

Appendix A

Internal and External Recovery Methods

Court Ordered Payment Plans

If a court order is imposed for smaller payments to be made on a scheduled payment plan, the POA Office will monitor the file to ensure payments are made in accordance to the order. If a payment is missed, the POA Office will note the fine in default and will commence further collection efforts.

In-house Payment Plans

If an offender calls and notifies the POA office that their fine is due shortly and they do not have the ability to pay it all off at once, the Collection Clerk may negotiate a payment plan with the offender in order to allow more time to pay before commencing further collections efforts. Similar to court ordered payment plans, the POA Office will monitor the file and will commence further collection efforts if a payment is missed.

Licence Suspension and Plate Denial

The POA Office has found that driver's licence suspensions and plate denial are the most effective tools used for collection efforts. These are applied automatically where legislated authority allows for it. Certain provincial offences (such as all Highway Traffic Act offences) allow for the suspension of a driver's licence after the fine imposed goes into default. Losing a driver's licence also incurs other costs, including a fee payable to the MTO to reinstate the licence once the fine is paid. Plate denials are available when an offender has not paid a parking fine, and the fine has entered into default. Offenders with outstanding defaulted parking fines will not be able to renew their vehicle plate stickers without paying off all of the fines.

Civil Enforcement

Civil enforcement refers to a series of tools available through Small Claims Court. The most commonly used tool is the garnishment of wages and/or bank accounts. Where there is sufficient information to identify appropriate sources of income, the individual's employer must pay 20% of the individual's wages to the court as payment towards clearing the individual's debt.

Other available tools are property liens which are registered against the individual's property and writs that are an execution against the individual's name. Debtor examinations are also used to gather financial information on an offender who has fines in default, as the examinations are done under oath and the person must provide the requested information since failing to do so could result in them being held in contempt of court and a possible warrant issued for their arrest.

Adding Defaulted Fines to Property Tax Roll Collection

In the summer of 2017, the Provincial Offences office began using a new collection tool, adding defaulted fines to property tax collection rolls. This tool uses the coordinated efforts of the POA office, the legal department, and the tax department in order to recover outstanding defaulted fines. The title of the property must be held solely in the offender's name in order to use this tool. The offender can be a person or a corporation. Generally this tool is used with offenders who have larger and/or multiple fines, given the effort and costs involved with this tool. The implementation of this tool has been a success, as the POA office has collected \$104,115 through property tax roll collection since June of 2017.

Collection Agencies

The Provincial Offences Office submits unpaid fines to collection agencies after all other collection efforts have been exhausted. Individuals whose fines have gone into default can expect to hear from a collection agency that has been retained for the collection of unpaid fines. The City currently uses two (2) Collection Agencies. Under the Collection Agency Act, an agency is permitted to send letters and conduct follow-up calls for purposes of collecting a debt or unpaid fines. Representatives of the agencies will encourage individuals to pay the defaulted fines and/or make payment arrangements if necessary.

Collection agency fees, in the range of 12-23% of the fine, are added to the POA fine and are fully recoverable from the defendants. Fees are not paid to the collection agency unless the fines are successfully collected so there is no direct cost to the City.