



If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2037

The Regional Municipality of Durham Report

To: Finance and Administration Committee
From: Jason Hunt, Regional Solicitor and Director of Legal Services
Report: #2024-A-17
Date: November 12, 2024

Subject:

Establishment of a Fees and Charges By-law for Court Clerk operations.

Recommendation:

That the Finance and Administration Committee recommends to Regional Council:

That a by-law establishing rates to be charged by the Region's court clerks for processing out-of-jurisdiction provincial offences tickets, as generally set out in the form included as Attachment #1 to this report, be adopted.

Report:

1. Purpose

1.1 The purpose of this report is to pass a by-law to establish a rate to be charged by the Region's Court Clerks for processing out-of-jurisdiction provincial offences tickets, as set out in Attachment #1 to this report.

2. Background

2.1 Section 391 of the *Municipal Act*, 2001, as amended, provides that a municipality may impose fees or charges for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board, and for the use of its property including property under its control.

2.2 Pursuant to the Memorandum of Understanding with the Ministry of the Attorney General the Region's Provincial Offences Court processes tickets and fine payments not simply for tickets issues within the Region's jurisdiction but for any Provincial Offences Court within the Province of Ontario.

- 2.3 All Courts within Ontario provide an online payment option where members of the public wishing to make a payment may pay a fee and have their tickets processed on-line.
- 2.4 There is presently no fee associated with the processing of out-of-jurisdiction tickets. The Region of Durham processes those tickets presently without any recovery for the cost associated with that service.
- 2.5 Other jurisdictions within the province have implemented a fee for service associated with out of jurisdiction payments on the basis that they do not get to collect any of the fine amounts but rather remit those entirely to the appropriate jurisdiction.
- 2.6 The proposed fee would allow the Region to recover some of the costs associated with accepting and processing fees for out of jurisdiction ticket payments.

3. A new fees and charges by-law

- 3.1 It is proposed that the appropriate fee for Out-of-Jurisdiction Provincial Offences Fine Payment should be set at \$10.00. This fee will adequately cover the cost to Regional rate payers of processing fine payments for other jurisdictions.

4. Relationship to Strategic Plan

- 4.1 This report aligns with/addresses the following strategic goals and priorities in the Durham Region Strategic Plan:

Service Excellence: To provide exceptional value to Durham taxpayers through responsive, effective, and fiscally sustainable service delivery.

- a. The proposed amendment also complies with Section 5.1 of the Strategic Plan whereby the Region will streamline administrative processes and look for cost efficiencies through coordinated service delivery and partnership, and to responsibly manage the Region's financial assets to deliver critical infrastructure and services for current and future generations.

5. Conclusion

- 5.1 It is recommended that a by-law as outlined in Attachment #1 to this report, be passed. The by-law meets the accountability and transparency provisions of the *Municipal Act*, 2001, and further permits the Region to recover costs associated with processing out-of-jurisdiction fine payments.

6. Attachments

Attachment #1: Draft By-law

Respectfully submitted,

Original signed by

Jason D.D. Hunt
Regional Solicitor and Director of Legal
Services

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number 2024-XX
of The Regional Municipality of Durham

Being a by-law to establish rates to be charged by the Region's Court Clerks for processing out-of-jurisdiction provincial offences tickets.

Whereas Section 391 of the Municipal Act, 2001, as amended, provides that a municipality may impose fees or charges for services or activities provided or done by or on behalf of it, for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board, and for the use of its property including property under its control;

Now therefore, the Council of The Regional Municipality of Durham hereby enacts as follows:

1. That the fee for the processing of out-of-jurisdiction Provincial Offences Fine payments be established as set out below:

Service Fee for Out-of-Jurisdiction Provincial Offences Fine Payment \$10.00

2. That applicable taxes be in addition to the new fee structure.
3. That all fees are to be paid by cash, debit, credit, cheque or money order made payable to The Regional Municipality of Durham.

This By-law Read and Passed on the XX day of XXXX, 2024.

J. Henry, Regional Chair and CEO

A. Harras, Regional Clerk