

Subject: Court Services Write-Off Recommendations for the Period ending December 31, 2024

Report to: Joint Board of Management

Report date: Thursday, February 6, 2025

Recommendations

1. That Report JBM-C 1-2025, dated February 6, 2025, respecting the Court Services Write-off Recommendations for the period ending December 31, 2024, **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

- This report is part of an annual process to bring forward write-off recommendations to the Joint Board of Management, and subsequently Regional Council, for approval.
- 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) which has been followed by Court Services since that time.
- 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 963 delinquent cases valued at \$363,857.29 have been identified for write-off for the period January 1, 2024, to December 31, 2024.

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 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 2024 but rather also reflects delinquent fines with due dates dating back to 1991.

The number of deceased cases submitted for write-off in 2024 (namely 702) decreased by 67% over the number submitted in 2023 (namely 2131). Between 2019 and 2023 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.

2024 Court Services Write-Off Summary

For the period January 1, 2024 to December 31, 2024

Write-off Category	No. of Cases	Dollar Value
Deceased Person (DP)	702	\$354,237.28
Under Payment (UP)	198	\$1,075.01
POA Write-off – Unable to Enforce (PW)	63	\$8,545.00
Company in Default – Bankrupt or Insolvent (CD)	0	\$0.00
Signed Affidavit – Aged (SA)	0	\$0.00
TOTAL	963	\$363,857.29

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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Recommended by:

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

Appendices

Appendix 1 Write-Off Guidelines