

The Corporation of the City of Kawartha Lakes

Council Report

Report Number POA2017-001

Date: May 16, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: Lack of Judicial Resources – POA Operational Restructuring

Author/Title: Karen Dunn

Signature:



Recommendations:

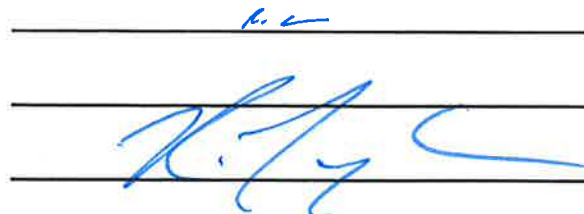
RESOLVED THAT Report POA2017-001, **Lack of Judicial Resources – POA Operational Restructuring**, be received;

AND FURTHER THAT the Mayor be directed to send a letter to the Ministry of the Attorney General to encourage the Ministry to maintain sufficient Justice of the Peace resources for Central East Provincial Offences courts at all times.

Department Head:

Corporate Services Director / Other:

Chief Administrative Officer:



Background:

There is a serious shortage of Justices of the Peace in the Central East Region which is negatively impacting our Provincial Offences Office and Court Administrative operations. This shortage is due mainly to the fact that the Ministry has not been replacing Justices of the Peace on a regular basis when they retire or are unable to work.

In the Central East Court Region we should have a compliment of 48 fulltime presiding Justices of the Peace; however, at present we have 12 vacancies and 3 off on Long Term Disability. In March alone there were 80 court closures in our jurisdiction due to this shortage, and it is expected to get worse in the upcoming year.

When a court is closed, due to lack of judicial resources, matters are adjourned to another date which backlogs our system, court stakeholders are burdened with additional (unnecessary) work and costs, and the public is inconvenienced.

The Ministry is currently in the process of hiring more Justices of the Peace, and hoping to have new appointments assigned by the end of May. Once these appointments are made, it will take a year or more to fully train the successful incumbents.

Operational Restructuring:

On February 14, 2017, court stakeholders including local and regional police, the provincial Crown Attorney, and court staff met with our Regional Senior Justice of the Peace (RSJP). At this meeting our RSJP directed many changes to our court scheduling. (An RSJP has the power under legislation to schedule Justices of the Peace to our courts.)

As a temporary solution to the current judicial shortage, from July 1, 2017 until July 1, 2018 our RSJP has directed Provincial Offences Office Administration to:

- Transfer Provincial Offence matters normally heard in the Minden court to the Lindsay court. At present we are staffing and operating court one day per month in Minden. Average court sitting time for a Minden date is only 2.2 hours and the RSJP has determined that these matters should be moved for the one year period to the higher volume Lindsay court, to fully utilize our Justices of the Peace.
- In the Lindsay Provincial Offences court, share a Justice of the Peace with the Provincial Court and realign our operations to find efficiencies within our newly allotted court time. We are losing approximately two court dates per month; however, we are gaining approximately nine weeks where our courts normally were closed. Staff will be monitoring this time to ensure that we are best utilizing it on a continuous basis.

A report to Haliburton County and each of its four lower-tier municipalities has been sent to each council to notify them of the transfer of Minden matters, and the operation restructuring. Similar resolutions that the Mayor has been requested to endorse, have been passed by each council.

Our Regional Senior Justice of the Peace has advised that on July 1, 2018, there should be a full complement of trained Justices of the Peace in the Central East Region. At this time, the RSJP has advised that we will be able to go back to the way we are operating today.

We are not unique. All courts across the Central East Region are realigning their operations. For example on January 1, 2017 Northumberland transferred Provincial Offence court matters from their Brighton, Port Hope and Campbellford courts to their Cobourg court.

Other Alternatives Considered:

At our stakeholder meeting, many options on how to best utilize the time we have been assigned were discussed, and we continue to have meetings to realign our court in the most efficient ways possible with the time we have been allotted.

Financial Considerations:

There will not be any financial impacts to the City of Kawartha Lakes.

Relationship of Recommendation(s) to the 2016-2019 Strategic Plan:

There is no direct link of this report to the Strategic Plan.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Central East Regional Senior Justice of the Peace
Court Stakeholders

Phone: (705) 324-3962 ext. 2205

E-Mail: kdunn@city.kawarthalakes.on.ca

Department Head: Robyn Carlson, City Solicitor

Department File: