

Subject: Set Fines Under the Provincial Offences Act

Report to: Joint Board of Management

Report date: Thursday, April 23, 2026

Recommendations

1. That the Joint Board of Management recommends that Regional Council **DIRECT** the Regional Chair to send a letter to the Attorney General of Ontario requesting a review of the set fine amounts, and the costs payable upon conviction set out in *Ontario Regulation 915* under the *Provincial Offences Act*; and
2. That a copy of this resolution **BE FORWARDED** to the Honourable Doug Downey, Attorney General of Ontario, and copied to other municipalities that administer Provincial Offences Courts; the Ministry of the Attorney General, the Ontario Municipal Tax and Revenue Association, and the Association of Municipalities of Ontario for support.

Key Facts

- Delivery of Court Services is governed by Transfer Agreements entered into with the Province (MOU & Local Side Agreement); and the Inter-Municipal Agreement (IMA) entered into between the Region and the LAMs, as amended, in addition to applicable legislation, including the *Provincial Offences Act* (POA).
- With the majority of POA charges resulting in the issuance of tickets and completion of out-of-court fine payments, it is imperative that set fine values act as a strong deterrent to prevent repeat offences in support of community safety and other policy objectives of legislation.
- Since transfer in 2001, many POA set fine amounts have remained frozen, while the costs of operations and service delivery have increased substantially for Niagara Region as well as other municipalities delivering Provincial Offences Court services. Since 2020, set fines account for 71% of all expenses in Court Services. The total cost of Court Services in Niagara Region per charges filed in 2023 was \$97.99 per charge. In comparison, in 2009, it was \$44.98 per charge; a 118% increase within a 14-year period.
- A mandatory \$5 administration fee is added to every POA fine under Ontario Regulation 945; this amount has not changed since 2001 and does not reflect

current court administrative costs. Any change to set fine amounts or administration fees would require legislative changes through the Ministry of the Attorney General.

- Consequently, the POA Court has concerns regarding the effectiveness of fine values as a deterrent, in addition to the sustainability of administering POA court services at the municipal level. Several municipalities and associations have been advocating for an increase in POA fines, including the Association of Municipalities of Ontario. Most recently, the Eastern Ontario Wardens Caucus (EOWC) who completed a delegation at the 2026 Rural Ontario Municipal Association (ROMA) Conference which flagged the same concerns. Please see link in Appendix 1 (at item 1.1) for the full delegation.

Community Safety and Deterrence

Set fine values under the POA must act as a strong deterrent to prevent repeat offences to protect community safety and achieve other important policy objectives of legislation when enforcement action is pursued. With the majority of POA charges resulting in tickets and out-of-court fine payments, higher fines such as under the Highway Traffic Act (HTA) are essential to reduce recurrence and improve road safety. For example, given the safety risks posed by speeding, increasing set fines would achieve a greater deterrent effect for drivers generally and convicted offenders specifically.

According to the Evidence Synthesis on Impact of Traffic Fines to Improve Road Safety published in 2024 by Johns Hopkins University, increasing traffic fines by 50 to 100 percent can lead to a measurable reduction in violations (up to 15 percent fewer offences). The report emphasizes that the severity of penalties, alongside certainty and swiftness of enforcement, is a critical factor in influencing driver behavior. These findings reinforce that higher fines are not merely punitive; they serve as a proven deterrent to repeat offences and contribute significantly to improving road safety outcomes. For a full list of findings, please see link in Appendix 1 (at item 1.2).

The Organisation for Economic Co-operation and Development/International Transport Forum Road Safety Annual Report 2024 reinforces that the deterrent effect of traffic penalties depends on both the certainty of enforcement and the severity of fines. The report notes that jurisdictions which periodically increase fine amounts to maintain their real value against inflation achieve stronger compliance and greater reductions in speeding-related crashes. Countries that combined higher fines with automated enforcement observed significant declines in fatalities and serious injuries. These findings underscore that fine values must be regularly reviewed and adjusted to

preserve their deterrent impact and support broader road safety objectives. The full report can be viewed at the link provided in Appendix 1 at item 1.3

The *World Health Organization (WHO) Global Status Report on Road Safety 2023* emphasizes that effective enforcement and meaningful penalties are essential to reducing road traffic deaths and injuries worldwide. The report identifies speed management as a critical intervention and notes that penalties must be sufficiently severe to deter dangerous driving behaviors. WHO recommends that fine amounts be periodically reviewed and adjusted to maintain their deterrent effect, particularly in the context of inflation and rising enforcement costs. These findings align with global best practices and reinforce the need for Ontario to modernize POA set fines to support community safety objectives. This report can be accessed by using the link provided in Appendix 1 at item 1.4.

Lastly, the Government of Canada's *Department of Justice Contraventions Act Program Report (2024)* confirms that the deterrent effect of fines is strongly linked to their perceived severity, alongside certainty and speed of enforcement. Using behavioral science principles, the study found that individuals weigh the cost of non-compliance against the likelihood of detection, and higher fines significantly increase the perceived risk of offending. The report recommends that fine amounts be periodically reviewed to maintain their deterrent value and ensure fairness in cost recovery. These findings support the rationale for modernizing POA set fines to align with evidence-based criteria for deterrence. The full report can be viewed at the link in Appendix 1 at item 1.5.

These reports all emphasize that fines must be regularly reviewed and adjusted to keep pace with inflation and maintain their effectiveness as a deterrent.

Financial Considerations

Considering the increase in operating costs and general inflation since the 2001 transfer of POA to Region of Niagara, a lack of adjustment to the Court Administration Fee (\$5) added to each POA fine as well as set fine amounts of POA charges, presents a risk to the financial sustainability of Court Services as a self-funded operation that is not dependent on the general tax levy.

The local area treasurers have expressed concerns with distributions to local area municipalities being significantly reduced in recent years. There is concern that, despite efforts to reduce expenditures, Court Services operating results are approaching a break-even position, which heightens the risk that any future shortfall may require supplemental funding through the general tax levy to cover an operational deficit.

Analysis

Set Fines

Overall, the costs of operating the POA Court have increased significantly since the initial transfer from the Province to the Municipalities, whereas the set fine amounts for many POA charges have remained unchanged. Since 2020, set fines account for 71% of all expenses in Court Services. The total cost of Court Services in Niagara Region per charges filed in 2023 was \$97.99 per charge. In comparison, in 2009, it was \$44.98 per charge; a 118% increase within a 14-year period. This increase in total costs is consistent with other POA courts across Ontario; Municipal Benchmarking Network Canada stats indicate a median total of \$52.82 per charge filed in 2009 for all participating courts, contrasted with an increase to a median total cost of \$97.28 per charge in 2023 (84% increase).

A key example of set fines that have remained largely consistent in structure over time are Part I speeding charges, issued under section 128 of the HTA. While responsibility for administering POA matters began to be transferred to municipalities in the late 1990s, the underlying per-kilometre approach to Part I speeding fines has changed only minimally over several decades, notwithstanding broader legislative and enforcement reforms. During this same period, however, the cost of living has increased substantially, resulting in a widening gap between the real-value impact of speeding fines and contemporary economic conditions. Under Ontario's POA framework, set fines for speeding are established through set-fine orders issued by the Chief Justice of the Ontario Court of Justice. Current set-fine schedules apply a graduated, per-kilometre model, with fines increasing as the degree of speed over the posted limit increases, and with the most excessive speeds requiring mandatory court proceedings rather than out-of-court resolution.

Part I speeding charges continue to represent the most frequently issued POA offence in Niagara, forming a significant portion of enforcement activity by police services as outlined below:

- 2025: Part I speeding charges (including ~10.5 months of Automated Speed Enforcement) accounted for 57% (27,317) of all Part I charges issued in Niagara, and 44% (\$2.98 million) of the total combined Part I fine value.
- 2024: Part I speeding charges (including 12 months of Automated Speed Enforcement) accounted for 75% (55,607) of all Part I charges issued in Niagara, and 67% (\$6.6 million) of the total combined Part I fine value.

- 2023: Part I speeding charges (including ~3.5 months of Automated Speed Enforcement) accounted for 58% (22,499) of all Part I charges issued in Niagara, and 54% (\$2.6 million) of the total combined Part I fine value.
- 2022: Part I speeding charges (including zero ASE charges – prior to program launch) accounted for 38% (8,226) of all Part I charges issued in Niagara, and 21% (\$661,771) of the total Part I fine value.

Set fines for speeding as set out in Schedule B of the HTA are as follows:

Excess Speed (km)	Set Fine Amount
1 – 19 kilometres per hour over the maximum speed limit	\$2.50 per kilometre
20 – 29 kilometres per hour over the maximum speed limit	\$3.75 per kilometre
30 – 49 kilometres per hour over the maximum speed limit	\$6.00 per kilometre
50 kilometres per hour or more over the maximum speed limit	No out of court settlement; court summons required

Note: In addition to the base set fine, a mandatory victim fine surcharge and court costs apply. Fines may also be doubled where the offence occurs in a community safety zone or construction zone, in accordance with provincial legislation.

A complete listing of POA set fines are provided in Appendix 1 at items 1.6 and 1.7.

Administration Fee

Every POA charge also includes a mandatory administration fee, established under Ontario Regulation 945. Under this regulation, a \$5 fee is listed for the *service of an offence notice or summons*. This is typically an administrative cost associated with initiating a provincial offence court proceeding. This fee has remained unchanged since the 2001 transfer of POA responsibilities to municipalities. While originally intended as a nominal cost-recovery measure, it no longer reflects the actual cost of administering a charge. After more than two decades of inflation and rising operational expenses, maintaining this fee at \$5 creates a significant gap between cost and recovery of this cost. Increasing this fee is essential to support financial sustainability and reduce reliance on general tax levy funding, while ensuring fairness in cost allocation. The full Regulation can be viewed using the link provided in Appendix 1 at item 1.8.

Alternatives Reviewed

The Joint Board of Management and Regional Council could decline to pursue the opportunity to advocate for review of POA set fines and the \$5 court fee.

Relationship to Council Strategic Priorities

Court Services aims to continually support Regional Council's Effective Region and Equitable Region objectives as they pertain to the administration of the Provincial Offences Court program as core service to residents and visitors to the region and the overall goals of enhanced program effectiveness, court modernization, fiscal responsibility and supporting community safety across Niagara.

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Appendices

Appendix 1 Set Fines Under the Provincial Offences Act – Report Links