

2024 Provincial Offences Write Off

Presented To:	City Council
Meeting Date:	April 30, 2024
Type:	Routine Management Reports
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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 approves the write off of \$148,176.67 of Provincial Offences Fines that have been deemed to be uncollectible as outlined in the report entitled, "2024 Provincial Offences Write Off", from the General Manager of Corporate Services, presented at the City Council meeting on April 16, 2024.

Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans

This report refers to operational matters.

Financial Implications

If approved, the write off of these uncollectible accounts will not have an impact on the 2024 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.

Proposed 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.

In the annual write off being requested, if approved, parking and POA offences fines will be written off for the period of 2019-2020 in the amount of \$148,176.67.

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>

2023 Provincial Offences Write Off

<https://pub-greatersudbury.escrimemeetings.com/FileStream.ashx?DocumentId=49325>

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&lang=en>