

Request for Decision

Write Off Policy for Provincial Offences Act (POA) Fines

Presented To: Policy Committee

Presented: Wednesday, Apr 21, 2010

Report Date: Wednesday, Apr 14, 2010

Type: Managers' Reports

Recommendation

THAT Council approve the proposed POA Write Off Policy as outlined in the report dated April 14, 2010 from the Executive Director, Administrative Services, and that the necessary By-Law be prepared.

Executive Summary

The Ministry of the Attorney General (MAG) requires that Council approve a Write Off Policy for Provincial Offences Act (POA) fines that are determined uncollectible.

Background

Staff work to ensure that all collectible, outstanding and unpaid fines are collected in a timely manner. Despite these best efforts, some matters will always remain unpaid. This could be because an accused has no assets or income. It could be because the party was simply "passing through" and has never returned to our jurisdiction. Sometimes it is because the convicted party is deceased. Therefore, it is necessary for staff to be able to eliminate these matters from the records.

Attached is a proposed POA Write Off Policy which is being recommended to Council for approval.

In conclusion, it is recommended that Council approve the proposed POA Write Off Policy and that staff be directed to prepare the necessary By-Law to introduce the process for the removal of fines deemed uncollectible from the Province's Integrated Court Offence Network (ICON) for accounting purposes only.

Signed By

Report Prepared By

Nicole Lamy
Co-ordinator of Court Services
Digitally Signed Apr 14, 10

Recommended by the Department

Caroline Hallsworth
Executive Director, Administrative
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Recommended by the C.A.O.

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WRITE OFF POLICY FOR PROVINCIAL OFFENCES ACT (POA) FINES

Once a POA fine for which all internal and external collection attempts have been exhausted, including but not limited to the following:

- Collection procedures have been progressively applied
- Reasonable efforts have been exhausted prior to a fine being considered for write off
- Timely, systematic and progressively severe delinquency notices have been delivered
- “Extension of time to Pay” motions have been allowed for and repayment plans have been made
- All applicable POA administrative sanctions have been applied to all fines
- Defaulted fines have been referred to a third party collection agency
- Additional judgments have been sought and Civil Enforcement processes invoked
- Documentation has been maintained to reflect the processes followed.

Then an Approval for Write Off request will be initiated by the Co-ordinator, Court Services, and will be approved in accordance with the provisions of the Delegations By-Law.

General Write Off:

- Underpayment: When an underpayment is made on a fine leaving a balance which is comprised of court costs in the amount of \$30.00 or less and where it is deemed to not be cost effective to pursue any collection activity.
- Deceased Person: A Death Certificate or proof of death is filed.

Case-by-Case Write Off: When at least one of the following criteria is met.

- a) Out of Country: All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency.
- b) Out of Province: All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
- c) Company in Default:
 - All efforts to collect have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
 - The company has been sold and the new owner is not responsible for the debt
 - The company has been dissolved
 - The company has filed bankruptcy
- d) Person with No Fixed Address:
 - All efforts to locate the debtor have been exhausted by either the Provincial Offences Court Administration or a third party Collection Agency
- e) Other – As may be indicated