



SCHEDULE D

Notice of Motion of Agenda submitted by Council Members

All motions need to be accurate, clear as to their purpose, and accompanied by the necessary relevant background information to help inform Council decisions. All Motions being added to a council agenda need adequate time to allow Council to properly reflect on a motion by reviewing proposed changes, asking questions, seeking additional information, and understanding the rationale of motions.

The Clerk and Council Members are expected to proactively work together towards a completed motion submission for an addition to the Council Agenda.

Item:

Review of Municipal Responsibilities under the *Provincial Offences Act*

Resolution:

WHEREAS municipalities across Ontario have the delegated responsibility to administer provincial offences through court services and fine collection;

AND WHEREAS for many municipalities across Ontario, the administration of provincial offences is no longer a sufficient revenue stream and is becoming a significant challenge for municipal budgets;

AND WHEREAS municipalities are faced with a severe shortage of Justices of the Peace (JPs), and provincial courts across Ontario continue to operate well below capacity;

THEREFORE, BE IT RESOLVED THAT the Province of Ontario commit to sustainable provincial-municipal dialogue on the administration of POA services in Ontario, including the recruitment of additional Justices of the Peace (JPs), and reforms to efficiency indicated in AMO's Provincial Offences Act Backgrounder;

AND FURTHER THAT a copy of this motion be sent to the Premier of Ontario; The Attorney General of Ontario; MPP Michael Mantha; and to the Association of Municipalities of Ontario.

Mover: Aidan Kallioinen

Seconder: _____

Issue:

Municipalities are facing increased shortfalls, a shortage of Justices of the Peace (JP), and a court backlog.

Purpose/Rationale for the Motion:

(i.e., How does it solve the issue)

This motion will encourage the provincial government to initiate dialogue with municipalities to address these shortcomings.

Resources:

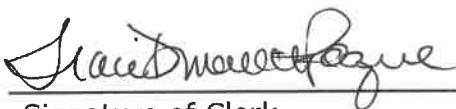
- AMO Backgrounder: Provincial Offences Act
- _____



Signature of Member

Apr. 3, 2024

Date



Signature of Clerk

April 8/24

Date

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Provincial Offences Act

Backgrounder • August 05, 2022

Municipal Implications

Starting in 1997, municipal governments were given responsibility for administering the *Provincial Offences Act* (POA), including courts and fine collection. This system prosecutes non-criminal charges such as traffic offences, trespassing charges, environmental charges, and liquor licensing violations.

Operating under provincial rules and with provincial players, the POA system is not operating as smoothly or efficiently as it should. The closure of court facilities during the pandemic magnified this challenge. Thousands of offences could be thrown out due to the associated procedural delays, and minimal provincial efforts to address existing court backlogs, eroding Ontario's confidence in the justice system.

More people died on Ontario roads because of *Highway Traffic Act* offences such as speeding or distracted driving, than who died as a result of homicide. Addressing road safety enforcement, through a well-functioning POA system, is just as important to the safety of Ontarians as criminal offences.

Courts continue to operate well below pre-pandemic capacity. A shortage of Justices of the Peace (JPs) magnifies this challenge. For municipalities, pandemic relief dollars through Safe Restart have helped to blunt the fiscal impact of all revenue declines, including fines. However, these provincial and federal dollars will not flow indefinitely. Safe Restart dollars are not a substitute for improving the administration of justice.

Justice is a fundamental component of a successful democratic society. Law abiding Ontarians need to know that the law will be upheld. Those who do not abide the law need to know they will be held accountable. Ontarians need a justice system that is capable, coordinated, and adaptable to the challenges presented by the pandemic.

In addition to enhancing the availability of JPs and a plan to address the pandemic backlog, AMO immediately seeks the following to improve efficiency:

1. The proclamation of Section 6 of Schedule 35 to the *Stronger Fairer Ontario Act* (Budget Measures) 2017 (Bill 177). This section amends s. 11 of the *Provincial Offences Act* to give the clerk the authority to consider a defense application to reopen a conviction where a defendant is convicted without a hearing, thus freeing up judicial resources that currently review these applications.
2. Allow the court clerk to enter a conviction or withdrawal of a charge and to impose a fine as agreed to in writing between the defendant and the prosecutor (Part I and II). This process could be adopted for both Early Resolution and Trial options through a slight amendment to the *Provincial Offences Act*.
3. Commit to ongoing, meaningful provincial-municipal dialogue related to accelerating POA reforms.

Contact:

Bridget Cherry
Senior Advisor

bcherry@amo.on.ca

T 416.971.9856 ext. 336

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