
MEMORANDUM

CSC-C 2-2019

Subject: Recommendations from the Joint Board of Management (JBM) – Niagara Courts meeting held on December 13, 2018 for consideration

Date: January 10, 2019

To: Corporate Services Committee

From: Ann-Marie Norio, Regional Clerk

The Joint Board of Management – Niagara Courts, at its meeting held on December 13, 2018, 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 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 Guidelines and the Niagara Region Courts approved write off criteria (POA Write-off Criteria); and
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."

A copy of the minutes of the Joint Board of Management – Niagara Courts meeting held on December 13, 2018 and the associated report are attached to this memorandum.

Respectfully submitted and signed by

Ann-Marie Norio
Regional Clerk

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

**JBM 5-2018
Thursday, December 13, 2018
Campbell East (CE) 102
Niagara Region Headquarters, Campbell East
1815 Sir Isaac Brock Way, Thorold, ON**

Committee: M. Briscoe (Thorold), D. Gibbs, Director, Legal & Court Services
(Board Chair), H. Salter (St. Catharines), J. Tosta (Welland),
B. Treble (West Lincoln)

Absent/Regrets: M. Tardif (Board Vice Chair)

Staff: K. Lotimer, Legislative Coordinator, B. Menage, Director,
Procurement & Strategic Acquisition, S. Mota, Program
Financial Specialist, P. Salvatore, Real Estate Coordinator,
J. Spriet, Associate Director, Court Services

1. CALL TO ORDER

D. Gibbs, Board Chair, called the meeting to order at 3:37 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 9-2018

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

Moved by J. Tosta
Seconded by H. Salter

That this Board **RECOMMENDS** 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 Guidelines and the Niagara Region Courts approved write off criteria (POA Write-off Criteria); and
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."

Carried

5.2 JBM-C 12-2018
2019 JBM Meeting Dates

Moved by M. Briscoe
Seconded by J. Tosta

That JBM-C 12-2018, being a memorandum from J. Spreit, Associate Director, Court Services **BE RECEIVED** and the following recommendation **BE APPROVED**:

That the Joint Board of Management – Niagara Courts meetings **BE HELD** on the following dates in 2019: January 25, March 21, June 13, November 14 and December 12.

Carried

6. CONSENT ITEMS FOR INFORMATION

Moved by B. Treble
Seconded by H. Salter

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

JBM-C 8-2018
POA Online Services Update

JBM-C 10-2018

3rd Quarter Variance Analysis and Forecast to December 31, 2018

JBM-C 11-2018

2019 Joint Board of Management Membership

JBM 3-2018

Joint Board of Management Committee Meeting Minutes
June 7, 2018

JBM 4-2018

Joint Board of Management Committee Meeting Minutes
August 9, 2018

Carried

7. OTHER BUSINESS

There were no items of other business.

8. CLOSED SESSION

Moved by H. Salter
Seconded by B. Treble

That this Committee **DO NOW MOVE** into Closed Session for the purpose of receiving information of a confidential nature respecting:

Disposition of Surplus Lands at the Provincial Offences Court Facility ("POCF") located at 445 East Main Street, City of Welland

Carried

Committee resolved into closed session at 4:09 p.m.

9. BUSINESS ARISING FROM CLOSED SESSION ITEMS

Committee reconvened into open session at 4:20 p.m. with the following individuals in attendance:

Committee:	M. Briscoe (Thorold), D. Gibbs, Director, Legal & Court Services (Board Chair), H. Salter (St. Catharines), J. Tosta (Welland), B. Treble (West Lincoln)
Absent/Regrets:	M. Tardif (Board Vice Chair)
Staff:	K. Lotimer, Legislative Coordinator, B. Menage, Director, Procurement and Strategic Acquisition, S. Mota, Program Financial Specialist, P. Salvatore, Real Estate Coordinator, J. Spriet, Associate Director, Court Services

9.1 Confidential JBM-C 13-2018

Disposition of Surplus Lands at the Provincial Offences Facility ("POCF") located at 455 East Main Street, City of Welland

Moved by B. Treble
Seconded by M. Briscoe

That Confidential Report JBM-C 13-2018 **BE RECEIVED** and the recommendations contained therein **BE APPROVED** as amended.

Carried

10. NEXT MEETING

The next meeting will be held on Tuesday, January 15, 2019, at 3:30 p.m. in Committee Room 4.

11. ADJOURNMENT

There being no further business, the meeting adjourned at 4:25 p.m.

Donna Gibbs
Board Chairman

Kelly Lotimer
Legislative Coordinator

Ann-Marie Norio
Regional Clerk

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

Prepared by:

Jackie Foley
Acting Collections Supervisor
Court Services

Recommended by:

Joanne Spriet
Associate Director
Court Services

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

Appendices

Appendix 1

JBM-C 9-2018 Appendix 1

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ICON Code	Write-off Category	Write-off Criteria	Comments
UP	Under Payment	Case balance of \$25,000 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 over 2 years past due : 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 Services 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.		