

Windsor/Essex Provincial Offences (POA) Annual Report

2021

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.

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2022

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MESSAGE TO OUR MUNICIPAL PARTNERS

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.

Some of the key highlights include:

- Despite continuous challenges brought about by the Pandemic and suspension of POA timelines for the first two months of the year, we were able to end the year in a net revenue position.
- Red Light Cameras (RLC) were installed at 10 different locations in Windsor to continue to promote safety on our roads.
- Legislative changes experienced from the initiation of Bill 177, specifically clerk review reforms, was enacted which shifted administrative Justice duties such as approval of extension of times to pay and convicting fail to respond to the clerks of the court. This change has allowed POA to process court paperwork in a more expedient manner.
- The POA staff moved to their permanent administrative area in the 400 building located at the City Hall campus.

In 2022, the department will move into its permanent public space which includes modernized courtrooms with the ability to host hybrid court (in person and virtual simultaneously) and AODA compliant wickets and meetings rooms to serve the public. Additional Bill 177 changes are expected to be implemented which will allow staff to have greater control over administrative court paperwork. We will also focus on transitioning to our long term home within the City Hall campus and implementing in person courtroom activity since the halt of in person courts in March of 2020. 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 three times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2021 commenced January 1, 2022 and expires December 31, 2026.

In June of 2021 the POA Program's administrative staff moved to the City Hall Campus located specifically at the 400 City Hall Square building in suite 404B and 404C. This new permanent location for staff has been a welcome change and will allow us to serve the public more effectively by being housed in a building with other City, Provincial and Federal services.

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 prior to the pandemic. At the time of writing this report the Leamington courthouse operations has not commenced. The proceedings that would typically be held in Leamington are being held virtually in Windsor courts. Leamington POA 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. Due to changes enacted by Bill 177, court administration, as clerks of the court, are able to review and approve extensions of time to pay and convict fail to respond matters as of November 1, 2021.

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. Due to changes enacted by Bill 177, court clerk reporters, as clerks of the court, are able to convict 9.1.b convictions for fail to respond individuals in an early resolution setting.

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 2021 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

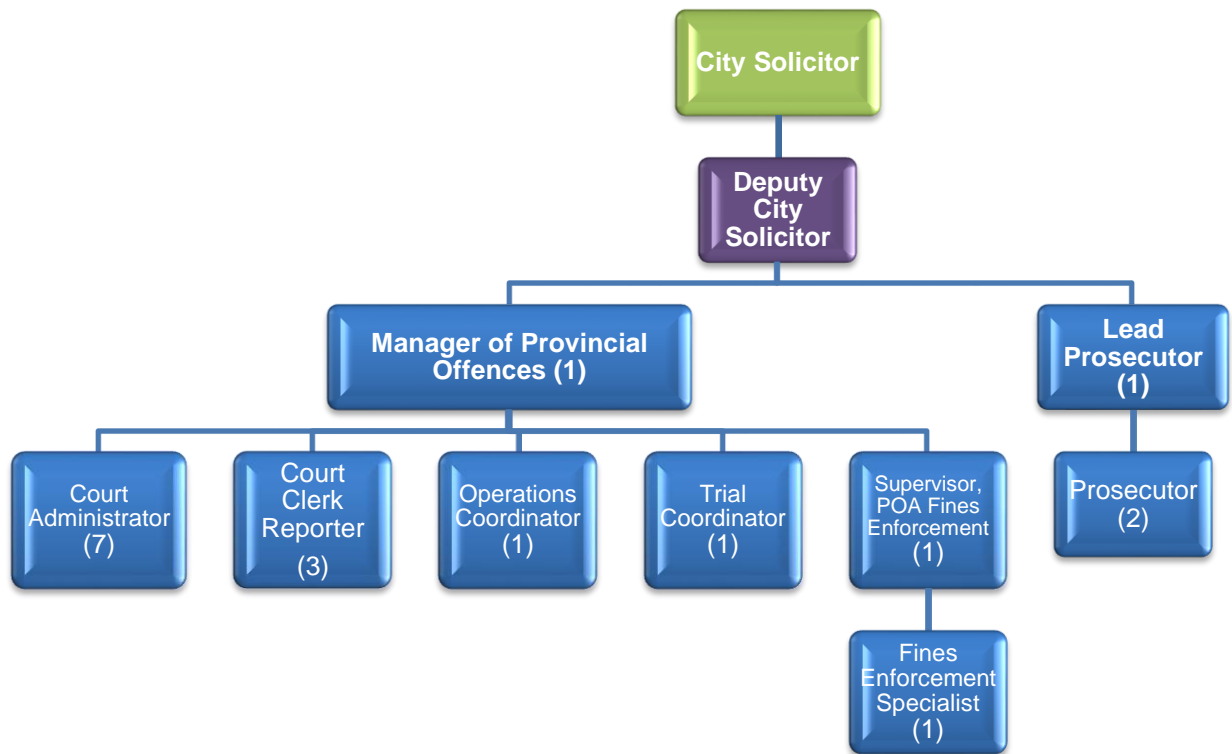
POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Superior Court of Justice; for sending out 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 and Deputy 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 2021, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Tracey Prince	Treasurer
Essex (County)	Sandra Zwiers	Director of Financial Services/Treasurer
Essex (Town)	Kate Giurissevich	Treasurer
Kingsville	Ryan McLeod	Director of Financial & IT Services
Lakeshore	Justin Rousseau	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Peele	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 2021, there were two meetings that were held on the following dates and locations:

Date

March 31, 2021

October 14, 2021

Location

Remote Meeting through Zoom

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 2021, the POA Program took in a total of 20,701 charging documents, for a monthly average intake of approximately 1,725 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	2021	% Chg. YTD '21 vs. '20	2020	% Chg. YTD '20 vs. '19
Windsor Police	10,686	-14.2%	12,454	-19.4%
Ministry of Transportation	1,315	-21.5%	1,676	-12.0%
Windsor Police-Amherstburg	519	-32.0%	763	-59.3%
Essex OPP	3,451	61.0%	2,143	-17.4%
Tecumseh OPP	266	-68.9%	855	-16.7%
Leamington OPP	787	-47.4%	1,495	19.5%
Lakeshore OPP	527	-42.2%	912	-31.1%
Essex Town OPP	166	-57.4%	390	-44.0%
Kingsville OPP	330	-66.4%	983	-17.1%
LaSalle Police	665	-54.6%	1,465	21.3%
Essex Detachment Heat Unit	8	-89.7%	78	-58.1%
Canadian Pacific Rail Police	614	354.8%	135	26.2%
Ministry of Natural Resources	202	-31.8%	296	96.0%
Windsor Fire Department	18	-50.0%	36	-42.9%
Casino OPP	6	0.0%	6	-76.9%
Windsor Essex County Health Unit	199	145.7%	81	17.4%
Windsor Bylaw	129	34.4%	96	-47.8%
Ministry of Finance	7	133.3%	3	N/A
Ministry of Labour	91	911.1%	9	-94.2%
Ministry of Environment	73	1360.0%	5	-90.7%
Lakeshore Fire	3	50.0%	2	-50.0%
Humane Society – Windsor	0	-100.0%	3	-76.9%
Amherstburg Bylaw	18	-14.3%	21	16.7%
Amherstburg Fire Department	4	300.0%	1	#DIV/0!
Lakeshore Bylaw	4	100.0%	2	-75.0%
Canadian Heritage Parks	27	0.0%	27	170.0%
OPP-Traffic Mgt/Ride London	28	7.7%	26	#DIV/0!
Kingsville Bylaw	7	N/A	0	N/A
Ontario Motor Vehicle Industry Council	47	-20.3%	59	293.3%
Kingsville Fire	1	N/A	0	N/A
Leamington Bylaw	70	366.7%	15	200.0%
London-Heat Unit	4	N/A		
Alcohol & Gaming Commission	9	N/A		
Tecumseh Bylaw	12	1100.0%	1	N/A
Public Health Agency of Canada	406	100.0%		
Ministry of Agriculture & Food	2	-66.7%	6	200.0%
TOTALS	20,701	-14.0%	24,065	#DIV/0!
Average Mthly Charging Volumes	1,725		2,005	

EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial decrease in charges filed in 2021 even compared to the first pandemic year of 2020. Windsor ended the year with 20,518 charges which is a -16.3% decrease in charges compared to 2020. The provincial total was 15.7% more than 2020. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed. It is speculated that Red Light Camera (RLC) offences and Automated Speed Enforcement (ASE) charges significantly impacted the large increase in the Provincial average for 2021.

Table C2: 2021 CHARGING VOLUME COMPARATOR

Agency	2021 YTD	% Change '21 vs. '20	2020 YTD	% Change '20 vs. '19	2019 YTD	% Change '19 vs. '18
Windsor	20,518	-16.3%	23,867	-22.9%	29,336	16.3%
Barrie	46,669	1.1%	46,134	-28.7%	59,354	10.5%
Durham	79,640	12.5%	69,672	28.6%	49,743	-7.9%
Hamilton	88,514	0.5%	88,057	3.3%	85,158	5.1%
London	24,443	-3.2%	25,231	-32.0%	33,296	-11.2%
Niagara	26,393	-3.5%	27,308	-28.2%	35,000	12.5%
Ottawa	158,478	21.6%	124,323	18.5%	101,361	2.6%
Thunderbay	13,495	2.7%	13,135	-23.8%	16,267	-4.8%
Toronto	580,460	31.7%	396,544	17.5%	327,084	-4.5%
Waterloo	43,289	-3.4%	44,746	-2.6%	45,897	-11.9%
York	106,346	5.8%	100,126	-38.7%	138,858	-7.5%
Brampton	77,315	38.9%	47,221	-38.8%	65,525	-8.5%
Brantford	8,749	2.7%	8,512	-13.9%	9,693	-15.2%
Caledon	32,954	19.0%	26,692	-21.6%	32,465	-3.0%
Chatham	9,523	-51.5%	14,429	-27.8%	18,445	57.4%
Guelph	13,513	-4.8%	14,155	-37.9%	19,526	-0.4%
Lambton	9,221	0.2%	9,206	-15.4%	10,624	-7.5%
Provincial	1,650,915	15.7%	1,391,357	-9.7%	1,478,986	-3.3%

Operational Statistics

In addition to having accepted and dealt with the filings of over 20,000 charges over the course of the year and despite virtual courts providing some significant obstacles that slow down court proceedings (technical difficulties, repetitive information provided to each participant) the POA Program processed approximately:

- 6,572 Early Resolution meetings (Part I)

- 46,883 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. This suspension of timelines lasted from March of 2020 until February 26, 2021. The months of backlog was difficult to get through, however, by the end of 2021 the POA team was able to get caught up to a point where we were only 1 month behind in suspending licenses. There was a significant decline in revenue collected in the year due to the impact of the suspended POA timelines for an extended period of time.

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

We recognize the fact that the POA department has little to no control over charging volumes therefore considerable efforts and resources are redirected towards implementing an active and aggressive collection model and procedures. These include an increased focus on adding fines to municipal taxes, garnishment of wages and the use of three collection agencies. While old fines were not significantly affected by the suspension of POA timelines, any new fines were precluded from being collected on until after February 26, 2021. At that time efforts were made to get through the backlog of outstanding fines, suspend the licenses of those defendants when warranted, and continue robust collection efforts on these new fines. 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 continued to be a supplementary collection tool to utilize in 2021. An additional 16 accounts were added in 2021 and we collected \$18,174 through this method of collection in 2021.

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 2021 we also collected \$33,289 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing garnishments efforts in 2022 to bring garnishment revenue back to pre-pandemic levels.

3rd Party Collections

On July 1, 2021 changes to our 3rd party collection vendors was made as a result of an RFP issued in late 2020. Three collection agencies, General Credit Services, International Credit Experts and Gatestone, were procured. Table D-1 summarizes the year over year results of third party vendor collection of POA fines.

Table D-1: Third Party Agency Collection Summary- Year Over Year Comparison			
Description	As of December 31, 2021	As of December 31, 2020	Increase/ (Decrease)
Revenues Collected from Third Party Agencies	\$547,914	\$539,990	\$7,924

There was an increase of \$7,924 in collected revenue from Third Party Agencies in 2021 compared to 2020. With the new 3rd party collections vendors procured in July we expect an increase in third party collections in 2022 as the old cases were redistributed to new agencies in 2021. Revenue from 3rd party collections represents approximately 11% of overall revenue collected in the year.

Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation (MTO) whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2021, 1,320 fines were collected at MTO through this

program. From these payments, revenue of \$389,183 was received. Collection at Service Ontario significantly increased in the latter part of 2021 once the suspension of POA timelines was released and suspension of license lists were processed. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

In February of 2022, the provincial government made a decision to eliminate the costs associated with renewing license plates. Plates will still need to be renewed every one or two years — to ensure car insurance and any outstanding tolls or municipal fines are paid — but it will be free to do so with no sticker required. The full impact of this decision cannot be quantified at this time but it is assumed that it will cause a decrease on the number of offences issued for expired plates and will cause a delay in the requirement for people to pay their fines.

Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there 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 \$43,612,303. (See Table D-2 for further details). The significant number of outstanding fines is not just a Windsor specific issue, it is experienced province wide.

Table D-2: Number of Unpaid Fines				
Description	2021		2020	
	#	% Change	#	% Change
Pre-Transfer	28,689	-1.9%	29,257	-1.3%
Post- Transfer	43,112	1.7%	42,410	1.5%
Total	71,801	-0.3%	71,667	0.2%

Table D-3: Dollar Value of Unpaid Fines				
Description	2021		2020	
	#	% Change	#	% Change
Pre-Transfer	\$5,154,148	-4.9%	\$5,419,160	-1.5%
Post- Transfer	\$38,458,155	-5.6%	\$40,748,833	1.9%
Total	\$43,612,303	-10.5%	\$46,167,993	0.4%

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 2021 the net profit was allocated as follows:

County Contribution	50.290%
Pelee Contribution	0.268%
<u>City of Windsor Contribution</u>	<u>49.442%</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	2021 Actuals (\$)	2020 Actuals (\$)	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)
Revenue:					
Court Fines	\$ 4,757,901.00	\$ 4,001,907.00	\$ 6,349,877	\$5,512,531	\$5,490,364
User Fees	\$ -	\$ -	-	159	-
By-Law Fines	\$ 21,728.00	\$ 22,401.00	53,198	43,890	42,192
TOTAL REVENUE	\$ 4,779,629	\$ 4,024,308	\$ 6,403,075	\$5,556,580	\$5,532,556
% Inc./(Dec.) YOY	19%	-37%	15%	0.43%	-12.38%
Expenditures:					
Salaries & Wages	1,824,393	1,845,637	1,850,825	1,811,772	1,710,070
Administrative Overhead	318,446	277,888	354,341	354,957	374,992
Materials & Services	347,615	347,280	378,267	365,545	356,411
Provincial Charges	1,378,242	981,033	1,589,165	1,444,503	1,446,084
Facility Rental	316,000	328,315	308,389	328,495	332,889
TOTAL EXPENDITURES	\$ 4,184,696	\$ 3,780,153	\$ 4,480,987	\$4,305,272	\$4,220,446
NET SURPLUS	\$ 594,933	\$ 244,155	\$ 1,922,088	\$1,251,308	\$1,312,110
% Inc./(Dec.) YOY	144%	-87%	54%	-4.63%	-34.20%

TABLE E-2 depicts the POA Program's operating results for 2021, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$594,933.

Table E-2: 2021 Provincial Offences Financial Summary - As of December 31, 2021

Acct. #	Account Description	Product #	Account Description	2021 Budget A	2021 Actuals B	Surplus/ (Deficit) C (A-B)
REVENUES						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 4,755,991	\$ 1,168,009
6485	Bylaw Fines - Courts	5115	Red Light Camera (RLC)	\$ 900,000	\$ -	
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	21,728	\$ 36,365
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	1,910	\$ 13,090
TOTAL REVENUES				\$6,897,093	\$ 4,779,629	\$ 2,117,464
EXPENSES						
Salary & Benefits						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,426,940	\$ 1,303,895	\$ 123,045
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	(1,309)	\$ 2,309
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,549	77,236	\$ (51,687)
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	1,656	\$ (1,656)
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	-	\$ -
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	-	\$ -
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	(109)	\$ 109
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	748	\$ (748)
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	-	\$ -
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	474,980	442,276	\$ 32,704
Total Salary & Benefits				\$1,928,469	\$ 1,824,393	\$ 104,076.00
Materials & Services						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ -	\$ 3,420
3176	Facility Operations - Internal	5355	Caretaking	62,124	62,000	\$ 124
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	2,500	431	\$ 2,069
2920	Legal Services	5115	STD - Provincial Offences	3,000	2,888	\$ 112
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	17,265	\$ (1,845)
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	-	-	\$ -
2980	Contracted Services	5115	STD - Provincial Offences	540,000	1,034	\$ 538,966
2995	Other Purchased Services	5054	Language Line	4,000	4,037	\$ (37)
Total Materials & Services				\$ 898,624	\$ 347,615	\$ 551,009

Table E-2: Continued

Administrative Overhead						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,500	\$ 11,189	\$ 5,311
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	36,044	\$ (7,484)
2070	Outside Printing	5115	STD - Provincial Offences	12,000	14,026	\$ (2,026)
2085	Publications	5115	STD - Provincial Offences	18,500	11,372	\$ 7,128
2610	Travel Expense	5115	STD - Provincial Offences	3,000	-	\$ 3,000
2620	Car Allowance	5115	STD - Provincial Offences	2,500	786	\$ 1,714
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	7,160	315	\$ 6,845
2711	Cell Phones	5115	STD - Provincial Offences	950	1,009	\$ (59)
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	1,332	\$ 2,668
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	316,000	\$ 12,315
3210	Building Insurance	5115	STD - Provincial Offences	1,968	1,968	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	1,012	1,012	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	7,264	\$ 1,636
4050	Training Courses	5115	STD - Provincial Offences	4,174	-	\$ 4,174
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	22	\$ 2,478
4540	Bank Charges	5115	STD - Provincial Offences	59,500	74,244	\$ (14,744)
4560	Collection Charges	5115	STD - Provincial Offences	185,900	77,641	\$ 108,259
5125	Computers - PCs	5115	STD - Provincial Offences	8,715	2,394	\$ 6,321
2925	Computer Maintenance	5115	STD - Provincial Offences	18,360	19,780	\$ (1,420)
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	7,100	15,079	\$ (7,979)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	13,400	15,200	\$ (1,800)
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	12,000	27,769	\$ (15,769)
Total Administrative Overhead				\$ 745,014	\$ 634,446	\$ 110,568
Provincial Charges						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 40,365	\$ 16,190
2950	Other Professional - External	5507	Adjudication Services	390,000	414,459	\$ (24,459)
2950	Other Professional - External	5510	Prosecution Fees	49,050	57,783	\$ (8,733)
2950	Other Professional - External	5511	Quality Assurance	45,748	44,594	\$ 1,154
2950	Other Professional - External	5116	Victim Fines	1,010,500	739,034	\$ 271,466
2950	Other Professional - External	5508	Dedicated Fines	65,000	82,007	\$ (17,007)
Total Provincial Charges				\$1,616,853	\$ 1,378,242	\$ 238,611
TOTAL EXPENSES (BEFORE COST SHARING)				\$5,188,960	\$ 4,184,696	\$ 1,004,264
Total Net Operating Revenue				\$1,708,133	\$ 594,933	\$ 1,113,200
RECONCILIATION						
Cost Sharing Payments						
4295	County Contribution (50.291%)	5115	STD - Provincial Offences	\$ 670,764	\$ 299,196	\$ 371,568
4295	Pelee Contribution (0.268%)	5115	STD - Provincial Offences	3,663	1,593	2,070
Total Cost Sharing Payments				\$ 674,427	\$ 300,789	\$ 373,638
Balance to City of Windsor (49.442%)				\$ 692,309	\$ 294,144	\$ 398,165
Total Net Operating Revenue				\$1,366,736	\$ 594,933	\$ 771,803

Note: 2021 Budget was based on 2020 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 2021, this Area's POA Program has realized total combined net revenue of approximately \$47,802,000. 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
2021	33.1	26.4	35.0	51.1	72.9	36.7	44.0	1.6	294.1	594.9
Total	2,452	2,014	2,303	4,332	3,391	2,726	3,586	132	26,866	47,802

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 2021, 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	2021 Budget	Q1 Jan-March	Q2 April - June	Q3 July- Oct	Q4 Nov - Dec	2021 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 854,427.00	\$ 97,576.27	\$ 40,424.41	\$ 204,278.43	\$ (41,490.18)	\$ 300,788.93	\$ (553,638.07)
Net City of Windsor Revenue				\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
TOTAL				\$ 1,708,133.00	\$ 192,996.89	\$ 79,955.76	\$ 404,043.96	\$ (82,063.75)	\$ 594,932.85	\$ (1,113,200.15)
<u>Allocation/Payment Summary</u>										
Amherstburg	2,540,618,346		11.20%	\$ 93,997.78	\$ 10,734.62	\$ 4,447.20	\$ 22,473.21	\$ (4,564.44)	\$ 33,090.59	\$ (60,907.19)
Essex	2,026,952,642		9.03%	\$ 74,993.18	\$ 8,564.28	\$ 3,548.06	\$ 17,929.55	\$ (3,641.60)	\$ 26,400.29	\$ (48,592.89)
Kingsville	2,690,022,145		11.62%	\$ 99,525.42	\$ 11,365.88	\$ 4,708.72	\$ 23,794.77	\$ (4,832.86)	\$ 35,036.51	\$ (64,488.90)
LaSalle	3,924,872,746		16.82%	\$ 145,212.41	\$ 16,583.38	\$ 6,870.25	\$ 34,717.73	\$ (7,051.38)	\$ 51,119.97	\$ (94,092.44)
Lakeshore	5,594,791,852		24.18%	\$ 206,996.06	\$ 23,639.12	\$ 9,793.34	\$ 49,489.11	\$ (10,051.54)	\$ 72,870.03	\$ (134,126.03)
Leamington	2,818,032,383		12.02%	\$ 104,261.54	\$ 11,906.75	\$ 4,932.79	\$ 24,927.10	\$ (5,062.84)	\$ 36,703.80	\$ (67,557.74)
Tecumseh	3,376,248,990		15.13%	\$ 124,914.43	\$ 14,265.33	\$ 5,909.92	\$ 29,864.84	\$ (6,065.73)	\$ 43,974.36	\$ (80,940.08)
Total County	22,971,539,104	50.291%	100.00%	\$ 849,900.82	\$ 97,059.38	\$ 40,210.26	\$ 203,196.30	\$ (41,270.39)	\$ 299,195.55	\$ (550,705.27)
Pelee	122,335,815	0.268%		\$ 4,526.18	\$ 516.89	\$ 214.14	\$ 1,082.13	\$ (219.79)	\$ 1,593.38	\$ (2,932.80)
Windsor	22,583,686,651	49.442%		\$ 853,706.00	\$ 95,420.62	\$ 39,531.35	\$ 199,765.53	\$ (40,573.58)	\$ 294,143.92	\$ (559,562.08)
TOTAL	45,677,561,570	100.0%		\$ 1,708,133.00	\$ 192,996.89	\$ 79,955.76	\$ 404,043.96	\$ (82,063.75)	\$ 594,932.85	\$ (1,113,200.15)
Total County & Pelee	23,093,874,919	50.6%								
County	99.47%									
Pelee	0.53%									

Notes:

2021 Budget was based on 2020 WA rates as that was the only available information at the time of budget preparation.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 2021	\$91,632.95	\$492.17
Q2	N/A	\$0.00	\$0.00
Q3	N/A	\$0.00	\$0.00
Q4	February 2022	\$207,562.60	\$1,101.21
TOTAL		\$299,195.55	\$1,593.38

Due to the volatile pandemic environment and the uncertainty of revenue generation, the second and third quarter payments were put on hold. Upon final reconciliation of the program in February of 2022 the final revenue was distributed to county partners.

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