



THE REGIONAL MUNICIPALITY OF NIAGARA  
CORPORATE SERVICES COMMITTEE  
FINAL AGENDA

CSC 01-2020

Wednesday, January 15, 2020

9:30 a.m.

Council Chamber

Niagara Region Headquarters, Campbell West

1815 Sir Isaac Brock Way, Thorold, ON

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	Pages
1. <u>CALL TO ORDER</u>	
2. <u>DISCLOSURES OF PECUNIARY INTEREST</u>	
3. <u>PRESENTATIONS</u>	
4. <u>DELEGATIONS</u>	
5. <u>ITEMS FOR CONSIDERATION</u>	
5.1 <u>CSD 1-2020</u> Approval of Interim Levy Dates and Amounts	3 - 6
5.2 <u>CSD 4-2020</u> Appointments to the Licensing Appeals Committee	7 - 11
5.3 <u>CSD 5-2020</u> Amendments to Vehicle for Hire and Businesses and Adult Entertainment Parlour By-laws	12 - 17
5.4 <u>CSC-C 1-2020</u> Recommendations from the Joint Board of Management – Niagara Courts meeting held on December 12, 2019 for consideration	18 - 25
6. <u>CONSENT ITEMS FOR INFORMATION</u>	
7. <u>OTHER BUSINESS</u>	

**8. CLOSED SESSION**

- 8.1 Confidential Appendix I to Report CSD 4-2020  
A Matter Respecting Personal Matters About Identifiable Individuals -  
Recommended Citizen Appointments to the Licensing Appeals  
Committee
- 8.2 Confidential CSD 7-2020  
A Matter Respecting a Proposed Acquisition of Land by the Municipality  
– EMS Lease Agreement
- 8.3 Confidential CSD 11-2020  
A Confidential Matter Respecting Litigation before Administrative Tribunal  
under s. 239(2) of the Municipal Act, 2001 - Assessment Appeal Update  
and Proposed Settlement Information – General Motors Canada, St.  
Catharines

**9. BUSINESS ARISING FROM CLOSED SESSION ITEMS**

**10. NEXT MEETING**

The next meeting will be held on Wednesday, February 12, 2020 at 9:30 a.m. in  
the Council Chamber, Regional Headquarters.

**11. ADJOURNMENT**

If you require any accommodations for a disability in order to attend or participate in meetings or  
events, please contact the Accessibility Advisor at 905-980-6000 ext. 3252 (office), 289-929-8376  
(cellphone) or [accessibility@niagararegion.ca](mailto:accessibility@niagararegion.ca) (email).

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**Subject:** Approval of Interim Levy Dates and Amounts

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 15, 2020

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## Recommendations

1. That the interim amounts for the Regional levy **BE APPROVED** by Regional Council in the amounts shown in **Appendix 1**;
2. That the Regional Clerk ensures that the appropriate by-law **BE PREPARED** for presentation to Regional Council for consideration and approval; and
3. That report CSD 1-2019 **BE CIRCULATED** to the Councils of the local area municipalities for information.

## Key Facts

- The purpose of this report is to approve the interim levy amounts and due dates.
- Section 316 of the Municipal Act provides that the council of an upper-tier municipality may requisition an amount equivalent to 50% of the prior year's approved levy from each area municipality in order to continue core services prior to the adoption of budget estimates for the year.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph a.) provides that prior to Council's approval of the Operating Budget bylaw, a current year's expenditures may be incurred if a budget for a similar item existed in the previous year's operating budget and the expenditures is at the same service level as the prior year and does not exceed 50% if the amount appropriated in the previous year's operating budget.
- The Region's Budget Control Bylaw (2017-63, section 6.3 paragraph b.) provides that prior to Council's approval of the Capital Budget Bylaw, expenditures for new capital projects may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).
- Interim levy dates are consistent with the prior years. The local area municipalities were consulted and no alternative dates are considered.

## Financial Considerations

The interim levy amounts to be requisitioned from the local area municipalities totals \$182,862,828 (General Levy) and \$17,664,148 (Waste Management) for a total of \$200,526,976 or 50% of the 2019 levied amounts. The interim levy will provide sufficient

cash flows for current year Region operations until approval of the 2020 operating budget and levy amounts.

## **Analysis**

The authority to incur expenditures by Regional departments, boards and agencies is granted by Regional Council through the annual approved operating budget as prescribed by the Municipal Act. Prior to the an annual budget being adopted by Regional Council, bylaw 2017-63 as approved by Regional Council provides that Regional departments, boards and agencies may incur expenses up to 50% of their prior year's operating budget in order to maintain business as usual for Regional services.

Further to this, Section 316 of the Municipal Act authorizes Council through a bylaw to provide an interim levy equivalent to 50% of the prior year's approved estimates (subject to certain adjustments) before the adoption of budget estimates for the year. It has been the Region's past practice to levy an interim levy in order to fund Regional services prior to the approval of the annual budget and final levy amounts.

Expenditures for new capital projects prior to Council's approval of the 2020 consolidated capital budget bylaw may be permitted if an individual capital project is deemed a priority by Council and specifically approved by Council in advance of the general capital budget bylaw (section 6.3. paragraph b).

## **Alternatives Reviewed**

Alternative thresholds were not considered as the interim levy of 50% permitted by the Municipal Act will generally ensure cash inflows in the shorter term are able to accommodate the level of expenditures. The Municipal Act does not have a requirement to approve a spending limit in advance of the budget approval however the practice has been adopted by the Region through bylaw 2017-63.

## **Relationship to Council Strategic Priorities**

Not Applicable.

## **Other Pertinent Reports**

Not Applicable.

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**Prepared by:**

Rob Fleming, MBA  
Senior Tax & Revenue Analyst  
Corporate Services

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**Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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**Submitted by:**

Ron Tripp, P.Eng.  
Acting, Chief Administrative Officer

*This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy and reviewed by Helen Chamberlain, Director, Financial Management & Planning/Deputy Treasurer*

**Appendices**

Appendix 1                      Interim Levy Payments and Dates

Page 4

**Appendix 1 - Interim Levy Payments and Dates**

<b>General Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	5,726,046	5,726,046	11,452,091
Grimsby	6,852,188	6,852,188	13,704,377
Lincoln	5,341,710	5,341,710	10,683,420
Niagara Falls	19,292,739	19,292,739	38,585,479
Niagara-on-the-Lake	7,863,682	7,863,682	15,727,363
Pelham	3,790,363	3,790,363	7,580,725
Port Colborne	2,979,336	2,979,336	5,958,671
St. Catharines	24,269,932	24,269,932	48,539,864
Thorold	3,636,661	3,636,661	7,273,323
Wainfleet	1,377,324	1,377,324	2,754,648
Welland	7,460,447	7,460,447	14,920,894
West Lincoln	2,840,987	2,840,987	5,681,975
<b>Total</b>	<b>91,431,414</b>	<b>91,431,414</b>	<b>182,862,828</b>

<b>Waste Management Special Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	669,137	669,137	1,338,273
Grimsby	462,426	462,426	924,851
Lincoln	400,600	400,600	801,200
Niagara Falls	1,732,600	1,732,600	3,465,200
Niagara-on-the-Lake	386,227	386,227	772,453
Pelham	301,185	301,185	602,370
Port Colborne	442,770	442,770	885,540
St. Catharines	2,718,320	2,718,320	5,436,640
Thorold	368,883	368,883	737,766
Wainfleet	136,860	136,860	273,720
Welland	990,994	990,994	1,981,988
West Lincoln	222,074	222,074	444,149
<b>Total</b>	<b>8,832,074</b>	<b>8,832,074</b>	<b>17,664,148</b>

<b>Total General &amp; Waste Management Interim Levy</b>			
<b>Municipality</b>	<b>March 11, 2020</b>	<b>May 13, 2020</b>	<b>Total Interim Levy</b>
Fort Erie	6,395,182	6,395,182	12,790,364
Grimsby	7,314,614	7,314,614	14,629,228
Lincoln	5,742,310	5,742,310	11,484,620
Niagara Falls	21,025,339	21,025,339	42,050,678
Niagara-on-the-Lake	8,249,908	8,249,908	16,499,816
Pelham	4,091,548	4,091,548	8,183,095
Port Colborne	3,422,106	3,422,106	6,844,211
St. Catharines	26,988,252	26,988,252	53,976,504
Thorold	4,005,544	4,005,544	8,011,088
Wainfleet	1,514,184	1,514,184	3,028,368
Welland	8,451,441	8,451,441	16,902,882
West Lincoln	3,063,062	3,063,062	6,126,123
<b>Total</b>	<b>100,263,488</b>	<b>100,263,488</b>	<b>200,526,976</b>

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**Subject:** Appointments to the Licensing Appeals Committee

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 15, 2020

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## **Recommendations**

1. That the recommendation contained in Confidential Appendix 1 to Report CSD 4-2020, **BE APPROVED** confirming the citizen appointments to the Licensing Appeals Committee; and
2. That the Licensing Appeals Committee Terms of Reference (Appendix 2 of Report CSD 4-2020), **BE APPROVED**.

## **Key Facts**

- The purpose of this report is to seek Council's approval to appoint citizen members to the Licensing Appeals Committee.
- On June 1, 2019 the Region took over licensing responsibilities from Niagara Regional Police, part of the on-boarding was to establish a Licensing Appeals Committee.
- Advertising for members of the Licensing Appeals Committee was done on Niagara Region's website and on social media with a final closing date of September 6, 2019.

## **Financial Considerations**

Costs associated with the appointment process and the stipend for committee members are contained within the existing 2020 operating budget approved on December 12, 2019. Additional funding resources are not required.

## **Analysis**

On June 1, 2019, business licensing responsibility was transferred from Niagara Regional Police to Niagara Region and the operation was on-boarded "as-is". The Niagara Regional Police Services Board would no longer be providing appeals review and the Region needed to establish their own appeals committee with defined terms of reference.

An advertisement calling for applications from interested citizens was placed on the Niagara Region website on June 10, 2019 with a closing date of July 5, 2019. Advertising was also placed on Facebook and LinkedIn from July 8, 2019 to September 6, 2019.

Business Licensing and Clerks staff reviewed the submitted applications and their recommended appointments are included in Confidential Appendix 1 to this report for consideration.

### **Alternatives Reviewed**

Not Applicable

### **Relationship to Council Strategic Priorities**

The Licensing Appeals Committee members will provide fact and evidence based recommendations and decisions based on information presented to them at an appeal with respect to:

- Suspended Licences
- Revoked Licences

This Licensing Appeals Committee supports the following two Regional Council Strategic Priorities

- Healthy and Vibrant Community
- Sustainable and Engaging Government

### **Other Pertinent Reports**

Not Applicable

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**Prepared by:**  
Angelo Apfelbaum  
Manager, Business Licensing  
Corporate Services

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**Recommended by:**  
Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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**Submitted by:**  
Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Jeanette Bax, Business Improvement Program Manager and reviewed by Ann-Marie Norio, Regional Clerk.*



## **Appendices**

- Confidential Appendix 1      Recommended Citizen Appointments to the Licensing Appeals Committee *(Distributed under separate cover to members of Council only)*
- Appendix 2                      Terms of Reference Licensing Appeals Committee

## **Licensing Appeals Committee**

### **Terms of Reference**

#### **1. PREAMBLE**

The Licensing Appeals Committee is an all-citizens Committee appointed by Council to conduct hearings of appeals under The Regional Municipality of Niagara Business Licensing By-laws.

#### **2. MANDATE**

The Licensing Appeals Committee conducts hearings to decide whether or not to uphold the decision of the Licensing Officer with respect to the refusal, revocation, suspension, or the addition of conditions on a business licence.

#### **3. MEMBERSHIP**

##### **3.1 Composition**

The Committee shall be composed of a minimum of three (3) and a maximum of seven (7) members with membership preference given to those with backgrounds in law, academics, enforcement and/or industry stakeholders.

In addition, members should have knowledge and understanding of the *Municipal Act* and interpretation of legislation, proven analytical and decision-making skills, and experience working on a committee, administrative tribunal, task force or similar setting.

The Committee shall not include any individual who is a current business licence holder.

When an appeal has been filed only three (3) of the seven (7) members of the Committee shall comprise the Committee for the purposes of reviewing and considering the appeal.

The Clerk shall determine the selection of the three (3) sitting members of the Committee from the pool of members based on availability.

##### **3.2 Term**

The term of the Committee shall be concurrent with the term of Council.

##### **3.3 Privacy**

The meetings of the Licensing Appeals Committee are public. Members should be aware that their names will be in the public realm and a list of membership may be provided when requested. Member information, other than name or

municipality, will be kept confidential in accordance with the *Municipal Freedom of Information and Protection of Privacy Act*.

**4. COMMITTEE CHAIR**

The Committee members shall select a Chair from amongst its three (3) sitting members at the first meeting.

**5. STAFF SUPPORT**

Clerk's Office staff will provide administrative support to the Committee.

**6. COMPENSATION**

Members shall receive an honorarium of \$50.00 for meetings held to consider licence appeal applications. Members will be paid mileage from their place of residence to the meeting location for any other meetings.

**7. MEETINGS**

The Appeals Committee shall conduct its meetings on an as-required basis and in public.

The Committee shall conduct its meetings in accordance with the Rules of Practice and Procedure for the Licensing Appeals Committee and the *Statutory Powers Procedures Act*, with modifications as deemed necessary.

**8. CONFLICTS**

Committee members shall comply with the *Municipal Conflict of Interest Act* and shall disclose a pecuniary interest in advance of any meeting, where possible or absent him/herself from meetings for the duration of the consideration of the appeal, discussion and voting with respect to the matter.

In the event a member discloses a pecuniary interest respecting the appeal in advance of the meeting, the Clerk shall select another member to replace him/her on the Committee.

**9. PRACTICES AND PROCEDURES**

The Clerk shall establish administrative practices and procedures for the Committee.

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**Subject:** Amendments to Vehicle for Hire and Businesses and Adult Entertainment Parlour By-laws

**Report to:** Corporate Services Committee

**Report date:** Wednesday, January 15, 2020

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## Recommendations

1. That the recommendations contained in Appendix 1 and 2 to Report CSD 5-2020 **BE APPROVED** outlining amendments to Niagara Region By-law 2018-75 (Vehicles for Hire and Businesses) and 2018-76 (Adult Entertainment)
2. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration.

## Key Facts

- The purpose of this report is to seek Council's approval to make amendments to the Vehicle for Hire and Businesses and Adult Entertainment By-laws.
- Council of the Regional Municipality of Niagara is authorized under Part II section 11 and Part IV of the Municipal Act, 2001, S.O. 2001 c.25, as amended to pass by-laws licensing, regulating and governing businesses.
- On June 01, 2019 the Region took over licensing responsibilities from Niagara Regional Police "as-is" including the by-law structure.
- The Region has an existing Fees and Charges by-law that was updated on December 12, 2019 to include Licensing Fees and Charges.

## Financial Considerations

Revenue received from the issuance of business licences offsets the direct costs of the Business Licensing Division.

## Analysis

On June 01, 2019 business licensing responsibility was transferred from Niagara Regional Police to Niagara Region and the operation, including by-law structure, was on-boarded "as-is".

The structure for both the Vehicle for Hire and Businesses and Adult Entertainment by-laws included a licence fees schedule. The Region maintains a separate Fees and Charges by-law. This by-law contains all fees charged by the Region including Business

Licensing fees. It is staff's intention to complete a thorough review of all applicable licensing fees associated with these services once a full year of operations has been completed.

Staff are recommending to remove the fees schedule from both licensing by-laws, and amend applicable sections within the by-laws to reference the Fees and Charges by-law and not the schedules. This will eliminate any confusion for licence holders in determining what fees need to be paid and place licensing fees in the correct by-law.

### **Alternatives Reviewed**

No Applicable

### **Relationship to Council Strategic Priorities**

The Region's Fees and Charges By-law is the only location where this type of information should be contained. By removing the fees schedule from the Region's business licensing by-laws it supports the following Niagara Region Council Strategic Priorities:

- Sustainable and Engaging Government

### **Other Pertinent Reports**

No Applicable

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#### **Prepared by:**

Angelo Apfelbaum  
Manager, Business Licensing  
Corporate Services

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#### **Recommended by:**

Todd Harrison, CPA, CMA  
Commissioner/Treasurer  
Corporate Services

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#### **Submitted by:**

Ron Tripp, P.Eng.  
Acting Chief Administrative Officer

*This report was prepared in consultation with Adam Niece, Program Financial Specialist and Helen Chamberlain, Director Financial Management & Planning/Deputy Treasurer.*

## **Appendices**

Appendix 1	Recommended By-law Amendments By-law 2018-75
Appendix 2	Recommended By-law Amendments By-law 2018-76

Recommended By-law Amendments By-law 2018-75

Section/Schedule Number	Current Wording	Amended Wordings/Deletions
5.1(a)(iv)	the fee prescribed in Schedule 2 by way of cash, certified cheque, credit card or debit;	the fee prescribed <b>in the Fees and Charges By-law, as amended</b> , by way of cash, certified cheque, credit card or debit;
5.1(d)	In the event that the licensee delivers the documents and fees referred to in subsection 6(a) to the Licencing Division after the expiry date of the drivers licence, but within thirty (30) days of the expiry date, the licensee shall be required to pay a late filing fee as prescribed in Schedule 2.	In the event that the licensee delivers the documents and fees referred to in subsection 6(a) to the Licensing Division after the expiry date of the drivers licence, but within thirty (30) days of the expiry date, the licensee shall be required to pay a late filing fee as prescribed <b>in the Fees and Charges By-law, as amended</b> .
15.1(a)(ii)	an application fee prescribed in Schedule 2.	an application fee prescribed <b>in the Fees and Charges By-law, as amended</b> .
18(f)(vi)	the fee prescribed in Schedule 2, less any application fee already paid;	the fee prescribed <b>in the Fees and Charges By-law, as amended</b> , less any application fee already paid;
20(a)(vii)	the renewal fee prescribed in Schedule 2;	the renewal fee prescribed <b>in the Fees and Charges By-law, as amended</b> ;
20(d)	In the event that the licensee delivers the documents and fees referred to in subsection 20(a) to the Licencing Officer after the expiry date of the licence, but within thirty (30) days of the expiry date, the licensee shall be required to pay a late filing fee as prescribed in Schedule 2.	In the event that the licensee delivers the documents and fees referred to in subsection 20(a) to the Licensing Officer after the expiry date of the licence, but within thirty (30) days of the expiry date, the licensee shall be required to pay a late filing fee as prescribed <b>in the Fees and Charges By-law, as amended</b> .
22(a)(iii)	an application fee prescribed in Schedule 2.	an application fee prescribed <b>in the Fees and Charges By-law, as amended</b> .
26(c)(e)	the spare vehicle fee prescribed in Schedule 2.	the spare vehicle fee prescribed <b>in the Fees and Charges By-law, as amended</b> .
27.1(d)	The applicable licencing fee as shown on Schedule 2 to this by-law.	The applicable licensing fee as <b>prescribed in the Fees and Charges By-law, as amended</b> .

29(o)	A TNC shall remit to the Licencing Officer the per trip charges referenced in Schedule 2 on a monthly basis, such remittance to be made to the Licencing Officer by the 15th of the month following the month to which the remittance relates, and upon request, shall provide the records establishing the basis of the calculation of the said per trip charges;	A TNC shall remit to the Licensing Officer the per trip charges <b>prescribed in the Fees and Charges By-law, as amended</b> , on a monthly basis, such remittance to be made to the Licensing Officer by the 15th of the month following the month to which the remittance relates, and upon request, shall provide the records establishing the basis of the calculation of the said per trip charges;
69(b)	The fees listed in Schedule 2 to this By-law shall be paid by the respective classes of applicants or licencees referred to in section 3 in respect of applications for annual or temporary licences by means of cash, certified cheque, credit card or debit.	The fees <b>prescribed in the Fees and Charges By-law, as amended</b> , shall be paid by the respective classes of applicants or licencees referred to in section 3 in respect of applications for annual or temporary licences by means of cash, certified cheque, credit card or debit.
Schedule 2		<b>Deleted</b>



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Recommended By-law Amendments By-law 2018-76

Part/Section/Schedule Number	Current Wording	Amended Wordings/Deletions
PART XIII	SCHEDULES	<b>FEES AND CHARGES</b>
73	The following schedules form part of this By-law: Schedule 1 - Fees	<b>Fees shall be as prescribed in the Fees and Charges By-law, as amended</b>
Schedule 1		<b>Deleted</b>

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## MEMORANDUM

CSC-C 1-2020

**Subject: Recommendations from the Joint Board of Management – Niagara Courts meeting held on December 12, 2019 for consideration**

**Date: January 15, 2020**

**To: Corporate Services Committee**

**From: Ann-Marie Norio, Regional Clerk**

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The Joint Board of Management – Niagara Courts, at its meeting held on December 12, 2019, passed the following motion for consideration by the Corporate Services Committee:

That this Board **RECOMMENDS** to the Corporate Services Committee:

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting the Court Services Write-Off Recommendations for the period ending October 31, 2019, **BE RECEIVED**; and
2. That the delinquent cases summarized in the Analysis Section of Report JBM-C 13-2019, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-off Directive and Operating Guideline and Niagara Region Courts approved write off criteria (POA Write-off Criteria).

A copy of the minutes of the Joint Board of Management – Niagara Courts meeting held on December 12, 2019 and the associated report are attached to this memorandum.

Respectfully submitted and signed by

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Ann-Marie Norio  
Regional Clerk

**THE REGIONAL MUNICIPALITY OF NIAGARA  
JOINT BOARD OF MANAGEMENT - NIAGARA COURTS  
OPEN SESSION**

**JBM 5-2019  
Thursday, December 12, 2019  
Campbell East (CE) 101  
Niagara Region Headquarters, Campbell East  
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: C. Genesse (Pelham), D. Gibbs (Niagara Region), S. Hanson (Port Colborne), H. Salter (Board Chair), G. Stephenson (Fort Erie)

Absent/Regrets: D. Jaques (Niagara Falls), J. Tosta (Board Vice Chair)

Staff: J. Foley, Acting Manager, Court Services, K. Lotimer, Legislative Coordinator, S. Mota, Program Financial Specialist

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**1. CALL TO ORDER**

H. Salter, Board Chair, called the meeting to order at 3:32 p.m.

**2. DISCLOSURES OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

**3. PRESENTATIONS**

There were no presentations.

**4. DELEGATIONS**

There were no delegations.

**5. ITEMS FOR CONSIDERATION**

**5.1 JBM-C 13-2019**

Court Services Write-Off Recommendations for the Period Ending October 31, 2019

Moved by C. Genesse  
Seconded by S. Hanson

That this Board **RECOMMENDS** to the Corporate Services Committee:

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting Court Services Write-Off Recommendations for the period ending October 31, 2019, **BE RECEIVED**; and

2. That the delinquent cases summarized in the Analysis Section of Report JBM-C 13-2019, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria (POA Write-off Criteria).

**Carried**

5.2 JBM-C 14-2019

Recommended 2020 Meeting Dates for Joint Board of Management - Niagara Courts

Moved by G. Stephenson  
Seconded by C. Genesse

That Correspondence Item JBM-C 14-2019, being a memorandum from J. Foley, Acting Manager, Court Services, dated December 12, 2019, respecting Recommended 2020 Meeting Dates for Joint Board of Management - Niagara Courts, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the Joint Board of Management - Niagara Courts meetings **BE HELD** on Thursdays at 3:30 p.m. on the following dates in 2020:

March 5, June 4, August 13, November 5 and December 17.

**Carried**

6. **CONSENT ITEMS FOR INFORMATION**

Moved by D. Gibbs  
Seconded by G. Stephenson

That the following items **BE RECEIVED** for information:

JBM-C 15-2019  
Court Services Strategic Plan

JBM 4-2019  
Joint Board of Management – Niagara Courts  
Meeting Minutes - November 18, 2019

**Carried**

**7. OTHER BUSINESS**

**7.1 Court Services Manager Recruitment**

Donna Gibbs, Director, Legal Court Services, advised Board members that second round interviews for the position of Court Services Manager have been completed, a preferred candidate has been identified and reference checks are currently being conducted.

**8. NEXT MEETING**

The next meeting will be held on Thursday, March 5, 2020 at 3:30 p.m. in Committee Room 4.

**9. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:44 p.m.

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Heather Salter  
Board Chair

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Kelly Lotimer  
Legislative Coordinator

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Ann-Marie Norio  
Regional Clerk

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**REPORT TO:** Joint Board of Management, Niagara Region Courts

**MEETING DATE:** Thursday, December 12, 2019

**SUBJECT:** Court Services Write-off Recommendations For the period ending October 31, 2019

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## RECOMMENDATIONS

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting the Court Services Write-off Recommendations for the period ending October 31, 2019, **BE RECEIVED**.
2. That the delinquent cases summarized in the Analysis Section of the Report, **BE APPROVED** for write-off and removal from the Integrated Court Offences Network (ICON) system in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-off Directive and Operating Guideline and the Niagara Region Courts approved write off criteria (POA Write-off Criteria).

## KEY FACTS

- In February 2008, the Ministry of the Attorney General (MAG) released a *Provincial Offences Act* Write-Off Directive and Operating Guideline document which provides municipalities with the authority to establish write-off criteria for delinquent cases deemed uncollectible.
- Staff reported on this issue in report JBM 02-2008 dated September 25, 2008 and pursuant to the MAG directive, the Joint Board of Management and Regional Council approved the POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible (Appendix I).
- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services. These cases would be written off for accounting purposes only and will not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## CONSIDERATIONS

- 1416 delinquent cases valued at \$1,275,757.15 have been identified for write-off for the period November 1, 2018 to October 31, 2019.

- Writing off these fines will reduce the overall amount for outstanding defaulted receivables for Court Services; however, there is no impact to the local area municipalities as these cases will be written off for accounting purposes only. Such write-offs do not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

## ANALYSIS

- Each fine that meets the criteria for write-off is thoroughly investigated to make sure there are no options to collect the fines such as garnishing wages or adding the fine to municipal tax roll.
  - Deceased Persons are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation.
  - Cases with a small outstanding balance (\$25.00 or less) are reviewed by staff and if they meet the criteria listed in Appendix I are identified for write-off.
- Each month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the criteria listed in Appendix I.
- At the end of the year, all of the monthly reports are compiled to create the write-off report.
- The electronic record of the delinquent case is removed from ICON, however all original source documents are retained by the court office in accordance with MAG's directive.
- If funds are received on a delinquent fine that has been previously written off, the case is written back on and the payment accepted.
- All fines on this report have been investigated and none qualify for further collections activity.
- Staff submits these cases in accordance with the Ministry of the Attorney General (MAG) *Provincial Offences Act* Write-Off Directive and Operating Guideline and the Niagara Region Courts approved write-off criteria ("POA Write-off Criteria").

<b>2019 COURT SERVICES WRITE-OFF SUMMARY</b> <b>For the period</b> <b>November 1st, 2018 to October 31, 2019</b>		
<b>Write-off Category</b>	<b>No. of Cases</b>	<b>Dollar Value</b>
Deceased Person (DP)	1225	\$1,237,223.40
Under Payment (UP)	90	\$634.79
POA Write-off – Unable to Enforce (PW)	101	\$37,898.96
Company in Default – Bankrupt or Insolvent (CD)	0	0
Signed Affidavit – Aged (SA)	0	0
<b>TOTAL</b>	<b>1416</b>	<b>\$1,275,757.15</b>

**ALTERNATIVES REVIEWED**

No alternatives were reviewed.

**RELATIONSHIP TO COUNCIL STRATEGIC PRIORITIES**

N/A

**OTHER PERTINENT REPORTS**

- JBM 02-2008 POA Write-off Criteria for delinquent Provincial Offences deemed uncollectible dated September 25, 2008

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**Prepared by:**

Jackie Foley  
Acting Manager Court Services

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**Recommended by:**

Donna Gibbs  
Director, Legal and Court Services

*This report was prepared by Jackie Foley, Acting Manager Court Service and reviewed by Donna Gibbs, Director, Legal and Court Services.*



ICON Code	Write-off Category	Write-off Criteria	Comments
UP	Under Payment	Case balance of \$25.00 or less	Small balances/Administrative Fees
DP	Deceased Person	Satisfactory proof of death – not applicable when case is secured by a Writ of Seizure and Sale	Satisfactory proof includes: 1. Funeral Director's Death Certificate, or 2. Government issued Death Certificate, or 3. Notification of death from MTO/enforcement agency, or 4. Copy of newspaper obituary.
SA	Signed Affidavit	Requires statutory declaration by the Offender as to payment and payment details	Requires investigation and approval from the Supervisor, POA Collections
CD	Company in Default (Bankrupt, Dissolved, Inactive)	Requires satisfactory proof of dissolution, inactive status or bankrupt corporation	Satisfactory proof includes: 1. Articles of Dissolution, or 2. Notice of Bankruptcy, or 3. Ministry notification that the corporation is inactive/cancelled.
PW	POA Write-off Unable to Enforce	Requires satisfactory proof that the case is unenforceable, that the charging document cannot be located for enforcement or supervisor approval obtained	Applies to cases <b>over 2 years past due</b> : 1. Where the charging document does not contain a date of birth or address, or 2. When the Offender is not a legal entity, or 3. Where the charging document cannot be located for enforcement, or 4. Where technical issues with ICON prevent the case from completing once payment has been satisfied
PW	POA Write-off Deemed Uncollectible	N/A	Applies to aged cases (over six yrs. Past due) once all reasonable collection efforts have been exhausted and the case is deemed uncollectible.
CW	Final Write-Off Code (Approval Obtained)	CW code indicates that appropriate approval from JBM, Treasurer (and where applicable), Corporate <b>Services</b> Committee and Regional Council has been obtained.	CW is the final write-off code. All CW cases will be purged from ICON twice yearly and must be reported to MAG annually.
NOTE:	Cases may be written-off for accounting purposes only and do not absolve a convicted offender from the requirement to pay a fine as debts to the Crown are owed in perpetuity and never forgiven.		