
TO: GENERAL COMMITTEE

SUBJECT: SHORTAGE OF JUDICIAL RESOURCES FOR PROVINCIAL OFFENCES ACT COURT SERVICES

WARD: ALL

PREPARED BY AND KEY CONTACT: R. BATES, MANAGER OF COURT SERVICES, EXT. 4432 AND D. MCALPINE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES, EXT. #4421

SUBMITTED BY: D. MCALPINE, CITY CLERK/DIRECTOR OF LEGISLATIVE AND COURT SERVICES

GENERAL MANAGER APPROVAL: P. ELLIOTT-SPENCER, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER

RECOMMENDED MOTION

1. That a letter be sent to the Premier and the Ministry of the Attorney General requesting that the Ministry immediately provide additional Justices of the Peace in the Central East Region, particularly Barrie and Orillia Court Service Areas to ensure timely access to justice with respect to Provincial Offences Act administration.
2. That a copy of the letter be sent to the Association of Municipalities of Ontario, Ann Hoggarth, Member of Provincial Parliament Barrie, Regional Senior Justice of the Peace, Brian Norton and the municipalities within the Barrie and Orillia Court Service Areas. (LCS020-16) (File: J00)

PURPOSE & BACKGROUND

Purpose

1. The purpose of this staff report is to advise members of Council of the substantial reduction in the available Justice of the Peace resources in the Barrie and Orillia Court Service Areas and the impact associated with the lack of judicial resources. In addition, authorization is being sought to send a letter to the Province expressing The Corporation of the City of Barrie's concerns with respect to the lack of judicial resources.

Background

2. The *Provincial Offences Act* (POA) establishes procedures for administering and prosecuting provincial offences that exist within Provincial legislation. Provincial offences are regulatory (non-criminal) charges, primarily laid by the police and by-law enforcement staff, including those committed under the Highway Traffic Act, Compulsory Automobile Insurance Act, Liquor Licence Act, Trespass to Property Act and City by-laws.

3. The City of Barrie is responsible for the administration of Provincial Offences Operations for the Barrie Court Service Area and the Orillia Court Service Area, representing all of the municipalities within the geographic boundaries of Simcoe County. The City of Barrie, as Court Services Manager, operates court facilities as follows:

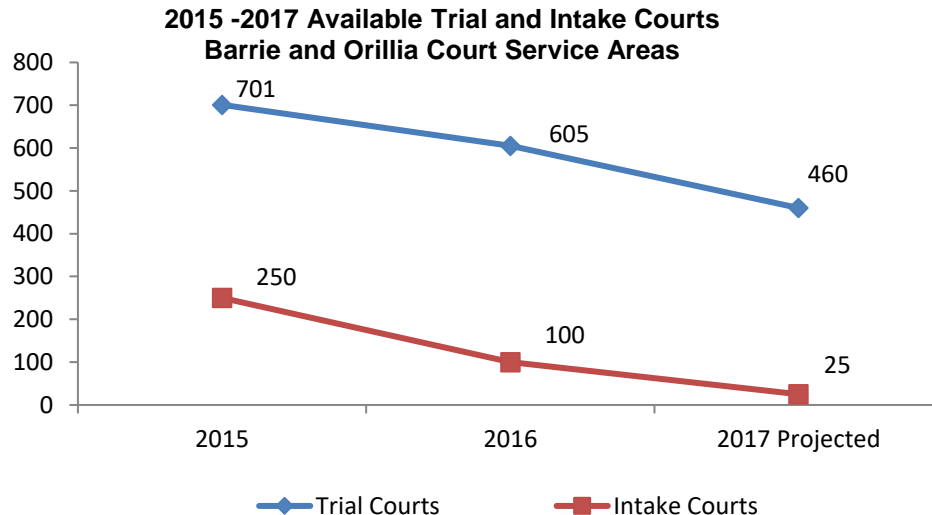
Barrie Court Service Area:	Barrie	Wasaga Beach
	Churchill (Innisfil)	Collingwood
Orillia Court Service Area:	Orillia	Penetanguishene

4. The Memorandum of Understanding between the City and the Province of Ontario under which the City assumed responsibility for court operations, provides the Province with sole discretion to control the supply and allocation of Justices of the Peace resources. Justices of the Peace carry out a wide range of duties including presiding in criminal and regulatory proceedings in courts.
5. Adequate judicial resources are critical to support services within the Provincial Offences courts for the Barrie and Orillia Court Service Areas. The loss of court time affects the enforcement of Provincial Offences such as offences related to environmental protection, worker safety, public health, fire prevention, building safety, consumer protection and traffic safety.

ANALYSIS

6. Prior to 2016, City of Barrie Provincial Offence Act Court (POA) operations were operating with adequate judicial resources and the number of available courts was not negatively impacted. The only court closures were dedicated summer vacation weeks and judicial training seminars.
7. However, beginning in late 2015/early 2016, a substantial number of trial courts and intake days were reduced due to a lack of judicial resources. Decreased judicial resources result in:
- Reduction in access to justice/access to justice in a timely fashion;
 - Very frustrated defendants who need to return to address their POA matters in court on another day;
 - Delays in approval of extensions of time to pay fines (including some where individual defendants may be under suspension);
 - Delays for defendants who are trying to "re-open" their matter (conviction) so they can have their day in court (some of which are under suspension);
 - Reduced dates available for enforcement officers to swear Part III matters before the Justice of the Peace;
 - An increase in the time to trial;
 - A substantial increase in the workload for Court Services staff adjourning matters on the docket, adding the matters to other court lists, re-filing of charging documents, and preparing new court dockets;
 - The potential for charges to be withdrawn or lost due to trial delays; and
 - Decreased net revenues.

8. Below is a representation of the anticipated number of trial courts and public/enforcement intake courts related to the lack of judicial resources:



9. Available judicial resources in Central East Region are at 67% of the approved complement and that does not take into consideration the loss of resources related to illnesses, vacations, bereavement days or required judicial office days. At a meeting held on November 9, 2016, Regional Senior Justice of the Peace, Brian Norton indicated that additional court closures can be expected in the Central East Region (CER) for upwards to the next 15-17 months, especially in the Barrie/Orillia area.
10. Recruitment efforts are currently underway for 8 new Justices of the Peace for Central East Region. However, due to the time it takes to train new Justices of the Peace, it will be 2018 before there will be any relief seen from the ongoing additional last minute court closures if there are no additional changes to the judicial complement.

ENVIRONMENTAL MATTERS

11. There are no environmental matters directly related to the recommendation:

ALTERNATIVES

12. The following alternative is available for consideration by General Committee:

Alternative #1

General Committee could choose not to send a letter to the Province of Ontario with respect to the substantial decline in judicial resources for Provincial Offences Act court related matters.

This alternative is not recommended as there is a need to ensure that the Province is aware of the crisis situation in the Central East Region that is impacting the Province’s obligations under the Memorandum of Understanding.

FINANCIAL

13. The lack of judicial resources will have an impact on revenues from Provincial Offences that are collected by the City on behalf of the Barrie and Orillia Court Service Area partners. Diminished judicial resources result in either a delay in the collection of fines or potentially prevent the imposition of fines in charges where the trials can't be held within an acceptable time frame.
14. Only a court can convict or acquit a person for a Provincial Offences, and while the adverse revenue impacts may be significant, they are secondary to the concern that enforcement may be impacted for all Provincial and Municipal laws directed at health, safety and the protection of the public.

LINKAGE TO 2014-2018 STRATEGIC PLAN

15. The recommendation(s) included in this Staff Report are not directly related to the goals identified in the 2014-2018 Strategic Plan.