



PROVINCIAL OFFENCES ACT

LEARNING OUTCOMES

After completing this chapter, you should be able to:

- Differentiate among the various levels of law (federal, provincial, and municipal) and describe their related statutes, regulations, and by-laws.
- Explain the principles of natural justice and apply them to the prosecution of provincial offences.
- Locate and research Ontario statutes using the Ontario government e-Laws website.
- Identify and apply *Provincial Offences Act* (POA) Parts I, II, and III prosecutions, procedures, and forms.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.



IT'S YOUR MOVE

You are a uniformed patrol officer, badge #3345, assigned to platoon #2, working the day shift from 7 a.m. to 3 p.m. Today is the 20th day of the present month, and you are performing your duties in a marked cruiser. Traffic enforcement is part of your general duties.

Since traffic enforcement involves writing tickets, you have been assigned the following date/time for court purposes:

Court date: 2nd Tuesday of every month
 Court time: 0900 hrs (9 a.m.)
 Court room: #7

At 1345 hrs (1:45 p.m.), you have decided to monitor traffic passing through the intersection of Pine and Grove Streets in the city of Barrie. Before choosing an observation position, you drive through each direction of the intersection and confirm that the stop signs are visible and in good repair.

You've chosen your observation position and are parked south of Grove Street on Pine Street, facing north. The intersection is a four-way stop controlled by stop signs.

At 1400 hrs (2 p.m.), you observe a vehicle approach the intersection. It is travelling eastbound at approximately 45 km/h. While approaching the stop sign, the vehicle does not slow down and proceeds straight through the intersection.

You follow and stop the vehicle after it has gone a short distance. When you advise the driver of the violation, he replies that he didn't see the sign and apologizes. He produces the required documents for himself and his vehicle.

Driver:	James Robert McCarthy
Home address:	114 Black Oak Rd., Barrie, ON L3M 3T2
Driver's licence number:	M0162 37658 10512
Vehicle:	2018 Honda Civic
Current year val tag for plate:	AAAF 175

Imagine you are the responding officer.

- In resolving this incident, what charge do you lay?
- What documents are required and how are they filled out?
- What other actions must you complete?

TYPES OF LAW—IN REVIEW

In Canada, laws are enacted by three levels of government: federal, provincial, and municipal.

The Government of Canada (federal) has authority under the Constitution to enact the Statutes of Canada including the *Criminal Code*. The federal government is the only level to make criminal law and any violation is deemed to be a “criminal offence.”

Each province is, by authority of the *Constitution Act, 1867*, allowed to create provincial statutes in areas defined by the Constitution as provincial jurisdiction,

such as education, traffic, consumption of liquor, age of majority, child protection, and family law. Provincial laws may differ across the country. For example, the legal drinking age is 19 in Ontario and 18 in Alberta, Manitoba, and Quebec.

Within Ontario, each municipality may be granted the authority (by the province) to pass laws relating to its own area. These laws are called by-laws and they may only be enacted where the province has given permission—usually in a provincial statute. For example, speeding is an offence under the Ontario *Highway Traffic Act* (HTA), and that statute sets a general speed limit of 50 km/h in cities. The HTA also permits municipalities to set lower or higher speed limits on their streets by passing by-laws, so long as the by-laws comply with any rules set out in the statute.

It is important to recognize that because provincial and municipal offences are not criminal in nature, a conviction does not require identity confirmation by way of fingerprints, nor does it generate a criminal record.

STATUTES AND REGULATIONS

The federal and provincial governments have the power to create statutes and regulations within their areas of jurisdiction. Statutes are passed, repealed, and amended by a majority vote in the respective governing body after debate. The Canadian House of Commons and Senate enact federal statutes, which are approved by the governor general on behalf of the monarch. In Ontario the Legislative Assembly creates provincial statutes, approved by the lieutenant governor on behalf of the monarch. Federal laws are found in the Statutes of Canada (SC) or Revised Statutes of Canada (RSC) and Ontario law is found in the Statutes of Ontario (SO) or the Revised Statutes of Ontario (RSO).

Regulations or orders in council are created under the authority of a statute by the Governor in Council (federal) or Lieutenant Governor in Council (provincial). They are intended to provide details and interpretation to support the statute. Federal regulations are found in the Consolidated Regulations of Canada and Ontario regulations are in the Regulations of Ontario (RO) or the Revised Regulations of Ontario (RRO).

In practice, the governor in council means the federal cabinet and the lieutenant governor in council means the provincial cabinet. Some statutes permit individual ministers to enact regulations.

Statutes and regulations are both laws and each are equally binding.

PRESCRIBED

In law, the word “prescribed” means “described in regulations.” If you see the term “prescribed,” you know that there is a regulation made under the statute that explains or defines something further. A good example concerns helmets worn by motorcycle riders. Section 104 of the HTA requires the use of helmets. Section 104(3) allows for the creation of prescribed standards and specifications

for these helmets. To find the actual specifications one must look at sections 1–4 of RRO 1990, Regulation 610, Safety Helmets (<http://www.ontario.ca/laws/regulation/900610/v3>). This regulation is a separate document, listed under the HTA, the statute that authorized its creation, but both statutes and regulations are valid laws.

FINDING AND APPLYING PROVINCIAL LAW

It is essential for any police officer or provincial offences officer to be able to find, read, understand, and apply provincial law to various policing problems. Most of the provincial law we will be covering is not contained in this text. This is because all Ontario law is readily available online at the Government of Ontario e-Laws website at <https://www.ontario.ca/laws>. This website contains up-to-date versions of all Ontario statutes and all Ontario regulations under “Consolidated laws.” The website allows you to browse by statute title using an alphabetical index and it also includes a search engine. To see a list of regulations made under each statute, after choosing the statute you want to refer to, click on the “Regulations under this Act” tab immediately below the title of the statute. To view any regulation, click on its title in the list.

FUNCTION OF THE PROVINCIAL OFFENCES ACT

The *Provincial Offences Act* (POA) provides the administrative and charging framework for all other provincial statutes. The processes, procedures, authorities, and forms set out in the *Criminal Code* **do not** apply to provincial prosecutions, but in certain cases the POA processes do apply to federal offences. The POA does provide the administrative and charging framework for less serious federal statute offences listed in the *Contraventions Act*. The *Contraventions Act* was enacted by the Government of Canada in 1992 to provide a “ticketing” procedure, in addition to the procedures set out in the *Criminal Code* for the prosecution of less serious regulatory offences. The Governments of Canada and Ontario entered into an agreement to permit the POA framework, processes, and forms to be used in Ontario from August 1, 1996 for regulatory offences designated as contraventions. Specific contraventions are defined in the Contraventions Regulations. The specific applications of POA processes and forms to contraventions prosecutions are described in the Application of Provincial Laws Regulations. A conviction under this process does not result in a criminal record (*Contraventions Act* s. 63).

The prosecution of federal contraventions or violations of provincial statutes—for example, the *Liquor Licence Act* (LLA)—or municipal by-laws is conducted through the Ontario Court of Justice. The POA sets out general criteria regarding:

- General limitation periods

“Limitation periods” refers to the amount of time that may pass from the time the offence was committed to the time the officer “lays the charge” or, more formally termed, “initiates the proceedings.”

The general period is six months (s. 76); however, there are exceptions within specific statutes, so care must be taken to verify the appropriate period.
- Penalties
- Charging documents
- Procedures for trials and appeals

STRUCTURE OF THE POA

The POA consists of ten parts:

- I to III: issuing of process
 - IV: trial and sentencing procedures
 - V: general provisions
 - VI: involvement of young persons
 - VII: appeals
- VIII: arrest, bail, and search warrants
- IX: judicial orders and matters related to other statutes
- X: agreements with municipalities

The POA has three different processes for charging and prosecuting offenders: a relatively simple ticket/summons process that may not require court attendance, a parking infraction notice left on the offending vehicle, and a more formal procedure involving a sworn information and summons, arrest warrant, and bail or pre-trial detention.

- Part I: Used for most frequent offences that are minor in nature—for example, speeding.
- Part II: Restricted to vehicle parking, standing, or stopping infractions.
- Part III: Reserved for more serious offences and punishments—for example, serving liquor to a minor. It is also the procedure to be followed to issue process when the time since the offence has gone beyond 30 days. You can’t use a Part I process after 30 days from the offence date (s. 3(3)).

PART I

Features

- Less formal procedure—the paperwork is simpler. The handwritten or printed certificate of offence is used to commence proceedings and the offender is served with an Offence Notice or summons, all of which can be prepared at the scene by the officer.

- Maximum fine **\$1,000**—any fine above this amount must be proceeded with through Part III (s. 12(1)).
- No imprisonment (s. 12(1)).
- If the offender is a “young person” (12 to 15 years of age) as defined by the POA in section 93, the officer must use a summons instead of an Offence Notice (s. 95) and provide a copy to the parent (s. 96). This is so that no “young person” may commit an offence and settle it out of court without the parent being aware of the event and given the opportunity to get involved with the process. Note that no person shall be convicted of an offence committed while he or she was under 12 years of age (s. 94).

Officer Action

An officer who has

- a belief that an offence has been committed and
- initiated a legal process by signing a Certificate of Offence (Form 1) that is subsequently filed with the court, may serve the defendant within 30 days
 - (a) with an Offence Notice (Form 3, which is a copy of Form 1).
 - If service is made on a date other than the offence date, this date must be noted and certified by the officer.
 - If service is made by a second officer, the service must be sworn before a justice of the peace by this second officer.
 - (b) a summons (Form 7).
 - If the period exceeds 30 days, the officer must resort to the Part III process, described later on.

Defendant Options

Action to be taken within 15 days of being served:

To Part I Offence Notice

1. Plead guilty and pay the set fine—in person or by mail.
2. Plead guilty before a justice of the peace with submissions as to penalty.
 - The justice of the peace may reduce the fine if the defendant establishes that such a fine would be a financial hardship. However, any demerit points attached to the penalty remain the same.
3. Meet with the prosecutor, or in some jurisdictions participate in an “early resolution process.”
 - A meeting with a prosecutor or “early resolution” may allow a guilty plea to a different offence, possibly affecting penalties and demerit points.
4. Plead not guilty and request a court date.
 - The POA also allows the defendant to consent to be represented by another party.

To Part I Summons

Defendant must appear in court at the time and place specified in the summons. If the defendant does not appear the court may issue a warrant or proceed with the trial.

PART II

Features

- Generally lower fine schedule than that of Part I.
- Officer must have personal knowledge of an infraction.
- Process is initiated by the officer signing the Certificate of Parking Infraction (Form 11) and filing it with the court.

Officer Action

Serve the Parking Infraction Notice (Form 13) personally on the operator of the vehicle:

- More often accomplished by placing it on the vehicle in a conspicuous place, such as on the windshield.

Defendant Options

Action to be taken within 15 days:

1. Pay the ticket.
2. Apply for a trial.

PART III

Features

- More process (forms) involved.
- More serious punishments:
 - fines,
 - probation, and/or
 - jail.

Officer Action

Anyone may swear to an information.

Two options for the officer exist:

1. Officer must have “reasonable and probable” grounds to believe an offence has been committed and may issue a Part III summons (Form 104) to the defendant at or near the place of the offence.
An information concerning the offence has to be sworn to and filed with the court (Form 105).
2. Swear to an information and summons.

Serve the summons personally or by way of another officer, upon the defendant personally, or leave it at the defendant's last-known place of abode with someone apparently over the age of 16.

A justice of the peace who receives an information from an officer may respond as follows:

If satisfied that an offence *has* occurred:

1. Confirm the summons issued by the officer.
2. Issue a summons—as in Point 2, above.
3. Issue a warrant if there are reasonable grounds to believe that doing so would be in the public interest.

If a justice of the peace is not satisfied that an offence has occurred, then:

1. Withdraw the information.
2. Cancel any summons served and cause the defendant to be notified.

TABLE 1.1 Provincial Offences Act Parts I, II, and III Forms

PART	PURPOSE	FORM TO COURT	FORM TO ACCUSED
I	Less serious "ticket" procedure where penalty is \$1,000 or less	Certificate of Offence (Form 1)	Offence Notice (Form 3 or Form 4 in jurisdictions with "early resolution"). Ticket allowing out-of-court payment of fine, plead guilty with submissions as to penalty, meet with the prosecutor, or request a court date. OR Summons (Form 7) requiring the accused to attend court.
II	Parking offences	Certificate of Parking Infraction (Form 11)	Parking Infraction Notice (Form 13).
III	More serious procedure where penalty is more than \$1,000	Information (Form 105)	Summons (Form 104) requiring the accused to attend court.



TERMINOLOGY

OFFENCE

An "offence" means an offence under an Act of the Legislature or under a regulation or by-law made under the authority of an Act of the Legislature or a contravention as defined by the *Contraventions Act* (s. 1(1)).

POLICE OFFICER

“Police officer” means a chief of police or other police officer but does not include a special constable or by-law enforcement officer (s. 1(1)).

PROVINCIAL OFFENCES OFFICER

“Provincial offences officer” means

- (a) a police officer,
- (b) a constable appointed pursuant to any Act,
- (c) a municipal law enforcement officer referred to in subsection 10(4) of the *Municipal Act, 2001*, or in subsection 79(1) of the *City of Toronto Act, 2006* while in the discharge of his or her duties,
- (d) a by-law enforcement officer of any municipality or of any local board of any municipality, while in the discharge of his or her duties,
- (e) an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties, or
- (f) a person designated under subsection (3); (s. 1(1)).

SET FINE

“Set fine” means the amount specified for an offence under section 91.1 by the Chief Justice of the Ontario Court of Justice or by a regional senior judge of that court for the purpose of proceedings under Part I or II.

YOUNG PERSON

Under section 93, the term “young person,” when used in the POA, means a person who is, or in the absence of evidence to the contrary, appears to be, 12 years of age or more, but under 16 years of age.

COMMON OFFENCES AND/OR PROVISIONS

The POA contains provisions for young persons similar to those found in the *Youth Criminal Justice Act* (which replaced the *Young Offenders Act*). When a young person is charged with an offence, a notice to the parent(s) is required and the use of a Part I Offence Notice is prohibited, requiring instead the use of a Part I or Part III summons and essentially eliminating the out-of-court set fine option (POA ss. 95 and 96). Note that “no person shall be convicted of an offence committed while he or she was under twelve years of age” (s. 94).

In addition, the identity of a young person is not to be published (s. 99). Accountability extends beyond the individual who publishes the young person’s identity to every director, officer, and employee of a corporation who is involved in the publication (for example, by authorizing it) (s. 99(2)).

Finally, it is an offence for an individual to fail to attend or remain at a hearing without a lawful excuse to do so, if that person is required by law to attend or remain in attendance (s. 42(1)); it is also an offence to commit contempt in the Ontario Court of Justice in a proceeding under the POA (s. 91(1)).

ARREST POWERS

Arrest powers permit an officer to physically restrain a person and deprive them of their liberty. This is a significant intrusion and must be authorized by law. Criminal offences are serious and the arrest powers for officers and ordinary people are clearly set out in the *Criminal Code*. The *Criminal Code* authorities and procedures do not apply to provincial offences. Provincial offences are less serious and in many cases there is no power of arrest without warrant. Where arrest-without-warrant powers do exist, they are generally conferred by the individual provincial statute, not the POA. For example, the authority to arrest an individual for being “drunk in a public place” comes from the LLA, not the POA.

There are two broad types of arrest authorities. The first is the narrow situation where an officer is present and observes the offence being committed. This is known as “found committing.”

The second authority is broader, encompassing situations where an officer has developed a strong belief that an offence occurred and may arrest on “reasonable grounds” to believe that an offence has been committed.

The *Criminal Code* authorizes arrests on reasonable grounds for indictable offences and found committing for less serious offences. Provincial offences are all less serious and the various provincial arrest authorities are generally narrower and more restrictive than those found in the *Criminal Code*.

The POA does authorize arrest with warrant (s. 144(1)), and section 145 authorizes any person to “arrest without warrant a person who he or she has reasonable and probable grounds to believe has committed an offence and is escaping from and freshly pursued by a police officer who has lawful authority to arrest that person.” If the person who effects the arrest is not a police officer, that person must deliver the arrested person to a police officer immediately. This is the only arrest-without-warrant authority in the POA. Where they exist at all, other provincial arrest-without-warrant authorities are described in individual statutes, restricted to those statutes, and vary widely one from the other. The arrest authorities for federal contraventions are as conferred by the enactment that creates the offence and are not affected by the *Contraventions Act* (s. 7).

There is sometimes confusion between the authority to arrest and the authority to lay a charge. Arrest involves detention and/or restraining a person. Charging is an administrative process to commence a proceeding by laying an information or similar document before a court. There are many situations where a charge may be laid but there is no authority to arrest. Remember, an officer may always charge but not always arrest.

SEARCH AND SEIZURE POWERS

Criminal Code search and seizure authorities do not apply to provincial offences except for contraventions as described in the *Contraventions Act* (s. 5). The POA does authorize search and seizure with a POA search warrant (Form 141) (s. 158). The POA does not authorize any powers of search or seizure without a warrant. Where such authorities exist, they are described in individual statutes, restricted to those statutes, and vary widely. A POA search warrant is similar to the one authorized by the *Criminal Code*.

Section 158(1) of the POA authorizes a justice to issue a search warrant if the justice is “satisfied by information upon oath that there are reasonable grounds to believe that there is in any place, (a) anything on or in respect of which an offence has been or is suspected to have been committed; or (b) anything that there are reasonable grounds to believe will afford evidence as to the commission of an offence.” A “place” includes a building and a receptacle (s. 158(4)).

A POA search warrant authorizes a police officer or person named in the warrant to search the place named in the information for anything described in (a) or (b); and to seize the thing and deal with it in accordance with section 158.2. Every POA search warrant shall name a date upon which it expires, which date shall be not later than fifteen days after its issue (s. 158(2)). Every POA search warrant shall be executed between 6 a.m. and 9 p.m. standard time, unless the justice authorizes otherwise by the warrant (s. 158(3)).

USE OF FORCE

Criminal Code use of force authorities do not apply to provincial offences except for contraventions as described in the *Contraventions Act* (s. 5). Section 146(1) of the POA justifies a police officer, if that officer is acting on reasonable and probable grounds, in using as much force as is necessary to do what the officer is required or authorized to do by law. The purpose of this provision is to protect officers from civil suits that may otherwise arise as a result of officers performing duties authorized by provincial statutes.

LIMITATION PERIOD

Section 76(1) of the POA provides for a general window of six months from the date of the offence for submitting an information or summons, unless specific references override this general limitation period within the individual act itself. For example, the LLA allows a window of two years from the date of the offence, thereby extending the general limitation of the POA. Other statutes may or may not extend this general six-month limit for any or all of their provisions.

NON-POLICE AGENCIES INVOLVED

1. Game wardens
2. Municipal law enforcement officers
3. Ontario Court of Justice
4. Other provincial offences officers

PROVINCIAL OFFENCE CHARGING

PRINCIPLES OF NATURAL JUSTICE

The principles of natural justice include burden of proof, standard of proof, and facts in issue.

BURDEN OF PROOF

The presumption of innocence is a rebuttable presumption in favour of the defendant that imposes on the prosecution the burden of proving guilt beyond a reasonable doubt. This means that the burden of proof is on the prosecution and a defendant is innocent until proven guilty.

STANDARD OF PROOF

The standard for provincial offences is proof beyond a reasonable doubt.

FACTS IN ISSUE

The facts in issue include general facts in issue (the date, time, and place of the offence and the identity of the accused) and specific facts in issue, which are guilty intent and the elements of the offence. All of the facts in issue must be proved before an accused can be convicted of any offence. The elements of any offence are found in the law that creates the offence.

GUILTY INTENT AND THE ELEMENTS OF AN OFFENCE

Generally, conviction for any offence requires *mens rea* (guilty mind) and *actus reus* (guilty actions).

Mens rea is a Latin expression that generally means “guilty mind.” For our purposes it means intentionally doing a wrongful act with the knowledge of what you are doing.

Actus reus is a Latin expression that generally means “guilty act.” For our purposes it means any act representing an element of the offence.

The Crown must prove both the *actus reus* and *mens rea* in order for an accused to be found guilty of a criminal offence, but the level of guilty intent is not as important an element in provincial offences. In fact, there are five levels of

mens rea that range from specific guilty intent to no guilty intent at all, namely specific intent, general intent, negligence, strict liability, and absolute liability:

- **Specific intent** means the Crown must prove that the accused intended to commit a wrongful act with an additional, very specific, wrongful intention. Specific intent applies to the most serious criminal offences, such as first degree murder where the act must be “planned and deliberate.”
- **General intent** applies to most criminal offences in that the Crown must prove the accused had knowledge that the actions were wrong and intended the consequences of the actions.
- **Negligence** implies that the accused was negligent in some duty of care, in that even though the accused may not have intended the consequences of the actions, the accused was reckless about whether or not they occurred. Criminal negligence is “wanton or reckless disregard” for the rights of others, while civil negligence is careless behaviour that results in harm to another person.
- **Strict liability** means the prosecutor must prove the *actus reus* and a minimal level of *mens rea* to obtain a conviction. More specifically, the prosecutor need only prove the accused committed the *actus reus* and then the onus shifts onto the accused to prove that they took reasonable care not to commit the illegal act.
- **Absolute liability** means the prosecutor need only prove the *actus reus* to obtain a conviction. *Mens rea* is not an issue for these offences. Offenders are guilty of speeding once it has been proven they were driving at a speed in excess of the posted speed limit—it does not matter why the accused was speeding.

Because provincial offences are less serious in nature, the level of intent to be proved ranges from civil negligence through strict liability to absolute liability as the offences become less serious.

FINDING AND APPLYING PROVINCIAL LAW

It is essential for any police officer or provincial offences officer to be able to find, read, understand, and apply provincial law to various policing problems. Ontario law is readily available online at the Government of Ontario e-Laws website at <http://www.ontario.ca/laws>. This website contains up-to-date versions of all Ontario statutes and regulations under “Consolidated laws.” The website allows you to browse by statute title using an alphabetical index and it also includes a search engine. Once you have found the statute you were looking for, you can find any regulations made under it. To see a list of regulations, click on the “Regulations under this Act” tab immediately below the title of the statute. To view a regulation, click on its title in the list.

MUNICIPAL BY-LAWS

Municipal by-laws are passed by municipalities that include regional municipalities (e.g., Peel or Halton), cities (e.g., Toronto or Guelph), towns (e.g., Orangeville), townships, counties, villages, and so on. By-laws, like regulations, are made under the authority of statutes such as the *Municipal Act, 2001* and the HTA. Municipal by-laws are generally available on municipal government websites. It is not necessary to prove the existence of a valid by-law that makes the behaviour an offence (ss. 9(3), 18.4(4)). The regional senior judge of the Ontario Court of Justice may specify an amount as the set fine of a municipality in the region for by-law offences (s. 91.1(2)).

PROVINCIAL OFFENCE CHARGING

Determine the best charge from the statute or regulation that creates the offence. Check the Ontario Court of Justice set fines website to see whether there is an approved offence wording and a set fine under \$1,000: <http://www.ontariocourts.ca/ocj/how-do-i/set-fines>. If not, you will have to use a summons under Part I or proceed under Part III of the POA. Write down the title of the statute or number of the regulation and the exact section number because you will need this information to find the approved offence wording and set fine, if any. Note that the approved offence wordings and set fines for federal law contraventions (as described in the *Contraventions Act*) are found in the schedule to the Contraventions Regulations.

For purposes of Part I and Part II of the POA, the courts have authorized official offence wordings and set fines for most common provincial offences, and these are published in a booklet titled *Provincial Offences Wordings and Fines*. They are also published online on the Ontario Court of Justice website mentioned above.

On the set fines website, click on Set Fines I for offences to be prosecuted under Part I of the POA or Set Fines II for offences (parking, standing, or stopping) to be prosecuted under Part II of the POA. Clicking on Set Fines I will provide an alphabetical list of statutes and regulations for which there are offence wordings and set fines. Click on the title of the statute or number of the regulation and a table listing the information by section number will appear.

If there is a set fine, use a Part I Offence Notice unless the accused should be required to attend court or is a young person, in which case use a Part I summons.

PART I SET FINES, VICTIM FINE SURCHARGES, AND COURT COSTS

To calculate the total payable on a Part I Offence Notice, make the following calculation: add together the set fine, the victim fine surcharge, and the court cost. Victim fine surcharges can be located in a table found in Ontario Regulation 161/00, *Victim Fine Surcharges*, made under the POA:

TABLE 1.2 Table of Victim Fine Surcharges

FINE RANGE \$	SURCHARGE \$
0–50	10
51–75	15
76–100	20
101–150	25
151–200	35
201–250	50
251–300	60
301–350	75
351–400	85
401–450	95
451–500	110
501–1,000	125
Over 1,000	25% of actual fine

Source: O Reg 161/00, Table.

Court costs are listed in RRO 1990, Regulation 945, *Costs*, made under the POA. The only cost that applies to a Part I POA charge is \$5 for “service of Offence Notice or Summons.”

EXAMPLE

At the time of writing, where someone drives through a stop sign contrary to HTA section 136(1)(a):

- the offence wording is: Disobey Stop Sign—Fail to Stop,
- the set fine is \$85,
- the victim fine surcharge is \$20, and
- the court cost is \$5.

Therefore the total payable would be $\$85 + \$20 + \$5 = \110 .

PROVINCIAL OFFENCES NOTICE AND SUMMONS

The most common form used in the enforcement of the POA is the Provincial Offence Notice (PON) provided by Part I. The sections below include instructions for completing and serving the PON, and are followed by reproductions—first unmarked and then annotated—of the pages of a PON and summons. The fronts and backs of pages in the snap set are shown side by side.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

INSTRUCTIONS FOR COMPLETING A PON

It is important to understand what is required when filling out a PON. Responding to the five Ws—who, what, why, where, and when—is the conventional approach, followed by the question, “Then what?”

“WHO?”

There are usually two people involved when a PON is being completed: the defendant and the officer. In addition to the names of the defendant and the officer, certain pieces of information are required for identification purposes. For example, the defendant needs to provide a date of birth, while the officer is required to record his or her badge number.

“WHAT AND WHY?”

This question addresses the substance of the alleged offence. The offence must be clearly identified, and specific information must be provided from the statute. For example, a PON given to someone allegedly driving over the speed limit could read: “Speeding: 85 km/h in a 50 km/h zone. Contrary to the *Highway Traffic Act*, section 128.” This gives the defendant a chance to research the charge and prepare a defence. (See s. 25(4)(c) of the POA.) Officers can find accepted short-form wordings on the Ontario Court of Justice set fines website.

“WHERE?”

It is important for the officer to provide the specifics of where an offence occurred so that there is no dispute about the location. If possible, include specific reference points, such as an address or where the offence occurred in relation to a cross street. Always include the name of the municipality.

“WHEN?”

The date and time recorded on the PON are specific to the incident. Note that the date is written in the following order: year, month, and day. For example, May 21, 2019 is written as 2019-05-21.

This is the standard format used in law enforcement for recording a date. Officers use this format in record-keeping and when conducting a CPIC (Canadian Police Information Centre) check.

“THEN WHAT?”

The defendant is given either a monetary fine or a notice to attend court. If the officer issues a fine, the defendant can do one of three things:

1. plead guilty and pay the fine by mail or in person,
2. plead guilty with an explanation, or
3. request a trial date.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

INSTRUCTIONS FOR SERVICE

The officer completes the certificate of offence, which is the top copy of a ticket, except for the section that requires the officer's signature. The top copy is lifted and the copy underneath, which is the Offence Notice, is pulled out. At this point, the officer signs the Offence Notice and serves the defendant with the notice, which now has an original signature, not an imprint from the top copy. Once that is done, the officer signs the top copy under the words "And I further certify that I served an Offence Notice personally upon the person charged."

If the officer had signed the top certificate of offence while the Offence Notice was still attached, the defendant would have been served with a document that did not contain an original signature—an indication that the officer did not follow procedure in serving the defendant with the Offence Notice. This could raise questions about the officer's credibility and professionalism, and lead to a possible challenge in court from the defendant.

OFFICER NOTES

The last page provides a space for the officer to record notes pertaining to the offence. They can be used to help refresh the officer's memory when the officer is giving evidence at a trial. As a general rule, it is important to be consistent and follow the same process when making notes. For example, it is recommended that a record always be kept of the weather at the time of the incident, since the conditions could be relevant in court, especially in the case of driving offences.

If the officer used any equipment in documenting the offence or aspects of the offence, particulars should also be noted (such as the model and serial number of a radar unit). In the event that the accuracy or quality of the unit is questioned in court, it will be possible to produce the exact piece of equipment for inspection.

A diagram of the scene is helpful to include in notes, especially if an officer is new or the scene is complex and may be difficult to remember at trial. When sketching a diagram, it is a good practice to place north at the top of the page.

The space provided for notes is limited, so it is important to make effective use of it. These tips may help:

- Using the short forms of words saves space and is helpful if they make sense in the situation. Examples include: N/B for northbound; O/S for on scene; OBS for observed; and R/C for radio call. The short forms should be used in all of an officer's work, and the officer should be able to verify them so they are not given an alternative meaning.
- The information on the front of a notice should not be repeated in an officer's notes. The space for notes should be saved for additional relevant information.

See Figure 1.15 for a sample of an officer's notes.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

COMPOSITION OF THE TICKET AND SUMMONS

- Figure 1.1 Form 1: Certificate of Offence
- Figure 1.2 Form 3: Offence Notice
- Figure 1.3 Computer Input
- Figure 1.4 Enforcement Agency Record/Enforcement Agency Notes
- Figure 1.5 Payment Notice
- Figure 1.6 Form 7: Summons

ENTITIES REPRESENTED IN THE TICKET

- Figure 1.7 Annotated Form 3: Offence Notice—Original Signature
- Figure 1.8 Annotated Form 1: Certificate of Offence—Officer Information
- Figure 1.9 Annotated Form 1: Certificate of Offence—Offence Information
- Figure 1.10 Annotated Form 1: Certificate of Offence—Defendant Information
- Figure 1.11 Annotated Form 1: Certificate of Offence—Vehicle Information

STEPS IN COMPLETING THE TICKET FOR SETTLEMENT OR COURT APPEARANCE

- Figure 1.12 Annotated Form 1: Certificate of Offence—Out-of-Court Settlement
- Figure 1.13 Annotated Form 1: Certificate of Offence—Mandatory Court Appearance

OTHER INFORMATION ENTERED ON THE TICKET

- Figure 1.14 Annotated Form 1: Certificate of Offence—Elements of a Driver's Licence Number
- Figure 1.15 Annotated Form 1: Certificate of Offence—Sample Enforcement Agency Notes

FIGURE 1.1 Form 1: Certificate of Offence

ICON Location Code <i>Code d'emplacement du RIII</i>	Offence number <i>Numéro d'infraction</i>							
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11								
Certificate of Offence Procès-verbal d'infraction								
I, <i>Je soussigné(e)</i> (print name / nom en lettres moulées)								
believe and certify that on the day of <i>crois et atteste que le</i> <table style="display: inline-table; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px;">2</td> <td style="border: 1px solid black; padding: 2px;">0</td> <td style="border: 1px solid black; padding: 2px;">Y / A</td> <td style="border: 1px solid black; padding: 2px;">M / M</td> <td style="border: 1px solid black; padding: 2px;">D / J</td> <td style="border: 1px solid black; padding: 2px;">Time / heure</td> <td style="border: 1px solid black; padding: 2px;">M</td> </tr> </table>		2	0	Y / A	M / M	D / J	Time / heure	M
2	0	Y / A	M / M	D / J	Time / heure	M		
Name <i>Nom</i> (family / nom de famille)								
(given / prénom) (initials / initiales)								
Address <i>Adresse</i> (number and street / numéro et nom de la rue)								
(municipality / municipalité) (P.O. / C.P.) (province) (postal code / code postal)								
Driver's licence no. / N ^o de permis de conduire Juris / Aut. Lég.								
Birth date / <i>Date de naissance</i> Y / A M / M D / J	Sex / <i>Sexe</i> M / F	Motor vehicle involved / <i>Véhicule impliqué</i> <input type="checkbox"/> N / N	Collision involved / <i>Collision</i> <input type="checkbox"/> Y / O	Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O				
At <i>À</i> (municipality / municipalité)								
Did commit the offence of <i>A commis l'infraction de</i>								
contrary to sect. <i>contrairement à l'art.</i>								
Plate no. / <i>N^o de la plaque d'immatriculation</i>	Juris / <i>Aut. Lég.</i>	Commercial / <i>Utilitaire</i> <input type="checkbox"/> Y / O	CVOR / <i>IUVU</i> <input type="checkbox"/> Y / O	NSC / <i>CNS</i> <input type="checkbox"/> Y / O	Code			
CVOR No. - NSC No. / N ^o de l'IUVU - N ^o du CNS								
And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of: <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. Autre date de signification, le :</i>								
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. <i>N^o de l'agent</i>		Platoon <i>Peloton</i>		Unit <i>Unité</i>		
Set fine of <i>Amende fixée de</i> \$	Total payable <i>Montant total exigible</i> \$		Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>					
Summons issued. You are required to appear in court on Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au Ct. room / <i>Salle d'audience</i>		(print name / nom en lettres moulées)		Time / heure				
Deemed not to dispute charge under s. 9(1)(a) of the <i>Provincial Offences Act</i> . Set fine imposed. / <i>Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.</i>		Y / A M / M D / J		Time / heure				
Justice / <i>Juge</i>		2 0 Y / A M / M D / J		Time / heure				

POA 0847 (November 2, 2011 / 2 novembre 2011) CSD

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

FIGURE 1.1 Form 101: Affidavit of Service of an Offence Notice or Summons

Affidavit of service upon defendant

I, _____, make oath and say that on the ____ day of _____ yr 20 _____. I personally served the offence notice/summons* issued with the attached certificate of offence upon the defendant named in the attached certificate of offence.

**(strike out inapplicable term)*

The Corporate defendant named in the attached certificate of offence by leaving it with	
Person Served	
Position	Address
Signature of Provincial Offences Officer	
Badge number	Unit

Sworn before me at _____

This _____ day of _____ yr 20 _____

A Justice of the Peace/Commissioner for Taking Affidavits

Court Record

Date	Adjourned to	Requested by	on Consent

Date	Pleads <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Guilty to a substituted offense	<input type="checkbox"/> Failed to appear <input type="checkbox"/> Charge Withdrawn
------	--	--

Finding of Court

<input type="checkbox"/> Guilty / Convicted	<input type="checkbox"/> Suspended sentence
<input type="checkbox"/> Dismissed	<input type="checkbox"/> Fine imposed _____
<input type="checkbox"/> S.9.1 Conviction	Costs [s.60(2)] _____
<input type="checkbox"/> Quashed	Time to pay _____

Reasons: _____

The POA provides that the victim fine surcharge (s.60.1) and certain costs (s.60.(1)) are added administratively upon conviction.

For Prosecutor	For Defendant
Reporter	Clerk
Justice	
Defaulted fine enforcement	
Justice	

© Queen’s Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.2 Form 3: Offence Notice

ICON Location Code <i>Code d'emplacement du RIII</i>	Offence number <i>Numéro d'infraction</i>
---	--

Form 3, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11
Formulaire 3, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11

Offence Notice Avis d'infraction

.....
(print name / nom en lettres moulées)

believes and certifies that on the day of

2	0				
---	---	--	--	--	--

Time / heure				
--------------	--	--	--	--

croit et atteste que le

Name
Nom (family / nom de famille)

.....
(given / prénom) (initials / initiales)

Address
Adresse (number and street / numéro et nom de la rue)

.....
(municipality / municipalité) (P.O. / C.P.) (province) (postal code / code postal)

Driver's licence no. / *N° de permis de conduire* Juris / *Aut. lég.*

Birth date / <i>Date de naissance</i> <small>Y / A M / M D / J</small>	Sex / <i>Sexe</i>	Motor vehicle involved / <i>Véhicule impliqué</i> <input type="checkbox"/> N / N	Collision involved / <i>Collision</i> <input type="checkbox"/> Y / O	Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O
---	-------------------	---	---	--

At
À (municipality / municipalité)

Did commit the offence of
A commis l'infraction de

contrary to sect.
contrairement à , art.

Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. lég.</i>	Commercial <i>Utilitaire</i> <input type="checkbox"/> Y / O	CVOR <i>IUVU</i> <input type="checkbox"/> Y / O	NSC <i>CNS</i> <input type="checkbox"/> Y / O	Code
---	---------------------------	---	---	---	------

CVOR No. - NSC No. / *N° de l'IUVU - N° du CNS*

.....

And I further certify that I served an offence notice personally upon the person charged on the offence date. Or other service date of:
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. Autre date de signification, le :

Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciales</i>	Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>	Unit <i>Unité</i>
--	-------------------------------------	---------------------------	----------------------

Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire pour l'aide aux victimes applicable et les frais.</i>
\$	\$	\$

Important:
 You have 15 days from the day you receive this notice to choose one of the options on the back of the notice.

Important :
 À compter de la réception du présent avis, vous avez 15 jours pour choisir une des options décrites au verso de l'avis.

POA 0848 (March 15, 2014 / 15 mars 2014) CSD

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

FIGURE 1.2 Form 3: Offence Notice (continued)

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

<p>Important – If you do not exercise one of the following options within 15 days of receiving this notice, you will be deemed not to dispute the charge and a justice may enter a conviction against you. Upon conviction, additional costs will be added to the total payable. If the fine goes into default, an administrative fee will be added and steps will be taken to enforce your defaulted fine. For example, information may be provided to a consumer reporting agency and for certain offences, including speeding, your driver's licence may be suspended.</p> <p>Important – Si vous n'exercez pas l'une des options suivantes dans un délai de 15 jours à compter de la réception du présent avis, vous serez réputé(e) ne pas contester l'accusation et un juge pourra inscrire une déclaration de culpabilité contre vous. Sur déclaration de culpabilité, des frais additionnels s'ajouteront au montant total exigible. En cas de défaut de paiement de l'amende, des frais d'administration s'ajouteront et des mesures seront prises pour faire exécuter le paiement de votre amende. Par exemple, l'information pourra être transmise à une agence de renseignements sur le consommateur et dans le cas de certaines infractions, dont l'excès de vitesse, votre permis de conduire pourra être suspendu.</p>	<p>OPTION 1 Plea of Guilty – Voluntary Payment of Total Payable - I plead guilty and payment of the total payable is enclosed (follow the instructions on the "payment notice"). Plaidoyer de culpabilité – paiement volontaire du montant total exigible - Je plaide coupable et le montant total exigible est joint au présent avis (suivre les instructions figurant sur « l'avis de paiement »).</p> <p>OPTION 2 Plea of guilty – Submissions as to Penalty: I want to appear before a justice to enter a plea of guilty and make submissions as to penalty (amount of fine or time to pay). Note: You must attend the court office shown below within the times and days shown. Bring this notice with you. Plaidoyer de culpabilité – observations au sujet de la peine - Je désire comparaître devant un juge pour inscrire un plaidoyer de culpabilité et présenter des observations au sujet de la peine (montant de l'amende ou délai de paiement). Remarque: Vous devez comparaître devant le bureau du tribunal indiqué ci-dessous aux dates et heures indiquées. Apportez le présent avis avec vous.</p>
<p>OPTION 3 Trial Option, Ontario Court of Justice, Provincial Offences Office Procès, Cour de Justice de l'Ontario, Bureau des infractions provinciales</p> <p>Notice of intention to appear in court: <input type="checkbox"/> I intend to appear in court to enter a plea of not guilty at the time and place set for the trial and I wish to have the trial conducted in the English language. <input type="checkbox"/> J'ai l'intention de comparaître devant le tribunal pour inscrire un plaidoyer de non-culpabilité à l'heure et au lieu prévus pour le procès et je désire que le procès se déroule en français.</p> <p>Avis d'intention de comparaître devant le tribunal: <input type="checkbox"/> J'ai l'intention de comparaître devant le tribunal pour inscrire un plaidoyer de non-culpabilité à l'heure et au lieu prévus pour le procès et je désire que le procès se déroule en français.</p> <p>I request a language interpreter for the trial. (Leave blank if inapplicable.) Je demande l'aide d'un interprète en langue _____ pour le procès. (À remplir, s'il y a lieu.)</p> <p>Note: If you fail to notify the court office of address changes, you may not receive important notices, e.g., your Notice of Trial. You may be convicted in your absence if you do not attend the trial.</p> <p>Remarque : Si vous omettez de prévenir le greffe du tribunal de tout changement d'adresse, vous pourriez ne pas recevoir d'importants avis (p. ex., votre avis de procès). Si vous n'assistez pas au procès, vous pourriez être déclaré(e) coupable en votre absence.</p>	<p>Changes to your address (if applicable): Signature _____ Signature _____</p> <p>Changement d'adresse (le cas échéant): Signature _____ Signature _____</p> <p>Telephone Number: _____ Numéro de téléphone : _____</p>
<p>Ontario Court of Justice, Provincial Offences Office Cour de Justice de l'Ontario, Bureau des infractions provinciales</p>	

FOR INFORMATION ON ACCESS TO ONTARIO COURTS FOR PERSONS WITH DISABILITIES: (Court to insert information)
 POUR OBTENIR DES RENSEIGNEMENTS SUR L'ACCÈS DES PERSONNES HANDICAPÉES AUX TRIBUNAUX DE L'ONTARIO: (ajouter l'information)

FIGURE 1.3 Computer Input (Note: back of page is blank)

ICON Location Code Code d'emplacement du RHI	3860	Offence Number N° d'infraction	6571079A																																											
Computer Input/Record Document Entrées informatiques/Registre des documents																																														
Believes and certifies that on the day of <i>Croit et atteste que le</i> 2 0 <input type="checkbox"/> M																																														
Name <i>Nom</i> Family/Nom de famille																																														
Address <i>Adresse</i> Number and street/Numéro et nom de la rue																																														
Municipality/Municipalité P.O./C.P. Province Postal code/Code postal																																														
Driver's licence No./Numéro de permis de conduire <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>																																														
Birthdate/Date de naissance 1 9 Sex <i>Sexe</i> Motor Vehicle Involved <input type="checkbox"/> Collision Involved <input type="checkbox"/> Witnesses <input type="checkbox"/>																																														
At/À Municipality/Municipalité																																														
Did commit the offence of: <i>A commis l'infraction de :</i>																																														
Contrary to: <i>Contrairement à :</i>																																														
Sect./L'art.																																														
<table border="1"> <tr> <td>Plate number N° de plaque d'immatriculation</td> <td>Juris Aut. lég.</td> <td>Commercial Utilitaire <input type="checkbox"/> Y/O</td> <td>CVOR/IUVU <input type="checkbox"/> Y/O</td> <td>NSC/CNS <input type="checkbox"/> Y/O</td> <td>Code</td> </tr> <tr> <td colspan="6">CVOR No. - NSC No. / N° de l'IUVU - N° du CNS</td> </tr> <tr> <td colspan="6">And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of: <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i> <i>Autre date de signification, le :</i></td> </tr> <tr> <td colspan="2">Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciales</i></td> <td>Officer No. N° de l'agent</td> <td>Platoon Peloton</td> <td colspan="2">Unit Unité</td> </tr> <tr> <td>Set fine of <i>Amende fixée de</i></td> <td>Total payable <i>Montant total exigible</i></td> <td colspan="4">Total payable includes set fine, applicable victim fine surcharge and costs. <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i></td> </tr> <tr> <td colspan="6">Summons issued. You are required to appear in court on 2 0 <input type="checkbox"/> M</td> </tr> <tr> <td colspan="6">Assignment. <i>Vous êtes tenu(e) de comparaître devant le tribunal le</i></td> </tr> </table>					Plate number N° de plaque d'immatriculation	Juris Aut. lég.	Commercial Utilitaire <input type="checkbox"/> Y/O	CVOR/IUVU <input type="checkbox"/> Y/O	NSC/CNS <input type="checkbox"/> Y/O	Code	CVOR No. - NSC No. / N° de l'IUVU - N° du CNS						And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of: <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i> <i>Autre date de signification, le :</i>						Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciales</i>		Officer No. N° de l'agent	Platoon Peloton	Unit Unité		Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>				Summons issued. You are required to appear in court on 2 0 <input type="checkbox"/> M						Assignment. <i>Vous êtes tenu(e) de comparaître devant le tribunal le</i>					
Plate number N° de plaque d'immatriculation	Juris Aut. lég.	Commercial Utilitaire <input type="checkbox"/> Y/O	CVOR/IUVU <input type="checkbox"/> Y/O	NSC/CNS <input type="checkbox"/> Y/O	Code																																									
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS																																														
And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of: <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i> <i>Autre date de signification, le :</i>																																														
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciales</i>		Officer No. N° de l'agent	Platoon Peloton	Unit Unité																																										
Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>																																												
Summons issued. You are required to appear in court on 2 0 <input type="checkbox"/> M																																														
Assignment. <i>Vous êtes tenu(e) de comparaître devant le tribunal le</i>																																														

© Queen's Printer for Ontario, 2019. Reproduced with permission. This work is subject to change without notice.

FIGURE 1.4 Enforcement Agency Record/Enforcement Agency Notes

ICON Location Code Code d'emplacement de RII	3860 N° d'infraction	6571079A Offence Number				
Provincial Offences Act Ontario Court of Justice Loi sur les infractions provinciales Cour de justice de l'Ontario Enforcement Agency Record/Registre des documents de l'agence d'exécution						
Believes and certifies that on the day of Croit et atteste que le						
(Print name/nom en lettres moulées)						
Y/A M/M D/J Time/À (Heure)						
2 0 <input type="checkbox"/> M						
Name Nom						
Family/Nom de famille						
Address Adresse						
Given/Prénom Initials/Initiales						
Number and street/Numéro et nom de la rue						
Municipality/Municipalité P.O./C.P. Province Postal code/Code postal						
Driver's licence No./Numéro de permis de conduire						
Birthdate/Date de naissance Sex/Sexe Motor Vehicle Involved/Véhicule impliqué Collision Involved/Collision Witnesses/Témoins						
Y/A M/M D/J <input type="checkbox"/> N/N <input type="checkbox"/> Y/O Y/O						
At/À						
Did commit the offence of: A commis l'infraction de :						
Municipality/Municipalité						
Contrainement à :						
Sect./L'art.						
Plate number N° de plaque d'immatriculation	Juris Aut. lég.	Commercial Utilitaire <input type="checkbox"/> Y/O	CVOR/IUVU <input type="checkbox"/> Y/O	NSC/CNS <input type="checkbox"/> Y/O	Code	
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS						
And I further certify that I served an offence notice personally upon the person charged on the offence date. J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.						
<input type="checkbox"/> Or other service date of: Autre date de signification, le :						
Signature of issuing Provincial Offences Officer Signature de l'agent des infractions provinciales				Officer No. N° de l'agent	Platoon Peloton	Unit Unité
Set fine of Amende fixée de \$	Total payable Montant total exigible \$	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.				
Summons issued. You are required to appear in court on Vous êtes tenu(e) de comparaître devant le tribunal le						
Y/A M/M D/J Time / À (Heure)						
2 0 <input type="checkbox"/> M						
Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le						
Ct. room/Salle d'audience at the Ontario Court of Justice P.O.A. Office at à la Cour de justice de l'Ontario, Bureau des infractions provinciales au						

© Queen's Printer for Ontario, 2019. Reproduced with permission. This work is subject to change without notice.

FIGURE 1.5 Payment Notice

Provincial Offences Act, Ontario Court of Justice
Loi sur les infractions provinciales Cour de justice de l'Ontario

Payment Notice/Avis de Paiement

To pay the total payable shown, forward your payment of the total payable with this notice and the offence notice to the address shown on this notice. Sign the plea of guilty on the offence notice (Option 1).

Complete the following information / Veuillez donner les renseignements suivants

Name/Nom _____
 Address/Adresse _____

Make cheque or money order payable to
The City of Barrie

and write the number of the offence notice on the front of the cheque/money order. Do not send cash or post-dated cheques with your payment. If you have any questions, call 705-739-4291.

Dishonoured cheques will be subject to an administrative charge and the amount may be referred to collection services.

Cardholder's name
 Nom du détenteur de la carte _____

Cardholder's signature
 Signature du détenteur de la carte _____

Provincial Offences Act, Ontario Court of Justice
Loi sur les infractions provinciales Cour de justice de l'Ontario

Payment Notice/Avis de Paiement

To pay the total payable shown, forward your payment of the total payable with this notice and the offence notice to the address shown on this notice. Sign the plea of guilty on the offence notice (Option 1).

Complete the following information / Veuillez donner les renseignements suivants

Name/Nom _____
 Address/Adresse _____

Faire un chèque ou mandat à l'ordre du
La Ville de Barrie

et écrire le numéro d'avis d'infraction au recto du chèque/mandat. Ne pas envoyer d'espèces ou de chèques postdatés avec votre paiement. Pour plus de renseignements, composez le 705-739-4291.

Les chèques impayés sont assujettis à des frais administratifs et les renseignements concernant le montant impayé peuvent être transmis au service de recouvrement.

Telephone/Téléphone
 Cheque/money order enclosed
 Chèque/mandat joint

Card number
 N° de carte _____

Card expiry date
 Date d'expiration _____

See back for mailing address and instructions / Pour connaître l'adresse postale et les instructions, prière de voir au verso.

Visa MasterCard

(month) (année)
 (year) (année)

3860

6571079A

Total Payable
Montant total exigible

\$ _____ \$

OFFENCE NUMBER
 No D'INFRACTION _____

Date of Offence:
 Date de l'infraction : _____

Online Payment Option
 www.paytickets.ca

Option de paiement en ligne
 www.paytickets.ca


© Queen's Printer for Ontario, 2019. Reproduced with permission. This work is subject to change without notice.

FIGURE 1.5 Payment Notice

**Remember to keep a record of this payment.
N'oubliez pas de conserver un reçu de paiement.**

Sign the plea of guilty on the offence notice (Option 1) and mail the offence notice with this payment notice to

Veillez signer le plaidoyer de culpabilité sur l'avis d'infraction (Option 1) et adresser l'avis d'infraction accompagné de l'avis de paiement à l'adresse suivante

Pay to:  **ONTARIO COURT OF JUSTICE
PROVINCIAL OFFENCES OFFICE
THE CITY OF BARRIE
45 CEDAR POINTE DRIVE
BARRIE ON L4N 5R7**

Payez à: **COUR DE JUSTICE DE L'ONTARIO
BUREAU DES INFRACTIONS PROVINCIALES
VILLE DE BARRIE
45, PROMENADE CEDAR POINTE
BARRIE ON L4N 5R7**

© Queen's Printer for Ontario, 2019.
Reproduced with permission. This work
is subject to change without notice.

FIGURE 1.6 Form 7: Summons

ICON Location Code <i>Code d'emplacement du RIII</i>					
Form 7, Provincial Offences Act, Ontario Court of Justice Formulaire 7, Loi sur les infractions provinciales, Cour de justice de l'Ontario					
Summons Assignment					
(print name / nom en lettres moulées)					
believes and certifies that on the day of <i>croit et atteste que le</i>		Y / A 2 0	M / M 	D / J 	Time / heure M
Name <i>Nom</i>					
(given / prénom)			(initials / initiales)		
Address <i>Adresse</i>					
(municipality / municipalité)		(P.O. / C.P.)	(province)	(postal code / code postal)	
Driver's licence no. / N° de permis de conduire				Juris / Aut. Lég.	
Birth date / Date de naissance Y / A M / M D / J		Sex / Sexe	Motor vehicle involved / Véhicule impliqué <input type="checkbox"/> N / N	Collision involved / Collision <input type="checkbox"/> Y / O	Witnesses / Témoins <input type="checkbox"/> Y / O
At <i>À</i>					
(municipality / municipalité)					
Did commit the offence of <i>A commis l'infraction de</i>					
contrary to <i>contrairement à</i>			sect. <i>l'art.</i>		
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. Lég.</i>	Commercial <i>Utilitaire</i> <input type="checkbox"/> Y / O	CVOR <i>IUVU</i> <input type="checkbox"/> Y / O	NSC <i>CNS</i> <input type="checkbox"/> Y / O	Code
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS					
This is therefore to command you in Her Majesty's name to appear before the Ontario Court of Justice. / Pour ces motifs, il vous est enjoint, au nom de Sa Majesté, de comparaître devant la Cour de justice de l'Ontario.			Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>	Unit <i>Unité</i>
Y / A 2 0		M / M 	D / J 	Time / heure M	
Ct. room / Salle d'audience		at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au			
And to attend thereafter as required by the court in order to be dealt with according to law, this summons is served under Part I of the Provincial Offences Act. <i>Et d'être présent(e) par la suite selon les exigences du tribunal, afin d'être traité(e) selon la loi. La présente assignation vous est signifiée conformément à la Partie I de la Loi sur les infractions provinciales.</i>					
Signature of Provincial Offences Officer / Signature de l'agent des infractions provinciales					
POA 0861 (March 17, 2011 / 17 mars 2011) CSD					

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.6 Form 7: Summons

Note to defendant

You are required to appear in court. You may appear personally or by representative.

When you appear you may:

- (A) Plead guilty to the offence
or
- (B) Set a date for trial
or
- (C) The trial may proceed

If you do not appear:

- (A) The court may issue a warrant for your arrest
or
- (B) The trial may proceed in your absence.

Remarque à l'intention du défendeur/de la défenderesse

Vous êtes tenu(e) de comparaître devant le tribunal. Vous pouvez comparaître en personne ou par représentant.

Lors de votre comparution :

- (A) soit vous pouvez plaider coupable à l'infraction;*
- (B) soit vous pouvez fixer une date de procès;*
- (C) soit le procès peut avoir lieu.*

Si vous ne comparez pas :

- (A) soit le tribunal peut décerner un mandat d'arrestation contre vous;*
- (B) soit le procès peut avoir lieu en votre absence.*



For information on access to Ontario Courts

for persons with disabilities, call **705-739-4291**

Pour plus de renseignements sur l'accès des personnes handicapées

*aux tribunaux de l'Ontario, composez le **705-739-4291***

© Queen's Printer for Ontario, 2019.
Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.7 Annotated Form 3: Offence Notice—Original Signature

ICON Location Code <i>Code d'emplacement du RIII</i>		Offence number <i>Numéro d'infraction</i>	
Form 3, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 3, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11			
Offence Notice			
Avis d'infraction			
(print name / nom en lettres moulées)			
believes and certifies that on the day of		Y / A	M / M
croit et atteste que le		2 0	D / J
		Time / heure	M
Name			
Nom			
		(family / nom de famille)	
		(given / prénom)	(initials / initiales)
Address			
Adresse			
		(number and street / numéro et nom de la rue)	
		(municipality / municipalité)	(postal code / code postal)
		(P.O. / C.P.)	(province)
Driver's licence no. / N° de permis de conduire		Juris / Aut. lég.	
Birth date / Date de naissance		Sex / Sexe	Motor vehicle involved / Véhicule impliqué
Y / A		M / M	D / J
			<input type="checkbox"/> N / N
			<input type="checkbox"/> Y / O
			<input type="checkbox"/> Y / O
At			
À			
(municipality / municipalité)			
Did commit the offence of			
A commis l'infraction de			
contrary to		sect.	
contrairement à		, art.	
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. lég.</i>	Commercial <i>Utilitaire</i>	CVOR <i>IUVU</i>
		<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O
			<input type="checkbox"/> Y / O
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS			
And I further certify that I served an offence notice personally upon the person charged on the offence date.		<input type="checkbox"/> Or other service date of:	
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.		Autre date de signification, le :	
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciales</i>		Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>
			Unit <i>Unité</i>
Set fine of <i>Amende fixée de</i>	Total payable Montant total exigible	Total payable includes set fine, applicable victim fine surcharge and costs. / Le montant total exigible comprend l'amende fixée, la suramende compensatoire pour l'aide aux victimes applicable et les frais.	
\$	\$ \$	\$	

This section does not need to be original.

When all the forms are still together, the officer fills out everything except the signature. This offence notice (Form 3) is removed from the snap set, signed (the signature must be original), and served to the defendant before the face of the ticket (Form 1, Certificate of Offence) is signed.

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

Important:
You have 15 days from the day you receive this notice to choose one of the options on the back of the notice.

Important :
À compter de la réception du présent avis, vous avez 15 jours pour choisir une des options décrites au verso de l'avis.

POA 0848 (March 15, 2014 / 15 mars 2014) CSD

FIGURE 1.8 Annotated Form 1: Certificate of Offence—Officer Information

ICON Location Code <i>Code d'emplacement du RII</i>	Offence number <i>Numéro d'infraction</i>
--	--

Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11
Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11

Certificate of Offence Procès-verbal d'infraction

I, _____
Je soussigné(e) (print name / nom en lettres moulées)

believe and certify that on the day of _____ Y / A M / M D / J Time / heure _____ M
crois et atteste que le

Name _____
Nom (family / nom de famille)

_____ (given / prénom) (initials / initiales)

Address _____
Adresse (number and street / numéro et nom de la rue)

_____ (municipality / municipalité) (P.O. / C.P.) (province) (postal code / code postal)

Driver's licence no. / N° de permis de conduire _____ Juris / Aut. Lég. _____

Birth date / <i>Date de naissance</i> Y / A M / M D / J	Sex / <i>Sexe</i> _____	Motor vehicle involved / <i>Véhicule impliqué</i> <input type="checkbox"/> N / N	Collision involved / <i>Collision</i> <input type="checkbox"/> Y / O	Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O
--	----------------------------	---	---	--

At _____
A (municipality / municipalité)

Did commit the offence of _____
A commis l'infraction de

contrary to _____ sect. _____
contrairement à l'art.

Plate no. / <i>N° de la plaque d'immatriculation</i>	Juris / <i>Aut. Lég.</i>	Commercial / <i>Utilitaire</i> <input type="checkbox"/> Y / O	CVOR / <i>IUVU</i> <input type="checkbox"/> Y / O	NSC / <i>CNS</i> <input type="checkbox"/> Y / O	Code
--	--------------------------	--	--	--	------

CVOR No. - NSC No. / N° de l'IUVU - N° du CNS _____

And I further certify that I served an offence notice _____ Or other service date of: _____
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. Autre date de signification, le :

Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>	Officer No. / <i>N° de l'agent</i>	Platoon / <i>Peloton</i>	Unit / <i>Unité</i>
---	------------------------------------	--------------------------	---------------------

Set fine of / <i>Amende fixée de</i> \$ _____	Total payable / <i>Montant total exigible</i> \$ _____	Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>
--	---	--

Summons issued. You are required to appear in court on _____ Y / A M / M D / J Time / heure _____ M
Assigination. Vous êtes tenu(e) de comparaître devant le tribunal le

_____ at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au tribunal le

Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / *Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.*

_____ Y / A M / M D / J
 _____ Justice / Juge

← Officer's name.

NOTE: Officer signs Certificate of Offence (Form 1) after the Offence Notice (Form 3) has been signed and served on the defendant.

← Officer's badge number, platoon, and unit.

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.9 Annotated Form 1: Certificate of Offence—Offence Information

ICON Location Code <i>Code d'emplacement du RII</i>		Offence number <i>Numéro d'infraction</i>									
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11											
Certificate of Offence Procès-verbal d'infraction											
I, _____ <i>Je soussigné(e)</i> (print name / <i>nom en lettres moulées</i>)											
believe and certify that on the day of <i>crois et atteste que le</i>		<table border="1" style="width: 100%; text-align: center;"> <tr> <td>Y / A</td> <td>M / M</td> <td>D / J</td> <td>Time / <i>heure</i></td> </tr> <tr> <td>2 0</td> <td></td> <td></td> <td> M</td> </tr> </table>	Y / A	M / M	D / J	Time / <i>heure</i>	2 0			M	← Date and time of offence.
Y / A	M / M	D / J	Time / <i>heure</i>								
2 0			M								
Name <i>Nom</i>		(family / <i>nom de famille</i>)									
_____		_____									
(given / <i>prénom</i>)		(initials / <i>initiales</i>)									
Address <i>Adresse</i>											
(number and street / <i>numéro et nom de la rue</i>)											
(municipality / <i>municipalité</i>)		(P.O. / <i>C.P.</i>)	(province)								
(postal code / <i>code postal</i>)											
Driver's licence no. / <i>N° de permis de conduire</i>		Juris / <i>Aut. Lég.</i>									
_____		_____									
Birth date / <i>Date de naissance</i>	Sex / <i>Sexe</i>	Motor vehicle involved / <i>Véhicule impliqué</i>	Collision involved / <i>Collision</i>								
Y / A	M / M	D / J									
		<input type="checkbox"/> N / N	<input type="checkbox"/> Y / O								
			<input type="checkbox"/> Y / O								
Witnesses / <i>Témoins</i>											
_____		_____									
At <i>À</i>		(municipality / <i>municipalité</i>)									
_____		_____									
Did commit the offence of <i>A commis l'infraction de</i>		_____									
_____		_____									
contrary to <i>contrairement à</i>		sect. <i>l'art.</i>									
_____		_____									
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. Lég.</i>	Commercial <i>Utilitaire</i>	CVOR <i>IUVU</i>								
_____	_____	_____	_____								
		<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O								
			<input type="checkbox"/> Y / O								
CVOR No. - NSC No. / <i>N° de l'IUVU - N° du CNS</i>											

And I further certify that I served an offence notice <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i>		<input type="checkbox"/> Or other service date of: <i>Autre date de signification, le :</i>									
_____		_____									
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>								
_____		_____	_____								
Unit <i>Unité</i>		_____									
_____		_____									
Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>									
\$ _____	\$ _____										
Summons issued. You are <i>Assiguation. Vous êtes</i>		_____									
required to appear in court on <i>tenu(e) de comparaître devant le tribunal le</i>		_____									
_____		_____									
Cl. room / <i>Salle d'audience</i>		at the Ontario Court of Justice POA Office at / <i>à la Cour de justice de l'Ontario, Bureau des infractions provinciales au</i>									
_____		_____									
Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / <i>Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.</i>		_____									
_____		_____									
Justice / <i>Juge</i>											

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.10 Annotated Form 1: Certificate of Offence—Defendant Information

ICON Location Code <i>Code d'emplacement du RII</i>	Offence number <i>Numéro d'infraction</i>
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11	
Certificate of Offence Procès-verbal d'infraction	
I, _____ <i>Je soussigné(e)</i> (print name / nom en lettres moulées)	
believe and certify that on the day of _____ Y / A M / M D / J Time / heure _____ M <i>crois et atteste que le</i>	
Name _____ <i>Nom</i> (family / nom de famille)	
_____ (given / prénom) (initials / initiales)	
Address _____ <i>Adresse</i> (number and street / numéro et nom de la rue)	
_____ (municipality / municipalité) (P.O. / C.P.) (province) (postal code / code postal)	
Driver's licence no. / N° de permis de conduire _____ Juris / Aut. Lég. _____	
Birth date / <i>Date de naissance</i> Y / A M / M D / J	Motor vehicle involved / <i>Véhicule impliqué</i> <input type="checkbox"/> N / N
Sex / <i>Sexe</i> <input type="checkbox"/> Y / O	Collision involved / <i>Collision</i> <input type="checkbox"/> Y / O
Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O	
At _____ <i>À</i> (municipality / municipalité)	
Did commit the offence of _____ <i>A commis l'infraction de</i>	
contrary to _____ sect. <i>contrairement à</i> l'art.	
Plate no. / <i>N° de la plaque d'immatriculation</i> <input type="checkbox"/> Y / O	Commercial / <i>Utilitaire</i> <input type="checkbox"/> Y / O
CVOR / <i>IUVU</i> <input type="checkbox"/> Y / O	NSC / <i>CNS</i> <input type="checkbox"/> Y / O
Code _____ CVOR No. - NSC No. / <i>N° de l'IUVU - N° du CNS</i>	
And I further certify that I served an offence notice _____ <input type="checkbox"/> Or other service date of: <i>personnellement upon the person charged on the offence date. Autre date de signification, le :</i> <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i>	
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>	Officer No. / <i>N° de l'agent</i>
Platoon / <i>Peloton</i>	Unit / <i>Unité</i>
Set fine of / <i>Amende fixée de</i> \$ _____	Total payable / <i>Montant total exigible</i> \$ _____
Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>	
Summons issued. You are required to appear in court on _____ Y / A M / M D / J Time / heure _____ M <i>Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le</i>	
_____ Ct. room / <i>Salle d'audience</i> at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au	
Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / <i>Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.</i>	
_____ Y / A M / M D / J Justice / <i>Juge</i>	

Defendant's name.

Defendant's address.

Jurisdiction where driver's licence was issued (e.g., for Ontario write "ON").

Defendant's driver's licence number.

Defendant's date of birth.

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act/forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.11 Annotated Form 1: Certificate of Offence—Vehicle Information

ICON Location Code <i>Code d'emplacement du RII</i>	Offence number <i>Numéro d'infraction</i>				
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11					
Certificate of Offence Procès-verbal d'infraction					
I, _____, <i>Je soussigné(e)</i> (print name / <i>nom en lettres moulées</i>)					
believe and certify that on the day of _____ Y / A M / M D / J Time / <i>heure</i> <i>crois et atteste que le</i> 2 0 _____ M					
Name _____ <i>Nom</i> (family / <i>nom de famille</i>)					
Address _____ <i>Adresse</i> (number and street / <i>numéro et nom de la rue</i>)					
(municipality / <i>municipalité</i>) (P.O. / <i>C.P.</i>) (province) (postal code / <i>code postal</i>)					
Driver's licence no. / <i>N° de permis de conduire</i> _____ Juris / <i>Aut. Lég.</i> _____					
Birth date / <i>Date de naissance</i> Y / A M / M D / J	Sex / <i>Sexe</i> _____	Motor vehicle involved / <i>Véhicule impliqué</i> <input type="checkbox"/> N / N	Collision involved / <i>Collision</i> <input type="checkbox"/> Y / O	Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O	
At _____ <i>À</i> (municipality / <i>municipalité</i>)		Did commit the offence of _____ <i>A commis l'infraction de</i>			
contrary to _____ <i>contrairement à</i>		sect. _____ <i>l'art.</i>			
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. Lég.</i>	Commercial <i>Utilitaire</i> <input type="checkbox"/> Y / O	CVOR <i>IUVU</i> <input type="checkbox"/> Y / O	NSC <i>CNS</i> <input type="checkbox"/> Y / O	Code
CVOR No. - NSC No. / <i>N° de l'IUVU - N° du CNS</i>					
And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of: _____ <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i> <i>Autre date de signification, le :</i>					
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>	Unit <i>Unité</i>	
Set fine of <i>Amende fixée de</i> \$ _____	Total payable <i>Montant total exigible</i> \$ _____	Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>			
Summons issued. You are required to appear in court on _____ Y / A M / M D / J Time / <i>heure</i> <i>Assignment.</i> Vous êtes tenu(e) de comparaître devant _____ M		Ct. room / <i>Salle d'audience</i>	at the Ontario Court of Justice POA Office at / <i>à la Cour de justice de l'Ontario, Bureau des infractions provinciales au</i>		
Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / <i>Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.</i>					
Justice / <i>Juge</i>		2	0	_____	_____ M

If a vehicle was not involved in the offence, indicate here.

Vehicle's plate number.

Jurisdiction where driver's licence was issued (e.g., for Ontario write "ON").

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

FIGURE 1.12 Annotated Form 1: Certificate of Offence—Out-of-Court Settlement

ICON Location Code Code d'emplacement du RII	Offence number Numéro d'infraction
---	---------------------------------------

Form 1, *Provincial Offences Act*, Ontario Court of Justice, O. Reg. 108/11
Formulaire 1, *Loi sur les infractions provinciales*, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11

Certificate of Offence Procès-verbal d'infraction

I, _____
Je soussigné(e) _____ (print name / nom en lettres moulées)

believe and certify that on the day of _____ Y / A M / M D / J Time / heure _____ M
crois et atteste que le _____

Name _____
Nom _____ (family / nom de famille)

_____ (given / prénom) _____ (initials / initiales)

Address _____
Adresse _____ (number and street / numéro et nom de la rue)

_____ (municipality / municipalité) _____ (P.O. / C.P.) _____ (province) _____ (postal code / code postal)

Driver's licence no. / N° de permis de conduire _____ Juris / Aut. Lég. _____

Birth date / Date de naissance Y / A M / M D / J	Sex / Sexe	Motor vehicle involved / Véhicule impliqué <input type="checkbox"/> N / N	Collision involved / Collision <input type="checkbox"/> Y / O	Witnesses / Témoins <input type="checkbox"/> Y / O
---	------------	--	--	---

At _____
À _____ (municipality / municipalité)

Did commit the offence of _____
A commis l'infraction de _____

contrary to _____ sect.
contrairement à _____ l'art.

Plate no. N° de la plaque d'immatriculation	Juris Aut. Lég.	Commercial Utilitaire <input type="checkbox"/> Y / O	CVOR IUVU <input type="checkbox"/> Y / O	NSC CNS <input type="checkbox"/> Y / O	Code
--	--------------------	--	--	--	------

CVOR No. - NSC No. / N° de l'IUVU - N° du CNS _____

And I further certify that I served an offence notice personally upon the person charged on the offence date. Or other service date of: _____
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. Autre date de signification, le : _____

Signature of issuing Provincial Offences Officer Signature de l'agent des infractions provinciale	Officer No. N° de l'agent	Platoon Peloton	Unit Unité
--	------------------------------	--------------------	---------------

Set fine of Amende fixée de \$ _____	Total payable Montant total exigible \$ _____	Total payable includes set fine, applicable victim fine surcharge and costs. / Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.
--	---	---

Summons issued. You are required to appear in court on _____ Y / A M / M D / J Time / heure _____ M
Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le _____

_____ Ct. room / Salle d'audience _____ at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au _____

Deemed not to dispute charge under s. 9(1)(a) of the *Provincial Offences Act*. Set fine imposed. / Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.

_____ Y / A M / M D / J _____

Justice / Juge _____

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

This value is the fine amount assigned to the offence (consult a wordings and fines book).

The total fine consists of the set fine for the offence, the victim surcharge amount according to the sliding scale in the wordings and fines book, and court charges.

If the offence involves a community safety zone speeding offence, the total fine represents the set fine from the community safety zone fine chart (higher than regular speeding fines), the victim surcharge amount, and court charges.

FIGURE 1.13 Annotated Form 1: Certificate of Offence—Mandatory Court Appearance

ICON Location Code <i>Code d'emplacement du RIII</i>		Offence number <i>Numéro d'infraction</i>	
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11			
Certificate of Offence Procès-verbal d'infraction			
I, _____			
<i>Je soussigné(e)</i> (print name / nom en lettres moulées)			
believe and certify that on the day of		Y / A	M / M D / J
crois et atteste que le		2 0	Time / heure
Name		Time / heure	
Nom		(initials / initiales)	
(given / prénom)		(initials / initiales)	
Address			
Adresse			
(municipality / municipalité)		(P.O. / C.P.)	(province)
(postal code / code postal)			
Driver's licence no. / N° de permis de conduire		Juris / Aut. Lég.	
Birth date / Date de naissance		Sex / Sexe	Motor vehicle involved / Véhicule impliqué
Y / A	M / M D / J	Sexe	<input type="checkbox"/> N / N
		<input type="checkbox"/> Y / O	
		<input type="checkbox"/> Y / O	
At		Witnesses / Témoins	
À		<input type="checkbox"/> Y / O	
		(municipality / municipalité)	
Did commit the offence of			
A commis l'infraction de			
contrary to		sect.	
contrairement à		l'art.	
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. Lég.</i>	Commercial <i>Utilitaire</i>	CVOR <i>IUVU</i>
		<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O
		<input type="checkbox"/> Y / O	
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS			
And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of:			
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. <i>Autre date de signification, le :</i>			
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>
		Unit <i>Unité</i>	
Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. / Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.	
\$	\$		
Summons issued. You are required to appear in court on		Y / A	M / M D / J
Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le		2 0	Time / heure
Ct. room / Salle d'audience		at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au	
		le tribunal le	
Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.		Y / A	M / M D / J
Justice / Juge		2 0	Time / heure

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

When the court appearance information is entered, the fine boxes should be crossed out.

These notations indicate court appearance information.

FIGURE 1.14 Annotated Form 1: Certificate of Offence—Elements of a Driver’s Licence Number

ICON Location Code <i>Code d'emplacement du RII</i>		Offence number <i>Numéro d'infraction</i>	
Form 1, Provincial Offences Act, Ontario Court of Justice, O. Reg. 108/11 Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11			
Certificate of Offence Procès-verbal d'infraction			
I, _____ <i>Je soussigné(e)</i> (print name / nom en lettres moulées)			
believe and certify that on the day of <i>crois et atteste que le</i>		Y / A 2 0	M / M D / J
Name <i>Nom</i>		Time / heure	
(family / nom de famille)			
(given / prénom) (initials / initiales)			
Address <i>Adresse</i>			
(number and street / numéro et nom de la rue)			
(municipality / municipalité)		(P.O. / C.P.)	(province) (postal code / code postal)
Driver's licence no. / N° de permis de conduire M 0 1 6 2 3 7 6 5 8 1 0 5 1 2 Juris / Aut. Lég.			
Birth date / <i>Date de naissance</i>	Sex / <i>Sexe</i>	Motor vehicle involved / <i>Véhicule impliqué</i>	Collision involved / <i>Collision</i>
Y / A M / M D / J		<input type="checkbox"/> N / N	<input type="checkbox"/> Y / O
Witnesses / <i>Témoins</i> <input type="checkbox"/> Y / O			
At <i>À</i> (municipality / municipalité)			
Did commit the offence of <i>A commis l'infraction de</i>			
contrary to _____ sect. <i>contrairement à _____ l'art.</i>			
Plate no. <i>N° de la plaque d'immatriculation</i>	Juris <i>Aut. Lég.</i>	Commercial <i>Utilitaire</i>	CVOR <i>IUVU</i>
		<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O
NSC <i>CNS</i>			
<input type="checkbox"/> Y / O			
Code			
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS			
And I further certify that I served an offence notice personally upon the person charged on the offence date. <i>J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée.</i>			
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. <i>N° de l'agent</i>	Platoon <i>Peloton</i>
Unit <i>Unité</i>			
Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. / <i>Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.</i>	
\$	\$	\$	
Summons issued. You are required to appear in court on <i>Assigination. Vous êtes tenu(e) de comparaître devant le tribunal le</i>			
Y / A 2 0		M / M D / J	Time / heure
Ct. room / <i>Salle d'audience</i>		at the Ontario Court of Justice POA Office at / <i>à la Cour de justice de l'Ontario, Bureau des infractions provinciales au tribunal le</i>	
Deemed not to dispute charge under s. 9(1)(a) of the Provincial Offences Act. Set fine imposed. / <i>Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.</i>			
Y / A 2 0		M / M D / J	
Justice / <i>Juge</i>			

Owner's initial

The letter ("M" in this case) is the first letter of the owner's surname.

Owner's date of birth (DOB)

The owner's DOB is shown in the last six digits of the driver's licence number. The first two of these digits are the year, the next two are the month, and the last two are the day. For example, the last six digits here (810512) represent the 81st year, the 5th month, and the 12th day—or May 12, 1981.

Owner's sex

The owner's sex is also encoded within these last six digits. A male's DOB is represented as in the example above. For a female's DOB, 50 is added to the digits that represent the month.

Example

Sex: **Male**

DOB: May 12, 1981

Driver's licence number:

M0162 37658 10512

Sex: **Female**

DOB: May 12, 1981

Driver's licence number:

M0162 37658 15512

Because a female's DOB is encoded by adding 50 to the month, it is deciphered by subtracting 50 from the month, as follows:

- 51 – 50 = 01 = January
- 52 – 50 = 02 = February
- 53 – 50 = 03 = March
- 54 – 50 = 04 = April
- 55 – 50 = 05 = May
- 56 – 50 = 06 = June
- 57 – 50 = 07 = July
- 58 – 50 = 08 = August
- 59 – 50 = 09 = September
- 60 – 50 = 10 = October
- 61 – 50 = 11 = November
- 62 – 50 = 12 = December

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

This excerpt is for review purposes only and may not be shared, reproduced, or distributed to any person or entity without the written permission of the publisher.

© 2020 Emond Montgomery Publications. All Rights Reserved.

FIGURE 1.15 Annotated Form 1: Certificate of Offence—Sample Enforcement Agency Notes

Enforcement Agency notes/Notes de l'agence d'exécution	
Wea: warm/dry	← Weather notes (always enter).
Rds: good	← Road conditions.
Traffic: medium to light	← Traffic conditions.
Radar: mobile #3427	← Record unit if using radar.
- conduct traffic obs while on patrol in a marked unit	← Short-form notes to describe events, purpose of patrol, location, etc.
- was travelling s/b on Yonge	
N/O Price - posted 70 km/h zone	
- lone on-coming vehicle	
- enter radar at 113 km/h	
- pull to right - as vehicle pass	
- U-turn and overtake	
- red lights on	
- driver pulls to right - stop	
- advise driver re: speed on radar	← Advise driver of reason and note reply.
- reply: thought perhaps it was 100 km/h zone	
- offer to view radar: declined	← Good practice, not mandatory.
- check signs south of location: in order and postd at 70 km/h	← Check signs to ensure that all is in order.
- radar checked at set up and take down: OK	← Note test of radar.

© Queen's Printer for Ontario, 2019. Reproduced with permission. This work is subject to change without notice.

REVIEW

Provincial laws are different from federal laws. Federal violations constitute criminal acts and may involve a criminal record supported by fingerprints. Both levels of laws have statutes and regulations and a contravention of either is an offence.

Arrest authorities are generally “found committing” by nature and are contained within the specific statute. Exemptions regarding found committing and the onus to prove *mens rea* are also found in some specific acts such as the LLA and the *Trespass to Property Act* (TTPA).

The Ontario government e-Laws website provides a venue to locate an offence. Examination of a specific offence allows for identification of the appropriate section and the “facts in issue,” or what is required to be proven in court.

The tiers of the POA provide for different applications, which in turn have different restrictions and require different forms. If the subject of any enforcement involves a young person, there are restrictions and a distinct onus placed on the provincial offences officer regarding process and notification.

The key to handling paperwork for enforcement relies on good work habits and the ability to make and keep notes.



IT'S YOUR MOVE: OUTCOME

You have prepared a good background for your enforcement detail by confirming that the required controls are in place and functioning—in this case, the stop signs. This preparation is good practice for any enforcement, whether it is speed limit signs or traffic lights. Whatever control is supposed to be in place must be in good repair and functioning. You will be able to testify to these observations and refute any possible excuse, such as that the sign wasn't visible because it was obscured by a tree.

The observation position you have selected allows you to view the approach of any vehicle well before it gets to any of the stop signs, so you can describe a vehicle's speed and driver's actions before and at the stop sign. In checking the section of the HTA that deals with stop sign violations, you are reminded that there are different segments in this section. There is “fail to stop,” which is self-explanatory, and also “stop wrong place.” If the driver stopped before the stop sign, a bit back from the intersection, and you were unable to see that, it would result in your laying the wrong charge and enable a possible defence by the driver. Choosing the appropriate position allows you to be concise in your evidence as to what happened.

As you pull out to follow and stop the vehicle for investigation of this violation it is important not to lose sight of the vehicle. Otherwise how can you be sure who was driving at the time it went through the stop sign?

The driver's attitude and reaction to the violation are important to note, because they will present a reasonable overall picture for a justice of the peace at a possible trial, if the allegation is disputed.

(continued on next page)

Your examination of the driver's identification confirms that the person you are naming in the certificate of offence is indeed the driver. This is one of the primary facts in issue.

In checking the set fines schedule you note that the fine is under \$1,000, thereby confirming your authority to issue a Part I Offence Notice. Using the short form wording for this section, you have prepared a faultless ticket and have confirmed the fine and surcharge amounts as well as court costs.

Once you have prepared your Part I ticket, removed the Offence Notice, and signed your name in the space provided, you serve it on the driver. Because you are a professional, you explain the ticket to the driver and the options available to respond to the ticket:

1. Plead guilty and pay the fine out of court.
2. Appear before a justice of the peace and plead guilty with an explanation.
3. Send notice to the court within 15 days that the driver intends to contest the ticket and request a court date.

Upon returning to your cruiser you sign your name in the box provided on the certificate of offence, certifying that you did in fact serve a copy of the ticket on the driver. You note that in the box for your signature it says "I did serve," past tense. If you signed the copy before effecting service, your signature would be a copy—not an original—and the statement would be false. As a professional, you ensure that you leave no room for criticism and defence arguments.

You are almost finished. While the situation is fresh in your mind, you make notes on the back of the ticket copy in a format that is clear and concise. These will be available for you to "refresh your memory" should a trial arise, perhaps many months down the road.

A further good practice is to enter the event in your notebook. This accounts for your activity and captures relevant data for the ticket, should it become lost. Enter into your notebook such data as:

- Date/time/location
- PON #
- Driver's name/DOB
- Vehicle's plate number
- Section of violation

Many will argue against making these efforts and dispute that they are required, but again, the following tenet is notable:

"The key to handling paperwork for enforcement relies on good work habits and the ability to make and keep notes."

See below for a sample ticket and notes for this incident. You have been professional, and your work habits will serve you well as you advance into many other areas of enforcement. For an example, a detective's work is only as good as his or her notes.

SAMPLE PON: James Robert McCarthy

ICON Location Code <i>Code d'emplacement du RIII</i>		Offence number <i>Numéro d'infraction</i>	
Form 1, <i>Provincial Offences Act</i> , Ontario Court of Justice, O. Reg. 108/11 <i>Formulaire 1, Loi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11</i>			
Certificate of Offence Procès-verbal d'infraction			
I, <u>Peter MAHER</u>			
<i>Je soussigné(e)</i> (print name / nom en lettres moulées)			
believe and certify that on the day of		Y / A 2 0 2 0	M / M 0 9 2 0
crois et atteste que le		D / J	Time / heure 2 P M
Name <u>McCARTHY</u>			
Nom (family / nom de famille)			
<u>James</u>		<u>R</u>	
(given / prénom) (initials / initiales)			
Address <u>114 BLACK OAK RD.</u>			
Adresse (number and street / numéro et nom de la rue)			
<u>BARRIE</u>	<u>ONT</u>	<u>L3M 3T2</u>	
(municipality / municipalité) (P.O. / C.P.) (province) (postal code / code postal)			
Driver's licence no. / N° de permis de conduire			
<u>M 0 1 6 2 3 7 6 5 8 1 0 5 1 2 ON</u>			
Birth date / Date de naissance		Sex / Sexe	Motor vehicle involved / Véhicule impliqué
Y / A 1 9 8 1		M / M 0 5 1 2	D / J M
			Collision involved / Collision <input type="checkbox"/> Y / O <input type="checkbox"/> N / N
			Witnesses / Témoins <input type="checkbox"/> Y / O <input type="checkbox"/> N / O
At <u>E/B GROVE ST. at PINES ST., BARRIE</u>			
À (municipality / municipalité)			
Did commit the offence of <u>DISOBEY STOP SIGN</u>			
A commis l'infraction de			
- FAIL TO STOP			
contrary to <u>THE HIGHWAY TRAFFIC ACT</u>		sect. <u>136(1)(a)</u>	
contrairement à		l'art.	
Plate no. N° de la plaque d'immatriculation	Juris Aut. Lég.	Commercial Utilitaire	CVOR IUVU
<u>AAAF75</u>	<u>ON</u>	<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O
		<input type="checkbox"/> Y / O	<input type="checkbox"/> Y / O
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS			
And I further certify that I served an offence notice personally upon the person charged on the offence date. <input type="checkbox"/> Or other service date of:			
J'atteste également qu'à la date de l'infraction, j'ai signifié, en mains propres, un avis d'infraction à la personne accusée. Autre date de signification, le :			
Signature of issuing Provincial Offences Officer <i>Signature de l'agent des infractions provinciale</i>		Officer No. N° de l'agent	Platoon Peloton
<u>Peter Maher</u>		<u>3345</u>	<u>2</u>
		Unit Unité	<u>BPS</u>
Set fine of <i>Amende fixée de</i>	Total payable <i>Montant total exigible</i>	Total payable includes set fine, applicable victim fine surcharge and costs. / Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.	
<u>\$ 85.00</u>	<u>\$ 1110.00</u>		
Summons issued. You are required to appear in court on <u>2 0</u> Y / A M / M D / J Time / heure M			
Assignment. Vous êtes tenu(e) de comparaître devant le tribunal le			
Ct. room / Salle d'audience		at the Ontario Court of Justice POA Office at / à la Cour de justice de l'Ontario, Bureau des infractions provinciales au	
Deemed not to dispute charge under s. 9(1)(a) of the <i>Provincial Offences Act</i> . Set fine imposed. / Réputé ne pas contester l'accusation aux termes de l'alinéa 9 (1) (a) de la Loi sur les infractions provinciales. Amende fixée imposée.			
Justice / Juge		Y / A 2 0	M / M D / J
POA 0847 (November 2, 2011 / 2 novembre 2011) CSD			

© Queen's Printer for Ontario, 2019. Not an official version. Reproduced with permission. This form is subject to change without notice. For the most current version, please visit <http://ontariocourtforms.on.ca/en/provincial-offences-act-forms/>. The Government of Ontario and the Ministry of the Attorney General had no role in the creation of the publication.

PROVINCIAL OFFENCES GRID COMPLETION ACTIVITY

Make a copy of the blank grid in Appendix B. Use this grid to summarize key information from this chapter. After you have completed the section for this chapter, compare your answers to the completed Provincial Offences Grid at the end of this chapter. Add any missing details from the completed grid to your grid and save your completed grid to use as a reference or a study tool for exams.

QUESTIONS

1. The House of Commons creates federal and provincial laws.
True False
2. In law, the word “prescribed” means “described in regulations.”
True False
3. Provincial offence officers find their arrest powers within the POA.
True False
4. The POA provides a limitation period of two (2) years from the date of the offence.
True False
5. All the facts in issue must be proven before an accused can be convicted of an offence.
True False
6. The _____ Act gives each province the authority to create laws to govern its citizens.
7. The *Provincial Offences Act* provides the framework for provincial _____.
8. Part I Offence Notices in the POA have a maximum fine of \$_____.
9. *Mens rea* is a Latin expression that means “_____”
10. _____ is a Latin expression that means “guilty act.”
11. Part II Offence Notices of the POA deal strictly with
 - a. Minor offences
 - b. Serious offences
 - c. Parking offences
 - d. Punishments
12. An officer has _____ days from the date of the offence to serve a person with a Part I Offence Notice.
 - a. 15
 - b. 7
 - c. 45
 - d. 30
13. Part III Offence Notices of the POA deal strictly with
 - a. Minor offences
 - b. Serious offences
 - c. Parking offences
 - d. Punishments
14. The POA refers to a “young person” as one who at the time of the offence is
 - a. Between 12 and 16 years
 - b. Between 12 and 15 years
 - c. Between 12 and 18 years
 - d. Between 16 and 18 years
15. To obtain a conviction for an absolute liability offence the prosecutor need only prove
 - a. Guilty mind
 - b. Guilty act
 - c. General intent
 - d. Negligence

ASSIGNMENTS

From the situations described in the following questions, gather the necessary data required to complete a PON or summons. You will find these forms reproduced in Appendix A at the back of the text (it is recommended that you work on copies of these materials, as you will require more for assignments later in the text). To help you visualize the incidents and practise creating diagrams, it is recommended that you create sketches to illustrate the scenarios described.

You are the officer in these two situations, and your basic information is as follows:

- Badge #3345
- Platoon #2
- Uniform Branch of your police service
- Court date: 2nd Tuesday of every month
- Court time: 0900 hours (9 a.m.)
- Courtroom: #7

Consult a wordings and fines book, such as *Provincial Offences: Wordings and Fines*, for short-form notations.

1. While travelling east on Cundles Road West, you stop at a red light at its intersection with Bayfield Street North. There is a vehicle to your right, in the curb lane, also stopped at the light. As the north and south traffic stops, a green arrow lights for left turns only. The female driver to the right of you attempts to drive through the intersection but almost collides with a vehicle travelling west and turning left onto southbound Bayfield Street North. She stops suddenly and allows the other vehicle to turn. When the light changes to solid green, she proceeds through the intersection and pulls over. You pull in behind her, get out, and approach the vehicle. She is upset and apologizes; she didn't see the green arrow, and she thought it would turn to a solid green light, which would allow her to proceed. She produces her licence, but she doesn't have anything else. Prepare a PON for her and complete the officer's notes using the following scenario information:

Driver:	Ruth Martin		
Home address:	127 4th Street,		
	Collingwood, ON L2T 3M5		
Driver's licence number:	M0173 61435 45710	Defendant:	James William Knight
Vehicle:	2018 Toyota	Home address:	244 Innisfil Street,
			Barrie, ON L3M 3T2
Current year val tag for plate:	ABCD 123	Date of birth:	May 22, 1992
2. While on foot patrol, you perform a bar check at Nick's Bar and Grill, located at 45 Dunlop Street East in the city of Bradford. At 2130 (9:30 p.m.) the owner approaches you and says that there is a man at the bar who is using profane language and upsetting customers. The owner has told the man twice to finish his drink and leave, but he refuses. The owner asks you to speak to the man and get him to leave. You tell the owner that he must ask the man to leave a third time, but this time you will accompany him. You follow the owner to the bar, and he again tells the man to leave. The patron refuses, saying he is not doing anything wrong and the cops can't make him move, either. At this point, you tell the man he is under arrest for trespassing and take him by the arm. As you escort him out the door, he apologizes and says he didn't want to anger you, but the owner was really irritating him. You search him and locate his identification. After running a check on him through the dispatcher, you prepare a summons for him and complete the officer's notes concerning his refusing to leave the bar when directed under the *Liquor Licence Act*, using the following information:

PROVINCIAL OFFENCES GRID COMPLETION

Common Offences and/or Provisions

No offences are contained in the POA; rather, the Act governs all of the other acts. There are several provisions for young persons, including restrictions on revealing their identity, requirements to notify parents, and prohibiting the use of a Part I Offence Notice.

Arrest Powers

Under section 145, a police officer may arrest without warrant an individual fleeing from pursuit, if the criteria outlined in the section are met. Other powers are found in the individual acts.

Search Powers

None given by the POA without a warrant. If a search warrant is required, refer to the POA starting at section 158.

Use of Force

Under section 146, a police officer is authorized to use as much force as is necessary to do what he or she is required or authorized to do by law.

Limitation Period

Section 76(1) of the POA provides a general window of six months from the date of the offence. See the individual acts for specific limitation periods.

Non-Police Agencies Involved

- Game wardens
- Municipal law enforcement officers
- Ontario Court of Justice
- Other provincial offences officers