
Subject: Court Services Write-Off Recommendations for the Period ending October 31, 2021

Report to: Joint Board of Management

Report date: Thursday, December 2, 2021

Recommendations

1. That Report JBM-C 13-2021, dated December 2, 2021, respecting the Court Services Write-off Recommendations for the period ending October 31, 2021, **BE RECEIVED**; and
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.

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 1 to Report JBM-C 13-2021).
- 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.

Financial Considerations

- 757 delinquent cases valued at \$ \$838,712.13 have been identified for write-off for the period November 1, 2020, to October 31, 2021.

- 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 month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the write-off criteria listed in Appendix 1 to Report JBM-C 13-2021. At the end of the year, all of the monthly reports are compiled to create the write-off report.

Staff reviews each matter in accordance with the Ministry of the Attorney General (MAG) Provincial Offences Act Write-Off Directive and Operating Guideline and the Niagara Region Court approved write-off criteria (Appendix 1 to Report JBM-C 13-2021). 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, writs or adding the fine to municipal tax roll.

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.

Cases under the "Deceased Persons" category are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation. It should be noted that the table below provides the number of cases related to deceased persons, as opposed to the number of defendants who are deceased. In addition the number of cases is not only reflective of fines due in 2021 but rather also reflects delinquent fines with due dates dating back to 1991. Since 2019 the number of cases in this category has been higher than historically in part due to a technology change at MTO whereby vehicle plate and drivers licence databases were consolidated (resulting in increased numbers of cases being identified for example when seeking plate denials as a collections enforcement tool). In addition as part of the Region's enhanced collections strategy, a large volume of older delinquent cases have been assigned to collection agencies for more proactive enforcement which has resulted in receipt of a larger number of notifications of deceased persons than previous years.

All fines noted in the table below have been investigated and none qualify for further collections activity, therefore staff recommend them for write-off.

Table 1: 2020 Court Services Write-Off Summary for the Period November 1, 2020, to December 31, 2021

Write-off Category	No. of Cases	Dollar Value
Deceased Person (DP)	737	\$838,416.83
Under Payment (UP)	18	\$125.30
POA Write-off – Unable to Enforce (PW)	2	\$170.00
Company in Default – Bankrupt or Insolvent (CD)	0	0
Signed Affidavit – Aged (SA)	0	0
TOTAL	757	\$838,712.13

Alternatives Reviewed

No alternatives were reviewed; writing off these fines is an administrative financial exercise in order to reduce the overall amount for outstanding defaulted receivables for Court Services and does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity.

Relationship to Council Strategic Priorities

This report supports the Council Strategic Priority of Sustainable and Engaging Government through the provision of a fiscally sustainable budget, in accordance with the Inter-Municipal Agreement.

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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Appendices

Appendix 1 POA Write-off Criteria - 2008