

City of
Peterborough

Provincial Offences Act Collection and Write-Off Policy

Department:	Corporate Services
Division:	Financial Services
Section/Function:	N/A
Approval Level:	Council
Effective Date:	2016-06-27
Revision #:	1

1.0 Purpose

1.1. The purpose of this Policy is to:

- a) Provide for the responsible, systematic and efficient collection and Write-Off of uncollectible Provincial Offences Act (“POA”) Defaulted Fines.
- b) Ensure that uncollectible POA Defaulted Fines are written-off in a timely and consistent manner.

1.2. This Policy and the related Provincial Offences Act Collection and Write-Off Procedure are established in accordance with the **Provincial Offences Act** (“Act”) and the Ministry of the Attorney General’s (“MAGs”) Write-Off Directive and Operating Guideline.

2.0 Application

2.1. This Policy and the related Procedure apply to:

- a) All staff involved with or responsible for the collection and Write-Off of POA Defaulted Fines.
- b) All Debtors who have current or defaulted POA Fines.
- c) All Defaulted Fines that the City is responsible for collecting under the authority of the Act.

3.0 Definitions/Acronyms

Aged Fine – A minimum of 10 years has elapsed from the due date established by the Ontario Court of Justice.

City – The Corporation of the City of Peterborough

Collection Agency Cost (“CAC”) – A fee charged to the Debtor to offset the collection agency cost charged by a collection agency.

Company in Default – The company has been sold and the new owner is not responsible for the debt, or confirmation has been received that the company has been legally terminated by the government in which the company was incorporated, or the company has filed for bankruptcy.

Debtor – A person or organization that owes a sum of money.

Deceased Person – A Death Certificate or proof of death is files. In the case where a death certificate is not available, an obituary or Ministry of Transportation notification are also acceptable as proof of death.

Defaulted Fine – A fine that remains unpaid after the prescribed due date established by the Ontario Court of Justice.

Integrated Court Offences Network (“ICON”) – The system owned and operated by the Ministry of the Attorney General for the administration of POA charges.

Provincial Offences (“POA”) – Offences under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature and includes such offences but is not limited to:

- **Highway Traffic Act** offense such as speeding, careless driving, or not wearing your seatbelt.
- **Compulsory Automobile Insurance Act** offences such as driving with no insurance, failing to surrender your insurance card or possessing a false or invalid insurance card.
- **Liquor License Act** offences such as being intoxicated in a public place or selling alcohol to a minor.
- **Trespass to Property Act** offences such as trespassing or failing to leave premises after being directed to do so.
- Municipal by-laws such as parking violations, noise, taxi, and licensing violations.
- All provincial ministry charges.

Provincial Offences Act (“Act”) - The Provincial legislation governing the administration and prosecution of provincial offences, municipal by-law infractions and certain federal laws.

Write-Off – Removal of an uncollectible Defaulted Fine from ICON and the cessation of collection activity.

4.0 Policy Statement(s)

- 4.1. The City will make all reasonable efforts to:
- a) Collect Defaulted Fines imposed under the Act.
 - b) Minimize the value of POA Defaulted Fines recommended for Write-Off.
- 4.2. The City will conduct its collection activities in accordance with the Act and its Provincial Offences Act Collection and Write-Off Procedure.
- 4.3. Once all reasonable efforts to collect a POA Defaulted Fine have been exhausted, Collection staff will recommend the POA Defaulted Fine for Write-Off in accordance with:
- a) The City's Provincial Offences Act Collection and Write-Off Procedure; and
 - b) Schedule A to this Policy – Authorization and Write-Off Levels
- 4.4. POA Defaulted Fines that are written-off by the City do not absolve the Debtor from the requirement to pay the outstanding Defaulted Fine and the debt will continue to be owed to the Ministry of the Attorney General until paid.
- 4.5. The City will:
- a) Ensure that the reasons for the Write-Off are transparent and justifiable.
 - b) Ensure equal treatment and effort are applied to the collection of all POA Defaulted Fines without regard to whether the resulting revenue will be retained by the City or remitted to a third party.
 - c) Retain necessary records after a POA Defaulted Fine is written-off to support the possible future reinstatement of collection efforts.
 - d) Provide an annual Write-Off report to the City Audit Committee and the Joint Services Steering Committee.

5.0 Appendix, Related Documents & Links

Note: All references refer to the current version, as may be amended from time to time.

5.1. Pertinent Resources:

- Provincial Offences Act
<https://www.ontario.ca/laws/statute/90p33>
- Ministry of the Attorney General's Write-Off Directive and Operating Guidelines
- Authorization and Write-Off Levels – Schedule "A"

5.2. Related Policies:

- N/A

5.3. Related Procedures:

- Provincial Offences Act Collection and Write-Off Procedure

5.4. Related Forms:

- N/A

5.5. Miscellaneous:

- N/A

6.0 Amendments/Reviews

Date (yyyy-mm-dd)	Section # Amended	Comments
2016-06-27	N/A	Provincial Offences Act Collection and Write-Off Policy approved by Council through Report CPFS16-002
2021-12-01		Revision #1 – No changes were made to the content of the Policy. Policy moved to updated Policy Template; (Section 2.0 moved to Section 4.0, Section 3.0 moved to Section 2.0, Section 4.0 moved to Section 3.0). Links in Section 5.1 - Pertinent Resources have been updated. Policy document format has been updated to become compliant with the Accessibility for Ontarians with Disabilities Act (AODA) Regulation 191/11 Integrated Accessibility Standards.

Next Review Date:	2021-01-01
--------------------------	-------------------