

Provincial Offences Court Administration Costs





Why this is important

Since the late 1990's, Ontario's municipalities have been administering Provincial Offences Courts for non-criminal offences. While Ontarians are much more likely to interact with these courts than with any criminal court, municipal courts continue to face significant operational challenges due to outdated regulatory, revenue, and procedural frameworks. Even as municipalities transition to the Administrative Penalty system for less-serious infractions, there continue to be challenges collecting fines outside of court.

Municipalities require provincial support and collaboration to improve court operations, streamline fine collections and ensure fair and consistent enforcement of the law.

The details: Court administration costs

Since the download of Provincial Offences Court administration to municipalities over two decades ago, there have been few updates to the provincial frameworks governing court operations.

The fees payable to municipalities for processing offenses have not kept up with rising costs. Ontario Regulation 945 for example, sets out the fees that courts may impose as part of a fine to cover court operations. O.Reg. 945 has not been updated in nearly 20 years, meaning that the fees that courts are allowed to charge are no longer reflective of the true costs. Similarly, O.Reg 679/92, which prescribes a \$40 late fee for unpaid fines, has not been updated since 2016 and this fee does not cover the costs of pursuing outstanding fine collections.

Beyond the outdated revenue framework, there are also operational challenges. All municipal courts are currently required to use the Integrated Court Offences Network (ICON) for tracking court cases. This system costs Guelph \$1.95 per case logged, and an additional \$22,000 per year in quality assurance fees.

Overall, municipal courts are facing fiscal sustainability challenges. In 2022, the average expenses for a small municipal court were 8 per cent higher than their revenues.

To ensure that municipal courts can continue sustainable operations without relying on municipal tax revenue, the City of Guelph calls on the Ministry of the Attorney General to:

- Increase fees payable under O. Reg. 945, and commit to a regular review and indexation of these fees to reflect inflation;
- Amend O. Reg 945 to add fees to cover the costs of collecting defaulted fines;
- Continue timely progress towards a new case management system which improves efficiency and reduces costs to municipalities.

The benefits



Effective and timely administration of non-criminal offences under the Provincial Offences Act.



Improved deterrence of non-criminal offences.



Increased public trust in the justice system.

The details: Collection of unpaid fines

Since 2022, municipalities have been able to impose fines under the Administrative Penalty (AP) system for less-serious traffic violations, such as parking tickets and camera-based traffic offenses. This framework allows for more efficient and faster processing of fines, and removes strain from the court system, which was previously the only avenue for issuing, processing, and disputing these fines.

Unfortunately, the current regulatory framework makes it challenging for municipalities to collect outstanding AP fines. Currently, AP fines that are more than 30 days late can only be collected by the Ministry of Transportation, which denies license plate renewal until the fine is paid. However, since plate renewals were made free by the province, the effectiveness of plate denial as an enforcement mechanism has been reduced from 80 per cent to 40 per cent, according to the Association of Municipalities of Ontario.

While this is one specific example, there are broader challenges to collecting unpaid fines issued by municipal courts. Municipal courts have various tools at their disposal to collect unpaid fines, including contracting third-party agencies, adding the fines to property tax rolls, or through litigation, however these are all resource-intensive and often costly options, and the cost of collections often exceeds the revenue from the fine.

As a result, there are currently around **\$12M** worth of unpaid fines in Guelph alone. Across the province, this number is closer to **\$2B**.

Consistent enforcement and collection of fines is essential to build trust in the court system and deter violations. To support these goals, the City of Guelph calls on the province to:

- Amend Ontario Regulation 355/22 to allow the concurrent collection of outstanding Administrative Penalties by both the Ministry of Transportation and the issuing municipality;
- Grant municipalities standardized access to data, such as drivers license information, to allow for the enforcement and collection of camera-based traffic infractions;
- Continue working with municipal court administrators and professional associations through the Collection Innovation Working Group to implement various options for streamlining fine collection.



1 Carden Street
Guelph, ON N1H 3A1

519-822-1260
TTY 519-826-9771

intergovernmental.relations@guelph.ca
guelph.ca

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