



CORPORATE POLICY AND PROCEDURES MANUAL

Policy No:

102**CAO****019**

Policy Name:

Provincial Offences Collections Policy

DEVELOPED BY: Karen Dunn
DEPARTMENT: Manager, Court Administration

DATE: July 26, 2004

REVIEWED BY: Directors
APPROVED BY: Chief Administrative Officer

DATE:
DATE:

RESOLUTION NUMBER: CHR2004-232
CR2004-1077

EFFECTIVE: October 12/04

CROSS-REFERENCE:

REVISIONS:

POLICY STATEMENT AND RATIONALE:

Council wishes to ensure prompt collection of outstanding Provincial Offences fines in order to meet Provincial legislation, and to uphold the requirements of our Memorandum of Understanding with the Ministry of the Attorney General.

Council wishes to ensure prompt, efficient, courteous and consistent service.

Therefore, Council wishes to establish this policy to ensure a consistent, effective and appropriate Provincial Offences Collection Policy.

SCOPE:

This policy applies to all offenders who have committed an offence within the geographic boundaries of the City of Kawartha Lakes and the County of Haliburton (in accordance with our Memorandum of Understanding with the Province).

This document is to provide guidance to staff and to provide a basis for decision-making relating to the administration and collection of outstanding Provincial Offences fines issued in the City of Kawartha Lakes and the County of Haliburton court catchment area.

POLICY, PROCEDURE AND IMPLEMENTATION:

1.0 Purpose

- 1.01** The guidelines contained in this policy serve to implement the legislative requirements of collection procedures as outlined in The Provincial Offences Act, The Courts of Justice Act, and the Memorandum of Understanding that the City has with the Ministry of the Attorney General. Administrative processes as defined by legislation shall be followed in due course up to and including 120 days.

2.0 Division of Files:

- 2.01** Fines which are up to seven years from the offence date and are greater than \$80 shall be worked by municipal staff.
- 2.02** If an offender has multiple charges that are over \$80 in total, and are less than seven years from the offence date, these files will also be worked by municipal staff.
- 2.03** Files which are older than seven years from the offence date or have a value less than \$80 shall be forwarded to the collection agencies.

3.0 In-House Collections:

- 3.01** After 120 days from the offence date the file will be sent to our in-house collections.
- 3.02** A notice will be sent to the offender requesting payment.
- 3.03** Files remaining unpaid, or without an approved payment plan, for a period of 150 days from the offence date will be issued a final notice which advises that we will be proceeding with collection activity such as issuing a Certificate of Default, license suspension, garnishment of bank accounts or wages, and sale and/or seizure of property.
- 3.04** After 180 days from the offence date, if the offender ignores the notices, a Certificate of Default will be obtained and the offender will be notified that a lien against their credit by way of a Certificate of Default has been issued.
- 3.05** If the offender does not respond after 194 days, and the total outstanding is less than \$10,000, application to the Offender's local Sheriff's Office to proceed with wage and bank garnishments and / or seizure of assets shall proceed.
- 3.06** If the offender does not respond after 194 days, and the total outstanding is greater than \$10,000, application to Superior Court to proceed with wage and bank garnishments and / or seizure of assets shall proceed.

4.0 Collection Agency Collections:

- 4.01** Applicable files from section 2.03 of this policy shall be divided between external collection agencies contracted by the City to conduct such work. Upon successful collection, the external agency shall be paid an apportionment based upon their approved contract with the City.

- 4.02 If the assigned collection agency is unable to collect on a file within six months, the file will be forwarded to a second contracted agency to try to collect. If the second agency is unable to collect within their assigned six months, the file will be returned to the City to proceed with the legal action as outlined within Sections 3.04 – 3.06 of this policy, if applicable, and/or other legal actions which might be recommended by legal counsel.

5.0 Interest:

- 5.01 Interest and applicable legal fees shall be charged to each file, from the date of the filing of the Certificate of Default. Interest and legal fees shall be charged in accordance with the rates set out in the Courts of Justice Act.

6.0 Dishonoured Cheques:

- 6.01 If during any calendar year the City receives two (2) or more NSF (“not sufficient funds” or “non-sufficient funds”) cheques or preauthorized payments, the customer will be notified in writing that the City will only accept payment on the subject file by cash, certified cheque, money order or debit, until the customer has established a good payment record for the one year.
- 6.02 A charge will be applied to the customer’s account for each cheque returned by their financial institution for the reasons set out in section 6.01. Such a charge will be based upon the City’s NSF charges at that time.

7.0 Exemptions and Monitoring of the Policy:

- 7.01 In consultation with his or her supervisor, the Manager of POA shall be authorized to assign longer-term accounts to in-house staff and/or assign shorter-term assignments to an external agency to ensure resources are being maximized for the benefit of the municipality.
- 7.02 The Manager of POA shall be responsible for monitoring and making recommended changes to this policy on an ongoing basis to ensure that it best reflects the intentions as outlined in the Policy Statement.