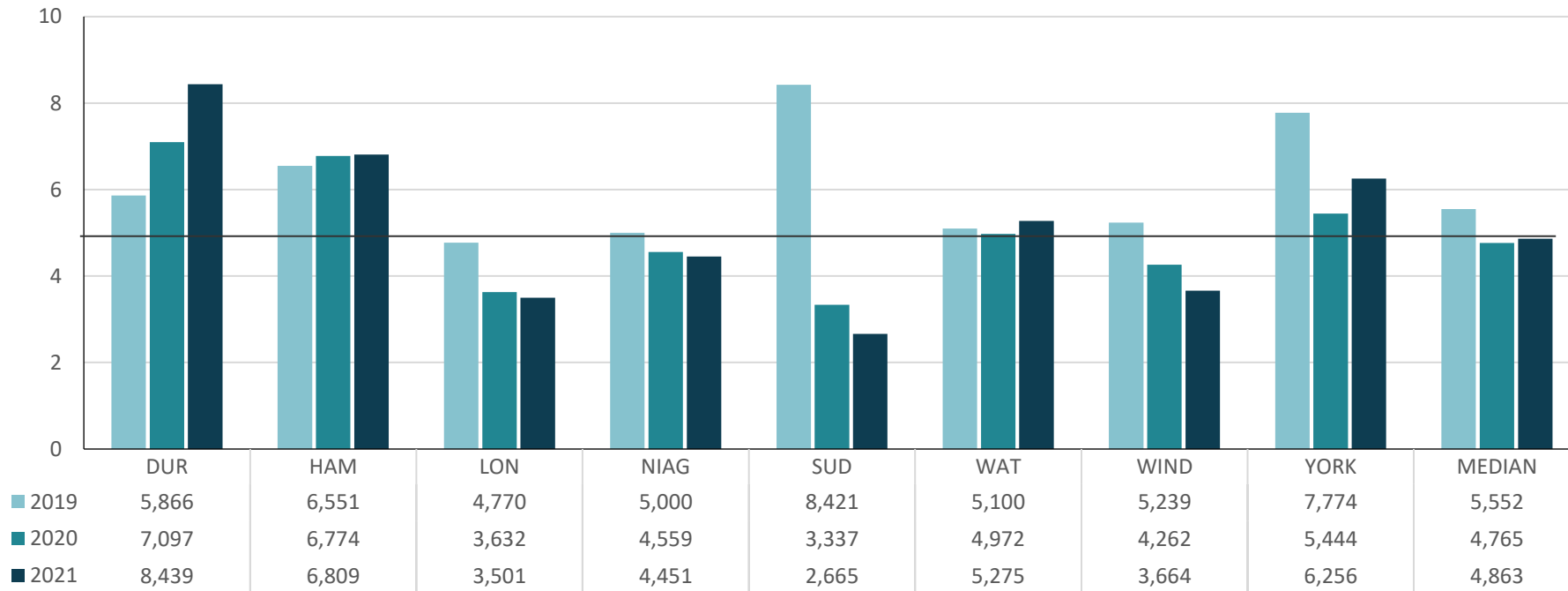
- **COVID-19 Pandemic:** The Ontario Court of Justice closed courts starting March 16, 2020, extending legislative timelines into February 2021. This closure of court operations impacted the number of charges filed, operating costs, staffing levels and collection rates. Resumption of POA Court services was dependent on local judicial and provincial direction over the course of 2021.

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PCRT222 - 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.

(In Thousands)



York: The increase in number of charges from 2020 is indicative of a slow return to pre-pandemic volume and is still below pre-pandemic levels.

Provincial Offences Act (Court Services)

PCRT305T - Total Cost of POA Services per Charges Filed

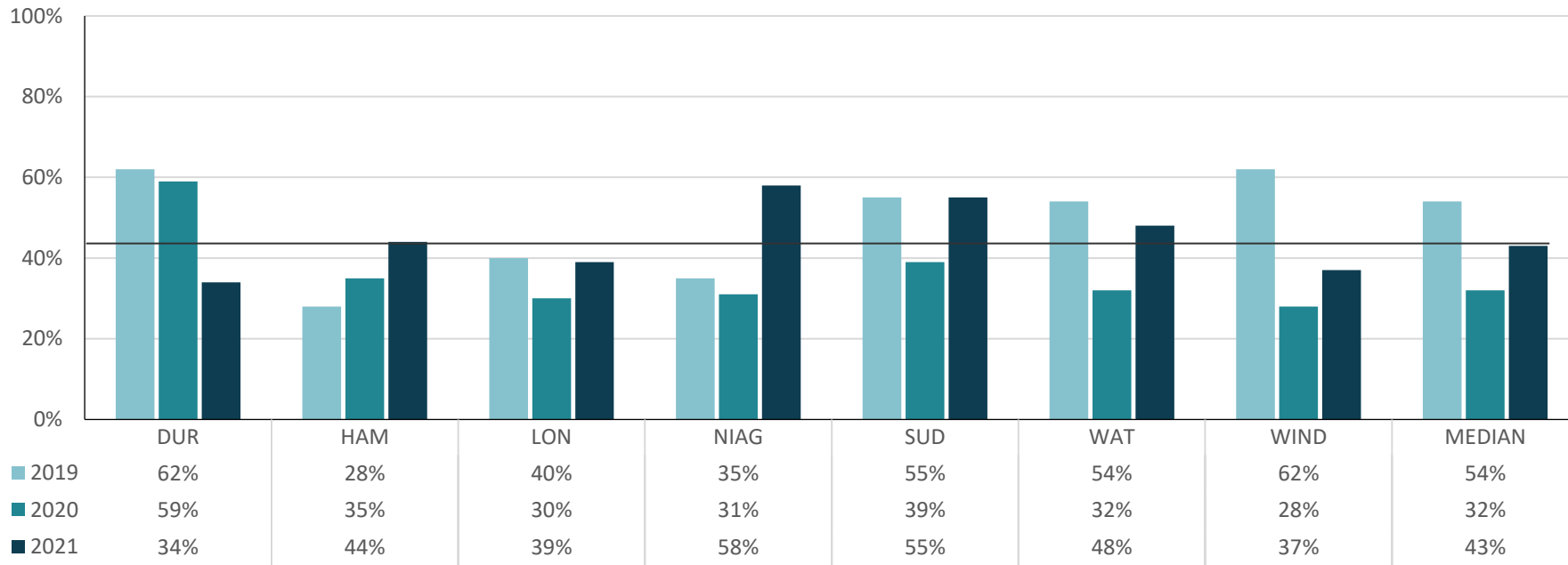
This measure reflects the total cost to administer POA Services on a per charge basis. Level of enforcement regarding POA matters is at the discretion of enforcement agencies. Enforcement varies year to year based upon the staffing complement and prioritization of resources of enforcement agencies.



Provincial Offences Act (Court Services)

PCRT310 - 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.

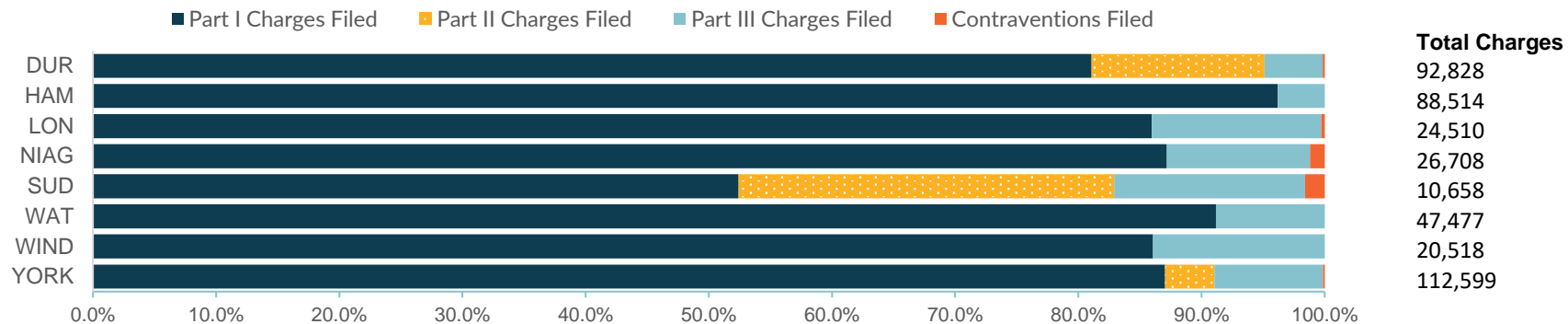


York: Did not report between 2019-2021 due to limited data availability and technical challenges.

Provincial Offences Act (Court Services)

PCRT810 - Total Number of Charges Filed by Type - Percent Distribution

This figure identifies 4 types of charges filed: Part I Charges Filed (PCRT810A): 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 (PCRT810B): Applies exclusively to parking offences. The defendant has 2 options: pay the fine or request a trial. Part III Charges Filed (PCRT810C): 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 (PCRT810D): 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		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
DUR	44,308	65,266	75,257	14,451	8,176	13,046	5,435	4,406	4,383	333	223	142
HAM	80,659	85,272	85,146	N/A	N/A	N/A	4,499	2,785	3,368	0	0	0
LON	29,010	21,895	21,071	169	169	N/A	4,141	3,336	3,372	72	26	67
NIAG	31,066	24,234	23,287	N/A	N/A	N/A	3,934	3,074	3,106	0	43	315
SUD	10,454	8,602	5,586	21,440	2,635	3,251	1,666	1,947	1,651	123	163	170
WAT	40,725	39,806	43,289	N/A	N/A	N/A	5,172	4,940	4,188	0	0	0
WIND	24,619	20,014	17,661	N/A	N/A	N/A	4,717	3,853	2,857	0	0	0
YORK	131,360	93,786	98,010	4,344	1,799	4,526	11,708	7,763	9,916	288	86	147
MEDIAN	35,896	32,020	33,288	9,398	2,217	4,526	4,608	3,595	3,370	36	35	105