



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Customer Service and POA Division**

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| <b>TO:</b>                | Chair and Members<br>Committee of the Whole  |
| <b>COMMITTEE DATE:</b>    | May 20, 2020   |
| <b>SUBJECT/REPORT NO:</b> | Proposed Write-off for Provincial Offences (FCS20032) (City Wide)  |
| <b>WARD(S) AFFECTED:</b>  | City Wide  |
| <b>PREPARED BY:</b>       | Wendy Mason (905) 546-2424 Ext. 5718<br>Lynn Geci (905) 546-2424 Ext. 6287                                   |
| <b>SUBMITTED BY:</b>      | Cindy Mercanti<br>Director, Customer Service, POA and Financial Integration<br>Corporate Services Department |
| <b>SIGNATURE:</b>         |  |

**RECOMMENDATION(S)**

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,385,639:

- (a) \$1,383,476 in uncollectible fines with a sentence date of December 31, 2012 and prior;
- (b) \$2,163 in underpayments from April 1, 2019 through March 31, 2020.

**EXECUTIVE SUMMARY**

In accordance with the Provincial Offences Administration (POA) Write-off Procedure and the Memorandum of Understanding, POA is requesting that 5,739 records amounting to \$1,385,639 be written off. The Building Department has delayed the write-off of seven aged fines worth \$58,141 this year. As such, this amount will be considered for next year's report. Fines are written off based on the age of the accounts receivable and ability to collect. Files which are seven years or older are identified for write-off consideration. If a fine is written off it does not absolve a convicted offender from the requirement to pay the fine, as debts to the Crown are not forgiven.

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OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Reasons that accounts become uncollectible include debtor cannot be located and bankruptcy or business closure.

The approval to write-off these fines will reduce the accounts receivables owing to the City of Hamilton and allow our collection staff to concentrate their efforts in pursuing more recent fines for which there is a higher probable rate of collection.

**Alternatives for Consideration – See Page 4**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Accounts Receivable write-offs are reflected as a decrease in Accounts Receivable and an increase in Bad Debt.

Staffing: None

Legal: If approved by Council, staff will advise the Ministry of the Attorney General of this recommendation and request that they be authorized to purge these records from the Ministry database (ICON).

**HISTORICAL BACKGROUND**

POA utilizes several collection methods which include: internal collection efforts, external collection agencies, tax rolling, garnishment and writs. The value of the receivable falls rapidly as a function of time and the longer the debt has been owed, the less likely POA is to collect.

In 2018, the Province introduced legislation to improve collection efforts (inability to renew plates and drivers' licenses for driving-based offences) that has helped encourage payment.

Internal collections were responsible for collecting \$4,325,300 and the external collection agencies collected \$1,417,363 in 2019. This represents an increase in overall collections by the internal staff and the collection agencies of \$198,493 over 2018.

The year-end outstanding receivables balance, including the 2019 proposed write-off, totalled \$73,129,717. Outstanding receivables include new charges (convicted fines) plus defaulted fines.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The recommendation follows existing corporate, provincial policies, procedures and standard accounting practices respecting the write-off of uncollectible monies.

## **RELEVANT CONSULTATION**

Internal stakeholders consulted include staff in the departments of Corporate Services and Planning and Economic Development.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)**

Staff anticipates the amount of the write-offs to be \$1,383,476 in uncollectible fines with a due date of December 31, 2012 and prior and underpayments (pay less than is due) of \$2,163 from April 1, 2019 through March 31, 2020. An example of an underpayment would be the fee associated with the fail to respond docket; the \$5 fee is added to the balance, however, in the meantime, the fine was paid. The total amount of \$1,385,639 includes the Victim Fine Surcharge which is payable to the Province of Ontario. Building Department write-offs were not included this year but will be considered for next year.

All offences filed with POA are pursued by way of enforcement if they are not paid by their due date. Enforcement includes suspension of a driver's licence, denial of licence plate renewal, referral to our external collection agency and civil enforcement. Outstanding fines are tracked through our collections database, wherein chronic offenders can be identified, based upon criteria that anyone with more than three offences in a one-year period is classified as chronic.

The approval to write-off these fines will reduce the accounts receivables owing to the City of Hamilton and allow our collection staff to concentrate their efforts in pursuing more recent fines for which there is a higher probable rate of collection. After writing off the proposed amount of \$1,385,639, the remaining outstanding accounts receivables balance will be \$71,744,079.

POA is requesting that 5,739 records amounting to \$1,385,639 be written off. Fines are written off based on the age of the accounts receivable and ability to collect. If a fine is written off, it does not absolve a convicted offender from the requirement to pay the fine, as debts to the Crown are not forgiven. Files can be re-activated in ICON if a payment is received.

**Write Off History**

|       | # of Files | \$ Written Off | Year End<br>Outstanding Balance |
|-------|------------|----------------|---------------------------------|
| 2015* | 0          | \$0            | \$59,225,747                    |
| 2016  | 3,924      | \$1,541,755    | \$61,636,843                    |
| 2017  | 5,870      | \$1,200,569    | \$64,740,574                    |
| 2018  | 5,581      | \$1,173,573    | \$69,937,030                    |
| 2019  | 5,739      | \$1,385,639    | \$71,744,079                    |

\* Missed Ministry cut-off date

**ALTERNATIVES FOR CONSIDERATION**

The Ministry of the Attorney General has issued a directive to all POA offices in the Province to establish and maintain write-off policies and procedures. Given the Council approved write-off procedure, there are no alternatives for consideration.

**ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

**Our People and Performance**

Hamiltonians have a high level of trust and confidence in their City government.

**APPENDICES AND SCHEDULES ATTACHED**

WM/LG/dt