



REPORT TO COUNTY COUNCIL

FROM: Nicholas Loeb, Director of Legal Services

DATE: December 6, 2023

SUBJECT: Parts III & IX POA Interim Transfer Agreement Extension

RECOMMENDATIONS:

THAT Council of the County of Elgin receive and file the report entitled “Parts III & IX POA Interim Transfer Agreement Extension” dated December 6, 2023 for information;

THAT Council of the County of Elgin authorize the Warden and CAO/Clerk to execute the Parts III and IX Provincial Offences Act Interim Transfer Agreement Extension;

INTRODUCTION:

This report recommends that Council authorize an extension of the Parts III and IX POA Interim Transfer Agreement, extending the transfer of responsibility for Parts III and IX prosecutions to January 3, 2026.

BACKGROUND AND DISCUSSION:

The Province of Ontario has adopted a phased approach to mandating the delivery of Parts III and Part IX POA prosecutions to local municipalities. Historically, such prosecutions were handled by Crown and Assistant Crown attorneys.

The County of Elgin was one of the initial POA Court jurisdiction areas to take on the responsibility for Part III and IX POA prosecutions. This was achieved by execution of the original transfer agreement in December of 2021. The prosecutions that are the subject matter of this transfer agreement are generally more serious offences than routine *Highway Traffic Act* matters.

The County has experienced success with this program. This is in part based on its personnel and in part based on the structure of its prosecutions. The County employs a full-time prosecutor with the skills and expertise to conduct these prosecutions. When the ‘download’ of Part III and Part IX files occurred, it was possible to absorb the volume within the County’s capacity. Structurally, because the prosecutor is full-time, there is no increased cost for *per diem* fees. The volume of files thus far has not necessitated the provision of additional prosecution resources. Indeed, the County actually receives a decrease in total prosecutorial fees because it is no longer subject to the deduction held

back by the Ministry of the Attorney General on fine revenue associated with the *per diem* rate of the Crown attorneys when they had been previously conducting this work.

The reason for the extension agreement is that the Province of Ontario originally initiated this process as a two-year pilot project that is now at the point of expiring. The Province is now forward with this program with municipalities across Ontario. The extension is sought to continue the program in Elgin County.

The Province is authorized pursuant to the *Provincial Offences Act* to transfer these prosecutions to municipalities.

FINANCIAL IMPLICATIONS:

The extension of the Agreement is status quo for County operations. There are no financial implications expected.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Serving Elgin	Growing Elgin	Investing in Elgin
<input checked="" type="checkbox"/> Ensuring alignment of current programs and services with community need. <input type="checkbox"/> Exploring different ways of addressing community need. <input type="checkbox"/> Engaging with our community and other stakeholders.	<input type="checkbox"/> Planning for and facilitating commercial, industrial, residential, and agricultural growth. <input type="checkbox"/> Fostering a healthy environment. <input type="checkbox"/> Enhancing quality of place.	<input checked="" type="checkbox"/> Ensuring we have the necessary tools, resources, and infrastructure to deliver programs and services now and in the future. <input checked="" type="checkbox"/> Delivering mandated programs and services efficiently and effectively.

Additional Comments:

LOCAL MUNICIPAL PARTNER IMPACT:

None.

COMMUNICATION REQUIREMENTS:

The Director of Legal Services will communicate the extension to the Ministry of the Attorney General.



CONCLUSION:

County administration recommends the extension of the Parts III & IX Interim Transfer Agreement Extension.

All of which is Respectfully Submitted

Approved for Submission

Nicholas Loeb
Director of Legal Services

Don Shropshire
Chief Administrative Officer/Clerk

