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MCMA Vision Statement

To work for the benefit of municipalities administering Provincial Offences Courts in Ontario;
To promote professional development and communication within the membership;
To provide leadership by advocating improvements to Federal and Provincial legislation and policies.

*Excellence in Courts
Administration*



MESSAGE FROM THE PRESIDENT



To the Members of the MCMA

Welcome to Kingston to the over 60 that had registered by the end of April. To those who were unable to attend, hopefully we will see you at the 2008 Conference held in Toronto.

Since our wonderful time in Thunder Bay last year, and the friendships that were strengthened there, the work in our offices continues to keep us occupied. Providing service to the public has been a challenge in many areas of the Province particularly where the continued shortage of justices of the peace assigned to POA courts occurred.

Explaining to persons attending at courthouses for either their trial or to see a justice of the peace in an intake court that no justice was available resulted in much hostility and unfortunately it was often borne by our hard working front line staff. Where courtrooms were closed ahead of having cases scheduled, the reduced capacity resulted in many court areas having an increase in time to trial and/or backlogs of cases to be scheduled. Some areas, regrettably, have also seen significant volumes of charges withdrawn given the inability to have matters heard within a reasonable amount of time. Last fall, our Association, together with others including the Municipal Law Directors Association, the Association of Municipal Clerks and Treasurer's and the Prosecutors Association all filed submissions with the Provincial committee that reviewed Bill 14: the Access to Justice Act. As we know, the Act has since been proclaimed. One of the highlights is the creation of a new Justice of the Peace appointments process. The announcement by the Provincial government in March, as part of the Provincial budget, includes four million dollars for an additional 30 justices of the peace. This will, in addition to the use of per diem justices of the peace should, in time, provide some relief. I continue to encourage the Province to focus on a succession plan that would avoid lengthy gaps that we see every time a retirement, or untimely departure, occurs. The important training that we know takes many months results in a loss of judicial capacity - and the first place affected is the POA court operation.

After a couple of delays, the long awaited work on streamlining began in the fall of 2006. On our behalf, we have many colleagues who have been working very, very hard in bringing forward our position of a variety of operational

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MCMA Board of Directors

Barry Randell-
President

Nicole Lamy-Vice
President

Brad Coutts-Past
President

Bill Bernard-
Treasurer

Norman Scarratt-
Policy Lead

Beverley Roy-
Professional
Development Lead

John Innes-
Operations Lead

Donna Anderson-
Secretary

*New Board to be
elected in
Kingston*

President's Message (continued)

issues and who continue to participate in working group meetings. They are all deserving of gold stars!

We continue to have the benefit of a number of court administrators that, as members of various MCMA committees and sub-committees, work on projects and issues. I would encourage everyone to make a commitment to be on at least one committee.....we have a teleconference account so you don't need to travel to contribute. Please consider this.

We will be holding elections leading up to our 2008 conference (May 25-28, 2008). Now is the time to have conversations in your regions leading up to voting on your regional Director before next spring. The Directors will then compose the new Board in 2008 and at conference will then vote on the Board Executive determining who will be President, Vice-President, Treasurer and Secretary. To my colleagues on the current Board, thank you very much for all you do to make our Association work.

Barry Randell, President



Thank You!!

Thanks to all of you who attended last year's Annual Conference in Thunder Bay.

A great time was had by all. Ahh, the memories – the bus rides, Prospector Steak House, the Terry Fox Lookout, scenic tours, persians, our conference coordinator - Sandy, pictures, gifts and... Oh right I forgot – the actual conference!!!

Sandy and I enjoyed every minute of the conference. It was only because of you being there that made it the best it could have been. We still reminisce about certain "memories" of the conference. Sandy and I take a look at the pictures - then we start laughing until we get tears in our eyes – what a blast!!

We hope that your memories are as enjoyable as ours. Thanks again for coming to Thunder Bay. See you all in Kingston!!!

Kathy and Sandy

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ACTION ITEM

POAIB – 105

New reporting still due by June 30th.

Revised POA Reporting Templates

The POA Municipal Partner Annual Performance and Progress Report is to be submitted to the Ministry on or before June 30, 2007.

The previous semi-annual/annual financial reports have been eliminated.



On behalf of the City of Kingston and the County of Frontenac, I would like to welcome the Municipal Court Managers Association to the "Limestone City" for their 8th Annual Conference.

As one of the oldest cities in Ontario and the Nation's first capital, the City of Kingston is rich in history offering settings of the nineteenth century at Old Fort Henry, a military fort during the reign of Queen Victoria from 1832. Kingston possesses a small-town charm combined with many "big-city" amenities.

While in Kingston we encourage you to visit the world famous 1000 Islands in the heart of the St. Lawrence Seaway. Take in breathtaking views of Kingston's harbours, charming ports of call and incredible skyline.

Kingston is a beautiful, vibrant city with a thriving downtown with plenty of shopping and industry. It is home to Queens University and many other unique and modern attractions for young and old. For more information on the various sites to visit while in Kingston, please see the 2007 e-Visitors Guide at the City of Kingston website, <http://tourism.kingstoncanada.com>.

The Provincial Offences Office was transferred to the City of Kingston in March 2000. It processes approximately 14,000 charges annually, servicing in excess of 20 enforcement agencies. The POA office is located at 279 Wellington St. in downtown Kingston just off the shores of Lake Ontario.

The City of Kingston is thrilled to host this year's Conference and extends best wishes to the MCMA for a productive and successful meeting. We hope your stay with us is both an enjoyable and memorable one.

Eldeen Murphy, POA Court Administrator

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On behalf of the general membership of MCMA, I wish to thank those members of the Board of Directors for all their hard work over the course of their term.

Barry Randell
President



Legislative Review Committee Report – 2007

***Provincial Offences Act* streamlining is underway!!!**

By: Robert Heuton

The Ministry of the Attorney General has established a working group to lead discussion on the streamlining of the *Provincial Offences Act*. The first round of meetings was held in October and November of 2006. Meetings are scheduled through until the end of June 2007. The Ministry of the Attorney General has asked representatives from the MCMA to participate in the working group along with representatives from the Association of Municipalities of Ontario, the Prosecutors Association of Ontario, and various legal counsels from affected Provincial Ministries.

The overall objective of the MCMA is to best represent the interests of all municipal partners by promoting initiatives to better utilize court resources, enhance fine enforcement efforts and to improve service to the public.

The Legislative Review Committee has been very busy this past year. In particular, Norman Scarratt (York), Terry Ringler (North Bay), Eldeen Murphy (Kingston) and myself have been participating in the streamlining process with Ministry of Attorney General Officials.

Prior to the streamlining discussion, the Legislative Review Committee was feverously working away preparing business cases in response to the *POA Issues Paper* circulated by the Ministry of Attorney General, January 18, 2006. On behalf of the MCMA the Legislative Review Committee is prepared to address each issue presented by the Ministry of Attorney General on streamlining.

Norman Scarratt (York) and myself appreciate the efforts of all Committee members. We have a cohesive "team" approach that works well in representing the MCMA. The Legislative Review Committee membership includes:

Adrienne Beaulne (Dryden)
Eldeen Murphy (Kingston)
Helen Mick (Renfrew)
Frankie Evans (Burlington)
Norman Scarratt (York)
Robert Heuton (Windsor)

Barry Randell (Toronto)
Helen Boyd (Peterborough)
Inez Diamond-Gleeson (Durham)
John Innes (Lambton)
Terry Ringler (North Bay)

* * * * *



HELP WANTED

Editor of Unison

After serving several years as editor of the UNISON, I am stepping down. I have thoroughly enjoyed this position, however, time constraints do not allow me to continue.

Anyone who would like to utilize their creative talents in assembling the UNISON newsletter should contact Julia Bridges Chair of the Education Committee.

Denis Desrosiers

Forms Committee Report – 2007

By: Elisabeth Dunnett, Chair, MCMA Forms Committee

The MCMA Forms Committee has been active since the last conference in a number of areas.

First and foremost, we have been working with the Ministry to incorporate the legislative changes to the Part I ticket books insofar as they relate to the change from CVOR number to NSC number, as well as cosmetic and ease of use changes that the forms committee has put forward. We have met with the Ministry on a number of occasions to discuss all of these changes and have been very active in trying to secure an effective date for the changes. As of the date of the writing of this article, we have not yet secured such a date but are hopeful that the date is imminent.

Our second-largest undertaking this year has been to start the RFP process once again for a new forms supplier. Toronto's current contract with Data Group, onto which many of us piggy-back, expires December 31, 2007. Toronto has, again, kindly agreed to take the lead and together with committee members, we have assistance from purchasing representatives from Barrie and Hamilton. An RFP timeline will be presented at the conference.

Thirdly, we've been advised by the Ministry that both Part 3 Summons Forms (Form 106, long form, and Form 104, short form) must be revised to reflect additional wording to advise the Defendant of the consequences of non-attendance at Court. Our committee has agreed with the Ministry that the Ministry will notify the police agencies of this change in mid July/07, and Data Group will have new forms ready for shipping no later than August 1, 2007. The implementation date is scheduled for August 31/07. By that date, all municipal POA offices will have to ensure that they have recalled all old versions of both summons forms from all of their enforcement agencies, and ensure that all enforcement agencies have a new supply of both summons forms.

We've also met with Data Group officials to perform our annual review of their service. We received many favourable Vendor Performance Report Cards from the municipalities and we passed them on to Data. The review was very positive and most offices are pleased with the service that Data Group is providing. Please note that our customer service representative has changed to Cathy Hoffmann, Direct Line: 905 494-4110, Fax: 905 494-4235, Email: choffmann@datagroup.ca.

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It is the spirit and
not the form of law
that keeps justice
alive.

Earl Warren
US jurist &
politician
(1891-1974)

Forms Committee Report – 2007 (Continued)

Our committee also met to discuss and make decisions regarding Web 2.2 forms and what their appearance should be once the system becomes available for our use. Further, meetings were held with the Ministry to determine what this committee's responsibilities were in light of the requirements of the MOU to have sequential numbering and a single-source supplier. As a result of those discussions, the Ministry of Attorney General has indicated that they will be responsible for issuing and maintaining the current numbering system on Part 1 Ticket Books which we all utilize.

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IT Committee Report – 2007

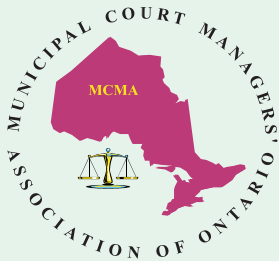
By: Teresa Maslach

It has been another frustrating year for our IT committee. Change requests continue to be submitted to the Province but due to changes in legislation and the ICON changes needed to implement them, our change requests have not been priority at this time.

Having said that, I do encourage you to continue to submit your ideas and change requests to your regional representative. Our committee will review these requests, format them and submit them to the Province on behalf of our association.

We did welcome new members to our committee this past year. Please welcome Joanne Lenze from Muskoka and Laurie Walton from London

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QUASHING CERTIFICATES OF OFFENCES

York (Regional
Municipality) v. Billinger
[2005] O.J. No. 2627

Application by the York Regional Municipality for judicial review of various decisions by Justices of the Peace which quashed the respondents' certificates of traffic offences. Clarification was sought as to what amounted to regularity in terms of the form of certificates of offence. It sought a writ of certiorari in respect of each certificate, but indicated that if granted, the respondents would not be re-prosecuted. HELD: Application dismissed. All but one of the impugned certificates was quashed in error. The certificates were prima facie regular despite minor errors in form. The fact that the municipality indicated that the respondents would not be re-prosecuted warranted a dismissal of the application.

Education Committee Report – May 2007

By: Julia C. Bridges, Committee Chair

The Education Committee's priorities for 2007 continue to include the completion of the POA Court Support training manual. In addition, we have been requested by the Board to create a user friendly 'Conference Guide' to assist users in planning and organizing future MCMA Conferences.

The MCMA Conference Guide has been completed and is awaiting Board approval. We hope to distribute the manual prior to conference. The manual includes templates, which documents the application process, budget and reporting requirements and other necessary communication tools for distribution to the membership.

Also, we are continuing to provide updates on the Front-Line POA Directory (User Guide) to assist front-line staff with quick look-ups, e.g. phone numbers and fax numbers etc. However, we need to be kept informed of your status. If there are any changes to the directory information kindly forward the change to jbridge1@toronto.ca and we'll amend the master copy and distribute to the membership.

Further to our continued commitment to better serve our membership we are currently reviewing the request of providing financial modules to our POA users. You may recall back in **2002** when our Committee initiated a work plan survey the following financial training was identified as by the membership;

Financial Training:

- (a) Month End
- (b) Balancing quarterly statements
- (c) How to utilize and work with your RICO Reports
- (d) Downloading of Monthly Stats, i.e. sorting data using Excel or Access

[Delivered at the Ottawa Conference]

Financial Training - Results from Survey Ranking:

- 1st - Download of Monthly Stats, i.e. sorting data using Excel or Access
- 2nd - How to utilize and work with your RICO reports
- 3rd - Month End
- 4th - Balancing quarterly statements

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Part I – Default conviction even if wrong set fine?

Court of Appeal decision pending

In *London (City) v. Young et al* [2006] SCJ No. 7618 the City of London brought a *mandamus* application before Justice Kennedy on two issues: (1) Is the SCJ and the OCJ concurrent jurisdiction for provincial offences? (2) Is the correct set fine necessary to a finding that a Certificate of Offence is “complete and regular on its face” pursuant to s.9 and s.9.1 of the POA? Kennedy J. declined to make the *mandamus* order, stating that the proper procedure is by OCJ appeal rather than by an SCJ application for *mandamus*. His ruling adds confusion to the issue of whether a quashed Certificate is tantamount to an acquittal or an issue of a justice of the peace exceeding or failing to exercise his/her jurisdiction.

The City of London has brought an “as of right” appeal to the OCA to be heard June 15, 2007. It is hoped that the OCA will decide all three issues to finally resolve the conflicting jurisprudence.

Education Committee Report – May 2007 (Continued)

As our operations are growing and staff is changing there is becoming an increasing demand to provide financial reviews by providing working modules to interested parties and regions. We are currently working with Jim Smith from the Ottawa POA in preparing effective modules that will be of interest and/or serve as a refresher to POA offices.

If you have any suggestions or innovative ideas that you would like to share with our committee please let us know – your feedback is appreciated, we are always looking for new perspectives.

Convictions Records Improvement Committee Report - 2007

By: Teresa Maslach

The purpose of this committee is to develop ways of decrease the number of errors related to convictions that are transmitted to the Ministry of Transportation. Within a year of the formation of this committee there was a decrease of up to 44% in the number of errors in conviction.

This committee continues to work in partnership with the Ministry of the Attorney General, the Ministry of Transportation, the Ontario Police College and other representatives to further reduce these errors.

Our committee received a bronze award for a project entitled “Effective Partnership: Conviction Error Reduction” at the Ninth Annual Public Sector Quality Fair held in Toronto in October 2006. The purpose of the Fair is to reinforce the use of quality principles required to build and sustain organizational excellence. Each of the submitted projects undergoes an assessment and the successful applicants receive a bronze, silver or gold award and an invitation to exhibit their project at the Fair.



Part I – Default conviction even if wrong set fine?

Further Case Law

Three recent cases considered this issue: *Porter* [2007] O.J. No. 1291 says wrong set fine is fatal and ticket must be quashed. *Eidler* [2006] O.J. No. 5278 says it is not fatal, relying on the *diminimus* principle. *Wheaton* [2007] O.J. No. 877 says the wrong set fine is not fatal. They all say that the OCJ is not bound by SCJ decisions arising from applications under the POA.

POAITC Update - May 2007

By: Mike Goldsmith

Inaugural Meeting - Durham - October 2006

The City of Hamilton and Region of Durham co-hosted the first meeting of the Provincial Offences Administration - Information Technology Committee at Durham's amazing new facility in Whitby. We had a full agenda, the focus of which was a presentation on ICON Version 2.2 by Gary Brown from the Ministry. Gary managed the barrage of questions after his presentation and was still well enough to stay for lunch! The afternoon was dedicated to topics common to the group (laser printing, hardware platforms, upgrade plans, to name but a few). All of us 'techno-weenies' were treated to a tour of Durham's new Council Chamber and all the cool technology contained within. An excellent opportunity to meet and greet and hopefully will become an annual event.

Status of ICON 2.2 / Hardware Upgrades

A number of sites have been calling for status updates on the ICON 2.2 project, specifically around availability. It was advertised at the October meeting that we could expect roll-out to begin in Spring of 2007. Many sites have been holding off on replacing ICON hardware (that has long-passed its 'best-before' date) as the new version is 'web-based' and will not require it. To date, we have received no official word (despite a number of information requests) on the project status and we can therefore assume there has been some delay. Sites, including Hamilton, have decided to implement the necessary hardware upgrades to mitigate the risks of an un-supported environment.

Digital Recording

Another popular initiative among POA sites is interest in Digital Court Recording. Many sites are various stages of RFP, acquisition or implementation of an electronic solution to move away from cassette tape-based systems. With concerns around parts availability and with a new focus on security and disaster recovery, sites have been looking for alternatives. The good news is that there are a limited number of vendors in this space and that all of our needs are very similar. As with any well-executed project, define your needs before you go shopping!

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Functus officio does not apply to administrative errors

R. v. Cabral [2007]
O.J. No. 776 (C.A.)

The Ontario Court of Appeal corrected written orders prepared from sentence to make the document conform to what was ordered in court. However, it said that the doctrine of *functus officio* does not apply to correction of administrative errors and the trial justice would have had jurisdiction to correct the documents.

POAITC Update - May 2007 (Continued)

Survey Update

A largely-technical survey was sent to all sites prior to the Durham meeting. Results were shared with attendees as well as with sites that were not able to attend. We've had great take-up on the content, as it outlines 'who's doing what and where'. The list has helped a number of sites get in touch, and troubleshoot problems, with others running similar equipment. I plan to refresh the list again in the fall, please be sure your site is represented!

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HOW TO STAY YOUNG

By George Carlin

1. Throw out non-essential numbers. This includes age, weight and height. Let the doctors worry about them. That is why you pay them!
2. Keep only cheerful friends. The grouches pull you down.
3. Keep learning. Learn more about the computer, crafts, gardening, whatever. Never let the brain idle. "An idle mind is the devil's workshop." And the devil's name is Alzheimer's.
4. Enjoy the simple things.
5. Laugh often, long and loud. Laugh until you gasp for breath.
6. The tears happen. Endure, grieve, and move on. The only person, who is with us our entire life, is ourselves. Be ALIVE while you are alive.
7. Surround yourself with what you love, whether it's family, pets, keepsakes, music, plants, hobbies, whatever. Your home is your refuge.
8. Cherish your health: If it is good, preserve it. If it is unstable, improve it. If it is beyond what you can improve, get help.
9. Don't take guilt trips. Take a trip to the mall, even to the next county; to a foreign country but NOT to where the guilt is.
10. Tell the people you love that you love them, at every opportunity.

AND ALWAYS REMEMBER:

Life is not measured by the number of breaths we take, but by the moments that take our breath away.

* * * * *



Court not sitting: Part I - new Notice of Trial regains jurisdiction

R. v. Diaz, [2007] O.J. No. 1349 (C.J.), Pugsley J.

On appeal of a Part I conviction under POA s.9.1, Pugsley J. considered whether the court regained jurisdiction over the *person* by delivery of a new Notice of Trial. Court was not sitting on the original trial date and a prosecution motion to change the date was denied. Subsequently, a fresh Notice of Trial was delivered and no one appearing on the second trial date, a conviction was entered under s.9.1. The defendant appealed the conviction.

Pursuant to *R. v. 1283499 Ontario Inc. operating as Wired Nightclub (2003)*, 65 O.R. (3d) 763, Pugsley, J. held that jurisdiction over the offence was preserved pursuant to POA s.31 and jurisdiction over the person could be regained by delivery of a new Notice of Trial. The conviction was upheld and the appeal dismissed.

Niagara's Court Administration Management System (CAMS)

By: James Whitaker, B.Sc.

As many may be aware, The Regional Municipality of Niagara has made a collection management system (POA Collections) available for Ontario municipalities for several years. Though it proved to be a successful product for Niagara and many other municipalities' use, there were limitations and shortfalls in the design and scope of the system. As a result we undertook to expand and redevelop the system into a far more powerful and sophisticated application beginning in the summer of 2005. Now, after more than eighteen months of development and testing Niagara is pleased to make the new Court Administration Management System (CAMS) available to other municipal courts across Ontario.

Like the old system, CAMS manages the collection activities for unpaid fines, however; it has been expanded to also manage the application process for appeals, re-openings and extensions for time to pay, all pre-trial disclosure requests and all litigation in the enforcement of unpaid Provincial Offences Act fines. The system has been designed to encompass and unify all court administration activities into a complete management system.

As is common across the province, Niagara is faced with administering thousands of cases with precious few staff and resources. CAMS focuses on automating as much of the associated processes as possible and becoming a valuable resource for staff. The system reduces complex processes, like completing complex legal documents, to a simple click-click-click process for users. A fully featured workflow management system focuses user efforts and ensures that activities are completed in a timely fashion.

New to CAMS is a modular and 100% user configurable collection process. A standard set of actions are defined by the system and each municipality can use those actions while determining the order, timing and criteria for how cases are managed by the system. The flexibility of the collection process is limited only by your creativity.

Like the original POA Collections system, Niagara is offering the CAMS software to other Ontario municipalities free of charge. New, however is the availability of application support for CAMS. Niagara is offering full support for CAMS at a nominal fee, as well as a separate installation service to implement the system in your court. We have developed this service at the request of a number of municipalities and we are pleased to offer it to everyone interested in using CAMS.

For more information about CAMS and the support services, contact me via e-mail: james.whitaker@regional.niagara.on.ca.



Insufficiency of Reasons

**R. v. Shinbin [2006]
O.J. No. 3403 (CJ)
Shamai, J.**

Shamai J. allowed an appeal against conviction for careless driving and entered a finding of not guilty. No reason was given by the justice of the peace for rejecting the defendant's testimony nor was any consideration of the substantive aspect of his testimony given in the reasons. The reasons failed to give some explanation for why the defendant was not believed.

Fine Reductions under the Provincial Offences Act

Mary-Ann Miller, Supervisor of the City of Timmins Provincial Offences Office, passed on a Member Communication Alert from the Association of Municipalities of Ontario which might be of interest to some municipalities. It reads:

The Board discussed the issue of fine reductions being ordered by JPs in POA cases where the defendant has made a charitable donation. While concern was expressed with respect to funding implications for local charities, Board members indicated that such fine reductions were not an appropriate use of the POA system. The Board approved that a letter be sent to the Ministry of the Attorney General asking them to advise JPs and MAG officials that this practice is inappropriate.

Contact: Laurel McCosham, Policy Advisor, email: lmccosham@amo.on.ca ext: 315

This information is available in the Policy Issues section of the AMO website at www.amo.on.ca

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Courts on the Move

Ministry of the Attorney General Bulletin POAIB-095

Re: Cochrane POA Court Re-location

Please note that effective August 1, 2006 the address of the Cochrane POA Court is:

**145 6th Avenue
P.O. Box 1867
Cochrane, Ontario
POL 1C0**

Telephone and fax will remain the same:

**Tel: 705-272-2538
Fax: 705-272-3593**

Please update your records accordingly.

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REMINDER

Just a reminder that Gary MacPherson is off indefinitely. If any correspondence or e-mails need to be submitted for Espanola, Elliot Lake or Blind River, please forward to:

Christine Labelle,
Acting Manager
100 Tudhope Street,
Suite 4
Espanola, Ontario
P5E 1S6

Phone (705)862-7875
Fax (705)862-7876

clabelle@town.espanola.on.ca

CITY OF LONDON POA STAFF HOST INFORMATION SESSION

Provincial Offences-824 Dundas Street, London

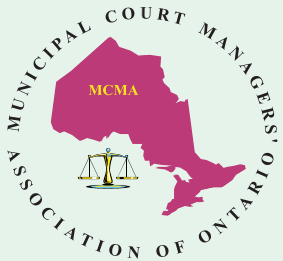


On September 27 and 28, 2006 THE CITY OF LONDON POA OFFICE organized and hosted a very successful information session. Presentations were made by the Ministry of Transportation, Defaulted Fines Control Centre (Toronto) and City of London Provincial Offences. The event was attended by Provincial Offences members from all Municipalities within the Southwestern Region. Each of us left with a better understanding of the process involved with the tasks that we share a role in. Thank you to everyone who attended and contributed their time.



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Transitions

Roger Bates has been elevated to Manager of Court Services in Barrie/Orillia as of June 2006. Claudia Conti was promoted to his previous position of Supervisor.

You can contact Roger at the same email address. Claudia can be contacted at cconti@barrie.ca.



Deborah Anderson, Supervisor of Court Operations for the Town of Perth reports that 24 Town employees won \$1,000,000.00 in the Super 7 Lottery on April 20, 2007 -- \$41,666.66 each. The picture is the crew that hired the limo to pickup the cash.

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