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**REPORT TO:** Joint Board of Management, Niagara Region Courts

**MEETING DATE:** Thursday, December 12, 2019

**SUBJECT:** Court Services Write-off Recommendations For the period ending October 31, 2019

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## RECOMMENDATIONS

1. That Report JBM-C 13-2019, dated December 12, 2019, respecting the Court Services Write-off Recommendations for the period ending October 31, 2019, **BE RECEIVED**.
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 (POA 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 I).
- 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.

## CONSIDERATIONS

- 1416 delinquent cases valued at \$1,275,757.15 have been identified for write-off for the period November 1, 2018 to October 31, 2019.

- 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 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 or adding the fine to municipal tax roll.
  - Deceased Persons are identified through submissions of Proof of Death either to the Court or to the Ministry of Transportation.
  - Cases with a small outstanding balance (\$25.00 or less) are reviewed by staff and if they meet the criteria listed in Appendix I are identified for write-off.
- Each month the Integrated Court Offences Network (ICON) system generates a list of cases that have been identified as meeting the criteria listed in Appendix I.
- At the end of the year, all of the monthly reports are compiled to create the write-off report.
- 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.
- All fines on this report have been investigated and none qualify for further collections activity.
- Staff submits these cases 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 ("POA Write-off Criteria").

<b>2019 COURT SERVICES WRITE-OFF SUMMARY</b> For the period November 1st, 2018 to October 31, 2019		
<b>Write-off Category</b>	<b>No. of Cases</b>	<b>Dollar Value</b>
Deceased Person (DP)	1225	\$1,237,223.40
Under Payment (UP)	90	\$634.79
POA Write-off – Unable to Enforce (PW)	101	\$37,898.96
Company in Default – Bankrupt or Insolvent (CD)	0	0
Signed Affidavit – Aged (SA)	0	0
<b>TOTAL</b>	<b>1416</b>	<b>\$1,275,757.15</b>

**ALTERNATIVES REVIEWED**

No alternatives were reviewed.

**RELATIONSHIP TO COUNCIL STRATEGIC PRIORITIES**

N/A

**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:**

Jackie Foley  
Acting Manager Court Services

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**Recommended by:**

Donna Gibbs  
Director, Legal and Court Services

*This report was prepared by Jackie Foley, Acting Manager Court Service and reviewed by Donna Gibbs, Director, Legal and Court Services.*