

Windsor/Essex Provincial Offences (POA) Annual Report

2020

The 2020 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee Members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

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MESSAGE TO OUR MUNICIPAL PARTNERS

In 2020, the Windsor/Essex Provincial Offences (POA) department continued to operate and persisted despite the relocation to a transitional space due to the fire in November of 2019 as well as dealing with the pandemic twists and turns that halted courts and several court operations on March 16, 2020.

Our main goal this year was to focus on adapting, pivoting and redesigning the way we work to continue our operations as best as we could while adhering to the Ministry of Attorney General (MAG) pandemic orders and our Local Health Authority. While the pandemic and transitional location brought about many challenges, we ended the year in a net revenue surplus position and adapted several new and innovative ways to conduct our business.

The POA team members all worked diligently throughout the year to support continued court operations and put us in a position to resume operations as efficiently and effectively as possible within Ministry guidelines.

Some of the key highlights include:

- Despite the numerous challenges brought about by the Pandemic and suspension of POA timelines, we were able to end the year in a net revenue position.
- Legislative changes experienced from Bill 197 allowed us to expand the use of electronic methods to conduct operations, including remote audio/video early resolutions and first appearances.
- Started utilizing the Zoom software platform to conduct remote court proceedings.
- Utilized email and outside drop boxes to receive court paperwork and encouraged online or over the phone payments to avoid having the public attend in person.
- Secured a long term home location within the City Hall Campus with approval from Council and stakeholder input.

In 2021, the department will continue to learn and adapt to changing processes with remote courts and electronic means of filing court paperwork. We will also focus on transitioning to our long term home within the City Hall campus and executing Red Light Camera POA processes to coincide with the approval of this system in Windsor. We anticipate and look forward to continued legislative changes aimed at modernizing the provincial offences court system.

Sincerely,

Melissa Ryan

Manager of Provincial Offences

SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

In 1998, the province enacted Bill 108 which amended the *Provincial Offences Act* (“POA”) thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor License Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II matters (also known as parking ticket) and the collections of those tickets are handled by the Parking Enforcement division of the City of Windsor under the administrative penalty system. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). The Transfer Agreement sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Court Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

The ISA provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed two times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2016 commenced January 1, 2017 and expires December 31, 2021.

The POA Program historically occupied a leased premises in Suite 300 of the Westcourt Place, located at 251 Goyeau Street, in the City of Windsor. On Tuesday, November 12, 2019 a fire occurred at the Westcourt building which resulted in the building being closed to occupants.

Since a return date to Westcourt had not been communicated to the City, an exercise to determine another feasible long term location was undertaken and a permanent location has

been secured at the City Hall Campus. There are several synergies that are created by housing the POA courts within the City Hall campus and we look forward to our permanent operations running from this location.

The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presided the 1st, 3rd and 5th Thursday of every month. As a result of the pandemic this court location has not opened up to the public and Leamington proceedings are being conducted remotely from the transitional space at 350 City Hall Square. These courts are being held on the 1st and 3rd Thursdays of every month. If and when the Leamington courts open back up to in person proceedings, Windsor/Essex POA will review its operations and determine the best course of action moving forward with hosting POA matters at this location.

The POA Program provides services and facilities to various stakeholders within the administration of justice system. These stakeholders include law enforcement personnel whose mandates entail the initiation of proceedings against defendants alleged to have violated provincial legislation and municipal by-laws, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

Court Administration: This area has general carriage of the POA Court office. Responsibilities include the intake, processing, filing and preservation of charging documents (i.e. tickets) and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation and processing of payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle payments and queries; generation of POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution; setting of trials; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network ("ICON"); enforcement of delinquent fines via driver's license suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the operations.

Court Support: This area is composed of POA Court monitors, being a combination of court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices of the Peace in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including disposal of same in accordance with judicial directions or retention requirements.

Prosecution: The Municipal Prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving

matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to Defendants and their Representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities except for Windsor continue to prosecute their own by-laws. In 2020 Part III matters under the POA remained the prosecutorial responsibility of the Crown Attorney's office &/or specialist Prosecutors provided by various ministries.

On December 14, 2017, Bill 177 – *Stronger, Fairer Ontario Act* - was passed by the Legislative Assembly of Ontario that enables the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry's Criminal Law Division under Part III of the POA. An exact date of the transfer to the municipal prosecutors has not been communicated and was previously expected sometime in 2020. However, due to continued negotiations between the Province and municipalities through the POA Part III Transitional Planning Working Group, as well as the need to address pandemic-induced priorities, any Part III transfer will be delayed. Based on the current wording of the legislation, a Part III transfer is permissible, but not mandatory, and municipalities have made it clear to the Ministry that taking on this transfer would need to be approved by their respective councils. If Part III offences are transferred to the municipalities the Crown Attorney's office will continue to monitor the more serious cases. Based on a preliminary review of the statistics regarding Part III matters it is expected that an additional prosecutor would need to be added to the permanent staff establishment. Further incentives would need to be provided in order to recommend the transfer to Council.

The prosecution of City of Windsor By-laws was transferred to the POA Municipal Prosecutors from the Legal Department in 2017. The Municipal Prosecutors are also prosecuting charges laid by any of the Fire Services in Essex County.

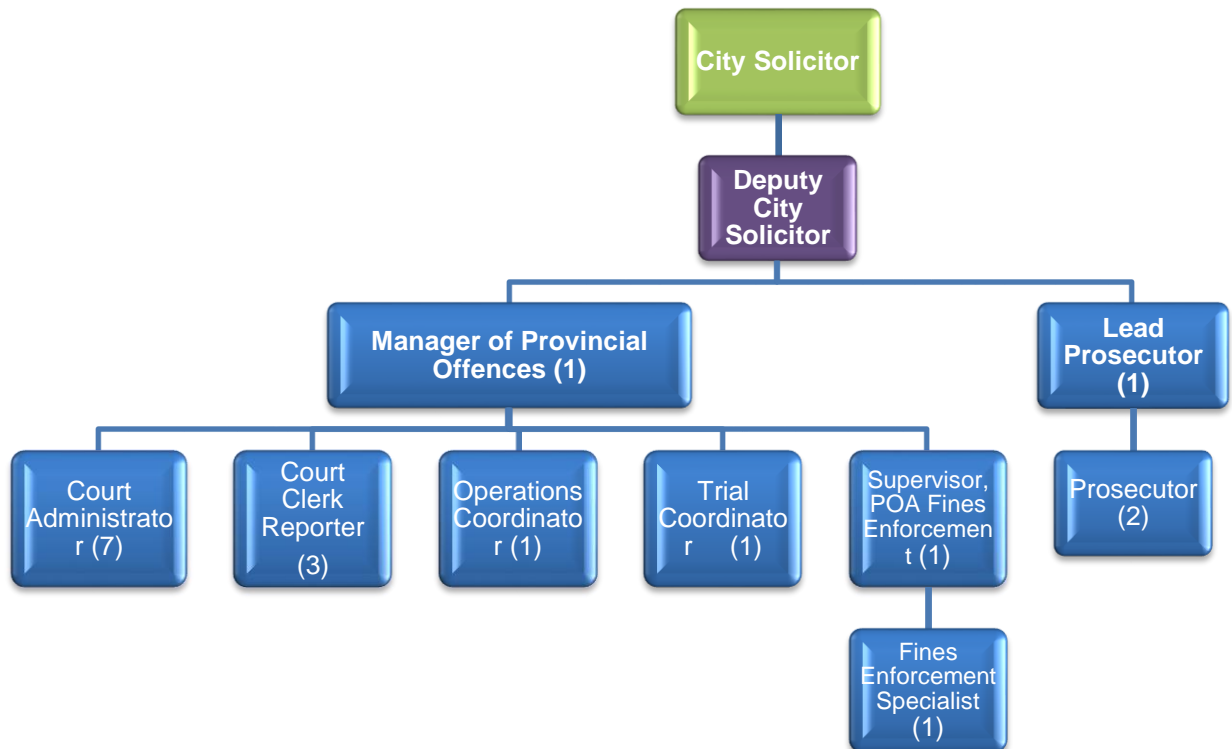
Fines Enforcement (Collections): One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Superior Court of Justice; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; and for liaising with collection agencies and credit bureaus with which the POA Program has relationships.

The Windsor POA facility also houses a satellite office of the Police Court Services Branch. Among other things, that office works closely with the Prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals. The Court Services office also advises Police Officers of trial dates, summons lay witnesses, arranges for personal service of court documents, provides disclosure to Defendants and their legal representatives, and procures necessary official documentation for use in court as evidence.

An organizational diagram of the POA Program is included and identified as CHART A-1, which was in effect for the subject reporting period.

CHART A-1

ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



SECTION B - LIAISON COMMITTEE

The ISA calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee (“Liaison Committee”), composed of one representative from each participating municipality. Among other things, the 10-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets
- Generates an annual report for review by the respective councils of the participants

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative currently being the City Solicitor. The latter is also the Chair.

For 2020, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Justin Rousseau	Treasurer
Essex (County)	Mary Birch	Director of Council Services/Clerk
Essex (Town)	Robert Auger	Clerk/Deputy Treasurer
Kingsville	Tiffany Hong	Manager of Financial Services/Deputy Treasurer
Lakeshore	Rosanna Pellerito	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Pelee	Michelle Feltz	Treasurer/Tax Collector
Tecumseh	Tom Kitsos	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Melissa Ryan	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2020, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
June 9, 2020	Remote Meeting through Zoom
October 27, 2020	Remote Meeting through Zoom

SECTION C – CASELOADS & STATISTICS

The POA Program’s caseload is dependent upon charges laid by professional law enforcement personnel and agencies. The workflow of the POA Program commences with the initiation by Police and other Officers of legal proceedings against alleged violators of provincial legislation and municipal by-laws. Legal proceedings are instituted by personal service upon the Defendant of either a Provincial Offence Notice (also known as a Part I ticket) or a more formal Summons to Defendant requiring attendance at court (also known as a Part III ticket). These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges, provided that the fine revenue is not “dedicated” to some special purpose. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional Police forces, being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation or under certain municipal bylaws
- Charges laid by specialized Police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most Provincial Ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by Municipal Inspectors and Police Officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and provincial statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments, or by certain Provincial Ministries or bodies in situations where the fines are statutorily “dedicated” to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees.

In 2020, the POA Program took in a total of 24,065 charging documents, for a monthly average intake of approximately 2,005 tickets. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

NOTE: *The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important along with the final resolution of the fines.*

Table C-1: 2020 ABSOLUTE CHARGING VOLUMES

Agency	2020	% Chg. YTD '20 vs. '19	2019	% Chg. YTD '19 vs. '18	2018	% Chg. YTD '18 vs. '17
Windsor Police	12,454	-19.4%	15,453	32.9%	11,631	10.6%
Ministry of Transportation	1,676	-12.0%	1,904	-6.6%	2,038	-7.4%
Windsor Police-Amherstburg	763	-59.3%	1,874	62.0%	1,157	-58.2%
Essex OPP	2,143	-17.4%	2,596	-23.7%	3,402	-15.1%
Tecumseh OPP	855	-16.7%	1,026	9.9%	934	-11.6%
Leamington OPP	1,495	19.5%	1,251	6.6%	1,174	-0.2%
Lakeshore OPP	912	-31.1%	1,324	57.6%	840	-7.5%
Essex Town OPP	390	-44.0%	696	-29.7%	990	64.2%
Kingsville OPP	983	-17.1%	1,186	2.7%	1,155	1.4%
LaSalle Police	1,465	21.3%	1,208	16.4%	1,038	-39.7%
Essex Detachment Heat Unit	78	-58.1%	186	-1.1%	188	-44.7%
Canadian Pacific Rail Police	135	26.2%	107	-42.8%	187	-8.8%
Ministry of Natural Resources	296	96.0%	151	2.7%	147	-15.5%
Windsor Fire Department	36	-42.9%	63	-22.2%	81	35.0%
Casino OPP	6	-76.9%	26	-49.0%	51	-42.7%
Windsor Essex County Health Unit	81	17.4%	69	155.6%	27	-22.9%
Windsor Bylaw	96	-47.8%	184	37.3%	134	-10.1%
Ministry of Finance	3	50.0%	2	-50.0%	4	#DIV/0!
Ministry of Labour	9	-94.2%	155	109.5%	74	0.0%
Ministry of Environment	5	-90.7%	54	100.0%	27	-30.8%
Miscellaneous	0	-100.0%	1	-83.3%	6	-72.7%
Ontario College of Trades	0	#DIV/0!	0	-100.0%	6	-33.3%
Lakeshore Fire	2	-50.0%	4	33.3%	3	#DIV/0!
Humane Society – Windsor	3	-76.9%	13	-18.8%	16	6.7%
Amherstburg Bylaw	21	16.7%	18	260.0%	5	-61.5%
Amherstburg Fire Department	1	#DIV/0!	0	-100.0%	3	#DIV/0!
Lakeshore Bylaw	2	-75.0%	8	100.0%	4	-33.3%
Ontario Motor Vehicle Industry Council	59	293.3%	15	-84.0%	94	422.2%
Essex Bylaw	3	50.0%	2	-33.3%	3	200.0%
Essex Fire Department	0	N/A	0	-100.0%	1	#DIV/0!
Leamington Bylaw	15	200.0%	5	-64.3%	14	#DIV/0!
Essex Region Conservation Authority	4	100.0%	2	100.0%	1	#DIV/0!
Leamington Fire	0	-100.0%	1	0.0%	1	#DIV/0!
Workplace Safety & Insurance Board	0	-100.0%	4	-93.8%	64	#DIV/0!
Tecumseh Bylaw	1	#DIV/0!	0	#DIV/0!	0	#DIV/0!
Private Complaints	0	-100.0%	1	0.0%	1	#DIV/0!
Greater Essex County District School Board	0	#DIV/0!	0	-100.0%	1	#DIV/0!
Ministry of Agriculture & Food	6	200.0%	2	-33.3%	3	#DIV/0!
Ministry of Environment, Conservation & Parks-Windsor	0	-100.0%	54	1250.0%	4	#DIV/0!
Royal Canadian Mounted Police	0	-100.0%	26	1200.0%	2	#DIV/0!
TOTALS	24,065	-18.9%	29,682	16.3%	25,517	-6.8%
Average Mthly Charging Volumes	2,005		2,474		2,126	

EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial decrease in charges filed in 2020 compared to 2019. Windsor ended the year with 23,867 charges which is a -22.9% decrease in charges compared to 2019. The provincial total was -9.7% less than 2019. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed.

Table C2: 2020 CHARGING VOLUME COMPARATOR

Agency	2020 YTD	% Change '20 vs. '19	2019 YTD	% Change '19 vs. '18	2018 YTD	% Change '18 vs. '17
Windsor	23,867	-22.9%	29,336	16.3%	25,233	-7.6%
Barrie	46,134	-28.7%	59,354	10.5%	53,707	-9.2%
Durham	69,672	28.6%	49,743	-7.9%	54,034	-13.0%
Hamilton	88,057	3.3%	85,158	5.1%	81,033	2.6%
London	25,231	-32.0%	33,296	-11.2%	37,484	-4.9%
Niagara	27,308	-28.2%	35,000	12.5%	31,117	-7.9%
Ottawa	124,323	18.5%	101,361	2.6%	98,838	24.9%
Thunderbay	13,135	-23.8%	16,267	-4.8%	17,079	-13.7%
Toronto	396,544	17.5%	327,084	-4.5%	342,632	-4.0%
Waterloo	44,746	-2.6%	45,897	-11.9%	52,085	-11.4%
York	100,126	-38.7%	138,858	-7.5%	150,164	-1.8%
Brampton	47,221	-38.8%	65,525	-8.5%	71,587	6.3%
Brantford	8,512	-13.9%	9,693	-15.2%	11,430	-4.1%
Caledon	26,692	-21.6%	32,465	-3.0%	33,478	5.2%
Chatham	14,429	-27.8%	18,445	57.4%	11,717	-6.5%
Guelph	14,155	-37.9%	19,526	-0.4%	19,607	8.4%
Lambton	9,206	-15.4%	10,624	-7.5%	11,484	-2.1%
Provincial	1,391,357	-9.7%	1,478,986	-3.3%	1,529,498	-1.1%

Operational Statistics

In addition to having accepted and dealt with the filings of over 23,000 charges over the course of the year and despite court closures for a large portion of 2020, the POA Program processed approximately:

- 5,748 Early Resolution meetings (Part I)
- 27,350 Matters heard in court (Parts I & III)

Section D- Defaulted Fines Enforcement

Under the Transfer Agreement with MAG, the responsibilities of the City include the collection and enforcement of POA fines for and on behalf of the area. The POA Fines Enforcement area currently has 2 full-time employees.

POA was impacted greatly by Ministry ordered court closures and suspension of POA timelines due to the Covid-19 pandemic. The substantial impact to revenue is attributed to the order not allowing conviction of fines or suspension of driver's licenses, and therefore no action was required by any new defendants to pay their fines. Until the expiry of the order suspending POA timelines, which occurred on February 26, 2021, there was a significant decline in revenue collected.

Ongoing efforts to enforce these defaulted fines continue to be aggressive and at the same time very challenging. Enforcement constitutes a highly labour-intensive activity which consumes a lot of resources and time. There are a variety of enforcement tools that are readily available and frequently used by the collection staff in order to encourage payment and/or to legally enforce payment of defaulted fines. Some of these include:

- Selectively adding defaulted fines to the tax roll of sole property owners for collection pursuant to section 441.1 of the Municipal Act.
- Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- Filing and maintaining wage garnishment proceedings where the employer has been identified and the offender's employment status has been verified.
- Use of Collection Agencies. In addition to skip tracing and making the usual contacts with debtors, our collection agencies have reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of the offenders.
- Filing and maintaining Writs of Seizure and Sale with sheriff's offices, thereby erecting judicial liens against present and future proprietary interests.
- Driver's License suspensions and plate denials under various statutes and regulations.
- Intercepting indemnity deposits with permit-issuing City departments, by redirecting the indemnity refunds to POA where the indemnitors have defaulted fines
- Exercise of prosecutorial discretion to encourage defendants presenting themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.

Although not frequently used due to operational challenges and privacy legislation, there are other enforcement tools that can be applied to ensure collection efforts are maximized:

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are

attached as information and used for enforcement.

- Monitoring of death notices in the hopes of collecting from estates.
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles whose operations perennially default on fines.

ACTIVE COLLECTION EFFORTS

In 2016, a significant change in direction and vision was undertaken. Recognizing the fact that the POA department has little to no control over charging volume, considerable efforts and resources were redirected towards implementing an active and aggressive collection model and procedures. These included an increased focus on adding fines to municipal taxes, garnishment of wages and the use of additional collection agencies to the operating mix. These robust collection efforts continued into 2020 until the efforts were put to a halt on March 16, 2020. The results of these efforts are summarized in the following sub-sections below.

Municipal Tax Rolling

Under Section 441.1 of the *Municipal Act, 2001*, a local municipality is permitted to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine. Accordingly, a Defaulted Fine can only be added if the offender in default is the sole owner of the property. The Defaulted Fine is collected in the same manner as municipal taxes at the request of a municipality.

The tax roll process continues to be a supplementary collection tool to utilize in 2020. An additional 4 accounts were added in 2020 and we continue to accumulate funds through this method of collection.

Garnishment of Wages

The process of finding where an offender is employed is one of the most challenging tasks due to the limited amount of information that is available to our staff. In many cases the offenders are either unemployed, working for cash, or on some form of assistance which cannot be garnished. However, when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools. In early 2016, changes were made to our collection processes with the expansion of research capabilities and methods. In 2020, there were 19 new garnishments issued. We also collected \$154,037 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing these efforts in years to come.

3rd Party Collections

On January 1, 2016 changes to our 3rd party collection process was also made. As a result of an RFP issued in late 2015 three new collection agencies (CBV, ARO and Gatestone) were procured. Table D-1 summarizes the year over year results.

Table D-1: Third Party Agency Collection Summary- Year Over Year Comparison			
Description	As of December 31, 2020	As of December 31, 2019	Increase/ (Decrease)
Revenues Collected from Third Party Agencies	\$539,990	\$618,588	(\$78,598)

There was a decrease of \$78,598 in collected revenue from Third Party Agencies, which can be attributed to the decrease in convicted fines being submitted to third party vendors. Revenue from 3rd party collections represents approximately 13% of overall revenue collected.

Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2020, 775 fines were collected at MTO through this program. From these payments, revenue of \$328,209 was received. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there remains a significant number of outstanding fines. As of December 31, 2020, there were approximately 71,667 records of unpaid fines for a total outstanding amount of \$46,167,993. (See Table D-2 for further details). The significant number of outstanding fines is not just a Windsor specific issue; it is a province wide epidemic.

Table D-2: Number of Unpaid Fines				
Description	2020		2019	
	#	% Change	#	% Change
Pre-Transfer	29,257	-1.3%	29,652	-1.4%
Post- Transfer	42,410	1.5%	41,778	2.3%
Total	71,667	0.2%	71,430	0.9%

Table D-3: Dollar Value of Unpaid Fines				
Description	2020		2019	
	#	% Change	#	% Change
Pre-Transfer	\$5,419,160	-1.5%	\$5,500,586	-1.6%
Post- Transfer	\$40,748,833	1.9%	\$39,995,143	2.4%
Total	\$46,167,993	0.4%	\$45,495,729	0.7%

Many of these older fines (i.e. pre-transfer) have been 'scrubbed' multiple times and all reasonable and appropriate measures to collect have been made. Therefore, it is prudent that a write-off policy be developed in order to address these efforts. POA administration will be looking to adopt a write off policy in 2022, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. **It's important to note**

that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.

Section E: Financial Results

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share approximately \$1.2 million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments (See SECTION F for more details). In 2020 the net profit was allocated as follows:

County Contribution	49.97%
Pelee Contribution	0.27%
<u>City of Windsor Contribution</u>	<u>49.76%</u>
TOTAL	100.00%

In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program still enjoys a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

TABLE E-1: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY

Description	2020 Actuals (\$)	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)	2016 Actuals (\$)
Revenue:					
Court Fines	\$ 4,001,907.00	\$ 6,349,877	\$5,512,531	\$5,490,364	\$6,264,943
User Fees	\$ -	-	159	-	141
By-Law Fines	\$ 22,401.00	53,198	43,890	42,192	48,988
TOTAL REVENUE	\$ 4,024,308	\$ 6,403,075	\$5,556,580	\$5,532,556	\$6,314,072
% Inc./Dec.) YOY	-37%	15%	0.43%	-12.38%	6.55%
Expenditures:					
Salaries & Wages	1,845,637	1,850,825	1,811,772	1,710,070	1,598,789
Administrative Overhead	277,888	354,341	354,957	374,992	392,501
Materials & Services	347,280	378,267	365,545	356,411	350,323
Provincial Charges	981,033	1,589,165	1,444,503	1,446,084	1,659,736
Facility Rental	328,315	308,389	328,495	332,889	318,742
TOTAL EXPENDITURES	\$ 3,780,153	\$ 4,480,987	\$4,305,272	\$4,220,446	\$4,320,090
NET SURPLUS	\$ 244,155	\$ 1,922,088	\$1,251,308	\$1,312,110	\$1,993,982
% Inc./Dec.) YOY	-87%	54%	-4.63%	-34.20%	7.28%

TABLE E-2 depicts the POA Program's operating results for 2020, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$244,155.

Table E-2: 2020 Provincial Offences Financial Summary - As of December 31, 2020

Acct. #	Account Description	Product #	Account Description	2020 Budget A	2020 Actuals B	Surplus/ (Deficit) C (A-B)
REVENUES						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 3,992,221	\$ 1,931,779
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	22,401	\$ 35,692
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	9,686	\$ 5,314
TOTAL REVENUES				\$5,997,093	\$ 4,024,308	\$ 1,972,785
EXPENSES						
Salary & Benefits						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,413,589	\$ 1,365,474	\$ 48,115
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	2,687	\$ (1,687)
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,234	19,438	\$ 5,796
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	-	\$ -
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	626	\$ (626)
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	-	\$ -
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	1,412	\$ (1,412)
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	(247)	\$ 247
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	2,580	\$ (2,580)
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	470,518	453,667	\$ 16,851
Total Salary & Benefits				\$1,910,341	\$ 1,845,637	\$ 64,704.00
Materials & Services						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ 326	\$ 3,094
3176	Facility Operations - Internal	5355	Caretaking	62,124	62,000	\$ 124
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	5,000	516	\$ 4,484
2914	Non-Occ Medical	5115	STD - Provincial Offences	-	410	\$ (410)
2920	Legal Services	5115	STD - Provincial Offences	3,000	2,468	\$ 532
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	19,070	\$ (3,650)
2950	Other Professional - External	5341	Security Services -	259,960	259,960	\$ -
2950	Other Professional - External	5342	Security Services -	8,200	-	\$ 8,200
2951	Other Professional - Internal	5115	Maintenance- Internal	-	-	\$ -
2990	Business Meeting Expense	5115	STD - Provincial Offences	-	144	\$ (144)
2995	Other Purchased Services	5054	Language Line	9,000	2,386	\$ 6,614
Total Materials & Services				\$ 366,124	\$ 347,280	\$ 18,844

Table E-2: Continued

Administrative Overhead						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,500	\$ 13,243	\$ 3,257
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	16,132	\$ 12,428
2070	Outside Printing	5115	STD - Provincial Offences	12,000	17,021	\$ (5,021)
2085	Publications	5115	STD - Provincial Offences	13,500	15,083	\$ (1,583)
2610	Travel Expense	5115	STD - Provincial Offences	3,000	2,647	\$ 353
2620	Car Allowance	5115	STD - Provincial Offences	2,500	1,430	\$ 1,070
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	9,660	852	\$ 8,808
2711	Cell Phones	5115	STD - Provincial Offences	950	1,001	\$ (51)
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	1,663	\$ 2,337
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	317,087	\$ 11,228
3210	Building Insurance	5115	STD - Provincial Offences	1,641	1,641	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	864	864	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	8,210	\$ 690
4050	Training Courses	5115	STD - Provincial Offences	4,174	2,254	\$ 1,920
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	442	\$ 2,058
4540	Bank Charges	5115	STD - Provincial Offences	59,500	50,626	\$ 8,874
4560	Collection Charges	5115	STD - Provincial Offences	185,900	93,825	\$ 92,075
5125	Computers - PCs	5115	STD - Provincial Offences	8,715	617	\$ 8,098
2925	Computer Maintenance	5115	STD - Provincial Offences	18,360	19,120	\$ (760)
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	7,100	15,221	\$ (8,121)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	13,400	13,400	\$ -
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	7,000	13,824	\$ (6,824)
Total Administrative Overhead				\$ 737,039	\$ 606,203	\$ 130,836
Provincial Charges						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 46,927	\$ 9,628
2950	Other Professional - External	5507	Adjudication Services	390,000	225,069	\$ 164,931
2950	Other Professional - External	5510	Prosecution Fees	49,050	27,061	\$ 21,989
2950	Other Professional - External	5511	Quality Assurance	45,748	43,940	\$ 1,808
2950	Other Professional - External	5116	Victim Fines	1,010,500	594,759	\$ 415,741
2950	Other Professional - External	5508	Dedicated Fines	65,000	43,277	\$ 21,723
Total Provincial Charges				\$1,616,853	\$ 981,033	\$ 635,820
TOTAL EXPENSES (BEFORE COST SHARING)				\$4,630,357	\$ 3,780,153	\$ 850,204
Total Net Operating Revenue				\$1,366,736	\$ 244,155	\$ 1,122,581
RECONCILIATION						
Cost Sharing Payments						
4295	County Contribution (49.97%)	5115	STD - Provincial Offences	\$ 670,764	\$ 121,999	\$ 548,765
4295	Pelee Contribution (0.27%)	5115	STD - Provincial Offences	3,663	655	3,008
Total Cost Sharing Payments				\$ 674,427	\$ 122,654	\$ 551,773
Balance to City of Windsor (49.76%)				\$ 692,309	\$ 121,501	\$ 570,808
Total Net Operating Revenue				\$1,366,736	\$ 244,155	\$ 1,122,581

Note: 2020 Budget was based on 2019 WA rates as that was the only available information at the time of budget preparation.

Since the local POA Transfer date of March 5, 2001 through to the end of 2020, this Area's POA Program has realized total combined net revenue of approximately \$47,207,000. The calculation is broken down by year by municipal partner in TABLE E-3 below:

TABLE E-3: CUMULATIVE ANNUAL NET REVENUE DISTRIBUTIONS-\$000's

Year	Amher.	Essex	Kings.	Lake.	LaSalle	Leam.	Tec.	Pelee	Wind.	Total
1999	164.7	135.9	141.8	263.4	195.2	184.8	267.5	7.4	2,115.6	3,476.3
2000	182.8	150.8	157.4	292.3	216.7	205.1	296.9	8.2	2,348.0	3,858.2
2001	155.3	128.9	134.3	241.6	182.5	172.1	242.3	7.5	1,898.8	3,163.3
2002	124.8	103.5	108.9	199.0	152.4	138.3	194.0	6.0	1,523.8	2,550.7
2003	120.6	100.3	107.4	199.2	147.3	135.1	180.5	6.3	1,447.4	2,444.1
2004	96.0	79.8	86.0	168.1	123.9	106.8	148.3	5.3	1,134.3	1,948.5
2005	124.3	103.0	112.7	226.4	162.0	139.4	190.0	7.0	1,467.5	2,532.2
2006	114.0	94.5	105.2	214.8	151.5	127.4	172.1	7.1	1,342.0	2,328.6
2007	99.3	82.9	92.8	189.8	133.6	111.8	149.4	6.2	1,159.2	2,025.1
2008	95.9	80.3	90.5	187.8	130.2	109.2	143.6	6.0	1,112.0	1,955.6
2009	98.8	81.7	94.4	193.0	129.3	113.2	144.6	6.0	1,047.7	1,908.8
2010	124.7	102.3	119.3	243.7	161.2	141.8	178.7	7.6	1,286.9	2,366.1
2011	135.4	110.4	130.9	267.3	174.5	152.7	191.5	8.3	1,369.9	2,540.7
2012	111.8	90.2	108.6	221.5	143.4	126.4	154.6	6.9	1,117.2	2,080.5
2013	104.2	84.3	101.9	134.4	203.3	115.9	138.2	5.7	997.9	1,885.9
2014	85.4	70.0	84.7	169.1	111.6	94.8	112.4	4.4	807.7	1,540.1
2015	105.5	85.7	105.8	210.4	138.9	113.4	138.0	5.6	975.4	1,878.7
2016	112.4	91.3	114.5	226.0	150.1	120.4	145.7	5.9	1,027.8	1,994.0
2017	73.2	59.3	74.7	151.8	103.2	77.4	97.6	3.8	671.2	1,312.1
2018	69.3	56.1	72.0	101.3	147.6	73.8	93.9	3.5	633.6	1,251.1
2019	106.4	85.9	110.5	159.9	229.9	114.3	143.9	5.2	966.0	1,922.0
2020	13.5	10.8	14.2	20.7	29.7	14.9	18.2	0.6	121.5	244.1
Total	2,419	1,988	2,268	4,281	3,318	2,689	3,542	130	26,571	47,207

There are a number of factors that must always be taken into consideration when reviewing the financial results for any fiscal year, as well as when projecting potential results for subsequent reporting periods:

- As ticketing and the laying of charges decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of new charges laid, as well as the attendance of trained officers at trials in disputed cases.
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of convictions.
- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for

Part III prosecutions, both of which are mandated by the Transfer Agreement.

SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2020, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth in TABLE F-1 below:

TABLE F-1: Net Revenue Distribution Summary

	Weighted Assessment (\$)	(%)	% of County	2020 Budget	Q1 Jan - Apr	Q2 May - Jul	Q3 Aug - Oct	Q4 Nov - Dec	2020 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 674,427.00	\$ 378,120.00	\$ 763.02	\$(122,566.76)	\$(133,662.66)	\$ 122,653.59	\$ (551,773.41)
Net City of Windsor Revenue				\$ 692,309.00	\$ 374,569.23	\$ 755.85	\$(121,415.79)	\$(132,407.49)	\$ 121,501.81	\$ (570,807.19)
TOTAL				\$ 1,366,736.00	\$ 752,689.23	\$ 1,518.87	\$(243,982.55)	\$(266,070.15)	\$ 244,155.40	\$ (1,122,580.60)
<u>Allocation/Payment Summary</u>										
Amherstburg	2,490,825,094	11.06%		\$ 75,100.75	\$ 41,609.50	\$ 83.96	\$(13,487.63)	\$(14,708.66)	\$ 13,497.18	\$ (61,603.57)
Essex	1,999,500,787	8.88%		60,575.29	33,401.88	67.40	(10,827.14)	(11,807.32)	10,834.81	(49,740.48)
Kingsville	2,626,953,688	11.67%		77,973.79	43,883.54	88.55	(14,224.75)	(15,512.51)	14,234.83	(63,738.96)
LaSalle	3,818,189,020	16.96%		112,827.37	63,783.26	128.71	(20,675.20)	(22,546.92)	20,689.85	(92,137.52)
Lakeshore	5,475,634,195	24.32%		162,172.91	91,471.06	184.58	(29,650.14)	(32,334.35)	29,671.15	(132,501.77)
Leamington	2,741,947,626	12.18%		80,624.88	45,804.53	92.43	(14,847.44)	(16,191.57)	14,857.96	(65,766.93)
Tecumseh	3,361,015,725	14.93%		101,489.00	56,146.13	113.30	(18,199.64)	(19,847.25)	18,212.54	(83,276.47)
Total County	22,514,066,135	49.97%	100.00%	\$ 670,764.00	\$ 376,099.90	\$ 758.94	\$(121,911.95)	\$(132,948.57)	\$ 121,998.32	\$ (548,765.68)
Pelee	120,926,559	0.27%		\$ 3,663.00	\$ 2,020.09	\$ 4.08	(654.81)	\$(714.09)	\$ 655.27	\$ (3,007.73)
Windsor	22,422,437,342	49.76%		\$ 692,309.00	\$ 374,569.23	\$ 755.85	\$(121,415.79)	\$(132,407.49)	\$ 121,501.81	\$ (570,807.19)
TOTAL	45,057,430,036	100.0%		\$ 1,366,736.00	\$ 752,689.23	\$ 1,518.87	\$(243,982.55)	\$(266,070.15)	\$ 244,155.40	\$ (1,122,580.60)

Note: 2020 Budget was based on 2019 WA rates as that was the only available information at the time.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	N/A		
Q2	N/A		
Q3	December 22, 2020	\$130,345.46	\$705.89
Q4	March 2021	(\$9,559.97)	(\$51.77)
Q4 Correction	April 2021	1,212.83	1.15
TOTAL		\$121,998.32	\$655.27

Due to the pandemic and the uncertainty of revenue generation, the 1st and 2nd quarter payments were put on hold. A revenue reconciliation in the third quarter occurred with a corresponding distribution in December 2020. Upon final reconciliation of the program in February, it was determined that revenue was over distributed in December and the partner municipalities were required to return funds. An additional adjustment will be required in Q1 of 2021 to adjust the revenue allocation to 2020 WA rates.

APPENDIX A – GLOSSARY OF TERMS

Area ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

ARO ~ ARO, Inc., one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Bill 108 ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

Bill 197 ~ amending legislation to the *Provincial Offences Act* which in 2020 added additional expansion of remote court functions.

City ~ The Corporation of the City of Windsor, a single tier municipality continued as such under the *Municipal Act, 2001*

Council ~ the elected City of Windsor Municipal Council

CAMS ~ A Collection Agency Management System installed in 2014 used to track, record and document newly issued as well as defaulted fines.

CBV ~ CBV Collections Services, LTD, one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Early Resolution ~ used to be known as First Attendance early resolution, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

Gatestone ~ Gatestone & Co International Inc., one of the registered collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

ICON ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

ISA ~ the Intermunicipal Court Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

Liaison Committee ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

LSA ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

MAG ~ the Ministry of the Attorney General for the Province of Ontario

MOU ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

MBNCanada (previously OMBI) ~ The Municipal Benchmarking Network Canada (MBNCanada) is a groundbreaking initiative collecting data for more than 850 measures across thirty-seven (37) municipal service areas

Part I ~ that portion of the POA dealing with ticketing procedures for non-parking matters

Part II ~ that portion of the POA dealing with ticketing procedures for parking matters

Part III ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

POA ~ *Provincial Offences Act* (Ontario)

POA Court ~ referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

POA Office ~ the premises where the City executes the POA administration of justice functions

POA Program ~ the City's operational structure for the delivery of POA administration of justice functions

POA Transfer ~ the transfer by the province to the City of POA administration of justice functions

Serviced Municipalities ~ those 9 signatories to the ISA for which the City is the service provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

Transfer Agreement ~ contractual arrangement between the City and MAG where the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

Victim Fine Surcharge ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government