

Subject: Court Services Write-Off Recommendations for the Period Ending October 31, 2018

Report to: Joint Board of Management, Niagara Region Courts

Report date: Thursday, December 13, 2018

Recommendations

That this Board recommend to the Corporate Services Committee:

1. That Report JBM-C 9-2018 dated December 13, 2018, respecting the Court Services Write-off Recommendations for the period ending October 31, 2018, **BE RECEIVED**.
2. That the delinquent cases summarized in the Analysis Section of this 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).
3. That the write-off criteria for ICON code PW **BE APPROVED** to include “4. Where technical issues with ICON prevent the case from completing once payment has been satisfied.”

Key Facts

- The purpose of this report is to seek approval to write off and remove the delinquent cases summarized in the Analysis section of this report from the Integrated Court Offences Network (ICON) system.
- 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 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. It should be noted that these cases would 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.

Considerations

- 953 delinquent cases valued at \$548,632.80 have been identified for write-off for the period November 1, 2017 to October 31, 2018.
- 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.
- There is no impact to the public and/or service users.

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 delinquent 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. Additionally, staff reviews obituaries in local newspapers on a daily basis to further identify deceased offenders.
 - Staff review cases with a small outstanding balance (\$25.00 or less) 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 the 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 qualifies for further collections activity.
- Staff submit 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").

2018 COURT SERVICES WRITE-OFF SUMMARY For the period November 1, 2017 to October 31, 2018		
Write-off Category	No. of Cases	Dollar Value
Deceased Person (DP)	751	\$341,628.50
Under Payment (UP)	186	\$3,086.28
POA Write-off - Unable to Enforce (PW)	10	\$410.00
Company in Default – Bankrupt or Insolvent (CD)	2	\$198,454.27
Signed Affidavit (SA)	4	\$5,053.75
TOTAL	953	\$548,632.80

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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Recommended by:

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This report was reviewed by Joanne Spriet, Associate Director, Court Services.

Appendices

Appendix 1

JBM-C 9-2018 Appendix 1

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