

Subject: 2021 Provincial Offences (POA) Annual Report - City Wide

Reference:

Date to Council: April 25, 2022
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Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

THAT the report of the Manager of Provincial Offences dated March 31, 2022 regarding the 2021 Windsor/Essex Provincial Offences (POA) Annual Report submitted for information be **BE NOTED AND FILED.**

Executive Summary:

The 2021 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.

Background:

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. The transfer included court support and administrative functions, and the prosecution of ticketable provincial offences.

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. The

bulk of the POA Program's revenues are generated from fines received as a result of persons violating legislation.

Discussion:

The 2021 Annual Report (attached as Appendix A) will detail the following:

1. The operational functions of POA;
2. POA's caseload and charging document volumes for 2021 compared year over year;
3. Defaulted POA fines enforcement in conjunction with active collection efforts, and;
4. The financial results and distributions for 2021.

In 2021, the Windsor/Essex Provincial Offences (POA) department continued to operate effectively and provide court services activities and various types of court proceedings (remand/first appearance court, early resolution court and trial court) for the public.

The POA team members had an ambitious task of getting through the backlog of POA work but they were up for the task and worked diligently throughout the year to support continued court operations. We tackled the backlog of court matters and ramped up collections activities once the POA timelines were reinstated. Despite the numerous pandemic obstacles, we ended the year in a net revenue surplus position and continued to provide exceptional service to the public to ensure they had equal access to Justice.

In 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 tickets.

Recognizing that POA has little to no control over charging volumes, considerable efforts and resources were directed towards collections once the POA timelines were reinstated. We continued to collect fine payments through execution of writs, municipal tax roll, garnishment of wages, 3rd party collections and Service Ontario.

Regardless of how effective the active collection efforts are, there still remains a significant number of outstanding fines. As of December 31, 2021, there were approximately 71,801 records of unpaid fines for a total outstanding amount of \$43,612,203. This amount is not just a Windsor issue; it's a province wide concern. The vast majority of these outstanding fines have been outstanding for more than a decade,

and in many cases relate to corporations that are no longer operating, individuals that cannot be traced and may be deceased, and out of country residents.

Many of these are older fines and all reasonable measures to collect have been made. 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 is 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.

Risk Analysis:

There are no significant risks identified

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The Provincial Offences program ended the year with a net operating income of \$594,933. This was an increase from the prior year, however, we are not back to pre pandemic levels.

Since the local POA Transfer date of March 5, 2001 through to the end of the subject reporting year, this area's POA Program has realized total combined net revenues of \$47,802,000.

In accordance with the approved weighted assessment formula for 2021, distributions of net operating results over the course of the subject year resulted in \$294,144 allocated to the City of Windsor, and \$300,789 allocated to the County and Pelee.

It is noted that in 2020, each municipality received Municipal COVID Relief Funding from the Province to mitigate against the negative financial impacts of COVID-19 including, amongst others, such items as the loss of POA revenues.

Although the City of Windsor again received a COVID-19 Safe Restart Municipal funding allocation in 2021, the opportunity to apply for further funding for 2021 is unknown at the time of writing. The Safe Restart Funding allows the City of Windsor and each municipality the same opportunity to offset COVID-19 related POA revenue shortfalls.

POA reported an estimated deficit of \$300,000 in 2021 from Covid-19. Using the weighted assessment formula rates, this means the total estimated Covid-19 variance was \$606,777, of which \$306,777 would be attributed to the County and Pelee.

Consultations:

This annual report was provided to the Liaison Committee members at the meeting held on March 31, 2022, and was unanimously approved. Members were encouraged to bring this report to their respective council members for communication.

Conclusion:

Despite another challenging year, the POA team worked diligently throughout the year to support continued court operations and ended the year in a net revenue position.

In 2022, the department will move to its permanent public space, which includes modernized courtrooms with the ability to host hybrid court and AODA compliant wickets and meeting rooms to serve the public. We anticipate and look forward to continued legislated changes aimed at modernizing the provincial offences court system.

Planning Act Matters:

N/A

Approvals:

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Shelby Askin-Hager	Commissioner Legal & Legal Services
Joe Mancina	Acting Chief Administrative Officer

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Appendices:

- 1 Appendix A-2021 POA Annual Report