



ANNUAL REPORT

For the Year Ended December 31, 2021

COURT SERVICES

905-898-0425
1-877-331-3309

york.ca



TABLE OF CONTENTS

Court Services Mandate	3
Message from Directors	4
Key Accomplishments	6
Key Workload Drivers	8
Expenditure and Revenue Analysis	9
Introduction to the External Auditor’s Report	10
Statement of Receipts and Expenses	11
Notes to Statement of Receipts and Expenses	12
Court Services: Priorities for 2022	13





COURT SERVICES MANDATE

Court Services provides two distinct functions:

- Court Operations and Prosecution

Provides services to:

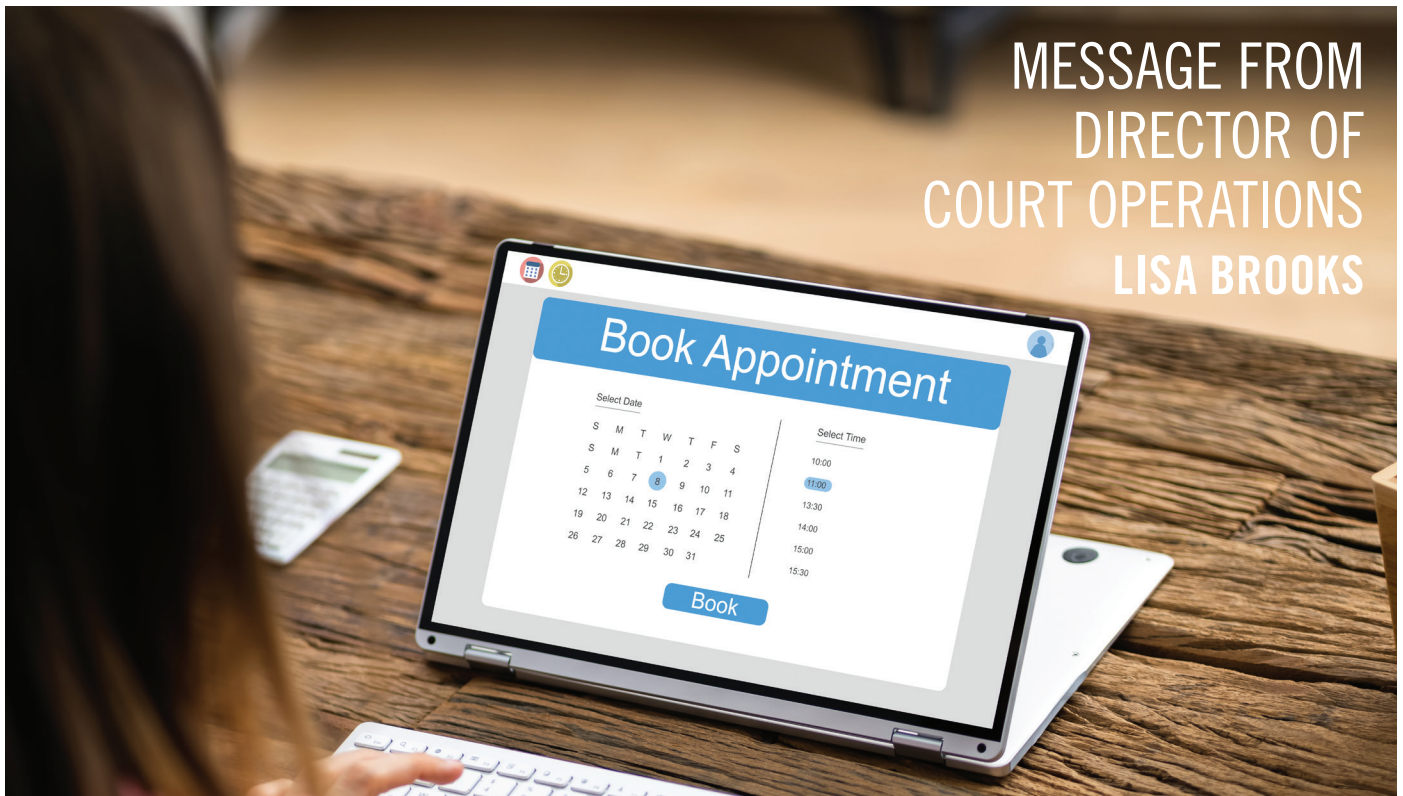
- Members of the public
- York Region's nine cities and towns
- More than 30 law enforcement and regulatory agencies
- Ministry of the Attorney General
- Judiciary

Operates:

- The second largest *Provincial Offences Act* (POA) court program in Ontario
- Two court locations in the Town of Newmarket and City of Richmond Hill
- Six trial courtrooms* (four in Newmarket, two in Richmond Hill)
- Two intake courtrooms* (one in Newmarket, one in Richmond Hill)

*As per approved Court Master Plan

MESSAGE FROM DIRECTOR OF COURT OPERATIONS LISA BROOKS



Providing timely, quality and cost-effective access to justice has always been a top priority for York Region's Court Operations. Despite the spillover impacts of the COVID-19 pandemic and subsequent court closures across the Province of Ontario, in 2021 we made great strides to uphold our mandate. Throughout 2021, York Region Court Services revised the way court users access services by introducing remote hearings and shifting our service delivery model to an appointment-based system. This ensured we followed appropriate health and safety guidelines while continuing to identify further operational efficiencies and ways to redesign customer experience. The impact of COVID-19 gave Court Services an opportunity to evaluate our internal processes and plan for

our future with a focus on optimizing our internal resources and improving customer service. This led to the introduction of several key initiatives including:

- Developing the Court Services Digital Roadmap and an Administrative Penalty System Business Model that identified key modernization efforts to streamline our operations
- Expanding remote-video capabilities
- Implementing collection enforcement efforts to increase revenue lost from past court orders.

In addition, the successful execution of the Richmond Hill Redesign Project provides staff and our customers with a space that is accessible and promotes greater productivity and collaboration.

York Region recognizes the key role our staff play in delivering our objectives and we directed our focus on wellness training and the introduction of tools to help staff during difficult times.

In 2022, we look forward to working with our internal and external stakeholders to continuously improve how our Courts operate in York Region.

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) 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 2021, Prosecutions was faced with adapting to a new remote hearing process that allowed all participants to appear by Zoom video and new processes were developed to transition to this model. While Prosecution staff worked online, regular meetings and ongoing contact kept the team strong and connected. We continued to work with our enforcement agencies to provide training and guidance on evolving legal issues. In partnership with the Joint Processing Centre (JPC) and our local and Regional municipal enforcement

agencies, we created new processes to receive disclosure and prosecution briefs electronically, eliminating the need to receive paper documents and briefs which allowed prosecution staff to access files remotely. All disclosures were provided through electronic means. Prosecution staff continued to reach out to defendants and legal representatives to seek resolution of trial requests. More than 23,000 charges were resolved through this resolution process. The basket consent order process for appeals allowed our appeal court to continue to provide service to all parties during the appeal court closure. Through meetings with the judiciary, we were able to resume contested appeal hearings two months in advance of the Chief Justice's reopening target. Various conferences and education programs continued to

be conducted virtually, thus allowing continued training for prosecutors.

Moving into 2022, our focus will be to address the trial backlog, working with our enforcement agencies to expand and improve the ability to receive and provide disclosure electronically, and working toward completing an interim transfer agreement for Part III prosecutions from the Province to the Region. We will also focus on continued advocacy for streamlining and modernization of the *Provincial Offences Act* (POA), as well as looking at ways to implement an administrative penalty system in anticipation of a new regulation allowing for offences captured through automated speed enforcement and red-light camera systems to be moved into an administrative penalty system.

2021 KEY ACCOMPLISHMENTS

Facilities Improvements:

Implemented the redesigned workspace project at Richmond Hill court which included:

- Increasing the number of staff work spaces
- Providing a dedicated staff washroom
- Redesigning front counter space to be more productive and ergonomically correct
- Increasing filing and storage
- Creating additional collaborative areas, ensuring the space was Accessibility for Ontarians with Disabilities Act (AODA) compliant

Customer service improvements:

Launched successful online communication campaign to advise the public of new online appointment system for front counter services.

Established an appointment-based customer service model; this transition helped Court Services ensure appropriate controls were in place to manage capacity limits and other health and safety requirements.

Supported increased operational efficiencies, data collection and reporting to support decision making and improve the customer experience through the platform solution (Qmatic).

Shifted to remote appointments for walk-in guilty pleas before a Justice of the Peace.

Research and Planning

Through the Audit and Accountability Fund, Court Services engaged consulting services to develop the Courts' Modernization plan which included a Digital Roadmap to digitalize court operations and services creating a seamless experience that is smart and inclusive, and is driven by continuous improvement. The second component of the Courts' Modernization plan was an Administrative Penalty System business model which is an alternative enforcement scheme that includes an efficient dispute process by replacing the traditional *Provincial Offences Act* system for certain offences. The Administrative Penalty System is designed to streamline the process by reviewing disputed offences outside of the backlogged court system. The consultants final report on the Courts' Modernization Plan was shared with the Regional Council and made publicly available in October 2021.

Training and Development

To support staff throughout COVID-19, Court Services identified and delivered training and wellness opportunities, providing staff with tools to respond to difficult situations throughout the pandemic.

Recovery Response

Resumed collection efforts in a strategic way to maximize benefit, including onboarding of third-party collection agencies.

Launched a successful reminder notice campaign targeting defaulted defendants, bringing attention to their outstanding fine before the order from the Ontario Court of Justice expires.

The campaign resulted in 716 payments totaling approximately \$411,658.

POA Court Process Improvement

Implemented court process changes which included transferring previous judicial responsibilities to Clerks of the Court, pursuant to legislative reforms introduced by Bill 177.

Information technology upgrades

Transitioned court hearings to the Zoom platform and developed internal processes to ensure all stakeholders could participate in remote hearings. This allowed York Region *Provincial Offences Act* courts to operate in a virtual setting while in-person appearances were suspended and allowed Court Services to address the backlog caused by emergency orders.

Expanded existing technology to better manage First Appearance volumes, while allowing Ministry and municipal enforcement stakeholders access to court availability in real time.

Prosecution's resolution project

Prosecutions reached out to defendants and legal representatives to resolve more than 23,000 charges which were heard via teleconference and Zoom hearings.



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 a continued focus on recovery initiatives.

Total Charges filed by agency

In 2021, the total number of charges filed increased slightly in comparison to 2020. While this increase is a promising sign that the system is returning to pre-pandemic norm, the total number of charges filed in 2021 represents a 35% decrease in comparison to pre-COVID-19 numbers. Additional stay at home orders and expansion of business telework opportunities has likely resulted in lower daily commuting traffic and fewer public interactions with enforcement.

Total Charges Filed (by Agency) in 2021

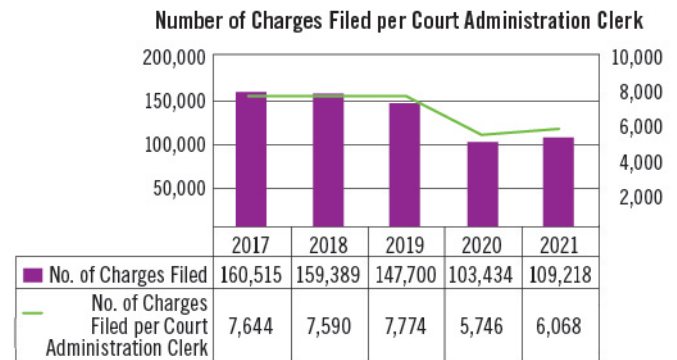
	Number of Charges	Percentage of Caseload
York Region Police	74,149	67.89%
Ministries and Other Agencies	18,661	17.09%
Ontario Provincial Police	7,941	7.27%
York Region	2,625	2.40%
Town of Aurora*	1,457	1.33%
City of Markham	438	0.40%
Town of East Gwillimbury*	611	0.56%
Town of Whitchurch-Stouffville*	1,916	1.75%
City of Vaughan	860	0.79%
Town of Richmond Hill	198	0.18%
Township of King*	254	0.23%
Town of Georgina	99	0.09%
Town of Newmarket	9	0.01%
Total Charges Filed	109,218	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.

Act Type	Number of Charges Filed
Certificate of Offence - Accidents (i.e. Motor Vehicle)	2,042
Accident Information	15
Federal Certificate of Offence	105
Federal Information	-
Certificate of Offence	94,007
Parking Infraction Notice	4,094
Information	8,955
Grand Total	109,218

Number of charges filed per Administration Clerk

The Provincial standard for number of charges filed per Court Administration Clerk is 5,000 to 6,000. Even with a reduction in the total number of charges filed, York Region Court Administration Clerks have continued to meet and even surpass the Provincial standards. This is in part due to the workload management strategies that have been developed at the operational level to ensure that Provincial standards are met, with a continued focus on high quality work and customer service.



Number of front counter and telephone customers served

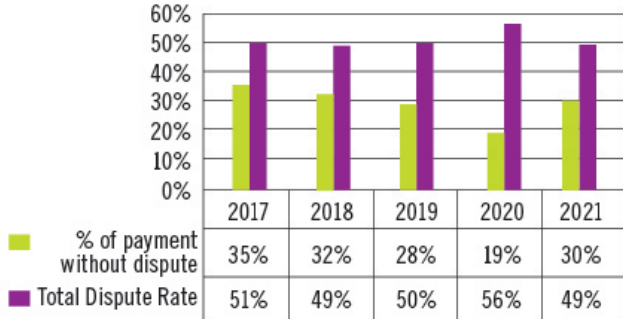
York Region Court Services continues to provide both telephone and in-person services to assist court users through the court process. In 2021, nearly 80,000 people sought services through either telephone or front counter appointment. This represents approximately half of pre COVID-19 interactions. The extension of *Provincial Offences Act* timelines, a reduction in the charges filed, the redesign of our public website and the promotion of online services are likely contributors to this decrease.

	Front Counter	Telephone	Total Customers Served
Newmarket Court Location	7,624	37,117	44,741
Richmond Hill Court Location	6,861	28,052	34,913
Total	14,485	65,169	79,654

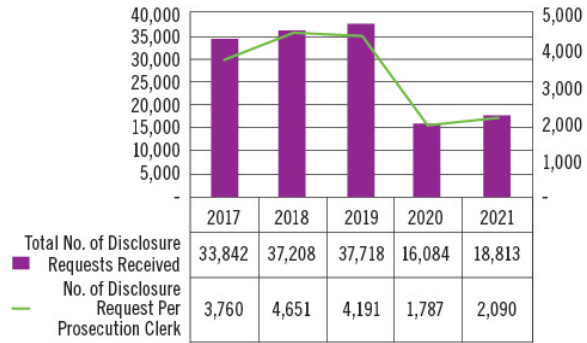
Dispute rate

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. The calculated dispute rate includes court users who have selected Option #2 "Walk-In Guilty" which is

provided remotely, and Option #3 "Trial Option" which was also delivered remotely. The increase in payment without dispute for 2021, in comparison to 2020, is likely due to the end of *Provincial Offences Act* timeline extensions which were in force throughout 2020.



Number of Disclosure Requests per Prosecution Clerk



Court room appearance totals

A total of 41,522 matters were addressed in Trial Courts in 2021. This is a significant reduction in comparison to pre-COVID-19 trial matter numbers. The decline can be attributed to number of factors related to the pandemic. For example, docket sizes were reduced as directed by the Ontario Court of Justice and York Region's limited judicial resources were further reduced in 2020 as part of the Provincial pandemic response and remained at these levels throughout 2021. Although Court Services is working to increase access to justice and making services more responsive, not all functions are within our control.

Appearance Room	Grand Total
Early Resolution	
ERM - Early Resolution Meeting Room	
ERM2 - Early Resolution Meeting Room	
Total Number of Early Resolution Matters	0
R3 - Traffic and Municipal Parking and Bylaws	4
R4 - Part One Traffic Court	3
A1 - Part Three Provincial Court	7,387
A2 - Part One Traffic Court	16,577
A6 - Ministry and Municipal Parking and Bylaw Court	627
A7 - Part One Traffic Court	16,924
Total Number of Matters on Trial Dockets	41,522

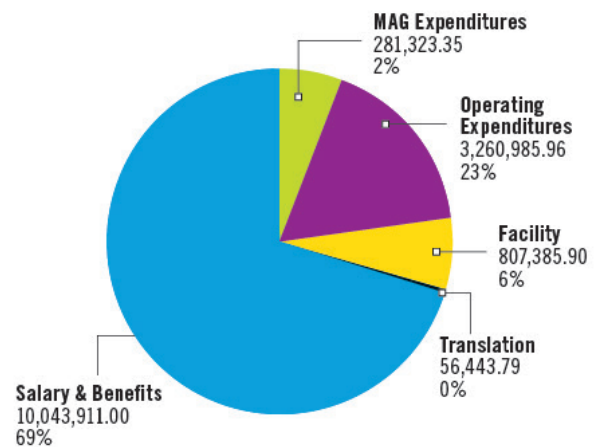
Disclosure requests

In comparison to 2020, disclosure requests increased slightly in 2021 which is likely due to the introduction of remote hearings and the resumption of trials. The disclosure request numbers continue to decline, in comparison to pre COVID-19 volume and this could be a result of fewer charges filed, restrictions in docket sizes and limited judicial resources.

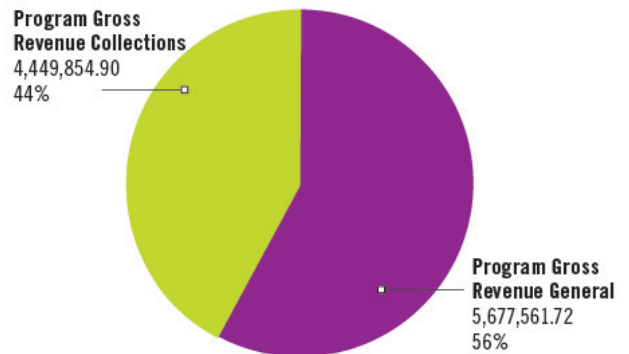
2021 EXPENDITURE AND REVENUE ANALYSIS

Budget Variance Analysis

2021 Operating Expenditure and Revenue Analysis



2021 Revenue Source



2021 AUDITORS REPORT

An independent audit of the consolidated financial statements of the Regional Municipality of York for the year ending December 31, 2021 was completed by KPMG on April 27, 2022. 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 online, by mail, or in-person at any POA court in Ontario, at which time their receipt is recorded in the Integrated Courts Offences Network system ("ICON"). The Region recognizes fine revenue on a gross basis 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 of the *Provincial Offences Act* (including delay penalties). The gross revenue for 2021 amounts to \$20,410,600 after Safe Restart and Municipal Recovery Funding (2020 - \$11,956,394) and the net surplus/(deficit) amounts to \$2,996,588 (2020 - \$(4,203,175)). Balances arising from operations of POA offices are consolidated with these financial statements and reported in protection to persons and property on the Consolidated Statement of Operations and Accumulated Surplus.



The Regional Municipality of York

Provincial Offences Office Statement of Receipts and Expenses Year ended December 31, 2021

	Budget	2021	2020
Revenue			
Fines	\$ 21,288,088	\$ 12,203,235	\$ 11,541,676
Other Revenue	340,000	384,305	414,718
Provincial Funding (Note 2)	-	7,823,061	
	21,628,088	20,410,601	11,956,394
Expenses and Disbursements			
Salaries and Benefits	10,972,082	10,043,911	10,064,951
General Administration	2,203,979	2,005,960	1,507,428
Program Related Services	1,711,753	611,845	540,572
Professional Services	1,162,213	937,209	470,201
Occupancy Expenses	1,129,781	807,386	979,737
Amortization	-	40,057	17,792
Asset Acquisitions	118,102	3,682	96,331
	17,117,910	14,450,050	13,677,012
Income before disbursements to Area Municipalities and Others	4,510,178	5,960,551	(1,720,618)
Disbursements to Area Municipalities and others	(5,496,790)	(2,963,962)	(2,482,558)
Net Surplus (Deficit)	(986,612)	2,996,589	(4,203,175)
Contribution from Court Services Reserves	398,355	264,703	198,484
Contribution to Facilities Rehabilitation Reserves	(118,000)	(118,000)	(111,000)
Net Surplus (Deficit) after Contribution to/from Reserves	\$ (706,257)	\$3,143,292	\$ (4,115,692)

The Regional Municipality of York

Notes to Statement of Receipts and Expenses

December 31, 2021

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 online, by mail, or in-person at any POA court 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.

2. Provincial Funding

In 2021, provincial funding includes \$7,583,925 of Safe Restart and Municipal Recovery funding from senior level of government to help offset the financial impacts of the COVID-19 pandemic.

COURT SERVICES: PRIORITIES FOR 2022

POA Court Process Improvement:

- Facilitate the interim transfer of the prosecution of Part III matters to the Region through an interim transfer amending agreement between York Region, the nine local cities and towns and the Ministry of the Attorney General
- Implement a streamlined process for the Provincial introduction of hybrid hearings; this will enable full access to justice for all stakeholders by offering a remote hearing and in-person option, and a hybrid of both
- Obtain Council approval and necessary Provincial amendments to begin the development of a Regional Administrative Penalty System to support the transition of bylaw and camera-based offences away from the typical *Provincial Offences Act* court system into a flexible internal administrative process
- *Support Provincial Offences Act* modernization and streamlining initiatives; York Region courts will prepare for and implement operational changes as additional subsections of Bill 177 are proclaimed in force

Training and Development

- Create an annual training plan specific to staff roles to provide the full picture of training requirements, timelines and frequency
- Identify additional tools focusing on health, safety and wellness, enabling staff to feel more engaged and empowered in their daily role

Technology Enhancements:

- Complete planning for Courts Digital Roadmap implementations, including staff engagement, resource allocation and alignment with corporate and Provincial digital initiatives and support
- Onboard a virtual payment platform to allow defendants to pay outstanding fines over the phone; this provides customers with greater flexibility and accessibility to ensure payments are received

Research and Planning:

- Complete consultations and drafting of the 2023-2026 Courts Action Plan, outlining the direction, goals and priority projects that will help York Region transition into being more innovative and inclusive, promote excellence in service delivery and maintain a sustainable justice system

