



# 2021 Provincial Offences Administration Annual Report

# Table of Contents

Background .....	3
Provincial Offences Administration (POA) Snapshot .....	4
2021 Key Initiatives .....	4
2022 Key Initiatives .....	5
Emerging Trends .....	5
Charges Filed .....	6
Trials .....	7
Early Resolution (ER) .....	7
Fail to Respond .....	7
Revenues .....	8
Collections .....	9

# BACKGROUND

Provincial Offences Administration (POA) administers to charges from approximately 40 enforcement agencies for all acts and regulations under the *Provincial Offences Act*. A charge going to court can result in many different dispositions which do not result in a fine. A charge can be withdrawn, dismissed or suspended, all of which result in zero revenue for the City. An Early Resolution meeting can result in an agreed upon plea to a reduced charge and / or a reduced fine. Charges filed are varied and cover a broad range of legislative enforcement from speeding to careless driving under the *Highway Traffic Act* (inclusive of Red Light Camera), charges under City of Hamilton By-Laws (excluding parking offences), *Liquor License and Control Act*, *Trespass to Property Act*, *Compulsory Automobile Insurance Act*, the *Environmental Protection Act* and *Occupational Health and Safety Act*, to name a few.

POA administers Part I and Part III offences under the *Provincial Offences Act* which are filed by Enforcement Agencies. Administrative Penalty System (APS) offences are not administered by POA.

A Part I offence is commonly referred to as a "ticket" and is most often issued by an officer at the time of the offence. When a Part I offence notice is issued, the defendant can either plead guilty and pay the fine, request an early resolution meeting with a prosecutor or request a trial. A Part III offence is considered a more serious offence and requires the defendant to appear before a Justice of the Peace.

POA is located at 50 Main Street East, which accommodates administrative offices and four courtrooms. POA is comprised of the following services: Court Administration, Court Support, Collections and Prosecution (reporting through Legal Services).

**Court Administration** responsibilities include:

- processing fine payments and requests for extension of time to pay
- scheduling early resolution meetings and trials
- updating court documents
- receiving and processing all new charges
- appeals and re-openings of charges

**Court Support** responsibilities include:

- ensuring courtroom decorum and capture of the official court record
- production of transcripts as requested
- management of court documents and exhibits
- swearing in of witnesses and interpreters
- arraigning the defendant on charges

**Collections** responsibilities include:

- pursuit of the collection of overdue fines
- searching for current address and phone information to assist in contact with defendants
- updating database system for collection activity

Each year, POA solicits an independent audit of the financial statements for the Provincial Offences Office. As per the Memorandum of Understanding (MOU) between Her Majesty the Queen in Right of Ontario as represented by the Attorney General and the City of Hamilton, the completed audit is submitted annually to the Attorney General and the Ministry of Finance.

# POA SNAPSHOT

The following provides a 2021 snapshot of POA performance:



**\$12.6 M**  
in Revenue  
(net provincial transfers)



**\$72.8 M**  
Outstanding accounts receivable



**\$2.3 M**  
Contribution  
to Net Levy

**\$4.7 M**

Revenue collected from  
defaulted accounts receivable



**1,448**  
Trials Requested



**7,915**  
Early Resolution (ER)  
Meetings Scheduled



**86,780**  
Charges Filed

## 2021 KEY INITIATIVES

In 2021, several continuous improvement initiatives were implemented:

- Implemented both City and Ministry COVID-19 protocols
- Implemented an expanded early resolution process to support remote hearings
- Implement a virtual court platform to support remote proceedings and trials
- Initiate the electronic filing of automated enforcement charges
- Supported the download of responsibilities resulting from the proclamation of various sections of Bill 177, clerk of court duties, by reviewing the legislation and upcoming regulations to support the review of Fail to Responds, re-opening applications and requests for extension of time to pay

# Virtual Courts

Virtual courts and the use of Zoom in the courtrooms has provided POA an opportunity to proceed with matters however the scheduling and the court process to have these matters heard have been impacted. The ease and ability of counsel, enforcement officers and prosecutors to be able to speak to defendants to determine readiness and approach required for each court appearance causes a delay in the court proceeding and further limits the amount of matters that are able to be scheduled to a courtroom.

In presiding over court hearings, often the Justice of the Peace rely heavily on paperwork and other documents which have been submitted by defendants, counsel, agents and Prosecutors. Due to the nature of virtual courts these documents are not always easily accessible for the presiding Justice which further increases the amount of time a matter is required to be scheduled and limits the number of matters that can be scheduled to a courtroom. The court process in general has become more complex with substantially lengthier trial / hearing processes in the many Early Resolution, case management, pretrial, trial courts which has impacted the scheduling of matters in court.

## 2022 KEY INITIATIVES

Several continuous improvement initiatives are being launched for 2022:

- In consultation with the Ministry of the Attorney General, update the court master plan
- Support the re-introduction of in-person trials in addition to the availability of virtual trials
- Further enhance the accessibility and usability of electronic document filing
- Continue to support the examination of Fail to Respond dockets, re-opening applications and requests for extension of time to pay by the Clerk of the Court

## EMERGING TRENDS

The following changes to the legislative environment will impact POA:

- **Replacement of the Court Integrated Operational Network (ICON)** led by the Ministry will fundamentally transform the way in which the justice system operates.
- **Administrative Penalty System (APS)** is an alternative process which allows the municipality to manage certain types of disputes rather than utilize the provincial court system. Municipal By-law disputes account for 1% of total charges filed. Electronic Speed Enforcement and Red Light Camera offences are being considered for inclusion in APS.

# CHARGES FILED

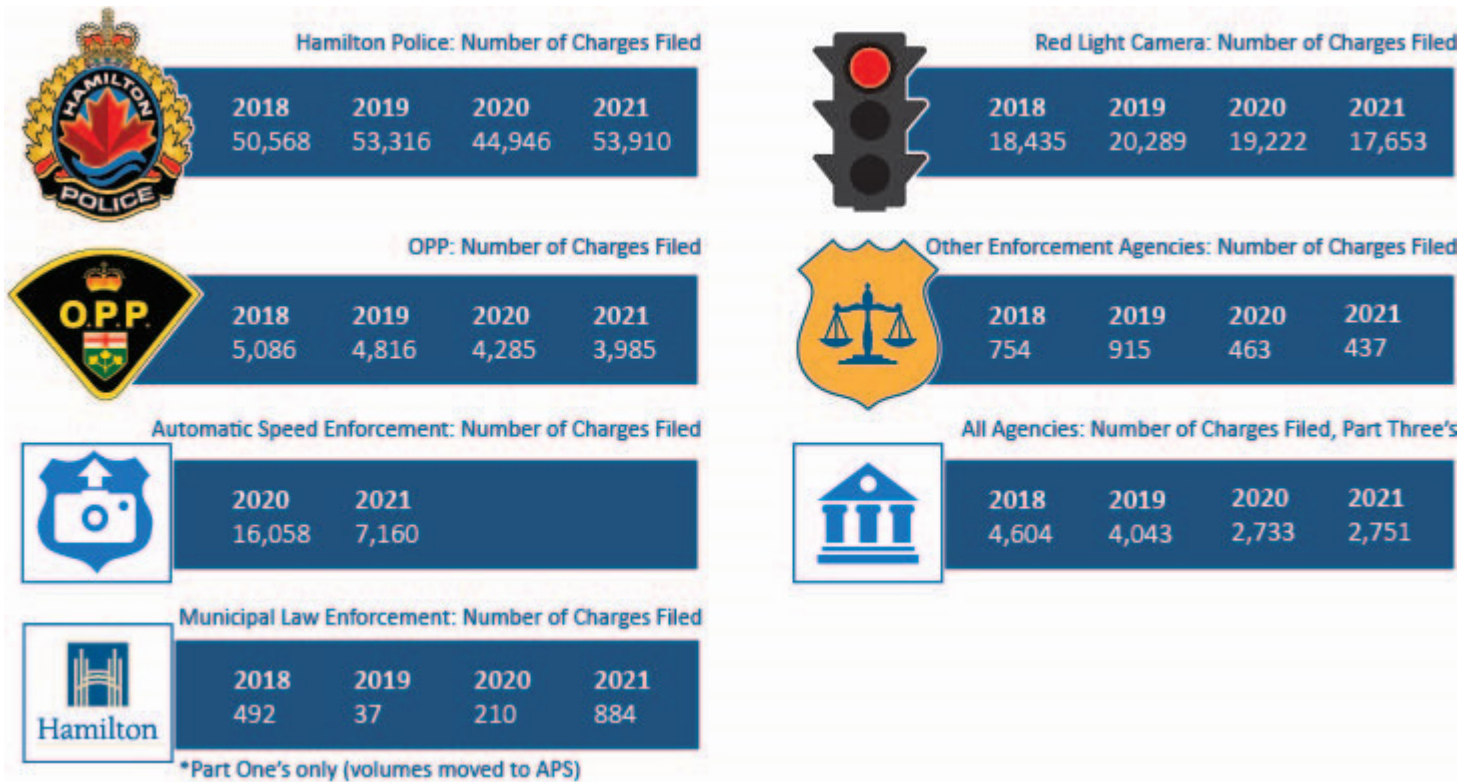
In 2021, POA received 86,780 charges of which, approximately 95% of the charges filed resulted from Hamilton Police Services, Automated enforcement and the Ontario Provincial Police (OPP).

Total Charges Filed				
2017	2018	2019	2020	2021
77,861	79,839	83,416	86,736	86,780

The number of charges filed has been increasing over the three-year period from 2018 to 2020. The majority of charges filed relate to the *Highway Traffic Act*.

The table below depicts Part I's and Part III's, by enforcement agency, as a percentage of charges filed over a four-year period.

## % of Charges Filed By Agency (Part I and Part III)



The proportion of charges filed by Hamilton Police Service has decreased by 2% since 2018. With the introduction of automated enforcement (Red Light Cameras and Speed Enforcement), the proportion of automated speed enforcement charges has increased by 24% since 2018. OPP charges have demonstrated a downward trend since 2018. Charges filed by other enforcement agencies such as Ministry of the Environment, Ministry of Labour, etc. have also declined over the past four years. In 2018, Municipal Law Enforcement (MLE) charges commenced its transition to the Administrative Penalty System (APS) office. Part III's continue to be processed within POA.

## TRIALS

Trials are scheduled into four courtrooms dependent upon Judicial resources. No in-person trials were scheduled between January 1 and August 31, 2021 due to COVID-19.

	Courtroom Hours			
	2018	2019	2020	2021
All Courtrooms	1,685	1,774	1,051	1,448

## EARLY RESOLUTION

This process is intended to provide resolution to court matters without a trial. Of all Part I's filed, 9% (approximately 7,915) result in a request for an Early Resolution meeting with a prosecutor.

	% of Early Resolution Hearings Scheduled				
	2017	2018	2019	2020	2021
Part 1	15%	14%	16%	11%	9%

## FAIL TO RESPOND

In 2021, 50% of all Part I certificates of offence filed were placed on a Fail to Respond (failed to respond to any settlement or dispute options) docket due to the lifting of the 2020 stop conviction order. Administratively, this process takes more time as the tickets need to be reviewed by a Justice of the Peace before a conviction and notice can be issued. Under Bill 177, tasks associated with the Fail to Respond process has been downloaded to POA.

	Fail to Respond				
	2017	2018	2019	2020	2021
Part 1	29%	28%	28%	5%	50%

Due to COVID-19 and the extension of court time lines by the Chief Justice resulted in no Fail to Respond convictions from January-March 16, 2021.

# REVENUES

POA administers and collects fines where revenue is disbursed to other City business units such as Animal Services, Building Division and Licensing and By-Law Services and Traffic Engineering and Operations (Red Light Camera charges). Red Light Camera revenue is transferred to Public Works, less Service Ontario fees and an administrative cost. Similarly, Licensing and By-Law Services and Building Division revenue is transferred to Planning and Economic Development, less an administrative cost.

Dedicated Fines, Victim Fine Surcharge, expenses associated with Part III prosecutions prosecuted by the Province and any POA fines levied against the City are payable to the Ministry of the Attorney General. Fines collected for other POA sites (i.e. Brantford, Burlington, etc.) are paid quarterly to the appropriate municipality after reconciliation with quarterly statements. The remaining revenue is used to offset any remaining administration costs and contribute to the net levy. Payments can be made at any POA court office, over the phone, on-line via Paytickets (third party vendor), at Hamilton Municipal Service Centres and at Service Ontario locations.

Revenues for 2021 improved over the previous year. An order suspending timelines was made March 17, 2020, by the Chief Justice of the Ontario Court of Justice, which effectively put all matters on hold, lasting through to early 2021. No convictions were registered resulting in decreased revenues until the resumption of Early Resolution September 7, 2020, moving some matters along, minimally impacting revenues. Revenues are expected to recover post-pandemic.

In 2021, there was a distribution disruption that resulted in a delay in receiving information from the Toronto processing centre; thereby resulting in a revenue adjustment in the amount of approximately \$148,850 to the City's ticketing process.

	<b>Gross Revenue</b>	<b>Net Contribution</b>
2017	\$12,153,945	\$2,872,089
2018	\$12,352,242	\$2,975,996
2019	\$13,597,869	\$3,052,708
2020	\$10,523,446	\$(328,423)
2021	\$12,561,088*	\$2,265,771

\*Includes \$1,043,500 Safe Start



# COLLECTIONS

Internal collections were responsible for collecting \$3,789,603 and the external collection agencies collected \$943,782 in 2021. This represents an increase in overall collections of \$1,138,716 over 2020. In 2017, the Province introduced legislation to improve collection efforts (inability to renew plates and drivers' licenses for driving-based offences) to encourage payment. POA has leveraged this opportunity by redirecting defaulted Red Light Camera and Automated Speed Enforcement collections to plate denial (up to a two-year process) saving the cost of the external agency fee.

Fines that qualify are added to the defendant's property taxes (tax roll). Since the introduction of tax rolling by POA in 2017, \$481,880 in outstanding fines has been added to the tax roll. For a defaulted fine to be tax rolled, property ownership must be confirmed. Specific business units, such as Licensing and By-Law Services, have the authority to deny issuing or renewing a license if a fine is outstanding.

During the collection process, staff had the opportunity to review aged accounts receivable and identified a small number of files that predate the transition of POA from Ministry of the Attorney General (MAG) to the City (i.e. early 2001 time period) and fall outside of POA's write-off procedural timeframe. As per POA's standard operating process, staff connected with MAG and confirmed write-off disposition. There was little impact to the City and fine amounts are nominal, representing approximately less than 0.5% City of Hamilton average annual accounts receivable write-off amount.

As of December 31, 2021, the outstanding receivables balance, including the 2021 proposed write-offs, totalled \$72,827,957.

Write-offs for Deceased Persons, which are an automatic write-off by the Ministry of the Attorney General, totalled \$1,893,205.