

Ministry of the Attorney General

Court Services Division
Office of the Assistant Deputy
Attorney General

McMurtry-Scott Building
720 Bay Street, 2nd Floor
Toronto ON M7A 2S9
Tel.: 416 326-2611
Fax.: 416 326-2652

Ministère du Procureur général

Division des services aux tribunaux
Bureau de la Sous-procureure générale
adjointe

Édifice McMurtry-Scott
720, rue Bay, 2^e étage
Toronto ON M7A 2S9
Tél. : 416 326-2611
Téléc. : 416 326-2652

MEMORANDUM

Date: March 23, 2023

To: Richard Stubbings
Assistant Deputy Minister
Public Safety Division
Ministry of the Solicitor General

From: Beverly Leonard
Assistant Deputy Attorney General
Court Services Division
Ministry of the Attorney General

Subject: **Update on POA Modernization and Streamlining Initiatives
(Proclamation of Clerk of the Court Amendments and Repeal
of Early Resolution Provisions)**

I am writing to provide an update on modernization initiatives in Ontario's *Provincial Offence Act* (POA) courts.

On November 23, 2022, proposed amendments to the POA aimed at modernizing and streamlining POA court processes were introduced in the Ontario Legislature as Schedule 8 under Bill 46, the *Less Red Tape, Stronger Ontario Act*, 2023. Bill 46 received Royal Assent on March 22, 2023.

As a result, the following changes to the POA have been approved:

Implementation of Amendments to Allow for Clerk Review of Reopening Applications

Currently, the POA allows a defendant convicted of either failing to respond to a charge laid by certificate of offence, or failing to appear for a hearing or early resolution meeting, to apply to have the conviction struck and matter reopened. Such applications are currently reviewed by a justice of the peace and may be granted if the justice of the peace is satisfied that, through no fault of their own, the defendant was unable to appear for a hearing or an early resolution meeting or did not receive a notice or document relating to the offence.

Effective September 22, 2023, clerks of the court will grant, but not deny, applications to strike a conviction on a ticket, if satisfied that the defendant, through no fault of their own, missed a notice or was unable to attend a meeting or hearing related to the ticket. If the clerk is not able to grant the application and strike the conviction, the clerk must forward the application to a justice of the peace to make the determination whether to grant or deny the request for a reopening.

These amendments will assist municipalities in recovering from the disruption of court operations created by the pandemic by freeing up judicial time and allowing municipal court staff to address the backlog of cases more quickly.

Repeal of the Bill 177 Early Resolution Reforms

Effective March 22, 2023, amendments to section 5.1 of the Act, together with previously proposed sections 5.2 to 5.5 are repealed, although they had not yet come into force. These previously proposed amendments would have changed the “early resolution” process in ways that are no longer desired by stakeholders.

If you have any questions, or if you would like more information on these initiatives, please contact Ms. Wendy Chen, manager the POA Unit, by email at JUS.G.MAG.POASupport@ontario.ca or by telephone at (437) 244-8733.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Beverly Leonard', is positioned above the printed name.

Beverly Leonard
Assistant Deputy Attorney General
Court Services Division
Ministry of the Attorney General

cc: Wendy Chen, Manager, POA Unit, Court Services Division,
Ministry of the Attorney General