STATUS

Council Approved	**Y**	**N**
CAO Approved:	**Y**	**N**

TITLE: Collection Policy for Provincial Offences Act Defaulted Fines	**NO.:** **Approval Date:** **Last Updated:**

POLICY STATEMENT:

To establish a policy for collection of Provincial Offences defaulted fines by The Regional Municipality of York, and to develop an efficient, responsible strategy to maximize collections of POA fines so as to maximize revenue to the Region. This policy will also address write off items deemed not collectible.

APPLICATION:

The prescribed policies and procedures will apply to all outstanding defaulted fines with the Provincial Offences Court for The Regional Municipality of York.

PURPOSE:

To increase the number of fines that York Region collects; to have an accurate estimate of what amounts are collectable in the future.

DEFINITIONS:

ICON-Integrated Court Offences Network

Icon is an on-line mainframe system that accumulates information by courthouse in the Ontario Court of Justice. It maintains case data and produces court docket and monthly statistics reports.

POA-Provincial Offences Act

The Ontario Provincial Offences Act governs how charges are processed and prosecuted in the Ontario courts. The Provincial Offences Act applies to all Ontario statutes (and regulations), municipal by-laws, and some federal contraventions.

MAG- Ministry of Attorney General

MTO-Ministry of Transportation

DESCRIPTION:

Collections

In a majority of cases, failure to pay a POA fine within 91 days of the date of offence will result in the status of the fine changing to a defaulted status. In a smaller number of POA cases, the court may order a fine to be paid at a future date beyond 91 days, or by regular installments. If the court – ordered terms of payment are not complied with, the fine will move to defaulted status at the appropriate time specified in the order of the court. Depending on the type of POA fine, the fine may change to a default status code of DF-Defaulted Fine, PI-Plate Denial, SI-Suspension Issued or SS-Suspension Signed. MAG will provide a new monthly listing of all defaulted fines specific to the Region for their two Provincial Offences Courts at the beginning of each month. The POA will continue to govern the progression through the collection cycle.

For Defaulted Fines with the status code of SI-Suspension Issued:

1. Within five (5) business days of receiving newly defaulted fines from the MAG, the Region has an option to send courtesy letters to the debtors' addresses on ICON, indicating their newly defaulted offence numbers with payment options to resolve the fines within 10 days from the date of the letters.

2. Fourteen (14) days from the date of the courtesy letters being mailed, licence suspensions for these offences will commence. The suspension of a driver's licence will be processed by the Region's court staff, the offence number will be updated with a default code of SS-Suspension Signed and MTO will be updated electronically. MTO will mail a suspension notice to the licencee requiring them to pay the total outstanding defaulted fine to the POA courts, as well as a MTO licence reinstatement fee.

3. If a defaulted fine remains unpaid after 45 days, the account will be listed with a collection agency as a first assignment and under the *Provincial Offence Act(s.165(9))*, a collection agency recovery fee will be added to the defaulted fine as approved by MAG's POA-IB-063.

4. Upon payment of the total fines outstanding, a daily electronic file will be updated with the MTO indicating the complete payment of the outstanding POA fines and that the first criteria for a licence reinstatement have been satisfied.

5. An account will remain at the collection agency until it is paid as there is no statute of limitations for a POA debt. The fine may be listed at another 3rd party collection agency as a second assignment in the future.

For defaulted fines with the status code of DF-Defaulted Fine and PI-Plate Denial (non-licence suspension fines):

1. All newly defaulted fines will immediately be forwarded to a collection agency and the account will be listed with a collection agency as a first assignment. Under the *Provincial Offence Act (s.165 (9))*, a collection agency recovery fee will be added to the defaulted fine as approved by MAG.
2. An account will remain at the collection agency until it is paid as there is no statute of limitations for a POA debt. The fine may be listed at another collection agency as a second assignment in the future.

In all cases of Provincial Offences Fines, The Regional Municipality of York at any time within two (2) years of the date of default can pursue further collection efforts that may include but not limited to civil litigation which can consist of the filing of a claim in Small Claims Court or Superior Court. It may consist of the filing of Writs of Seizure and Sales of Lands and Filing of Garnishments. All fees and costs associated with civil enforcement of any Provincial Offences Fines, can be charged to the offence as per the *Provincial Offence Act (s.68(4)).*

Write Off of Uncollectible Accounts

POA fines are debts to the Crown and cannot be forgiven or permanently written off. However, in some circumstances it is appropriate and expedient to remove the amount from the current database within ICON. In order to have collection efforts ceased on a POA fine and to have the fine removed from the ICON, the proper guidelines as provided by MAG must be followed, before any consideration for write-off is made.

A POA fine may be written off if:

- All reasonable collection efforts have been followed for the Region of York and those accounts are deemed uncollectible.
- With the exception of minor underpayments (i.e. less than $25 outstanding), POA accounts receivable marked for write-off must have been in default for a minimum of two (2) years.
- A death certificate for the offender is received.
- A clerical/court error was determined to have placed the account in default status and/or convicted, when the account, if properly administered, should have been completed.
- The original charging document cannot be located to proceed further with additional collection efforts and/or other court processes.

POA accounts should be reviewed semi-annually to identify accounts deemed uncollectible and to be recommended for write-off.

Annually, the Commissioner of Corporate Services shall report to Regional Council a summary of accounts to be written off requiring Regional Council authorization for write-off.

REFERENCE:

Provincial Offences Act

CONTACT

Director, Court Services
Corporate Services Department

<u>**APPROVAL INFORMATION**</u>			
CAO Approval Date:			
Committee:	**Clause**:	**Report No**:	
Council Approval:	**Minute No**.	**Page**:	**Date:**