



Annual Report

For the Year Ended December 31, 2019

Legal & Court Services
Court Services Branch

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Court Services Mandate

Court Services provides two distinct functions: Court Operations and Prosecution. York Region operates the second largest *Provincial Offences Act* court program in Ontario.

Provides Services to:

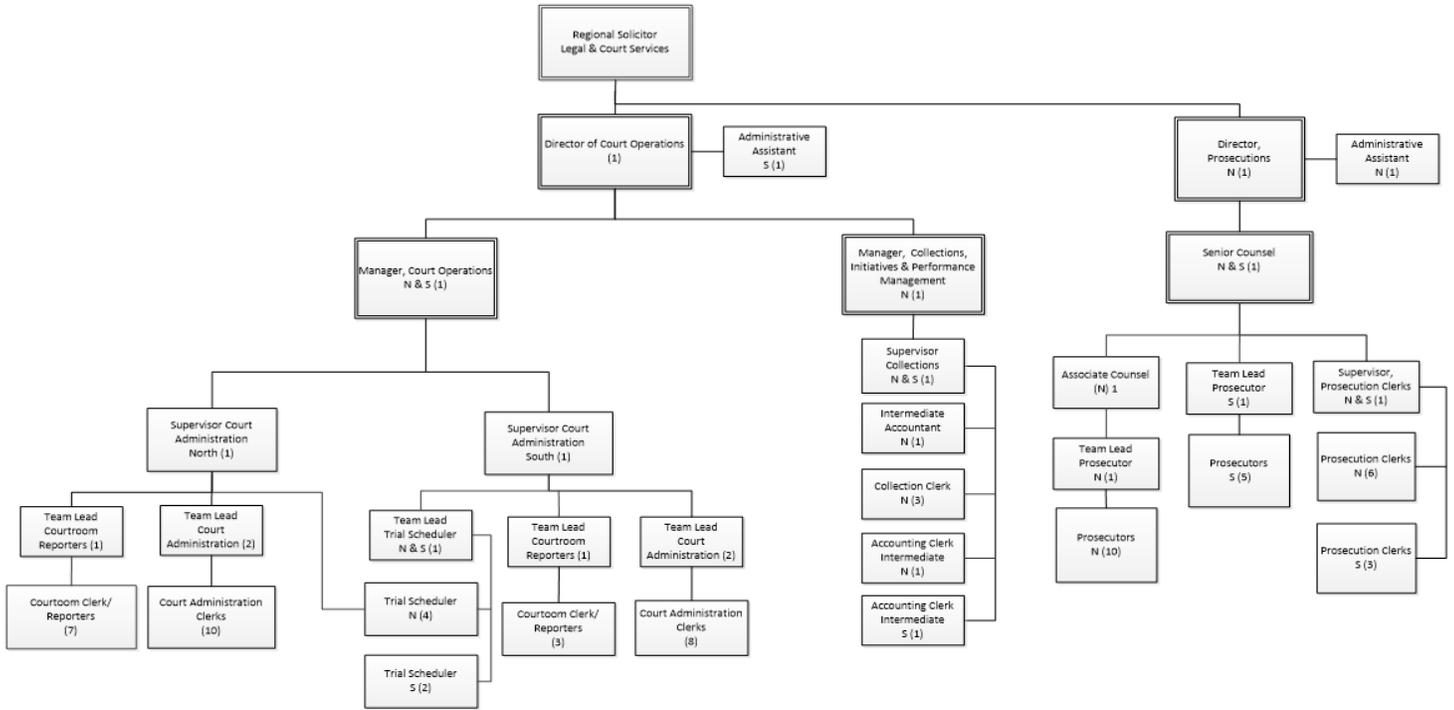
- Members of the Public
- York Region Local Municipalities
- Over 30 Law Enforcement and Regulatory Agencies
- Ministry of the Attorney General
- Judiciary

Operates:

- 2 Court Locations
Newmarket and Richmond Hill
- 6 Trial Courtrooms
(4 in Newmarket, 2 in Richmond Hill)
- 2 Intake Courtrooms
(1 in Newmarket, 1 in Richmond Hill)

We are committed to creating and fostering a progressive culture in Courts that strives to always be innovative, technologically advanced, inclusive, progressive, and fiscally responsible and which upholds a sustainable justice model.

Organization Chart at December 2019



(85 FTEs)

Message from the Director of Court Operations, Lisa Brooks

Providing timely, quality and cost-effective access to justice has always been a top priority for Court Services. In 2019, we have made great strides to uphold that mandate, particularly through leveraging of technology and collaborating with our key stakeholders such as York Regional Police (YRP), the Ministry of the Attorney General and local municipalities. Specifically, leveraging key partnerships and improved use of technology has led to introduction of number of key initiatives such as issuing of electronic summonses roadside, expanding of remote-video testimony to additional districts, and introduction of automated speed enforcement technology, all of which increased operational efficiencies and improved customer service delivery. We worked closely with both internal and external stakeholders to modernize our customer service model through public education campaigns and online tools, and create a fair, efficient and responsive justice system. At Court Services we recognize the important role our staff plays in reaching our objectives and as such, in 2019 we increased our focus on training and development for our staff to achieve a positive working environment and advance our 2019-2022 Multi-year plan objectives. In 2020, Newmarket court will relocate to 17150 Yonge Street. We have taken this exciting opportunity to not only identify operational efficiencies and ways to redesign customer experience, but put in place number of mechanism to ensure smooth transition to our new court facility with minimal disruption to court users.

Message from the Director of Prosecutions, Hans Saamen

Prosecutions is responsible for a wide range of legal services including the prosecution of charges before the Ontario Court of Justice (OCJ) and appeals and judicial reviews in the OCJ, the Superior Court of Justice, the Court of Appeal for Ontario and the Supreme Court of Canada. In 2019, Prosecutions continued its focus on improving efficiencies in the use of electronic disclosure to receive and manage the disclosure of charges by expanding electronic disclosure of Ontario Provincial Police (OPP) officer's notes. The prosecution office was also involved in initiatives focused on improving customer service by working with YRP to contract with a vendor to provide on-line disclosure to defendants of in-car camera videos (to be available to defendants in 2020), and developing a consent order process for appeals that will allow resolved appeals to be dealt with by a judge in chambers and without the need for the prosecutor and defendant to appear in court. Video testimony was expanded to 2, 3 and 4 Districts allowing for YRP officers to appear remotely to testify. Training was also provided by prosecution managers to prosecutors and officers through speaking at various conferences and education programs. As we move into 2020, we will be focused on providing defendants access to disclosure through web based solutions. We will also focus on continued advocacy for streamlining and modernization of the *Provincial Offences Act* (POA), as well as legislative reforms to have

automated speed enforcement and red light camera charges moved into an administrative monetary penalty system in order to free up court time.

2019 Key Accomplishments

Customer service improvements:

Public education campaigns:

- Collections Campaign: Successfully launched Collections campaign in Spring 2019 in support of Ontario Law Day to educate the public on traffic tickets and collections processes and to mobilize residents to take action and address their tickets
- Accessibility Campaign: developed a strategy for an awareness campaign to better inform residents and court users of the available accessibility supports and designated accessibility coordinators available through York Region Court Services

Court Services in collaboration with the Judiciary, the Crown Attorney's Office, the Ministry of the Attorney General, Ontario Paralegal Association, York Region Law Association developed new consent order process for appeals which allows for resolved appeals and applications to be done over the counter without the need for the prosecutor and defendant to appear in court, saving court time for contested applications and appeals.

Partnered with YRP to review requests for proposals and assisted in conducting performance evaluations for a new Digital Evidence Management System that will allow YRP to upload disclosure to a Cloud to manage and securely share digital disclosure with crown prosecutors, courts and the defendants.

Inter-municipal mentoring, cooperation or resource-sharing initiatives:

York Region Court Services Prosecutions led a municipal working group to develop a consistent approach for enforcement and prosecution of cannabis bylaws.

Conducted stakeholder meetings engaging the Province, local municipal partners and enforcement agencies to discuss local issues and provide relevant updates.

Lisa Brooks co-led the inter-municipal Administrative Monetary Penalty System (AMPS) Working Group that completed a comprehensive research on use of AMPS for parking and by-law offences. In 2020, Court Services will evaluate opportunities for implementation in York Region.

Staff training initiatives:

In collaboration with YRP and Emergency Management, Court Services provided Emergency Response training that included the Run, Hide, Defence situational drills to staff. York Region Court Services will now roll out the defense training across the organization.

Prosecution management, in partnership with Osgoode Hall Law School, the Prosecutors' Association of Ontario, Ontario Association of Property Standards Officers, and YRP provided training for prosecutors, police officers and property standards officers to improve their knowledge and skills.

York Region Courts hosted the first Central East Trial Scheduling Meeting, which provided a great opportunity for trial schedulers to form connections across POA courts and create a forum for trial schedulers to share common challenges, best practices and to network.

In collaboration with the Ministry of the Attorney General, York Region hosted and helped organize the French Language Institute for Professional Development for the Municipal Courts Conference. The two-day event helped municipal court staff and prosecutors improve their ability to perform their duties in French, learn how to better serve their clients in French, learn about available French tools and resources, and network with their counterparts from all over the province.

Facilities improvements:

Court Services completed the development of a transition plan in support of the move to a new court location at 17150 Yonge Street in August 2020. The transition plan was developed in consultation with the Regional Senior Justice of the Peace, YRP and other key stakeholders.

Information technology upgrades:

Court Services expanded the use of remote video testimony to three additional districts to allow YRP officers to provide real-time testimony from police districts into the courtroom, enhancing public safety through reduced travel time and transportation costs.

Collaborated with key stakeholders to provide input in the drafting of a regulation for Automated Speed Enforcement that will be piloted across York Region community safety zones in 2020.

Court Services in conjunction with YRP worked on automated summons project, which allows police officers to issue electronic summonses for Part I and Part III offences from their police cruisers.

Utilized the latest Microsoft technologies to revamp RICO Report Manager and replaced ICONview application with NORDAT, which helps to provide a user-friendly interface for the collection of reports and assists in recording, tracking, analyzing and reporting data.

Fine enforcement/collection initiatives:

In 2019, York Region on boarded the Town of Richmond Hill to assist with collection of defaulted fine through tax rolling. This is in addition to agreements already in place with seven other municipalities to add fines to property tax toll where applicable.

Other initiatives:

In 2019, Court Services launched its first Court Services Multi-Year Plan (2019-2022) introducing a new mandate and purpose and outlining the priorities and objectives over the next four years.

Key Achievements

The Association of Municipalities of Ontario (AMO) recognized York Region with the Peter J. Marshall Municipal Innovation Award for leading the implementation of the first video testimony solution in a POA court. Court Services worked in collaboration with YRP, Justice Video Network, and York Region IT Services to implement this technology.

Lisa Brooks, Direction of Court Operations was awarded the 2019 Peer Recognition Award for Innovation by the Municipal Court Manager's Association of Ontario (MCMA) for her creativity and forward thinking and introducing of unique solutions.

MCMA has also recognized Sandra Garand, Supervisor of Court Administration with the 2019 Peer Recognition Award for Commitment to the Organization, for her dedication to advocate for the organization, positive contributions for improvement, and for her engagement, involvement and selflessness.

Notable Precedent Setting Cases

Prosecutions successfully argued a number of precedent setting cases:

R v. Irwin - Collateral attack on orders to comply not permitted, even when Order was issued several years prior and delays in enforcement occurred

R. v. Graci, Nguyen and Debono – s. 11(b) of the Charter - 18 month ceiling from time of offence to completion of the trial applies for POA charges (previous cases held that a lower ceiling of 13 to 15 months applies)

R v Jakhu – Court can proceed to trial even if disclosure is provided on trial date. Court set out factors to consider in defence request to adjourn the trial

Key Workload Drivers

Total Charges Filed (by Agency) in 2019

	Number of Charges	Percentage of Caseload
York Region Police	103,924	70.36%
Ontario Provincial Police	16,781	11.36%
Ministries and Other Agencies	15,231	10.31%
York Region	6,866	4.65%
Town of Aurora	1,960	1.33%
Town of Whitchurch-Stouffville	766	0.52%
Town of East Gwillimbury*	556	0.38%
Township of King*	409	0.28%
Town of Richmond Hill	393	0.27%
City of Markham	352	0.24%
City of Vaughan	246	0.17%
Town of Newmarket	126	0.09%
Town of Georgina	90	0.06%
Total Charges Filed	147,700	100.00%

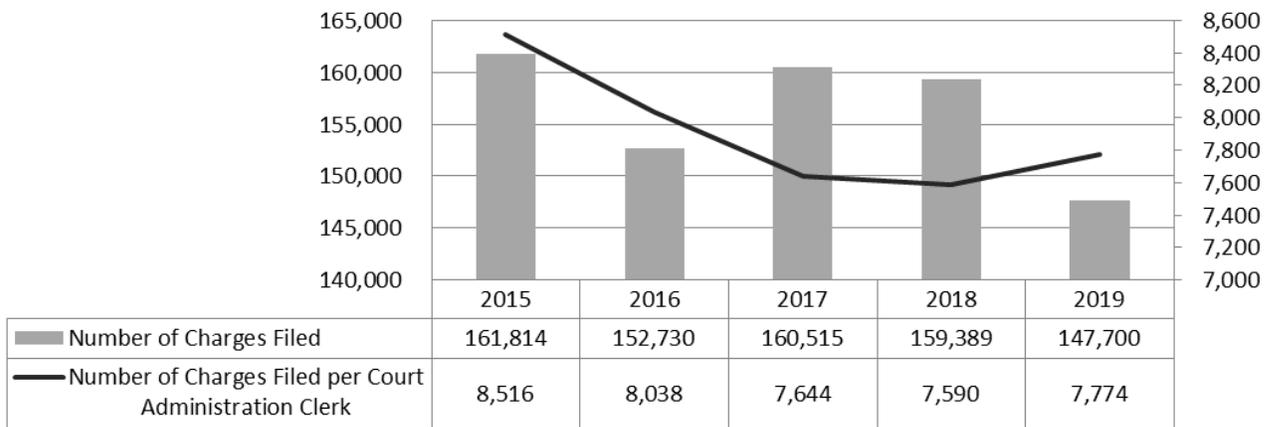
*These municipalities have not yet “opted in” under section 18.6(1)(a) of the *Provincial Offences Act*. This means that their Parking Tickets are still being processed through the ICON computer system and are automatically included in the total number of charges filed. For other municipalities (those that have “opted in”), parking charges are not included in the statistics above.

In 2019, the total charges filed in York Region remained stable.

Act Type	Number of Charges Filed
Certificate of Offence - Accidents (i.e. Motor Vehicle)	4,354
Accident Information	33
Federal Certificate of Offence	240
Federal Information	15
Certificate of Offence	127,006
Parking Infraction Notice	4,344
Information	11,700

The Provincial standard for number of charges filed per court administration clerk is in the range of 5,000 - 6,000. In 2019, York Region aligned the definition of a court administration clerk with the Municipal Benchmarking Network Canada (MBNC). This resulted in a decrease in the number of court administration clerks that conduct work directly related to administration of POA courts, as per Ministry Guidelines, from 21 to 19. As a result while in 2019 the total number of charges filed has decreased the number of charges filed per court administration clerk increased slightly to 7,774. Court Services continues to look for innovative ways to manage workload while providing high quality of work and customer service.

Number of Charges Filed per Court Administration Clerk



Customers Service Provided

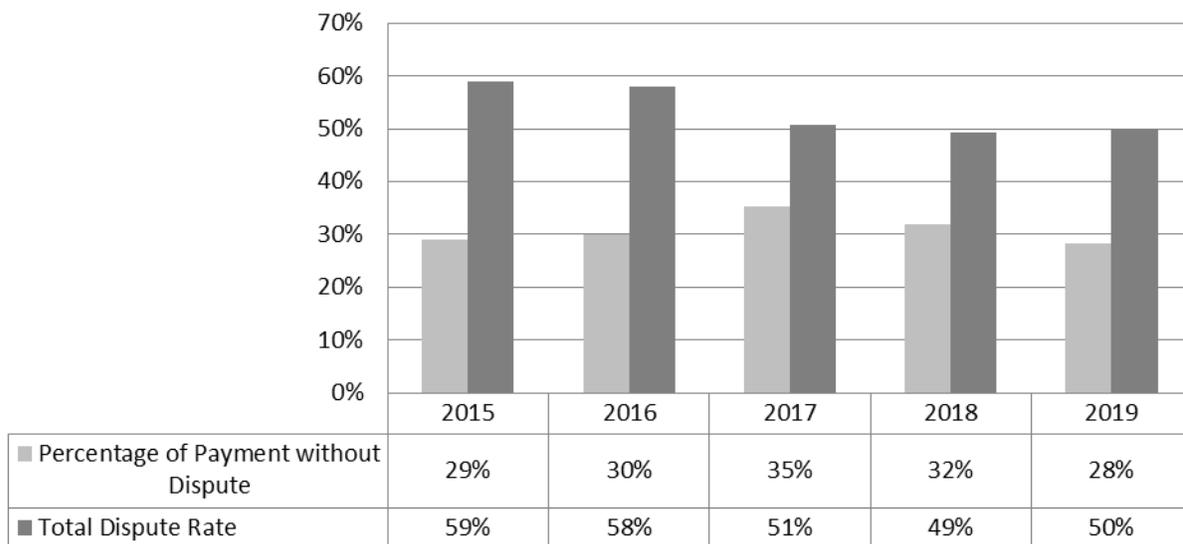
York Region continues to provide over 160,000 in-person and telephone services to all court users at both court locations.

	Front Counter	Telephone	Total Customers Served
Newmarket Court Location	42,536	35,913	78,449
Richmond Hill Court Location	53,477	29,415	82,892
Total	96,013	65,328	161,341

High Dispute Rate

High dispute rates within York Region continue to put pressure on Court Services. While dispute rates have decreased since the suspension of the Early Resolution Program in 2017, half of the tickets issued within the Region were filed for trial. Notable, although

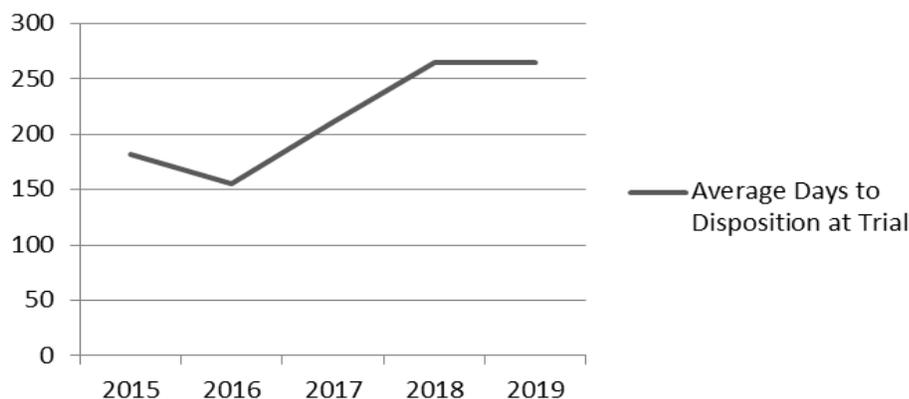
Region's 50% dispute is higher compared to the Provincial average, it remains consistent with other municipalities within the Greater Toronto Area (GTA).



Note: The remaining percentage of workload is Fail to Respond convictions

The average days to disposition at trial has increased 26 per cent from 2018. As the trial option is the only option available to defendants to dispute their charge, suspension of the early resolution has put increased pressure on trial dockets. Court staff continues to maintain time to trial within the legislative timeframes through the redistribution of workload.

Average Days to Disposition at Trial



Over 134,000 matters were addressed in Trial Courts in 2019, which represents a 15 per cent increase from 2018 (117,714 matters in 2018).

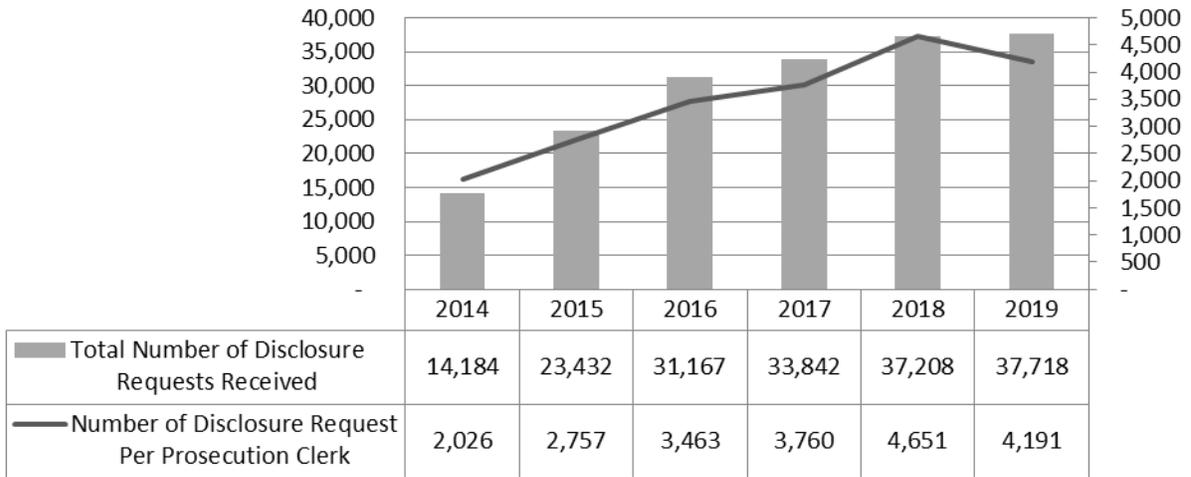
One of the challenges faced by Court Services is managing high volumes of trial requests. As POA tickets increase in fine amounts, demerit points and severity, an increasing number of defendants choose to exercise their right to trial. Higher dispute rates are challenging for Court Services for number of reasons. Issues such as not having the capacity within the court schedule to accommodate increasing trial requests, province-wide Justice of the Peace shortages, and unforeseen court closures have all contributed to putting an additional strain on already limited court resources. Although Court Services is working towards increasing access to justice and making services more responsive, some of the court functions are outside of its control and are within the purview of the Chief Justice. Court Services continues to work with judicial executives to find effective and efficient solutions to these challenges.

Appearance Room	Grand Total
R3 - Traffic and Municipal Parking and Bylaws	22,711
R4 - Part One Traffic Court	23,421
T1 - Part One Traffic Court	27,304
T2 - Ministry and Municipal Parking and Bylaw Court and Part One Traffic Court	11,045
T3 - Part Three Provincial Court	31,157
T4 - Part One Traffic Court	18,629
Total Number of Matters on Trial Dockets	134,267

Increasing Requests for Disclosure

Requests for disclosure have increased due to the fact that penalties for POA tickets have become more severe while the request process has become much more informed. Due to higher fine amounts, demerit points, and potential licence suspensions, an increasing number of defendants resort to hiring legal representatives, who are required to request disclosure. Additionally, the increase in disclosure requests can be attributed to providing more information and ease of access to obtain disclosure. Since disclosure is free of charge and Court Services includes a disclosure request form with all notices of trial, more defendants submit a request for disclosure to prepare to defend the charge. Although streamlining the disclosure request process has resulted in a higher number of request, it fulfils the prosecutor's duty of advising defendants of their right to disclosure, thus ensuring that every defendant's right to a fair trial is protected.

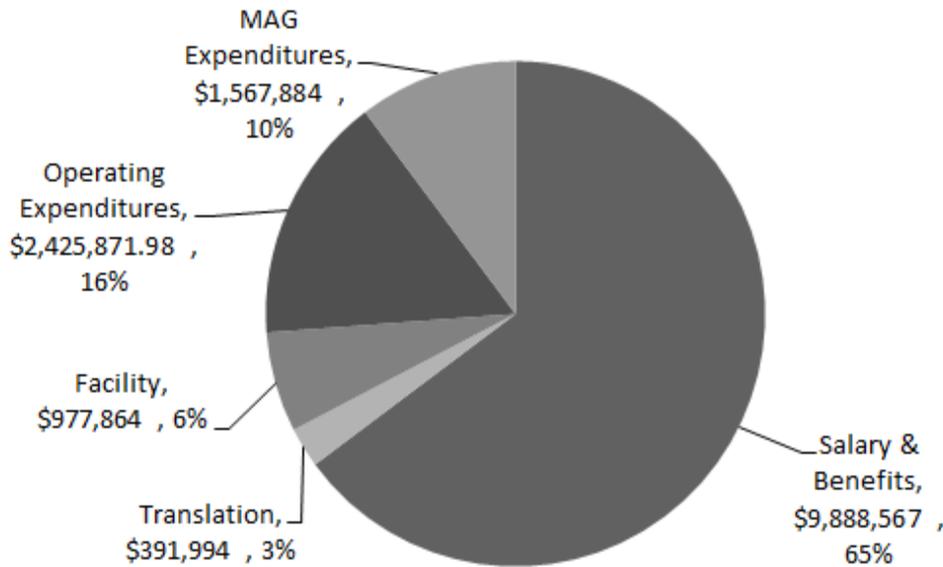
Number of Disclosure Requests per Prosecution Clerk



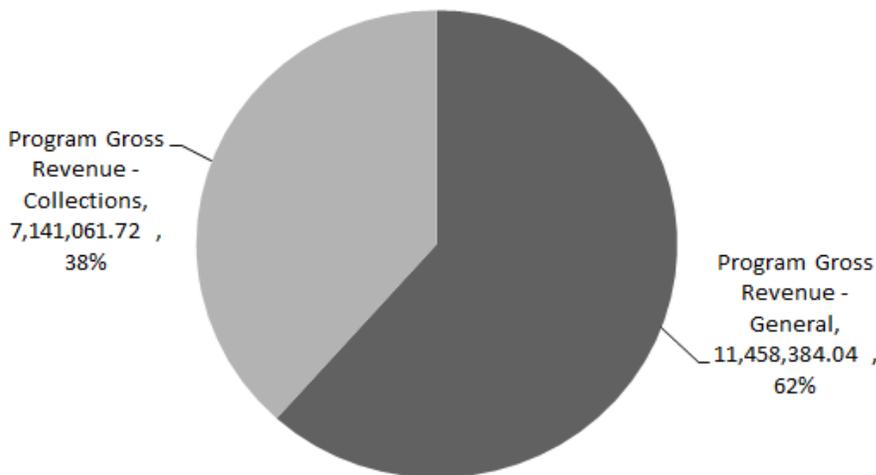
*No provincial standards exist for the number of disclosure requests per prosecution clerk.

2019 Expenditure and Revenue Analysis

2019 Operating Budget by Expenditure Category



2019 Revenue Source¹



Expenditure

Salary and Benefits

Includes all staffing expenses related to Court Administration, Prosecution and Collections. Includes all permanent, casual and temporary staffing in addition to overtime and benefits.

MAG Expenditures

Total cost of expenses paid to the Ministry of Attorney General including Judicial and ICON related costs. Victim Fine Surcharge and Dedicated fines are not included.

Operating Expenditures

Total cost of general operating expenses including the purchase of charging documents, witness fees, general office supplies, postage expenses and other minor operating expenses.

Facility

Total cost of facility expenses.

Translation

Total cost of providing interpreter services to court users.

¹2019 Revenue Source calculations include both internal and external collections efforts.

2019 Auditors Report

An independent audit of the consolidated financial statements of the Regional Municipality of York for the year ending December 31, 2019 was completed by KPMG in April 2019. Accordingly, the scope of the audit included the information about the results of the Region's Provincial Offences Office presented in the notes to the consolidated financial statement.

Excerpt from the Region's Audited Financial Statements

PROVINCIAL OFFENCES ADMINISTRATION

The Region administers prosecutions and the collection of related fines and fees under the authority of the Provincial Offences Act ("POA"). The POA is a procedural law for administering and prosecuting provincial offences, including those committed under the Highway Traffic Act., Compulsory Automobile Insurance Act, Trespass to Property Act, Liquor License Act, Municipal By-laws and minor federal offences. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network system ("ICON"). The Region recognizes fine revenue when the receipt of funds is recorded by ICON regardless of the location where payment is made.

Gross revenue is comprised primarily of fines levied under Part I, II and III (including delay penalties) for POA charges. The total revenue for 2019 amounts to \$23,398,247 (2018 - \$22,665,795) and the net revenue amounts to \$3,417,496 (2018 - \$3,650,124). Balances arising from operations of POA offices are consolidated with these financial statements.

THE REGIONAL MUNICIPALITY OF YORK

Provincial Offences Office

Statement of Receipts and Expenses

For the year ended December 31, 2019

(Unaudited)

	Budget <u>2019</u>	Actual <u>2019</u>	Actual <u>2018</u>
	\$	\$	\$
Revenue			
Fines	20,820,700	23,398,247	22,309,755
Other Revenue	340,000	430,031	356,040
	<u>21,160,700</u>	<u>23,828,278</u>	<u>22,665,795</u>
Expenses and Disbursements			
Salaries and Benefits	9,848,008	9,703,761	8,982,722
General Administration	2,013,387	1,836,278	1,449,154
Program Related Services	1,711,753	1,668,610	1,764,241
Professional Services	895,463	852,321	865,706
Occupancy Expenses	1,073,577	976,212	951,167
Amortization	0	17,082	0
Asset Acquisitions	125,698	33,893	25,407
	<u>15,667,886</u>	<u>15,088,157</u>	<u>14,038,397</u>
Income before disbursements to Area Municipalities and Others	5,492,814	8,740,121	8,627,398
Disbursements to Area Municipalities and Others	<u>(5,496,790)</u>	<u>(5,322,625)</u>	<u>(4,977,274)</u>
Net Surplus/(Deficit)	(3,976)	3,417,496	3,650,124
Contribution from Reserves	626,631	93,793	0
Contribution to Reserves	<u>(111,000)</u>	<u>(1,111,000)</u>	<u>(1,120,000)</u>
Net Surplus/(Deficit) after Contribution to/from Reserves	<u>511,655</u>	<u>2,400,289</u>	<u>2,530,124</u>

The accompanying notes are an integral part of the financial statement

THE REGIONAL MUNICIPALITY OF YORK
Provincial Offences Office
Note to the Financial Statement
December 31, 2019
(Unaudited)

The Regional Municipality of York (the Region) administers prosecutions and the collection of related fines and fees under the authority of the Provincial Offences Act (“POA”). The POA is a procedural law for administering and prosecuting provincial offences, including those committed under the Highway Traffic Act, Compulsory Automobile Insurance Act, Trespass to Property Act, Liquor Licence Act, Municipal By-laws and minor federal offences. The POA governs all aspects of legal process from serving notice to a defendant, to conducting trials, including sentencing and appeals.

1. SIGNIFICANT ACCOUNTING POLICIES

The statement of financial activities for the Region’s Provincial Offences Office is prepared by management in accordance with generally accepted accounting policies for local governments as recommended by the Public Sector Accounting Board of the Chartered Professional Accountants of Canada. Significant aspects of the accounting policies are as follows:

a) Revenues

Revenues are accounted on cash basis. The revenues of the court office consist of fines levied under Parts I, II and III (including delay penalties) for POA charges filed at the courts and located at The Tannery Mall, 465 Davis Drive, Newmarket and 50 High Tech Road, Richmond Hill. Offenders may pay their fines at any court office in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network system (“ICON”) operated by the Province of Ontario. The Region recognizes fine revenues when the receipt of funds is recorded by ICON regardless of the location where payment is made.

The Region also recognizes revenues that are collected on behalf of Area Municipalities and the Ministry of the Attorney General. These revenues include payments recovered with respect to local area municipal By-laws, Dedicated Fines related to various statutes, licence plate denial fees and the Province’s portion of parking fees as well as the Victim Fine Surcharge.

Partial payments received for fines are automatically applied in the ICON system in the following order:

- Victim fine surcharge
- Fine
- Costs
- Administrative fees
- Collection agency costs

b) Expenses

Expenses are recorded on the accrual basis of accounting which recognizes expenses as they are incurred and measurable as a result of the receipt of goods or services and creation of a legal obligation to pay.

c) Use of estimates

The preparation of the financial statement in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of revenues and expenditures and disclosure of contingencies at the date of the financial statement and for the period being reported on. Actual results could vary from these estimates.

d) Reserve

In 2015, a reserve was established to assist in planning and managing costs, which can vary significantly each year. The reserve will be funded through any net surplus in the prior year, after allocations, with an established upset limit.

Court Services: Priorities for 2020

Performance Focused:

- Execution of plan to ensure a smooth transition to 17150 Yonge Street and ensure smooth relocation with minimal disruptions to operation and customer experience
- Continue POA streamlining and modernization efforts and explore ways to create efficient procedures for the adjudication of provincial offences, Administrative Monetary Penalty System and sentencing

Customer Services

- Implement Digital Evidence Management System to streamline court practices and improve disclosure delivery process

Efficient Case Management:

- Develop new and innovative ways to effectively manage cases and explore alternatives for the outdated Province wide POA case management system including proposed governance and funding model

Process Improvement:

- Transfer Part III prosecutions to York Region through amending agreements between York Region, the 9 local municipalities and the Province

Training and Development:

- Continue to invest in employee training and development by creating employee development plans and supporting opportunities for leadership development

Technology:

- Expand Remote Video Testimony to allow roadside connection and include additional courtrooms and stakeholders such as Ontario Provincial police (OPP)
- Pilot Automated Speed Enforcement (ASE) in 12 York Region community zones