

ANNUAL REPORT

For the Year Ended December 31, 2020

COURT SERVICES
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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's nine cities and towns
- Over 30 law enforcement and regulatory agencies
- Ministry of the Attorney General
- Judiciary

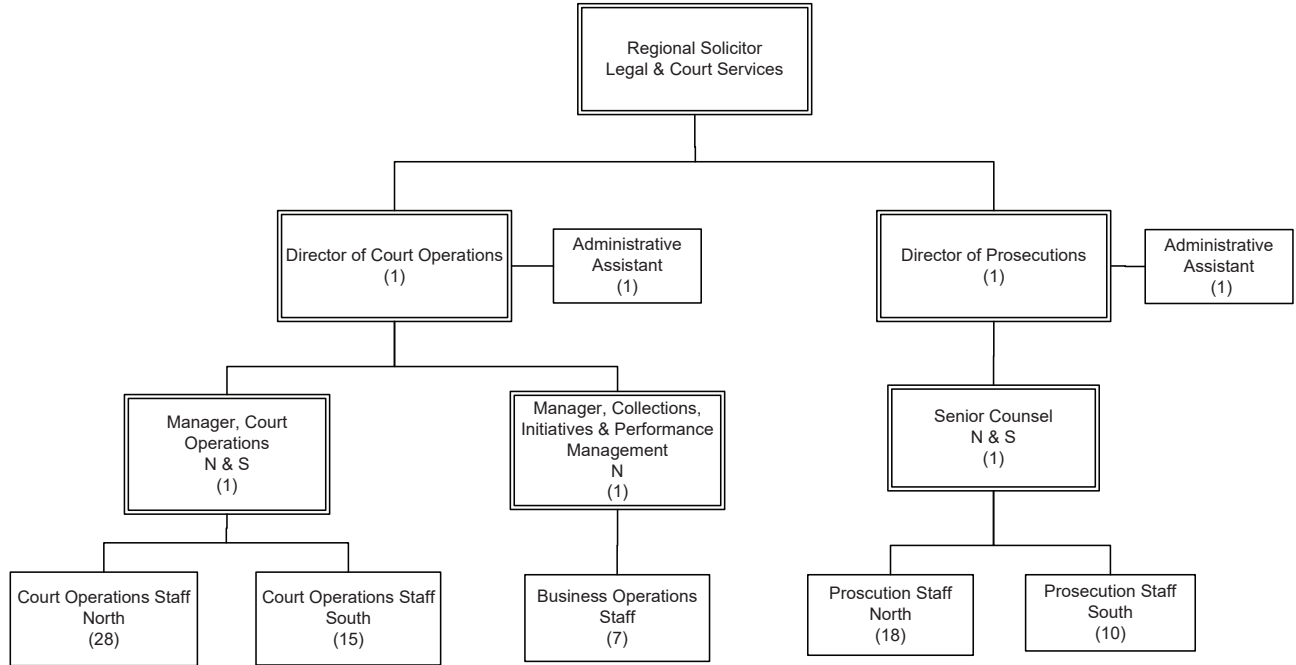
Operates:

- 2 court locations in the Town of Newmarket and City of Richmond Hill
- 6 trial courtrooms* (4 in Newmarket, 2 in Richmond Hill)
- 2 intake courtrooms* (1 in Newmarket, 1 in Richmond Hill)

**As per approved court master plan*

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.

ORGANIZATIONAL CHART



(85 FTE)

**As of December 31, 2020*

MESSAGE FROM DIRECTOR OF COURT OPERATIONS LISA BROOKS

Providing timely, quality and cost-effective access to justice remains a top priority for York Region's Court Operations. Despite the impacts of the COVID-19 pandemic and subsequent court closures across Ontario in 2020, we continued making strides to uphold our mandate.

The Newmarket Court relocated to 17150 Yonge Street, a significant undertaking achieved efficiently and on time despite the challenges imposed by the pandemic. This exciting change and opportunity allows York Region Court Services to identify further operational efficiencies and improve the customer experience.

The impact of COVID-19 throughout 2020 necessitated the implementation of innovative technologies to improve service delivery and increase operational efficiencies. This led to the introduction of a number of key initiatives and implementation of a digital transformation plan identifying key requirements for supporting

courts recovery, accelerating the modernization of Court Services, the expansion of remote-video capabilities and the implementation of automated speed enforcement technology.

We recognize the important role our staff play in our objectives. Despite the challenges we experienced in 2020, staff persevered, learning new skills and training to support the use of new technologies. We maintained our focus on development through the training of staff in the integration of new digital technologies, providing opportunities for our staff to achieve a positive and safe working environment.

MESSAGE FROM 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) as well as 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 2020, Prosecutions faced the closure of courts and transitioned to work from home. New processes were developed including converting paper-based files to electronic files, providing staff with secure remote access. All disclosure was provided through electronic means, eliminating the backlog of disclosure requests. The new basket consent order process for appeals started on January 1, 2020, resulting in the ability to resolve approximately 50% of appeals without the need for the parties to appear in person. More than 50,000 files were reviewed and defendants and legal representatives were contacted to resolve charges. Through these efforts, more than 5,000 resolutions were

arranged in 2020 and scheduled for pleas in virtual courtrooms beginning in November. Various conferences and education programs allowed prosecution managers to train prosecutors and officers.

Moving into 2021, the focus will be transitioning to virtual hearings, working with enforcement agencies to improve the ability to receive and provide disclosure electronically and working toward completing the transfer of Part III prosecutions from the Province to the Region. We will continue advocacy for streamlining and modernization the Provincial Offences Act (POA), as well as legislative reforms to create more efficiencies related to automated speed enforcement and red-light cameras to free up court time.

2020 KEY ACCOMPLISHMENTS

POA Court Process Improvement

Court Services in collaboration with the Judiciary, the Crown Attorney's Office, the Ministry of the Attorney General, the Ontario Paralegal Association and the York Region Law Association implemented the new consent order process for appeals. This allows for resolved appeals and applications to be completed over the counter without the need for the prosecutor and defendant to appear in court, saving court time for contested applications and appeals. This process is saving court time for contested applicants and appeals and reducing the time to wait for a hearing from eight months to less than four.

Court Services, along with York Regional Police, implemented a new Digital Evidence Management System (DEMS), which modernizes disclosure processes. The previous system required disclosure to be provided in a physical format, the new DEMS securely shares digital evidence/disclosure with crown prosecutors, courts and defendants.

In collaboration with York Regional Police, Court Services eliminated the backlog of approximately 6,000 disclosure requests and established a new process to process requests within 30 days.

Ministry cooperation and resource-sharing initiatives:

Participated in the Administrative Monetary Penalty System (AMPS) Working Group with Ministry staff and affected stakeholders, to determine the feasibility of AMPS for specific *Highway Traffic Act* offences.

Facilities improvements:

Transitioned the Newmarket Provincial Offences court location to 17150 Yonge Street, in a timely and efficient manner, reducing disruption in service and introducing modernized approaches to daily operations. The addition of two trial courtrooms and one intake courtroom increases capacity at the new location. York Region will work with local judiciary to incorporate the new resources into the future court masterplan.

Information technology upgrades:

In collaboration with Transportation Services, Court Services provided support in tracking performance measures data related to the Automated Speed Enforcement (ASE) Pilot. Court Services will continue to process ASE related charges

for the duration of the pilot. The pilot will determine the capacity of York Region's Provincial Offences Court to process infractions, test technology capabilities and promote safer communities.

Fine enforcement and collection initiatives:

York Region analyzed over 80,000 default case files to prepare for future collection activity. In addition, processes were implemented to support a consistent approach and key performance indicators were developed to support future decision making and audits. Monitoring and will be finalized in 2021.

Legislative Analysis and Implementations:

When passed in 2017, Bill 177 *Stronger, Fairer Ontario Act* reformed the early resolution process transferred Part III prosecutions to municipalities, improved the collection of default fines and expanded the powers of the court clerk by amending the *Provincial Offences Act*.

Court Services participated in the Bill 177 Working Group with Ministry staff and other Municipal Court Managers providing recommendations to move portions of the bill forward to support Provincial Offences Court recovery.

Prosecutions analyzed the impact of proclaiming section 48.1 of the *Provincial Offences Act*, implemented the appropriate process changes and communicated this to the stakeholders who would be impacted by the legislative change.

This amendment will help Court Services recovery by reducing the number of charges to be withdrawn if the officer fails to attend the trial. Prosecutions will now discuss a resolution with the defence rather than withdrawing the charge. However, it will not change prosecutions requirement to have the officer notified to attend trial for most offences.

Notable Precedent Setting Cases

Precedent setting cases refer to court decisions that are considered as authority for deciding subsequent cases involving identical or similar facts, or similar legal issues. Precedent requires courts to apply the law in the same manner to cases with the same facts. Precedent establishes guiding legal principles for participants of the justice system.

Prosecutions successfully argued several precedent setting cases:

R v Nguyen – Decision was upheld at the Ontario Court of Appeal case that the s. 11(b) 18-month presumptive ceiling for delay established by the Supreme Court of Canada in *R v. Jordan* applies to Provincial Offences Act proceedings.

R v Irwin – Decision was upheld at the Ontario Court of Appeal that a defendant cannot collaterally attack an Order issued by a building inspector under the *Building Code Act*.

Regional Municipality of York v. 2575173 Ontario Inc. o/a Wimpy's Dinner - Established a precedent that if an officer certifies an offence notice was served on a corporate defendant and the Offence notice requesting a trial is filed. the court can be satisfied the corporate defendant was served and can convict the defendant if he or she fails to appear for trial.

2020 COVID-19 IMPACTS AND INITIATIVES

The emergency orders, while necessary for public safety, placed additional stress on York Region's Provincial Offences Courts. While enforcement activity continued throughout the pandemic, the means to handle these matters were effectively shut down without alternatives, increasing risk of extending the time to trial. With York Region courts already operating at maximum capacity, this was a significant challenge.

Prior to the pandemic, municipalities were calling on the Province to modernize court due to increasing times to trial, pressures on judicial resources and restrictive legislation preventing innovation. With the Ontario Court of Justice orders extending time limitations and the suspension of in-person proceedings, this created additional unanticipated pressures on the Provincial Offences court system. Without significant improvements, adequate judicial resources and a system promoting greater flexibility and innovation, municipalities are at a disadvantage to progress.

Response and Recovery Framework

York Region courts developed a COVID-19 recovery framework including a resumption plan, communication plan for internal and external stakeholders and a safe space plan to support health and safety measures accompanied by a staff training plan focused on health and safety, mental wellbeing and customer service. The framework focuses on digital modernization and resumption of in-person services aligned with direction from the Ministry of the Attorney General, Recovery Secretariat and Public Health.

Digital Modernization

A digital transformation plan identifies the technology requirements to support court recovery and accelerate the modernization of Court Services. Initiatives identified within the digital plan and implemented throughout 2020 include:

- Remote hearing solution for non-trial court proceedings with associate processes (i.e. virtual dockets) to help reduce the pending caseload by providing a safe remote environment
- Virtual processes supporting the vetting of court files and streamlining disclosure processes allowing for digital delivery of disclosure to counsel, agents and defendants

Resuming In-Person Service

Reopened court and prosecution in-person front counter services including the coordination of front-entrance protocols at Newmarket (17150 Yonge Street) and Richmond Hill (50 High Tech Road) court locations. A modified customer journey process was created to comply with new health and safety measures supporting active COVID-19 screening, occupancy standards and upholding the mandatory mask requirement. The installation of self-serve kiosks and purchasing of an online appointment solution also supported the reopening. York Region Court Services also retrofitted all courtrooms and court public spaces allowing customers to access services unavailable online or when the customer does not have access to technology. Prior to the implementation of DEMS and in the absence of in-court First Appearances, Prosecutions implemented a curbside pickup process for disclosure of DVD's to legal representatives and contacted defendants with Motor Vehicle Collision (MVC) offences to provide disclosure electronically.

Revenue Recovery:

Court Services ran a targeted Reminder Notice letter campaign to defaulted offenders. Offenders were sent a friendly reminder of their outstanding fine and encouraged to address it. More than 6,000 letters were mailed and 702 payments were received, totaling approximately \$200,000, addressing the backlog of defaulted fines and reviving reduced revenue streams. This will be repeated in Q1 of 2021.

Review and Resolution of Matters:

In anticipation of York Region's Provincial Offences Court resuming remotely, Prosecutions proactively reviewed 57,000 matters awaiting trial. Where phone numbers and/or email addresses were available, prosecutors contacted defendants to resolve matters so defendants could plead guilty once Court resumed. This reduced the pending caseload of charges and bolstered revenue streams. More than 5,000 matters were resolved through acceptance of offers in 2020, with 3,031 of these matters being heard remotely in November and December 2020. In 2021, resolution letters will be mailed due to no phone number or email address being on file.

KEY WORKLOAD DRIVERS

The following numbers reflect the disruption of service caused by the COVID-19 pandemic response. York Region will continue to report this data for transparency and to contribute to future post-pandemic analysis. While this data should not be considered the norm, it reflects the pressures experienced and showcases the need for greater provincial direction and assistance in the resumption of services.

Total Charges Filed (by Agency) in 2020

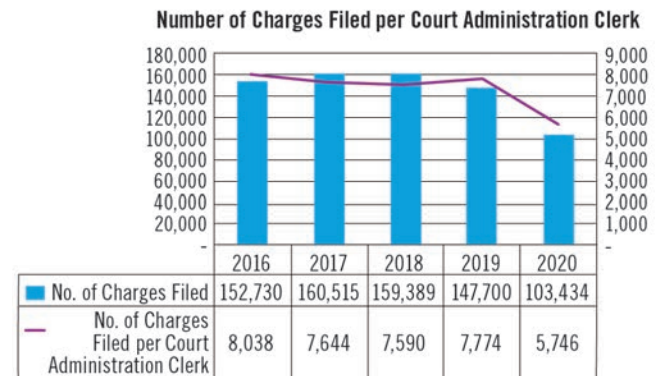
	Number of Charges	Percentage of Caseload
York Region Police	77,998	75.41%
Ministries and Other Agencies	11,410	11.03%
Ontario Provincial Police	9,038	8.74%
York Region	2,175	2.10%
Town of Aurora*	1,009	0.98%
City of Markham	462	0.45%
Town of East Gwillimbury*	336	0.32%
Town of Whitchurch-Stouffville*	298	0.29%
City of Vaughan	278	0.27%
Town of Richmond Hill	178	0.17%
Township of King*	133	0.13%
Town of Georgina	91	0.09%
Town of Newmarket	28	0.03%
Total Charges Filed	103,434	100.00%

*These municipalities have not yet "opted in" under section 18.6(1)(a) of the *Provincial Offences Act*, meaning their Parking Tickets continue to be 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. A pending caseload of 2020 parking violations for municipalities who have not opted in, is not represented in the table above as these will be processed through ICON in 2021.

In 2020, the total charges filed in York Region decreased slightly and can likely be attributed to provincewide stay-at-home orders, reduced daily commuting and less public and enforcement interaction. Of the charges filed, 399 are COVID-19 related charges.

Act Type	Number of Charges Filed
Certificate of Offence - Accidents (i.e. Motor Vehicle)	2,124
Accident Information	12
Federal Certificate of Offence	73
Federal Information	1
Certificate of Offence	91,662
Parking Infraction Notice	1,799
Information	7,763

The Provincial standard for number of charges filed per Court Administration Clerk is 5,000 to 6,000. A reduction greatly impacts the total number of charges filed per clerk. However, York Region met the Provincial standard. Court Services intends to seek innovative workload management strategies while continuing to maintain its high quality of work and customer service.



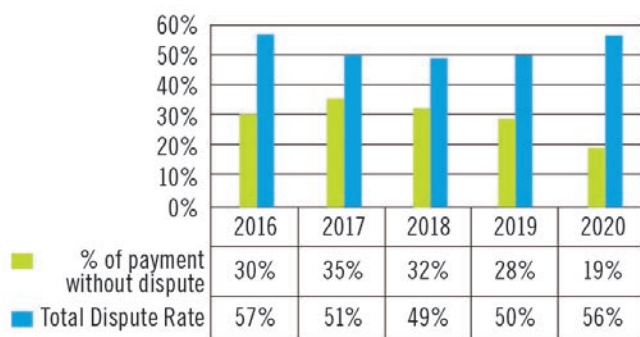
Customer Service

York Region continues to provide in-person and telephone services to all court users at both court locations. There was a significant reduction in customer service numbers in 2020 compared to 2019. This is due to emergency orders extending timelines for defendants to respond to charges, the overall reduced number of charges filed with the court and the closure of front-counter operations from March to September 2020.

	Front Counter	Telephone	Total Customers Served
Newmarket Court Location	13,609	29,077	42,686
Richmond Hill Court Location	15,413	22,573	37,986
Total	29,022	51,650	80,672

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. A notable jump in dispute rate from 2019 to 2020, is largely due to Option 2 - Walk-In Guilty, which provides defendants the opportunity to reduce a fine without going to trial, being unavailable for defendants in 2020. Without a remote process, defendants were only provided with payment or trial options.



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

Time to Disposition

All matters scheduled between March 2020 and December 2020 were adjourned by a Chief Justice of the Ontario Court of Justice order. Therefore, York Region will not be reporting on days to disposition in 2020 as the data is not an accurate representation and does not provide a statistically valid comparative. Over 59,600 matters were addressed in Trial Courts in 2020, only accounting for matters from January to March of 2020. Approximately 100,000 matters were impacted, including 49,000 trial requests received. This has put additional pressure on trial scheduling and limited judicial resources already operating at maximum capacity. York Region's limited judicial resources were further reduced as part of the provincial pandemic response and will remain at these levels throughout 2021.

Although Court Services is working to increase access to justice and making services more responsive, some of the court functions 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	13,985
R4 - Part One Traffic Court	15,664
T1 - Part One Traffic Court	10,011
T2 - Ministry and Municipal Parking and Bylaw Court	4,409
T3 - Part Three Provincial Court	10,700
T4 - Part One Traffic Court	4,831
A1 - Part Three Provincial Court	3,717
A2 - Part One Traffic Court	9,136
A6 - Ministry and Municipal Parking and Bylaw Court	2,065
A7 - Part One Traffic Court	5,863
Total Number of Matters on Trial Dockets	59,600

**R3 and R4 = Richmond Hill

T1 to T4 = Newmarket - old location (460 Davis Dr.)

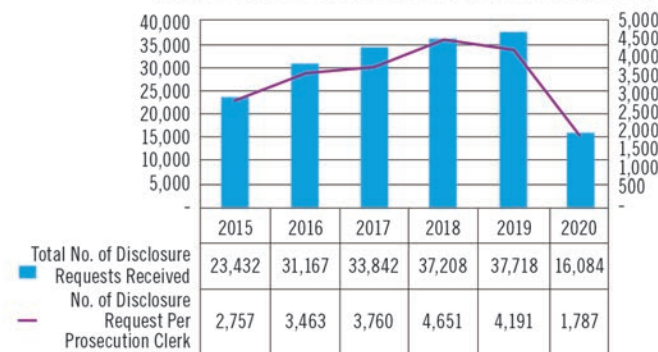
A1, A2, A6, and A7 = Newmarket - new location (17150 Yonge St.)

Increasing Requests for Disclosure

In recent years, requests for disclosure have increased due to penalties for POA tickets becoming more severe. Due to increased 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 requests may be due to providing more accessible information to obtain disclosure. Since disclosure is free of charge and Court Services includes a disclosure request form with all notices of trial, more requests are submitted. Although streamlining the disclosure request process has resulted in a higher number of requests, it fulfills 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.

For pandemic-related reasons, requests for disclosure declined in 2020. This could be due to fewer charges filed, the court closure in March and no new trial notices being issued. However, Prosecutions did review over 57,000 charges and provided disclosure when required to reduce the backlog. This data is not captured in the disclosure requests received data since this was a proactive action.

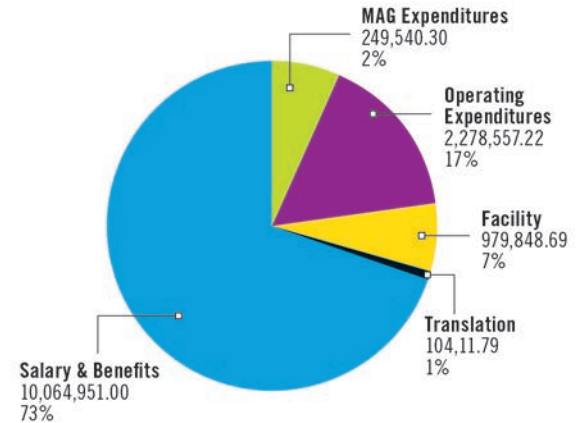
Number of Disclosure Requests per Prosecution Clerk



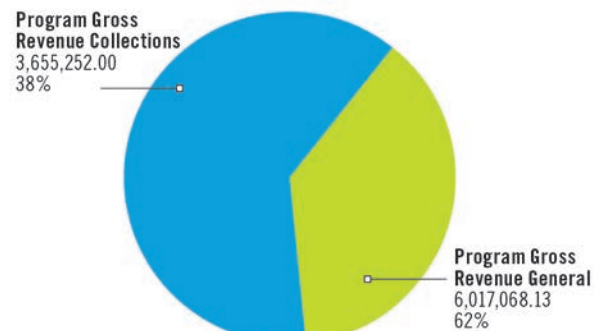
*No provincial standards exist for the number of disclosure requests per prosecution clerk

EXPENDITURE AND REVENUE ANALYSIS

2020 Operating Budget by Expenditure Category



2020 Revenue Source¹



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

Expenditure Salary and Benefits - includes all staffing expenses related to Court Administration, Prosecution and Collections including permanent, casual and temporary staffing in addition to overtime and benefits.

MAG Expenditures- total cost of expenses paid to the Ministry of Attorney General includes Judicial and ICON related costs. Victim Fine Surcharge and Dedicated fines are not included.

Operating Expenditures - total cost of general operating expenses includes 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 is the cost of providing interpreter services to court users.

2020 AUDITORS REPORT

An independent audit of the consolidated financial statements of the Regional Municipality of York for the year ending December 31, 2020 was completed by KPMG International. Accordingly, the scope of the audit included information about the results of the Region's Provincial Offences Office presented in the notes of 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 2020 amounts to \$11,956,394 (2019 - \$23,828,277) and the net surplus/(deficit) amounts to \$(4,203,175) (2019 - \$3,253,472). 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
 Year ended December 31, 2020
(Unaudited)

	Budget	2020	2019
Revenue			
Fines	\$ 21,049,204	\$ 11,541,676	\$ 23,398,247
Other Revenue	340,000	414,718	430,031
	21,389,204	11,956,394	23,828,278
Expenses and Disbursements			
Salaries and Benefits	10,333,921	10,064,951	9,888,567
General Administration	1,774,226	1,507,428	1,815,496
Program Related Services	1,711,753	540,572	1,668,610
Professional Services	895,463	470,201	852,321
Occupancy Expenses	1,096,270	979,737	976,212
Amortization	-	17,792	17,082
Asset Acquisitions	111,602	96,331	33,893
	15,923,235	13,677,012	15,252,181
Income before disbursements to Area Municipalities and Others	5,465,969	(1,720,618)	8,576,097
Disbursements to Area Municipalities and others	(5,496,790)	(2,482,558)	(5,322,625)
Net Surplus (Deficit)	(30,821)	(4,203,176)	3,253,472
Contribution from Reserves	530,446	198,484	93,793
Contribution to Reserves	(111,000)	(111,000)	(1,111,000)
Net Surplus (Deficit) after Contribution to/from Reserves	\$ 388,625	\$ (4,115,692)	\$ 2,236,265

The Regional Municipality of York
Notes to the Sinking Fund Financial Statements
December 31, 2020
(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) Revenue

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 located at 17150 Yonge St., 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 2021

Performance Focused:

Continue POA streamlining and modernization efforts by onboarding MNP LLP to analyze the current legislative landscape and Court Services department to create a Digital Roadmap and Administrative Monetary Penalty System Business Model.

- The Digital Roadmap will identify strategic priorities and provide guidance to transform the current Court Operation systems and platforms to be accessible, efficient, and scalable and therefore meet public expectations for service excellence
- The Administrative Monetary Penalty System Business Model will help to address the pending caseload, better utilize resources, improve access to justice and customer experience, and further drive efficiencies through the automation and digitization of processes

Customer Services:

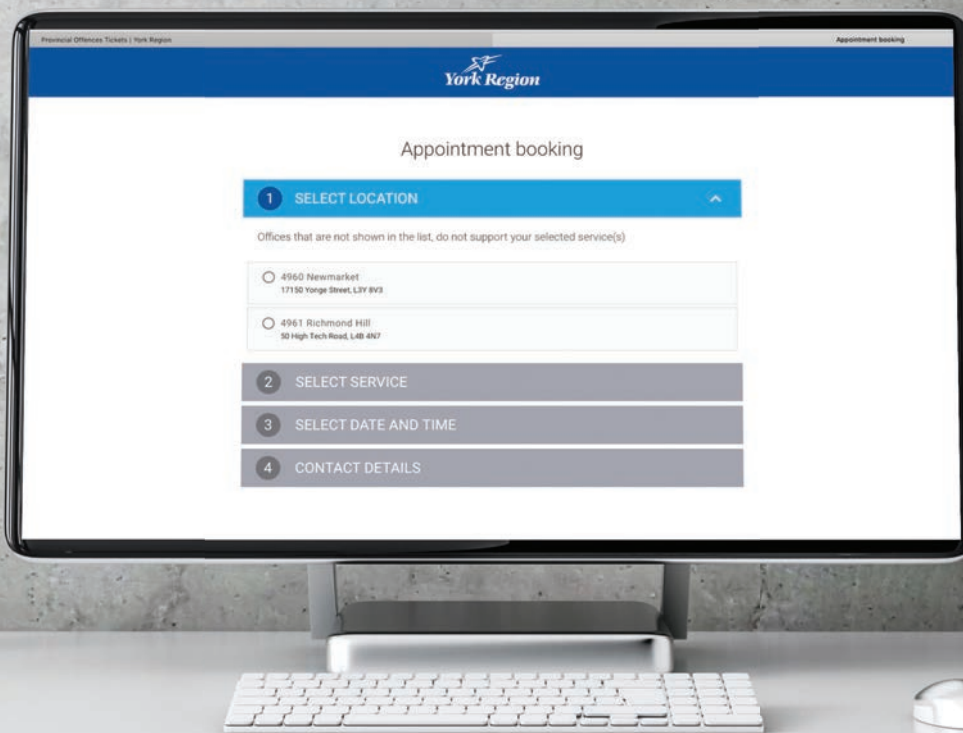
Onboard an appointment booking system, to establish a front-line customer service model that supports York Region's customer centric approach by providing efficient and timely access to justice.

Work with the Ministry and other impacted stakeholders to prepare for and respond to the resumption of Provincial Offence Act timelines.

Process Improvement:

Continue participation in the Part III Transfer Working Group to finalize amending agreements to the Memorandum of Understanding and Local Side Agreements to implement the transfer of Part III prosecutions.

Analyze and implement process improvement opportunities made in the *Provincial Offences Act* as a result of the proclamation of *Bill 177, Stronger, Fairer Ontario Act (Budget Measures)*, 2017.



Training and Development:

Provide training and wellness opportunities to help staff manage their health and well-being, while equipping staff with tools and resources that focus on their continued development.

Ongoing training on enhanced and new technology and change management to support staff through York Region's digital transformation of Court Services, including the transition to remote hearings and appointment-based services.

Technology:

Continue to expand the remote hearing solution for non-trial and trial court proceedings and the related processes to reduce pending caseload and ensure health and safety precautions are followed.

Continue to process charges and analyze data for the Automated Speed Enforcement Pilot.

Capital Improvements:

Working alongside Property Services and other Corporate partners, execute the redesign workspace project at the Richmond Hill court location to improve customer flow and available office space for employees.

