

2023 Provincial Offences Write Off

Presented To:	City Council
Meeting Date:	May 9, 2023
Type:	Routine Management Reports
Prepared by:	Danielle Derochie Clerk's Services
Recommended by:	General Manager of Corporate Services

Report Summary

This report provides a recommendation regarding the annual write off of Provincial Offences Fines that have been deemed to be uncollectible.

Resolution

THAT the City of Greater Sudbury directs staff to prepare a By-law to write off \$519,522.50 of Provincial Offences Fines that have been deemed to be uncollectible as outlined in the report entitled, "2023 Provincial Offences Write Off", from the General Manager of Corporate Services, presented at the City Council meeting on May 9, 2023.

Relationship to the Strategic Plan, Health Impact Assessment and Community Energy & Emissions Plan (CEEP)

This report refers to operational matters.

Financial Implications

If approved, the write off of these uncollectible accounts will not have an impact on the 2023 year-end position as Provincial Offences fines are recorded on a cash basis for accounting purposes.

Background

As outlined in the report presented to City Council on May 25, 2021, in 2008 the Ministry of the Attorney General issued a Write Off Directive and Operating Guideline to all Municipal Partners that are subject to a POA Transfer Agreement and the Related Memorandum of Understanding with the Attorney General. The directive included provisions for municipalities to develop formal write off policies and provided Municipal Partners with guidance as to the minimum requirements that they are expected to meet to write off defaulted fines. The City of Greater Sudbury developed and passed a write off policy in 2010.

As per the provisions of the policy and Ministry guidelines, Provincial Offences accounts are regularly

reviewed to identify potential write offs and accounts deemed uncollectible.

In preparation for the 2023 write off, additional search parameters were added to the established criteria. In accordance with the policy the write off includes parking and Part I fines for 2017-2018 and additional defaulted fine amounts dating back to 2000 that may not have been captured in previous write offs.

The majority of fines that were captured through the refining of the criteria include outstanding administrative fees, fines that remained in the system due to an amount being previously paid on an outstanding parking fine balance, or outstanding Part I and Part III fines where the defendant either had a payment plan or had made a payment in the last five years. Based on the information provided regarding the write off criteria and required administrative cleanup of outstanding defaulted fines, it is requested that the City of Greater Sudbury approves the write off of \$519,522.50 of Provincial Offences Fines.

Proposed 2023 Write off

Fines are described in two different categories: (1) parking; and (2) POA offences. Parking fines are fines that are imposed for infractions such as, failing to pay for a meter or parking in a no parking zone and are simpler in nature. However, Provincial Offences infractions are far more varied and can be more complex. Provincial Offences Fines include but are not limited to; driving offences, trespassing, liquor licence and by-laws such as noise and animal control; along with other contraventions including hunting and fishing infractions.

It is important to note that writing a fine off does not extinguish the legal obligation of the convicted offender or debtor with respect to the amounts owing pursuant to the Act. Fines are written off for accounting and administrative purposes, however the write off does not absolve the offender or debtor from the requirement to pay the fine that has been written off.

All fines imposed under the Act are debts owed to the Crown and are not subject to the Limitations Act; therefore, collection activities for written off accounts can be resumed when conditions change. Unpaid debts can be reinstated and enforced at any time in the future if an opportunity arises.

Resources Cited

Provincial Offences Act

<https://www.ontario.ca/laws/statute/90p33>

Annual Provincial Offences Write Off, April 19, 2022

<https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=44006>

Provincial Offences Write Offs, May 25, 2021

<https://pub-greatersudbury.escribemeetings.com/FileStream.ashx?DocumentId=40032>

Write Off Policy for Provincial Offences Act (POA) Fines, Report presented April 21, 2010:

<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=237&itemid=2976&lanq=en>