

To: POA Municipal Partners
Date: September 11, 2020
Re: Resumption Timelines

Municipal managers and staff:

Further to POA Info Bulletin 310, this is to advise Municipal Partners of an order of the Ontario Court of Justice dated September 10, 2020.

Pursuant to section 85 of the *Provincial Offences Act* (POA), Chief Justice Maisonneuve has extended the timelines prescribed in the provisions below until December 1, 2020. A copy of the order is attached as Appendix “A”. A French translated version of the order will be shared shortly.

Part I – Commencement of Proceedings by Certificate of Offence

- 5(6) – The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor (previously within 21 days of giving the notice of trial)
- 5.1(2) – A defendant may request a meeting with the prosecutor to discuss the resolution of the offence (previously within 15 days after being served with the offence notice)
- 5.1(12) – The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor where early resolution was not reached, or a justice did not accept the plea and referred the matter to trial (previously within 21 days of giving the notice)
- 9(1)(a) – A defendant is deemed to not wish to dispute the charge (previously after 15 days of being served with offence notice and no action was taken)
- 11(1) – A defendant who was convicted without a hearing may apply to a justice to strike out the conviction (previously within 15 days of becoming aware of the conviction)
- 11(4) – The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor where a reopening is granted (previously within 21 days of giving the notice of trial)

Part II – Commencement of Proceedings for Parking Infractions

- 17(4.1), 17.1(6.1), 18.1(5) – The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor (previously within 21 days of giving the notice)
- 18.2(1) – A defendant who has been given a notice of impending conviction shall be deemed not to dispute the charge (previously if 15 days have elapsed since the defendant was given the notice, the fine has not been paid and a notice of intention to appear has not been received).

- 18.3(1) – A defendant who is convicted of a parking infraction may apply to a justice requesting that the conviction be struck out for the reason that the parking infraction notice is defective on its face (previously within fifteen days after becoming aware of the conviction)
- 19(1) – A defendant who was convicted of a parking infraction without a hearing may apply to a justice to strike out the conviction (previously within 15 days of becoming aware of the conviction)
- 19(4) – The clerk of the court may, for administrative reasons, reschedule the time of the trial by giving a revised notice to the defendant and the prosecutor where a reopening is granted (previously within 21 days of giving the notice)

Part IV – Trial and Sentencing

- 66(1) – A fine becomes due and payable (previously 15 days after its imposition)
- 69(1) – The payment of a fine is in default if any part of it is due and unpaid (previously for 15 days or more)

Part VI – Appeals and Review

- 135(2) – A notice of appeal shall be in the prescribed form and shall state the reasons why the appeal is taken and shall be filed with the clerk of the court (previously within 30 days after the making of the decision appealed from). This applies only to appeals to the OCJ. The timeline for appeals to the Superior Court of Justice has not been extended.
- 5(2) Rules of Court – Part III appeals O. Reg. 723/94 – A defendant who appeals shall serve the notice of appeal on the prosecutor and, if the prosecutor is not acting on behalf of the Crown, on the Crown Attorney (previously within 30 days after the date of the decision appealed from). This applies only to appeals to the OCJ. The timeline for appeals to the Superior Court of Justice has not been extended.
- 5(3) Rules of Court – Part III appeals O. Reg. 723/94 – A prosecutor who appeals (OCJ only) shall serve the notice of appeal on the defendant and, if the prosecutor is not acting on behalf of the Crown, on the Crown Attorney (previously within 30 days after the date of the decision appealed from). This applies only to appeals to the OCJ. The timeline for appeals to the Superior Court of Justice has not been extended.

The order **only** applies to the time limits set out above. For all other time limits, including time limits for commencing a proceeding, please refer to POA Info Bulletin 310.

Please post the copy of the order and the Notice to the Public provided in a visible place in all POA court offices. Please ensure that copies of the order and public notice are accessible on related public web sites.

We also require that you notify your serviced municipalities administering Part II parking matters of this order and ask that they also post copies of the order and public notice.

We will continue to keep you informed of any further developments.

Thank you for your continued support and co-operation.

Wendy Chen,
A/Manager, Provincial Offences Act Unit

BULLETIN CONTACT INFORMATION

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