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**COURT SERVICES BRANCH**  
**465 DAVIS DRIVE, NEWMARKET**

**The Finance and Administration Committee recommends the adoption of the recommendations contained in the following report, August 11, 2003, from the Commissioner of Corporate Services:**

**1. RECOMMENDATIONS**

It is recommended that:

1. Regional Council authorize an agreement to lease 2,879 square feet for the Court Services Branch, Corporate Services Department, on the 2<sup>nd</sup> floor at The Tannery Mall, 465 Davis Drive in the Town of Newmarket. The space will be leased until December 2004, at a total cost of \$62,087.00.
2. The Regional Chair and the Regional Clerk be authorized to execute the lease on behalf of The Regional Municipality of York, subject to review by the Legal Services Branch, Corporate Services Department.
3. Staff be authorized to take all steps necessary to effect this agreement.

**2. PURPOSE**

The purpose of this report is to obtain authorization from Regional Council to enter into a lease agreement for additional premises required for the delivery of our Court Services Programme, and to reconfigure the existing office space to improve service delivery and court access.

**3. BACKGROUND**

The Court Services staff in Newmarket have occupied 12,200 square feet of space on the 2<sup>nd</sup> floor (Suite 200) located at 465 Davis Drive in the Town of Newmarket since July 1999.

The programme consists of two distinct service areas: the Court Administration area, which includes Court Administration/Court Support staff, and the Prosecution area. The Prosecution area and the Court Administration area are currently occupying the same office space.

The programme was transferred to the Region by the Province subject to the terms and conditions as set out in a Memorandum of Understanding (MOU). The MOU indicates an “as is” transfer to the Region and sets out in the operational standards a stipulation that the Prosecution area shall occupy a secure office area and the Court Administration staff shall occupy a secure office area, both of which shall be separate from the areas designated for the judiciary.

York Region currently occupies the following space at 465 Davis Drive, Newmarket.

**Table 1**  
Current Leased Space

| Department                          | Location              | # Sq. Ft. |
|-------------------------------------|-----------------------|-----------|
| Health Services                     | 2 <sup>nd</sup> Floor | 16,859    |
| Finance                             | 2 <sup>nd</sup> Floor | 1,100     |
| Community Services & Housing        | 3 <sup>rd</sup> Floor | 16,500    |
| Corporate Services (Court Services) | 2 <sup>nd</sup> Floor | 12,200    |
| TOTAL                               |                       | 46,659    |

#### 4. ANALYSIS AND OPTIONS

##### 4.1 Program Summary

Court Administration provides counter services to the public to access information, pay fines (approximately 150 payments are taken over the counter each day), sign-in to see the Justice of the Peace, and hand out and process all paper work associated with the administration of justice. It also co-ordinates trial scheduling, answers over 200 calls per day, provides court support and transcription services, as well as providing accounting support. Currently there are 15 staff.

The Prosecution area handles the prosecution of provincial offences and conducts the appeals, as well as providing disclosures. Currently there are 6 staff.

##### 4.2 Current Issues

In February of 2002, the First Attendance Programme was implemented to streamline the use of trial time and offer enhanced options to the public. Both counter service and telephone calls have increased by approximately 50% in the last year. Courtroom usage is at 100% and the First Attendance Programme has been successful, enabling the addition of a second court tier.

All of the above has created an increase in walk-in traffic for those who may wish to exercise the First Attendance option, those attending a First Attendance Hearing, and courtroom users. The resultant increase has led to severe congestion in the narrow hallway and entrance area. We presently have Fire Code issues due to the use of the narrow hallway as the only place to seat the First Attendance users and those waiting for court.

As a result, the present accommodation not only does not meet with our service delivery needs, but also puts us in jeopardy of being answerable to fire and safety issues. This corridor is the only entrance and exit available to the staff and the public.

The increase in incoming calls has made the transcription process extremely difficult for reporters who must listen to tapes over the increase in noise levels.

In addition, the MOU states that the Prosecution area and the Court Administration area should be separate and apart, following the example of every other Provincial Offences office in the Province, and the separation of the areas that existed at the Ministry of the Attorney General prior to transfer in 1999.

The judiciary have made it clear that they were willing to deal with the congestion that has occurred as a result of the First Attendance Program on a temporary basis, but expect the Region to alleviate the congestion forthwith.

Until such time as the congestion is alleviated, we are unable to add further court tiers to the First Attendance Program.

#### **4.3 Recommendations**

At the direction of the Inter-Municipal Joint Board of Management, Regional staff from the Property Services Branch and the Court Services Branch of the Corporate Services Department examined a number of different options to address service delivery needs. These included reconfiguring the existing space and finding additional space on the current site to facilitate any reconfiguration.

After examining the options, it was found that a reconfiguration of the existing space would not alleviate the congestion, nor would it address the issue of a separation of the Court Administration area from the Prosecution area. If additional space could be found to house the Prosecution area, minimal reconfiguration of the remaining space would be required, providing the most cost-effective solution.

Additional space of approximately 2,879 square feet has become available on the same floor that is presently occupied at 465 Davis Drive. The available space could be negotiated as an addendum to the existing master lease which expires December 2004, pending possible extensions that may be negotiated. The remaining space would allow for a reconfiguration of the office, permitting a waiting area to be created outside of an enlarged intake office and a new First Attendance meeting room, which would be located adjacent to the intake office.

With the additional space reconfigured, the following objectives would be achieved:

1. The requirements of the MOU would be met, as the Prosecution area would be housed in a secure and separate office space from the Court Administration area.
2. The intake office and interview room would be adjacent to each other, thereby providing for improved access to both intake and First Attendance. This efficiency would have an impact on revenue, allowing for additional First Attendance court tiers (when judicial resources are available) and, as there is an 80% resolution rate, revenue dollars would increase. As well, costs associated with trials are minimized, thereby creating significant cost savings.
3. Office space will be better utilized, allowing for the reporters to be in a quieter environment for transcribing purposes.
4. Chairs will be removed from the narrow hallway leading to the courtrooms, thereby removing the congestion and providing safer access and egress for both the public and the staff, and eliminating the present Fire Code issues.
5. The expectation of the judiciary to alleviate the congestion will be addressed.
6. Public will have improved access to the payment windows.

It is anticipated that the renovations to the existing space will range from \$40,000 to \$50,000.

#### **4.4 Relationship to Vision 2026**

The proposal contributes to two key goals of the Court Services Branch relative to Vision 2026:

“Responding to the needs of our residents” by enabling improved access to services, informing people of available services and working with a broad range of stakeholders that support the administration of justice.

“Managed and balanced growth” by expanding areas of services and options to the public combined with the appropriate level of support with which to deliver the service.

## **5. FINANCIAL IMPLICATIONS**

The Region’s financial obligations for this space will include the following:

- Gross rent at \$16.00 per square foot.
- Operating costs (50% of hydro costs, estimated at 75 cents per square foot).
- Leasehold improvements to existing leased premises (voice/data, wall relocates and upgrades, carpeting and painting as required, security system) to address four major areas as outlined previously in this report (\$40-\$50,000). No leasehold improvements are required at the new space.

Currently, the Court Services Branch has an existing lease expiring July 2004 on a gross basis, occupying 12,300 square feet at \$17.00 per square foot. Staff from the Property Services Branch have been able to negotiate the lease for the additional requirements at \$16.00 per square foot, which is based on the master lease for space occupied by other Regional clients within the facility, plus hydro based on a 50/50 split with the landlord estimated at 75 cents per square foot.

Detailed cost estimates are outlined in Attachment A to this report. The annual occupancy costs are \$12,417 for 2003 and \$49,670 for 2004. These costs include gross rent and utility cost obligations. The Corporate Services Department can accommodate the 2003 lease costs within the existing budget, and annual obligations for 2004 will be included in the Department’s budget estimates. Leasehold improvements are contained within the Corporate Services Department’s capital budget.

## **6. LOCAL MUNICIPAL IMPACT**

Expansion of existing leased accommodations at this site will afford improved service delivery to clients in the northern portion of the Region.

## **7. CONCLUSION**

The recommendations provide the most cost-effective solution for the delivery of Court Services at the Newmarket site, and will significantly improve internal operations and provide enhanced customer service.

The Senior Management Group has reviewed this report.

*(A copy of the attachment referred to in the foregoing has been forwarded to each Member of Council with the September 4, 2003 Finance and Administration Committee agenda and a copy thereof is on file in the Office of the Regional Clerk.)*