

# ITEMS OF INFORMATION

## COUNCIL AGENDA – August 30, 2021

<b>Communications</b>	<b>Page</b>
1. Haldimand County Provincial Offences Act Ticket Issuance Statistics	1
2. Resolution from the Niagara Peninsula Conservation Authority to Haldimand County, dated June 29, 2021 Re: NPCA Appointments	3
3. Grand River Conservation Authority's General Membership Semi-Annual Attendance	4
4. Resolution from the Niagara Peninsula Conservation Authority to Haldimand County, dated June 22, 2021 Re: Pollinator Species	5
5. Resolution from the Municipality of St. Charles to Premier Ford, dated June 28, 2021 Re: Municipal Land Transfer Tax	7
6. Correspondence from Perth County to MPP Randy Pettapiece, dated August 16, 2021 Re: Relationship with MPAC	9
7. Resolution from the City of Woodstock to Premier Ford, dated July 16, 2021 Re: the Current Affordable Housing Crisis in Canada	11
8. Resolution from the City of Kitchener to Prime Minister Trudeau, dated July 12, 2021 Re: the Rising Costs of Building Materials	13
9. Resolution from the City of Stratford to Premier Ford, dated July 23, 2021 Re: Resolution to Phase Out Ontario's Gas Plants	15
10. Northumberland County Resolution and Report Re: POA advocacy – regulatory and legislative changes	17

## Haldimand County Provincial Offences Act Ticket Issuance Statistics

Year	2015	2016	2017	2018	2019	2020	2021
JANUARY	279	217	149	151	209	104	157
FEBRUARY	201	205	184	186	330	81	169
MARCH	273	248	364	213	283	84	229
APRIL	566	211	181	295	370	81	371
MAY	422	202	197	337	262	270	372
JUNE	398	197	214	271	238	140	160
JULY	567	171	146	345	349	216	269
AUGUST	336	272	203	303	325	122	
SEPTEMBER	238	173	117	184	298	190	
OCTOBER	242	258	143	212	236	154	
NOVEMBER	302	153	164	248	108	113	
DECEMBER	200	102	127	276	71	160	
<b>Total</b>	<b>4024</b>	<b>2409</b>	<b>2189</b>	<b>3021</b>	<b>3079</b>	<b>1715</b>	<b>1727</b>

The above figures reflect tickets issued in Haldimand County from all sources including Haldimand County By-law Enforcement, the O.P.P., and various provincial ministries. They do not include Part II (Parking) issued offences.

## Comprehensive POA Stats - 2021

Legislation / By-law Reference		JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
Summary of Charges Laid by OPP													
Highway Traffic Act (Part I - ticket)		147	145	185	317	337	129	258					
Highway Traffic Act (Part III - information)		9	23	21	22	19	17	0					
Parking By-laws (Part II)	By-law 307/02		2	1	1	17	3	1					
	By-law 302/02 (snow)		1										
	By-law 1534-15 Parks						7	11					
Discharge Firearms	By-law 41-74												
	By-law 38-74												
	By-law 11-79												
Noise	By-law 1435/14												
Open Air Fires	By-law 1662/16												
EMCPA	7.0.11(2)(a)												
Late Filed Part 1 Tickets	these #'s not included in total			12	3		2						
Total of all Charges Laid		156	171	207	340	373	156	270	0	0	0	0	0
										OPP Total: 1673			
Summary of Charges Laid by County Staff													
Discharge Firearms	By-law 41-74												
	By-law 38-74												
	By-law 11-79												
Noise	By-law 1435/14												
Property Standards	By-law 730/06												
Ontario Building Code Act, 1992	Section 8(1) No Permit												
	Section 12(2) Fail to												
	Comply to Order												
Open Air Fires	1662/16				7		2	3					
Planning Act	562(67)(1)												
Haldimand-Norfolk Tree By-law	By-law 15-00					3							
Fire Protection	By-law 28(1)			1		1							
Parking By-laws (Part II)	By-law 307/02	14	39	24	26	186	256	195					
	By-law 302/02 (snow)	38	12	6									
Parks	By-law 1534/15					50	71	100					
Site Alteration By-law	By-law 1664/16				2								
Total of all Charges Laid		52	51	31	35	240	329	298	0	0	0	0	0
										Staff Total: 1036			
Summary of Charges Laid by Other Enforcement Agencies													
Ministry of Natural Resources and Forestry				4	16	3	5	3					
Welland & District Society for the Prevention of Cruelty to Animals (SPCA)		1	1	1	3	3	3						
Ministry of Finance					2	6							
Ministry of Revenue													
Ministry of Transportation													
Ministry of Environment				15			4	5					
Ministry of Labour				2	2								
Ministry of Housing													
Ministry of Agriculture, Food & Rural Affairs													
Ontario College of Trades													
Health Protection Act													
Total of all Charges Laid		1	1	22	23	12	12	8	0	0	0	0	0
							Other Enforcement Agency Total: 79						
*Note: Total Charges (Excluding Parking) reflects what is recorded and reported regularly to Council (through the Council Information Package) and PSB for year-by-year historical trends. The historical trends spreadsheet does not capture parking tickets.							*Total Charges (Excluding Parking) 1727						
							OPP Issued Parking Charges 44						
							Staff Issued Parking Charges 1017						
							Total Parking Charges Issued 1061						
							Total of All 2021 Charges 2788						



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

June 29, 2021

Evelyn Eichenbaum  
Municipal Clerk  
Haldimand County  
P.O. Box 400  
Cayuga, ON  
N0A 1E0

**SENT ELECTRONICALLY**

Dear Ms. Eichenbaum,

Please be advised that the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following resolutions at its Annual General Meeting of June 18, 2021:

*Resolution No. FA-110-2021*

*Moved by Brad Clark*

*Seconded by Leah Feor*

**THAT** Brenda Johnson **BE APPOINTED** as Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2021.

**CARRIED**

*Resolution No. FA-112-2021*

*Moved by John Ingrao*

*Seconded by Robert Foster*

**THAT** Bruce Mackenzie **BE APPOINTED** as Vice Chair of the Board of Directors of the Niagara Peninsula Conservation Authority for 2021.

**CARRIED**

Should you have any questions with respect to the above, please feel free to contact me directly.

Sincerely,

*Grant Bivol*

Grant Bivol  
NPCA Clerk

Meetings shaded have been held virtually and do not pay mileage



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2  
 Telephone 905.788.3135 | Facsimile 905.788.1121 | [www.npca.ca](http://www.npca.ca)

July 22, 2021

Evelyn Eichenbaum  
 Municipal Clerk  
 Haldimand County  
 53 Thorburn St  
 Cayuga, ON  
 N0A 1E0

**SENT ELECTRONICALLY**

Dear Ms. Eichenbaum,

Please be advised that the Board of Directors of the Niagara Peninsula Conservation Authority (NPCA) adopted the following resolution at its meeting of July 16, 2021:

*Resolution No. FA-147-2021*

*Moved by: Member Malcolm Woodhouse*

*Seconded by: Member Rick Brady*

**WHEREAS** globally, pollinator species, including bees and monarch butterflies are declining at a concerning rate due to anthropogenic activity such as habitat loss and degradation as well as pollution and climate change;

**WHEREAS** the dramatic global decline in the pollinator species population could seriously affect the pollination of human food crops around the world;

**WHEREAS** Health Canada's Pest Management Regulatory Agency (PMRA) has developed Best Management Practices (BMP's), resources, and guidelines to ensure agricultural practices across the country protect pollinators, and is collaborating with the Provincial Ministry of Agriculture and Rural Affairs to advance these resources and BMP's;

**AND WHEREAS** the Niagara Peninsula Conservation Authority (NPCA) is committed to maintaining and enhancing pollinator habitat through its enhanced restoration and stewardship programs, community partnerships, as well as advising land development proponents through planning and development processes;

**NOW THEREFORE, BE IT RESOLVED:**

1. **THAT** the NPCA **REQUESTS** the support and collaboration of conservation authorities and (through the CAs) their partner municipalities across the Province of Ontario to include the provision of native pollinator habitat with specialized native plant species through future development and redevelopment projects.
2. **THAT** by copy of this motion, NPCA partner municipalities **BE REQUESTED** to advance the use of native pollinator plant species to promote pollinator habitat through projects on their own lands as well through planning and development processes.

3. **THAT** a copy of this resolution **BE CIRCULATED** to the Association of Municipalities of Ontario and the Federation of Canadian Municipalities for their consideration.
4. **AND FURTHER THAT** both the governments of Ontario and Canada **BE REQUESTED** to adopt a plan of action for properties within their control to protect pollinators and plant native pollinator species and entrench this priority with the appropriate legislation with circulation of NPCA jurisdiction federal and provincial political representatives.

**CARRIED**

Should you have any questions regarding the above issue, please feel free to contact CAO Chandra Sharma at [csharma@npca.ca](mailto:csharma@npca.ca) or 905-788-3135.

Sincerely,

*Grant Bivol*

Grant Bivol  
NPCA Clerk



June 28, 2021

**VIA EMAIL TO:** [premier@ontario.ca](mailto:premier@ontario.ca)

The Honourable Doug Ford, M.P.P.  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto, ON M7A 1A1

Dear Premier Ford:

**Re: Resolution - Municipal Land Transfer Tax**

At its Regular Meeting of Council held April 21, 2021, Council for the Corporation of the Municipality of St.-Charles passed the following Resolution:

**Resolution No.: 2021-94**

**Moved by: Councillor Monica Loftus**

**Seconded by: Councillor Richard Lemieux**

“WHEREAS Municipalities in Ontario have an infrastructure deficit of \$34 billion dollars;

AND WHEREAS there is extremely limited grant money being received by the provincial and federal governments;

WE THEREFORE ASK that Municipalities be allowed to have a charge applied to all land transfers within their boundaries and that this amount go directly to the Municipality.

**CARRIED”**

Your attention to this matter is greatly appreciated.





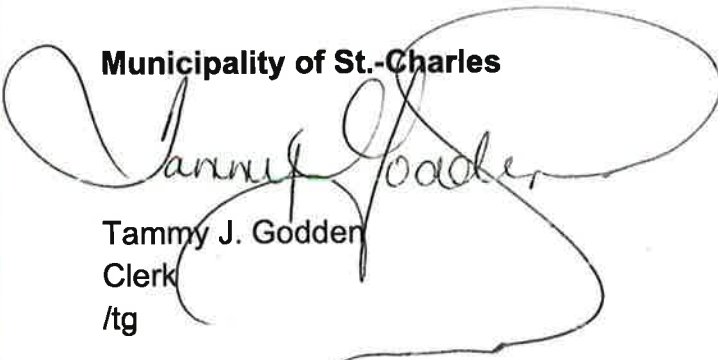
*La Corporation de la Municipalité de / The Corporation of the Municipality of*  
**ST. CHARLES**

C.P. / Box 70, 2 King Street East St.-Charles ON  
Tel: 705-867-2032 Fax: 705-867-5789

P0M 2W0  
[www.stcharlesontario.ca](http://www.stcharlesontario.ca)

Sincerely,

**Municipality of St.-Charles**

  
Tammy J. Godden  
Clerk  
/tg

CC: Right Honourable Justin Trudeau (Via Email To: [Justin.Trudeau@parl.gc.ca](mailto:Justin.Trudeau@parl.gc.ca))  
Minister of Municipal Affairs and Housing, Steve Clark (Via Email To:  
[Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org))  
Association of Municipalities of Ontario (Via Email To: [AMO@amo.on.ca](mailto:AMO@amo.on.ca))  
The Federation of Northern Ontario Municipalities (Via Email To:  
[Office@fonom.org](mailto:Office@fonom.org))  
Ontario Municipalities

MPP Randy Pettapiece  
[randy.pettapiece@pc.ola.org](mailto:randy.pettapiece@pc.ola.org)

August 16, 2021

**RE: Relationship with MPAC**

---

Dear MPP Pettapiece,

At the regular meeting of Council held on August 5, 2021, Perth County Council passed the following resolution brought forward from a Notice of Motion:

WHEREAS municipal governments in Ontario are obliged to receive property assessment services from the Municipal Property Assessment Corporation (MPAC); and

WHEREAS municipalities are funding the mandatory services of MPAC; and

WHEREAS the work of MPAC directly affects the equitability of property taxation in Perth County and in Ontario; and

WHEREAS the Government of Ontario has announced in its 2021 Ontario Budget, that it will be undertaking a Property Assessment and Taxation Review which will address MPAC's performance and will seek the input from all benefiting municipalities; and

WHEREAS the Council of the County of Perth endorses Ontario's expressed intention for a review, including a review of the accuracy and stability of property assessments and the strengthening of governance and accountability of MPAC; and

WHEREAS the County of Perth acknowledges that an evaluation of MPAC is warranted given there have been a number of performance and level of service concerns that need to be addressed;

NOW THEREFORE, be it resolved by the Council of the County of Perth:

THAT Staff be given direction to research and prepare a report in anticipation of the Province's request for input that achieves the following:

- Reviews the details of the financial performance (e.g., balance sheet and income statement reviews) of the Municipal Property Assessment Corporation to support our understanding of the viability of the Corporation and its alignment of spend and assets for their defined mission, mandate and objectives;

- Reviews level of service parameters and performance levels (e.g., key indicators related to accuracy, timeliness, process efficiencies, consistency of outcomes, land use classification revisions, and missed properties) of MPAC efforts in Perth County, collaborating with the lower tier municipalities of Perth County to support with data collection; and
- Clarifies the current governance model and accountabilities of MPAC's Board of Directors, including accountabilities for their performance and means of complaint submission and resolution.

AND THAT, a letter, including a copy of this resolution, be distributed to MPP Randy Pettapiece, Perth-Wellington; Hon. Steve Clark, the Minister of Municipal Affairs and Housing; and all municipalities in Ontario.

We thank you for your advocacy on this matter and look forward to supportive responses from our municipal counterparts and officials from all levels of government.

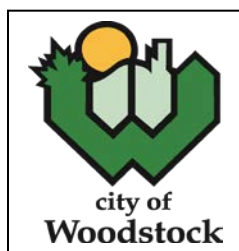
Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Aitcheson', with a stylized flourish at the end.

Jim Aitcheson, Warden  
The Corporation of the County of Perth

CC:

Hon. Steve Clark – [Steve.Clark@pc.ola.org](mailto:Steve.Clark@pc.ola.org)  
Ontario Municipalities



Office of the City Clerk  
Woodstock City Hall  
P.O. Box 1539  
500 Dundas Street  
Woodstock, ON  
N4S 0A7  
Telephone (519) 539-1291

July 16, 2021

The Honourable Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

Via email [premier@ontario.ca](mailto:premier@ontario.ca)

At the regular meeting of Woodstock City Council held on July 15, 2021, the following resolution was passed:

“WHEREAS the current affordable housing crisis in Canada and the quality of life implications caused by addiction, drug and opioid use, and mental health issues are impacting communities in Canada and around the world;

AND WHEREAS citizens in many communities are alarmed by the increase in homelessness, needles discarded in public spaces, visible signs of illegal activities, and are disillusioned with the justice system response;

AND WHEREAS policing and the justice system is not the solution to homelessness and addiction or an effective use of public funds;

AND WHEREAS Public health initiatives and programs aimed at addiction are provided by multiple Ministries and agencies and are clearly inadequate and new long-term solutions are required;

AND WHEREAS many of the programs and attempts from different agencies, government organizations, and Ministry service providers have created a disjointed delivery system;

NOW THEREFORE BE IT RESOLVED that Woodstock City Council calls on the Honourable Doug Ford, Premier of Ontario to bring together the Ministry of the Attorney General, the Ministry of Health, the Ministry of Municipal Affairs and Housing, and the Ministry of Children, Community and Social Services to immediately work together on both short and long term solutions, complete with funding, to take proper responsibility and action to address the affordable housing, homelessness, and addictions crisis;

AND FURTHER that this resolution be circulated to the Honourable Ernie Hardeman, Oxford MPP; the Association of Municipalities Ontario; and all Ontario municipalities.”

Yours Truly,

A handwritten signature in cursive script that reads "Alysha Dyjach".

Alysha Dyjach, Deputy City Clerk

Cc via email:

- The Ministry of the Attorney General - [attorneygeneral@ontario.ca](mailto:attorneygeneral@ontario.ca)
- The Honourable Christine Elliott – Minister of Health - [christine.elliott@ontario.ca](mailto:christine.elliott@ontario.ca)
- The Honourable Steve Clark – Minister of Municipal Affairs and Housing - [steve.clark@pc.ola.org](mailto:steve.clark@pc.ola.org)
- The Honourable Merrilee Fullerton – Minister of Children, Community and Social Services – [MinisterMCCSS@ontario.ca](mailto:MinisterMCCSS@ontario.ca)
- The Honourable Ernie Hardeman, Oxford MPP - [ernie.hardemanco@pc.ola.org](mailto:ernie.hardemanco@pc.ola.org)
- Association of Municipalities Ontario – [amo@amo.on.ca](mailto:amo@amo.on.ca)
- All Ontario Municipalities



CHRISTINE TARLING  
Director of Legislated Services & City Clerk  
Corporate Services Department  
Kitchener City Hall, 2<sup>nd</sup> Floor  
200 King Street West, P.O. Box 1118  
Kitchener, ON N2G 4G7  
Phone: 519.741.2200 x 7809 Fax: 519.741.2705  
[christine.tarling@kitchener.ca](mailto:christine.tarling@kitchener.ca)  
TTY: 519-741-2385

July 12, 2021

Right Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa ON K1A 0A2

Dear Prime Minister Trudeau:

This is to advise that City Council, at a meeting held on Monday June 28, 2021, passed the following resolution with respect to the rising cost of building materials:

“WHEREAS the prices for construction materials have seen dramatic increases during the pandemic; and,

WHEREAS reports by Statistics Canada noted that the price of lumber increased by 68 percent between March 2020 and March 2021, while fabricated metal products and construction material rose by 9 percent; and,

WHEREAS the Province of Ontario has seen an accelerated overall increase in demands for construction; and,

WHEREAS the Province of Ontario has deemed residential construction as essential activity during province-wide emergency declarations and stay-at-home orders; and,

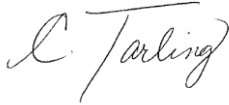
WHEREAS Kitchener City Council considers it a matter of public interest as the increase in rates and demand could result in unsustainable costs on the local construction industry;

THEREFORE BE IT RESOLVED the City of Kitchener advocate to the Federal and Provincial Governments to review actions that could be taken to help mitigate or offset the impacts related to the rising cost of building materials; and;

THEREFORE BE IT FINALLY RESOLVED that a copy of this resolution be forwarded to the Right Honourable Justin Trudeau; Honourable Doug Ford,

Premier Ontario; Honourable Peter Bethlenfalvy, Minister of Finance; Honourable Hon. Victor Fedeli, Minister of Economic Development, Steve Clark, Minister of Municipal Affairs; Job Creation and Trade; local MP's and MPP's, to the Federation of Canadian Municipalities, Association of Municipalities of Ontario, and all other municipalities in Ontario."

Yours truly,

A handwritten signature in cursive script, appearing to read "C. Tarling".

C. Tarling  
Director of Legislated Services  
& City Clerk

c: Hon. Premiere Doug Ford  
Hon. Minister Peter Bethlenfalvy  
Hon. Minister Victor Fedeli  
Hon. Minister Steve Clark  
Federation of Canadian Municipalities  
Association of Municipalities of Ontario (AMO)  
Ontario Municipalities



July 23, 2021

Honourable Premier Doug Ford  
Premier of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

[premier@ontario.ca](mailto:premier@ontario.ca)

Dear Premier Ford:

Re: Resolution to Phase Out Ontario's Gas Plants

At their June 28, 2021 Regular Council meeting, Stratford City Council adopted a resolution petitioning the provincial government to immediately take steps to replace gas powered electrical generation with non-carbon-based sustainable alternatives.

A copy of the resolution is attached for your consideration. We kindly request your support and endorsement.

Sincerely,

Tatiana Dafoe  
Clerk

Encl.  
/ja

cc: MPP Randy Pettapiece  
MP John Nater  
Association of Municipalities of Ontario  
Federation of Canadian Municipalities  
All Ontario municipalities





## THE CORPORATION OF THE CITY OF STRATFORD

### Resolution: Phase Out Ontario's Gas Plants

**WHEREAS** the Earth is on course toward a climate crisis, unless timely actions are taken to minimize the greenhouse effect;

**AND WHEREAS** the use of fossil fuels is a major contributor to the greenhouse effect because of the increasing amount of heat trapping Carbon Dioxide in the atmosphere;

**AND WHEREAS** Stratford, along with other municipalities has declared a "Climate Emergency" and is considering a Carbon Net Zero goal to be achieved by 2050;

**AND WHEREAS** the 2050 Carbon Net Zero goal has been, and is being adopted by countries and governments at all levels, as well as by industries, social and economic institutions;

**AND WHEREAS** the most effective way of achieving that goal is through initiatives in reducing carbon footprint, and greening;

**AND WHEREAS** in the Province of Ontario, Electricity generation fueled by Natural gas contributes substantially to the province's carbon footprint and provides an opportunity for rapid reduction of carbon dioxide emissions through the elimination of this form of generation;

**AND WHEREAS** in the interest of environmental and economic wellbeing for the province of Ontario, immediate action to replace the gas generators by sustainable zero carbon alternatives should be undertaken;

**NOW THEREFORE IT BE RESOLVED** that the City of Stratford strongly appeal to the Government of Ontario to immediately take steps to replace gas powered electrical generation with non-carbon based sustainable alternatives;

**AND BE IT FURTHER RESOLVED** that this resolution be circulated to Ontario municipalities and their organizations including AMO and OSUM for their consideration of support.

-----  
Adopted by City Council of The Corporation of the City of Stratford on June 28, 2021

The Corporation of the City of Stratford, P.O. Box 818, Stratford ON N5A 6W1  
Attention: City Clerk, 519-271-0250 ext 5329, [clerks@stratford.ca](mailto:clerks@stratford.ca)



## Finance & Audit Committee Resolution

---

**Committee Meeting Date:** July 6, 2021  
**Agenda Item:** 9b  
**Resolution Number:** 2021-07-06-465  
**Moved by:** R. Crake  
**Seconded by:** W. Cane  
**Council Meeting Date:** July 21, 2021

---

**“That** the Finance and Audit Committee, having considered Report 2021-115, ‘Municipal Court Managers’ Association / POA Advocacy’ recommend that County Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation by making it easier and more convenient for the public and prosecutors to engage in resolution discussions, and by making it more effective and efficient to administer early resolution proceedings for Part I and Part II offences in the Provincial Offences Court; and

**Further That** the Committee recommend that County Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I or Part II of the POA, and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a justice of the peace; and

**Further That** the Committee recommend that County Council request the Ministry of Transportation in consultation with Municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions; and

**Further That** the Committee recommend that County Council direct staff to forward a copy of this resolution to the Ministry of the Attorney General, MPP David Piccini (Northumberland – Peterborough South), and all Ontario municipalities.”

Carried *W. Cane*  
 Committee Chair's Signature

Defeated \_\_\_\_\_  
 Committee Chair's Signature

Deferred \_\_\_\_\_  
 Committee Chair's Signature



## Council Resolution

---

Moved By J. Henderson

Agenda  
Item 10

Resolution Number  
2021-07-21-491

Seconded By S. Arthur

Council Date: July 21, 2021

"**That** County Council adopt all recommendations from the five Standing Committees, as contained within the Committees' Minutes (July 5, 6, 7, 2021 meetings), with the exception of any items identified by Members, which Council has/will consider separately, including Item 9f of this agenda, the 'Thompson Bridge Closure'."

Recorded Vote  
Requested by

\_\_\_\_\_  
Councillor's Name

Carried

  
\_\_\_\_\_  
Warden's Signature

Deferred

\_\_\_\_\_  
Warden's Signature

Defeated

\_\_\_\_\_  
Warden's Signature

If you require this information in an alternate format, please contact the Accessibility Coordinator at [accessibility@northumberlandcounty.ca](mailto:accessibility@northumberlandcounty.ca) or 1-800-354-7050 ext. 2327



## Report 2021-115

**Report Title:** Municipal Court Managers' Association / POA Advocacy

**Committee Name:** Finance and Audit Committee

**Committee Meeting Date:** July 3, 2021

**Prepared by:** Randy Horne, Court Services Manager

**Reviewed by:** Glenn Dees, Director of Finance/Treasurer

**Approved by:** Jennifer Moore, CAO

**Council Meeting Date:** July 21, 2021

**Strategic Plan Priorities:** Leadership in Change

---

### Recommendation

**“That** the Finance and Audit Committee, having considered Report 2021-115, ‘Municipal Court Managers’ Association / POA Advocacy’ recommend that County Council request the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation by making it easier and more convenient for the public and prosecutors to engage in resolution discussions and by making it more effective and efficient to administer early resolution proceedings for Part I and Part II offences in the Provincial Offences Court; and

**Further That** the Committee recommend that County Council request the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I or Part II of the POA and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a justice of the peace; and

**Further That** the Committee recommend that County Council request the Ministry of Transportation in consultation with Municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions; and

**Further That** the Committee recommend that County Council direct staff to forward a copy of this resolution to the Ministry of the Attorney General, MPP David Piccini (Northumberland – Peterborough South), and all Ontario municipalities.”

---

## **Purpose**

Immediate regulatory and legislative changes are critical to delivering services to the public by putting in place the most modern, efficient, and effective justice system attainable.

The proposed Early Resolution reforms in Bill 177 Stronger, Fairer Ontario Act do not fully support the objectives of the Ministry of the Attorney General pertaining to creating a modernized and efficient justice system. These changes create procedural barriers that prevent reasonable and effective access to court procedures by replacing a simplified process currently in place with a complex lengthy process.

## **Background**

Northumberland County is not currently opted into the formal Early Resolution process as provided for in the Provincial Offences Act (POA). Early Resolution discussions occur informally, scheduled with the Prosecution Team for all defendants (or their agents) who indicate option 3 (Trial) in response to a Part I (or Part II) charge.

The existing Early Resolution legislation (formal process) provides persons charged with minor offences under Part I (or Part II) of the POA with an option to meet with the prosecutor to resolve matters without the necessity of a trial proceeding. The informal early resolution regime has largely been successful in Northumberland County; providing timely access to justice and being the first POA proceedings to resume during the COVID -19 emergency. The number of Part I matters processed through the early resolution option is approximately 25% of all new charges filed annually and the resolution rate (pre-Trial) is approximately 90%. Approximately 20% of charges Fail to Respond and are convicted in absentia, while 55% of charge fines are paid without a Resolution Meeting or Trial.

The level of public participation in exercising an Early Resolution option in Northumberland County is a clear indication that whether opted into the formal Early Resolution process, or not, the rules under the existing Early Resolution section of the POA are easy for the public to understand and provides access to the justice system for minor offences.

## **Consultations**

The Municipal Court Managers Association (MCMA) has conducted a detailed review of the impact the proposed changes will have on administrative processes and resources. The Bill

177 changes to the formal Early Resolution section of the POA will increase processing steps from the existing 15 administrative processes to over 70 processes. This represents an increase in processes of over 400%. Although Northumberland County has digitized and modernized administrative processes to permit the defendant to file their request digitally, the POA court remains dependent upon the Province's antiquated adjudicative case management system (ICON). Given the lack of a modern adjudicative case management system, the impact of the additional and complex legislative processes under the proposed changes to the Early Resolution section of the POA would likely require additional full time Court Clerks to administer the proposed lengthy and complex early resolution process, should Northumberland County choose to opt into the formal Early Resolution process to take advantage of proposed efficiencies in the legislation.

Simplifying the POA to provide for a more efficient, effective justice system with more convenience and proportionate options to the public for minor offences under Part I of the POA, should not require an increase in processes. Permitting any (formal or informal) early resolution meeting to be held in writing and permitting the filing of written agreements between the prosecutor and defendant to be registered administratively as a court outcome by the Court Clerk immediately provides an accessible streamlined efficient and modern court system to the public.

## **Legislative Authority/Risk Considerations**

The current legislative framework for formal (opted-in) Early Resolution consists of one (1) section with 27 subsections or paragraphs supported by approximately 15 administrative processes. This legislative framework permits a defendant to request a meeting with the prosecutor, request a change to the appointment date once, attend a meeting with the prosecutor and have the outcome of the early resolution meeting recorded by the court on the same day as the meeting.

The proposed changes to the Early Resolution section of the POA under Bill 177 creates a more complex legislative framework for formal Early Resolution process, with five (5) sections and 43 subsections, paragraphs or subparagraphs. This represents an approximate 60% increase to the number of rules.

## **Discussion/Options**

### **Operational pressures that existed prior to the pandemic have become more pronounced and need to be met with legislative reforms to enable timely recovery of Provincial Offences Courts**

POA Courts has long advocated for legislative reforms streamlining and modernizing Provincial Offences Courts in support of equitable and timely access to justice. Immediate regulatory and legislative changes are critical to delivering services to the public by putting in place the most modern, efficient, and effective justice system attainable. The attached MCMA request seeks to align and validate the POA courts position on the following legislative barriers:

1. Halting the proclamation of the Early Resolution reforms included in Bill 177 and requesting to take immediate action to streamline and modernize this section of the

legislation. Under the proposed amendment, complex time periods and rules will be introduced including a redundant abandonment period, and delay in recoding of court outcomes which will result in multiple defendant appearances.

2. Enact changes to the *Provincial Offences Act* and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing. By so conserving court time and judicial resources.
3. Ministry of Transportation in consultation with municipalities consider suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions.

Throughout 2020, three separate orders were issued by the Ontario Court of Justice and the Province adjourning all court matters, suspending all *Provincial Offences Act* timelines and later extending these timelines into 2021.

The Chief Justice of Ontario and the Province of Ontario issued separate emergency orders in response to the pandemic throughout 2020 directly impacting Court Services operations.

A set of orders issued by the Chief Justice of Ontario and the Province built on each other and affected the legislative timelines under the *Provincial Offences Act*, meaning that the typical timeframe to respond to a ticket or other court matters governed by the *Provincial Offences Act* no longer applied. The orders extended timelines from March 16, 2020 through to and including February 26, 2021.

Simultaneously, the Chief Justice of Ontario also issued a set of orders that adjourned all court matters from March 16, 2020 until January 25, 2021. This resulted in postponing of over 2,000 trial matters until 2021, at the earliest. As part of court recovery, the Chief Justice advised Provincial Offence Courts that non-trial matters could go ahead by audio hearings by September 28, 2020 and that the resumption of remote trials could go forward as early as January 25, 2021, dependent on local judicial approval and court readiness. In-person trials would continue to be adjourned until the court schedule is approved by the Regional Senior Justice of the Peace, and all health and safety measures have been implemented.

The recovery of Provincial Offence courts was impeded by lack of timely direction from the Province concerning the resumption of services. While the provincial objective was to provide a consistent approach to the resumption of Provincial Offences Courts, priority was given to resuming Criminal Court operations. This often resulted in changing timelines and direction. Coupled with the existing issue of limited judicial resources which was intensified throughout the pandemic, Court Services could not effectively respond to the growing volume of pending cases which directly impacted the public's access to justice.

### **Bill 177 aims to modernize and streamline the Provincial Offences Courts**

Legislative amendments to the *Provincial Offences Act* were passed by the Ontario Legislature in December 2017 under Schedule 35 of Bill 177 *Stronger, Fairer Ontario Act*. These amendments include reforming of the Early Resolution process, improving the collection of default fines, and expanding the powers of the clerk of the court. However, the proposed Early



Resolution reforms came short as they do not fully support the objectives of the Ministry of the Attorney General pertaining to creating a modernized and efficient justice system.

In December 2019, the Ministry of the Attorney General advised that it intends to implement Bill 177 amendments through a phased approach. To date the Attorney General has only proclaimed and implemented section 48.1 allowing for use of certified evidence for all Part I proceedings. The rest of Bill 177 amendments are scheduled to be proclaimed later in 2021.

**Bill 177 reforms to the legislated Early Resolution process will prevent reasonable and effective access to court procedures by creating a complex and lengthy process**

Early Resolution is an optional program Provincial Offences Courts can offer allowing defendants who opt to dispute their charges to request a meeting with a prosecutor to resolve the charges prior to a trial.

Under the proposed amendment, when a defendant attends a meeting with the prosecutor, the outcome is not recorded by the court immediately and there is a myriad of rules to navigate that result in a court outcome. For example, depending on the agreement, a defendant may have to appear before a Justice of the Peace to register the agreement and there are potential additional appearances required by the defendant and the prosecutor before an outcome is registered by the court. In addition, there are multiple complex time periods and myriad of rules including a redundant abandonment period before an outcome is registered. The inclusion of a proposed abandonment period is redundant as fairness and administrative of justice principles already exist in other sections of the *Provincial Offences Act* including the right to appeal a conviction or a sentence. The complexity of the numerous additional rules will not be easily understood by the public and will hinder access to justice.

Early Resolution process could aid in municipal Provincial Offences Court recovery if the section amendments were edited to make it easy and more convenient for the public and prosecutors to engage in resolution discussions. Northumberland County Court Services would reconsider offering a formal Early Resolution option if the Ministry of the Attorney General were to make it more effective and efficient to administer Early Resolution proceedings.

**Closure of courts due to the pandemic resulted in a decrease in fine payments and increased pending caseload**

The extension of *Provincial Offences Act* timelines, along with the continued closure of court hearings impacted many of Court Services operational drivers. While court front counters were reopened in 2020 to provide essential administrative services, the ability to process charges and to address pending caseload was greatly impeded.

In turn, court revenue was impacted by operational instabilities such as, extension of the requirement to pay and defaulting of a fine. It is important to note that this is considered a deferred revenue as all outstanding fines are debt to the Crown owed in perpetuity and never forgiven. The ability to collect on debt diminishes the older a fine becomes.

There is an understanding that defendants request trials to seek resolutions that reduce demerit points. If demerit points were suspended for a period for those acknowledging their guilt and



paying the ticket, it may encourage defendants to pay their traffic ticket, thus reducing trial requests and pressures faced by trial courts. Details such as the time period for offences to which this would apply, what to do if a person receives multiple tickets, as well as determining whether a person without any convictions within 3 or 5 years of payment is to be treated as a first offender could be determined by the ministry.

## **Financial Impact**

The recommendations contained in this report have no financial impact.

## **Member Municipality Impacts**

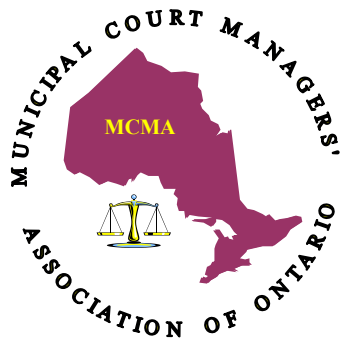
Legislative change allowing any (formal or informal) early Resolution Meeting to be held in writing and permitting the filing of written agreements between the prosecutor and defendant to be registered administratively as a court outcome by the Court Clerk would benefit Member Municipalities in their Part II/Bi-Law proceedings in alignment with County Part I and II Early Resolution Proceedings.

## **Conclusion/Outcomes**

In response to a the MCMA request for Joint Advocacy on behalf of all Ontario Municipal POA Courts, staff request that the Committee recommends that County Council pass a resolution in support for the listed MCMA recommendations.

## **Attachments**

1. Letter: MCMA Request for Joint Advocacy



## Municipal Court Managers' Association of Ontario

c/o Seat of the President  
Regional Municipality of York  
17150 Yonge St  
Newmarket ON L3Y 8V3

---

May 6, 2021

Dear Members,

Re: POA Streamlining and Modernization

In response to the increased pressures resulting from COVID 19, MCMA is seeking the support of POA Courts to actively lobby the Province for immediate regulatory and legislative changes. As you know, our ability to respond to Increasing caseload and declining fine revenue is limited. These proposed changes will enable flexibility for municipalities to respond to local pressures.

It is important that we leverage this opportunity to create a modern, efficient, and sustainable justice system that meets the needs of court users. The proposed changes include:

1. Halting the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act and take immediate action to streamline and modernize this section of the legislation.
2. Enacting changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings.
3. Requesting the Ministry of Transportation in consultation with Municipalities, consider suspending the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions.
4. Make regulatory changes to allow for camera-based offences to be administered through the administrative monetary penalties.

The MCMA board has prepared some templated documents to assist in your efforts. Attached you will find: Draft Council Resolution, draft council report for ER Courts and some key messages to support discussion. We understand that support for one or all may vary depending on individual priorities and appreciate your consideration.

Should you have any questions or would like to discuss further please feel free to reach out to any member of the MCMA board.

Lisa Brooks  
MCMA President

***"Excellence in Court Administration"***