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**Subject:** Court Services Write-Off Recommendations for the Period ending December 31, 2023

**Report to:** Joint Board of Management

**Report date:** Thursday, February 1, 2024

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## **Recommendations**

1. That Report JBM-C 2-2024, dated February 1, 2024, respecting the Court Services Write-off Recommendations for the period ending December 31, 2023, **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**).
- 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**

- A total of 2200 delinquent cases valued at \$1,181,518.43 have been identified for write-off for the period January 1, 2023 to December 31, 2023.

- 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. 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). 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 the 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 2023 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.

## **2023 COURT SERVICES WRITE-OFF SUMMARY**

**For the period January 1, 2023 to December 31, 2023**

<b>Write-off Category</b>	<b>No. of Cases</b>	<b>Dollar Value</b>
Deceased Person (DP)	2131	\$1,180,774.08
Under Payment (UP)	62	\$332.00
POA Write-off – Unable to Enforce (PW)	6	\$332.35
Company in Default – Bankrupt or Insolvent (CD)	0	\$0.00
Signed Affidavit – Aged (SA)	1	\$80.00
<b>TOTAL</b>	<b>2200</b>	<b>\$1,181,518.43</b>

### **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 Effective Region Council Strategic Priority through the delivery of fiscally responsible services, in accordance with the Intermunicipal 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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**Prepared by:**

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Corporate Services

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**Recommended by:**

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Commissioner  
Corporate Services

This report was reviewed by Miranda Vink, Manager, Court Services and Donna Gibbs, Director, Legal & Court Services, Corporate Services

**Appendices**

Appendix 1      Write-Off Guidelines

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 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.