

Memorandum

CSC-C 10-2025

Subject: Recommendations from the Joint Board of Management – Niagara Courts meeting held on April 17, 2025

Date: May 7, 2025

To: Corporate Services Committee

From: Ann-Marie Norio, Regional Clerk

The Joint Board of Management – Niagara Courts, at its meeting held on April 17, 2025, passed the following motion for consideration by the Corporate Services Committee:

That Report JBM-C 1-2025, dated February 6, 2025, respecting Court Services Write-Off Recommendations for the Period Ending December 31, 2024, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the delinquent cases summarized in the Analysis Section of Report JBM-C 1-2025, **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.

A copy of the minutes of the Joint Board of Management – Niagara Courts meeting held on April 17, 2025, 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
MINUTES**

**JBM 2-2025
Thursday, April 17, 2025
Meeting held by electronic participation**

Committee: D. Gibbs (Niagara Region), S. Hanson (Port Colborne), N. Punyarthi (Niagara Falls), P. Riley (Fort Erie), J. Stirton (Pelham)

Absent/Regrets: K. Douglas (St. Catharines), A. Eckhart (Welland)

Staff: D. Carnegie, Acting Commissioner, Corporate Services/Treasurer, S. Crocco, Senior Legal Counsel, Litigation, S. Fraser, Associate Director, Transportation Planning, K. Lotimer, Deputy Clerk, A. Niece, Program Financial Specialist, M. Vink, Associate Director, Court Services

1. CALL TO ORDER

Kelly Lotimer, Deputy Clerk, called the meeting to order at 3:31 p.m.

2. DISCLOSURES OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

3. SELECTION OF BOARD CHAIR/VICE-CHAIR

3.1 Call for Nominations for Board Chair

Kelly Lotimer, Deputy Clerk, called for nominations for the position of Chair of the Joint Board of Management - Niagara Courts for 2025.

Moved by D. Gibbs

Seconded by S. Hanson

That Jennifer Stirton **BE NOMINATED** as Chair of the Joint Board of Management - Niagara Courts for 2025.

3.2 Motion to Close Nominations for Board Chair

Ms. Lotimer called a final time for nominations for the position of Chair of the Joint Board of Management - Niagara Courts. There being no further nominations, it was:

Moved by D. Gibbs

Seconded by S. Hanson

That nominations for the position of Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

Carried

3.3 Voting for the Position of Board Chair

There being only one nominee for the position, Ms. Lotimer announced that Jennifer Stirton would be the Chair of the Joint Board of Management - Niagara Courts for 2025.

3.4 Call for Nominations for Board Vice-Chair

Kelly Lotimer, Deputy Clerk, called for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2025.

Moved by D. Gibbs

Seconded by S. Hanson

That Philip Riley **BE NOMINATED** for the position of Vice-Chair of the Joint Board of Management - Niagara Courts for 2025.

3.5 Motion to Close Nominations for Board Vice-Chair

Ms. Lotimer called a final time for nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts. There being no further nominations, it was:

Moved by D. Gibbs

Seconded by S. Hanson

That nominations for the position of Vice-Chair of the Joint Board of Management - Niagara Courts **BE CLOSED**.

Carried

3.6 Voting for the Position of Board Vice-Chair

There being only one nominee for the position, Ms. Lotimer announced that Philip Riley would be the Vice-Chair of the Joint Board of Management - Niagara Courts for 2025.

At this point in the meeting, Jennifer Stirton assumed the chair.

4. **PRESENTATIONS**

There were no presentations.

5. **DELEGATIONS**

There were no delegations.

6. **ITEMS FOR CONSIDERATION**

6.1 JBM-C 2-2025

Court Services 2024 Draft Audited Schedule of Revenues, Expenses and Funds Available for Distribution

Moved by P. Riley

Seconded by D. Gibbs

That Report JBM-C 2-2025, dated April 17, 2025 respecting Court Services 2024 Draft Audited Schedule of Revenues, Expenses and Funds Available for Distribution, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That the draft audited Schedule of Revenues, Expenses and Funds Available for Distribution for the year ended December 31, 2024, for The Regional Municipality of Niagara Court Services (Court Services) as presented in Appendix 1 to Report JBM-C 2-2025 **BE APPROVED**;
2. That staff **BE DIRECTED** to coordinate with the auditor to finalize the statements as presented; and
3. That this report **BE FORWARDED** to the Region's Audit Committee and to the Ministry of the Attorney General as per the Memorandum of Understanding, for information as required.

Carried

6.2 JBM-C 1-2025

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

Moved by S. Hanson
Seconded by P. Riley

That Report JBM-C 1-2025, dated February 6, 2025 respecting Court Services Write-Off Recommendations for the Period ending December 31, 2024, **BE RECEIVED** and the following recommendation **BE APPROVED**:

1. That the delinquent cases summarized in the Analysis Section of Report JBM-C 1-2025, **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.

Carried

7. **CONSENT ITEMS FOR INFORMATION**

Moved by D. Gibbs
Seconded by P. Riley

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

JBM-C 3-2025
2024 Year End Report for Provincial Offences Court

JBM 6-2024
Joint Board of Management - Niagara Courts Meeting Minutes - November 28, 2024

Carried

8. **OTHER BUSINESS**

There were no items of other business.

9. **NEXT MEETING**

The next meeting will be held on Thursday, August 21, 2025, at 3:30 p.m.

10. ADJOURNMENT

There being no further business, the meeting adjourned at 4:11 p.m.

Jennifer Stirton
Board Chair

Kelly Lotimer
Deputy Clerk

Ann-Marie Norio
Regional Clerk

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

Prepared by:

Jackie Foley
Manager, Prosecution & Collections
Corporate Services

Recommended by:

Dan Carnegie
Acting Commissioner/Treasurer
Corporate Services

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

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 cert., or 2. Govmnt issued death cert., 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	Only for 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, 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.