



Introduction

In Ontario, the court system comprises three distinct courts: the Ontario Court of Justice, the Superior Court of Justice, and the Ontario Court of Appeal. The Provincial Offences Division of the Corporate Services Department operates the Provincial Offences (POA) court, which is a division of the Ontario Court of Justice.

The purpose of the Provincial Offences Division is to provide administrative support to:

- the Ontario Court of Justice – Provincial Offences Court
- the judiciary
- other court offices
- general public
- enforcement agencies
- legal profession

The Provincial Offences Division answers inquiries and responds to requests from the general public in relation to offences committed under the legislation governed by the *Provincial Offences Act*. There is a large volume of data entry and processing of payments. Accuracy is of paramount importance to this office since errors can affect a large number of stakeholders.

The Provincial Offences Division administers charges, conviction, and enforcement for over 150 statutes. While the greatest volume of charges is under the *Highway Traffic Act*, R.S.O. 1990, c. H.8, other administered charges are under statutes such as the *Compulsory Automobile Insurance Act*, R.S.O. 1990, c. C.25, *Liquor Licence Act*, R.S.O. 1990, c. L.19, *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, *Retail Sales Tax Act*, R.S.O. 1990, c. R.31, *Environmental Protection Act*, R.S.O. 1990, c. E. 19, *Cannabis Act*, S.C. 2018. C. 16, etc., and all municipal by-laws and parking.

As part of the Local Service Realignment Review of 2000, Provincial Offences Administration was downloaded from the Province in March 2000 through a Memorandum of Understanding between the Ministry of the Attorney General and the County of Perth. The County of Perth also entered into an inter-municipal Service Agreement with the municipalities within the geographic Perth County, formalizing the County of Perth as the service provider for the Provincial Offences Court.

Service Strategy

The primary function of the division is to serve the Ontario Court of Justice – Provincial Offences. The division prioritises customer service. Clerks provide professional, accurate, impartial, and timely service in the following order:

1. Person present at the counter.
2. Telephone.
3. Fax/e-mail/voice mail/correspondence.

The priority of service is reinforced throughout training and operations. The County of Perth Provincial Offences Court Services Division has opted in to the Early Resolution System, which means that defendants are given the



opportunity to meet with the prosecutor to attempt to resolve their matter rather than going directly to trial. The Municipal Prosecutor has been provided a separate office to facilitate these private resolution meetings.

Since 2020, the meetings with the municipal prosecutor have been held by telephone. Any agreements that are reached are then adjourned to a remote court date (hybrid platform) where the plea is taken and the amendment formalized by the Justice of the Peace who may be presiding in-person or remotely.

Staff has completed training in “Accessible Customer Service”. The staff schedule interpreters as requested by the defendant or as ordered by the court. The right to adequate court interpretation is entrenched in the Canadian Charter of Rights and Freedoms. Twice a year, the Court provides a bilingual Justice of the Peace and all French trial requests are scheduled for these dates.

Legislative changes have modernized many Court processes. Documents and applications can be filed by e-mail. Defendants can elect whether to proceed with their appearance in person or remotely. Perth County’s virtual courtroom system step up is hybrid, meaning the courtroom is capable of hosting in-person and online hearings and a combination of both in-person and online appearances.

Key Customers and Stakeholders





Core Business Services

- Court Monitor, Court Reporter, Clerk of the Court, Zoom facilitator
- Trial and court appearance coordination of resources and availability of judiciary, crown and defendant(s)
- Preparation of transcripts in accordance with Ministry of Attorney General standards when resources permit. Larger transcripts are sent out for production.
- Court administration: case management, tracking courtroom utilization.
- Cashier, processing payments: balancing daily cash receipts
- Providing explanation of options to defendant
- Providing application forms (extension, reopening, appeal)
- Monitoring payment plans, mailing out collection notices, enforcing defaulted fines
- Monitoring performance of collection agencies
- Preparing statistical information as required by the Regional Senior Justice of the Peace
- Bookkeeper: balancing all monies, investigating incorrect payments and balancing month-end

Legislated Standards

- *Provincial Offences Act*, R.S.O. 1990, c. P. 33
- 150 Statutes that are administered by the Provincial Offences Court
- *Evidence Act*, R.S.O. 1990, c. E.23
- *Municipal Act, 2001*, S.O. 2001, c.25
- Payment Card Industry Data Security Standard
- County of Perth By-laws & Policies
- *Municipal Freedom of Information and Protection of Privacy Act*. R.S.O. 1990, c. M.56 (MFIPPA)
- *Employment Standards Act, 2000*, S.O. 2000, c. 41
- Ministry of Attorney General Best Practices

Key Linkages with the Strategic Plan and Achievements of the 2022 Program

The Provincial Offences Division collects fine revenue and operates the Provincial Offences Court on behalf of our local municipal partners.

Court dockets are reconciled to ensure accuracy. Deposits are reconciled daily. Monthly analysis by location of offence ensures that these funds are distributed in accordance with the local side agreement between all Perth County municipalities.

As such, the Division's actions link with **Goal 2: Regional & Service Effectiveness** and **Goal 3: Customer Service Excellence**, of the County's 2019-2022 Strategic Plan.

The Division continues to work as efficiently as possible. By adopting an electronic document policy, the Division has made the court more conveniently accessible. Daily and monthly reports are received and stored electronically resulting in a reduction of the amount of paper used and consequentially the amount of storage required.



Staff sends court appearance notices and correspondence by e-mail when we have permission from the recipient to do so.

An Assistant to the Prosecutor was hired in June 2022. The Assistant to the Prosecutor is responsible for receiving and processing the electronic briefs, providing disclosure, scheduling meetings, and preparing all documents for the Municipal Prosecutor.

The Division has also had the benefit of hiring an Administrative Assistant on contract to assist with administrative tasks such as receiving incoming mail, applying payments, inputting certificates of offence, and answering inquiries and responding to requests from the general public, as well as providing back-up duties for central reception.

In October 2022, the Division introduced a part-time Court Reporter on contract to assist on court days (Tuesdays) when additional staff is most needed and to assist with moving through the backlog of files from COVID-19.

2023, 2024, 2025 Major Initiatives

Due to the COVID-19 Pandemic, the Provincial Offences Courts were closed to in person appearances by order of the Chief Justice from March 15, 2020 up to and including September 2021. This direction had a profound impact on operations and required substantial adjustments to the Division's operating procedures, including audio courts and virtual appearances. The Perth County Provincial Offences Court uses Zoom for remote appearances. The use of Zoom allows defendants to appear by video or audio on their scheduled appearance date.

The Province mandated that Provincial Offences Courts must accommodate a defendant's selection of either an in-person or virtual appearance, if the offence date is July 15, 2022 or later. Accordingly, Perth County's IT department worked diligently to ensure that the courtroom is a fully-functional hybrid courtroom, capable of hosting in-person and online hearings and a combination of both in-person and online appearances.

In November 2021, Clerks assumed the responsibility for registering convictions for failing to respond and granting extensions. Clerks received training and established best practices and protocols.

In 2023 and 2024, the Division will be further investigating the devolution of prosecution of Part III matters and providing Council with information regarding the potential to implement an Administrative Penalty System, including the installation of school bus arm cameras.

Program Delivery Plan

How will the program be delivered and at what level?

- 1 Manager of Court Services
- 3 Court Services Clerks
- 1 Assistant to the Prosecutor
- 1 Court Services Administrative Assistant



- 1 Contract Court Reporter
- Office hours 8:30 a.m. to 4:30 p.m., Monday to Friday

What changes will impact program delivery in the future?

- Changes Mandated by Other Levels of Government
 - Amendments to *Municipal Act, 2001*
 - Amendments to *Provincial Offences Act*
 - Bill 177, *Stronger, Fairer Ontario Act (Budget Measures), 2017*
 - Changes to other Acts and Regulations
- Download of Part III Prosecutions to the Municipal Partner
- Direction Received from County Council and CAO
 - Structure of County operations
 - Policy decisions

Financial Allocation

Service	FTE Requirements by Year			
	2022	2023	2024	2025
Provincial Offences Administration Division				
Total Program FTE Requirements	5.03	5.48 6.?	5.35	5.35

Need the FTEs from Corey

FTE Variances

- Changes to document management and hybrid appearances have created more work for staff.
- Change to staffing level: POA is requesting authorization to retain the position of Administrative Assistant, which was created on a short-term basis, as well as the part-time Court Reporter, who was hired on a contract to provide additional support on court days (Tuesdays).

Training and Development

- Clerk/Monitor training, ICON training
- Trial Coordinator Meetings
- Municipal Court Manager’s Association Conference
- MCMA Committee Meetings
- Annual MCMA-POA Collections Conference



- Attendance at any training, conference, or meeting will depend on the outcome of the pandemic. As of this moment, all meetings are attended remotely.

Comments

Revenue for the Provincial Offences Division is difficult to predict as it relies upon a number of factors. Budgeted revenue and net distribution are based on a 5-year average. Final revenue distribution is based on the actual location of the offence which is calculated monthly. At year end, the net revenue is distributed according to the intermunicipal service agreement between the Town of St. Marys, the City of Stratford and the County of Perth. Perth County revenue is then further distributed to the member municipalities based on weighted assessment.

Under section 1.3.2 of the Memorandum of Understanding, the County is responsible for providing a Municipal Prosecutor for proceedings under Part I of the *Provincial Offences Act*.

On August 2, 2017, the Province notified the C.A.O. that they will be proceeding with the download of most Part III prosecutions (more serious provincial offences matters) to the municipal partners. This is projected to increase our prosecution expenses by 51% per year. Part III matters are the more complex cases and more serious charges. Every person charged under Part III is summoned to court and in all cases where a person does not appear for court, an ex-parte trial is required in order to register a conviction. More preparation time is required and more court time is required for each Part III case. In March 2022, Provincial Offences was provided with the option from the Ministry of the Attorney General to accept the transfer of the prosecution of Parts III and IX matters. Perth County declined the transfer to minimize the amount of change and pressure on the public, staff, and the court system, particularly with the ongoing elevator construction and lack of space within the building.

The Municipal Prosecutor has provided prosecution services to the County for Part I prosecutions and to the Crown for Part III prosecutions for an extended period of time. This has proven to be a more efficient way to deliver the service from an operational standpoint. The download, when it eventually happens, will increase costs and demands on the Division.