



## **Administrative Report**

### **Office of the Director, Financial Services/Treasurer**

**To:** Warden MacDonald and Members of Essex County Council

**From:** Melissa Ryan, CPA  
Director, Financial Services/Treasurer

**Date:** Wednesday, May 15, 2024

**Subject:** Windsor-Essex Provincial Offences Program- Annual Report 2023

**Report #:** 2024-0515-FIN-R10-MR

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#### **Purpose**

To provide County Council with a copy of the 2023 Annual Report for the Windsor Essex Provincial Offences Program.

#### **Background**

In 1998, the province enacted Bill 108 which amended the Provincial Offences Act ("POA") enabling it to transfer various responsibilities of the POA Court System to municipalities. The Windsor Essex Provincial Offences Program ("POA Program") was created to accept this transfer of responsibility and provide services for the region.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the Intermunicipal Court Service Agreement ("ISA") which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves to outline the roles and responsibilities of the POA Program and the 9 serviced municipalities.

Section 2.5 of the Inter-Municipal Service Agreement, that established the POA Program, provides that: "The Committee (Windsor Essex Court Service Area Liaison Committee) shall submit a report outlining the Committee's activities to the parties' Councils a minimum of once per year."

## **Discussion**

The 2023 Annual Report of the Windsor Essex Provincial Offences Program was presented to and approved by the members of the Windsor Essex Court Service Area Liaison Committee on March 20, 2024. Members were requested to provide the 2023 Annual Report to their respective Councils. The City received the report at their Council meeting held on April 22, 2024. A copy of the report is attached as Appendix A.

The Annual Report provides an overall assessment of the regional court system operations, structure, key performance indicators and financial results.

Highlights of the 2023 operating year include:

- Approval of a POA specific Write Off Policy in January of 2023 with a total write off of \$1,335,639 in the 2023 year;
- The Provincial Offences Office became PCI compliant as of October 26, 2023 ensuring all credit card transactions are processed securely and in accordance with the new City policy;
- Legislative changes were implemented which now allow for court staff to convict defendants who do not attend court which should free up time for Justices of the Peace. Court staff can now grant re-openings which should also help free up time for Justices of the Peace;
- Successful upgrade of the Collection Agency Management System (CAMS) from version 3.18 to 3.21 including enhanced administration features and reporting mechanisms;
- Processing of 28,213 charging documents; and
- Net operating profit of \$1,007,689 distributed to participating municipalities as follows:
  - City of Windsor - \$490,344
  - Amherstburg - \$57,388
  - Essex - \$45,440
  - Kingsville - \$61,330
  - LaSalle - \$87,695\*
  - Lakeshore - \$125,824\*
  - Leamington - \$63,521
  - Tecumseh - \$73,260
  - Township of Pelee - \$2,887

\*The annual report referenced that Lakeshore received \$87,695 and LaSalle received \$125,824. A discrepancy in the weighted assessment numbers was identified and corrections were made. This discrepancy has since been addressed, and the accurate revenues will now be allocated to each municipality accordingly.

## **Financial Implications**

The profitability of the POA Program relies significantly on charging volumes and the ability of those charged to pay their fines which are out of the control of the program.

A more recent challenge facing the program is the impact on revenues resulting from dwindling Judicial resources. Court time has decreased significantly in recent years due to a lack of Judicial resources to preside over matters leading to a decrease in the volume of matters heard in a year. These challenges are not unique to the Windsor-Essex region and advocacy is underway to appeal to the province for solutions. The Windsor-Essex area has been advised that they will be fully staffed with Judicial resources as of end of year 2024 which should result in increased collected POA revenue by 2025.

For 2023, the total net surplus for the POA Program was \$1,007,689 which was a decrease from 2022 (\$1,362,820).

## **Consultations**

N/A

## **Recommendation**

That Essex County Council receive the Windsor-Essex Provincial Offences Program (POA)- Annual Report 2023 for information.

## Approvals

Respectfully Submitted,

*Melissa Ryan*

Melissa Ryan, CPA, Director, Financial Services/Treasurer

Concurred With,

*Sandra Zwiers*

Sandra Zwiers, MAcc, CPA, CA, Chief Administrative Officer

<b>Appendix</b>	<b>Title</b>
A	2023 POA Annual Report