

# 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.



# 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

114 Black Oak Rd., Barrie, ON L3M 3T2 Home address:

Driver's licence number: M0162 37658 10512 2018 Honda Civic Vehicle:

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 <a href="https://www.ontario.ca/laws">https://www.ontario.ca/laws</a>. 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:

- 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,
- 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 <a href="http://www.ontario.ca/laws">http://www.ontario.ca/laws</a>. 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.

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### 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.

#### 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.

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#### 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 Code d'emplacement			Offence num Numéro d'inf				
Form 1, <i>Provincial</i> ( <i>Formulaire 1,</i> Loi sur						e l'Ont.	108/1
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Birth date / Date de			vehicle involved				esses /
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№ de la plaque d'il	on de	Juris Aut. Lég. - NSC No. /	Commercial Utilitaire  \[ \sum Y / O \] N° de l'IUVU -	se l'ai CVOR IUVU □ Y / O N° du CNS	rt.	vs ' / O	
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# **FIGURE 1.1** Form 101: Affidavit of Service of an Offence Notice or Summons

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#### FIGURE 1.2 Form 3: Offence Notice

Code d'emplacement	du RIII		Offence number Numéro d'infraction				
Form 3, <i>Provincial C</i> Formulaire 3, Loi sur						le l'Ont	t. 108/11
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(municipality / mu	nicipalité)	(P.O. / C.P.)	(provi	ince)	(postal co	de / co	de postal)
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Birth date / Date de	e naissance	Sex / Motor	vehicle involved	1 / Collision in	nvolved /	Witr	nesses /
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#### 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

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#### FIGURE 1.2 Form 3: Offence Notice (continued)

OPTION 3	Procès, Cour de justice de l'Ontario, Bureau des infractions provinciales	Avis d'Intention de comparaître devant le tribunal :	☐ J'ai l'intention de comparaître devant le tribuna pour inscrite un pladoyer de non-culpabilité à l'heure et au lieu prévus pour le procés et le désire que le procés se déroule en français.	Je demande l'aide d'un interprète en langue	seoord le procès.	(A remplir, s'il y a lieu.)  Remarque: Sl vous omettez de prévenir le greffe du tribunal de tout changement d'adresse, vous pourinez 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.	Signature	Changement d'adresse (le cas échéant) :	Numéro de téléphone :	
PPT	Trial Option, Ontario Court of Justice, Provincial Offences Office	Notice of intention to appear in court:	☐ 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.	l request a	language interpreter for the trial. (Leave blank if inapplicable.)	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.		Signature	Changes to your address (if applicable):	Telephone Number:	
Important - If you do not exercise one of the following options within 15 days of	receiving this notice, you will be deemed not to displate 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 entroice 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.	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 type pourra riscrier une déclaration de cubabilité contre vous. Suz ut déclaration et culpabilité, contre vous. Suz ut déclaration de culpabilité, des frais additionnels s'ajoutennt au montant total exigible. En cas de défaut de paiement de l'amende, des frais d'administration s'ajoutennt et des nesures assont prises pour faire exécute le paement de voire amende. Par exemple, l'information pourra être transmise à une agence de amende.	renseignements sur le consommateur et dans le cas de certaines infractions, dont l'excès de vitesse, votre permis de conduire pourra être suspendu.	OPTION 1	Plea of Guilty – Voluntary Payment of Plaidoyer de culpabilité – paiement 1 Total Payable : I plead guilty and payment volonfaure du montant rotal exigible s. Je of the total payable is enclosed (follow the plade ocupable et le montant rotal exigible est instructions on the 'payment notice'). point au présent aive (surve sistuations flourent sur « lavis de palement.).	OPTION 2	Plea of guilty – Submissions as to Plaidoyer de culpabilité – observations Penalty: Iwant to appear before a justice de us sujete de la peñon : Jué desire comparaître to enter a plea of quilty and make devant un juge pour inscrire un plaidoyer de	<u>o</u>	or time to pay, nower, our must attend sugged as payed in mornand as annexed out the count office shown below within the delies do patennent). Remarque : Vous times and days shown. Bring this notice there was not because the payer of the p	Ontario Court of Justice, Provincial Offences Office Cour de justice de l'Ontario, Bureau des infractions provinciales	

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OR 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 : [ajouder 'information]

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

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

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d'emplacement du RHI	d'intraction					
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**FIGURE 1.4** Enforcement Agency Record/Enforcement Agency Notes

Code		Offence Number	7	OO	710	, , 5	JA
Code d'emplacement	3860	N• d'infraction					
du RIII	nces Act Ontario	William Control	otion				
Loi sur les infra	ctions provincial	es <i>Cour de</i> j	justice de l'O				
Enforceme	nt Agency Re	ecord/ <i>Re</i>	gistre des	docume	ents de l'ag	jence d'	exécution
Believes and	certifies	(Prin	t name/nom en let	tres moulées)			
that on the da Croit et attest	y of Y	//A	M/M	D/J	Time	/ À (Heure)	***************************************
que le	2 0						I N
Name Nom							
,			Family/ <i>Nom de fa</i>	mille .			
		Given/ <i>Prénom</i>				Initial	s/Initiales
Address Adresse							
		Number an	nd street/Numéro	et nom de la n	u <del>o</del>		
Municipality/Municip	alité	P.O./C.P.		Proi	vince	Pasta	al code/Code pos
	e No./ <i>Numéro</i>		de conduire				Jeris Ast /s
Table to the second	No. 1						2000
Birthdate/ <i>Date</i>	de naissance	L	Sex			Collision	Witnesses
Y/A		/M	D/J Sex	oš Inv		Involved Collision	Témoins
1 9				□ N/N		□ Y/O	Y/0
At/À							
Did commit th A commis l'ini						Munici	pality/ <i>Municipa</i>
A commis l'int	fraction de :					Munici	pality/ <i>Municipa</i> .
A commis l'int	fraction de :					Munici	pality/ <i>Municipa</i>
A commis l'int	raction de :		Sect./L'ar				
A commis l'ini Contrary to: Contrairement	fraction de :	tion	Juris C	t. ommercial Utilitaire	CVOR/IUVU		
A commis l'ini Contrary to: Contrairement	raction de :  À à :	tion	Juris C	ommercial	CVOR/IUVU		CNS Code
A commis l'ini Contrary to: Contrairement	raction de : à : Plate number laque d'immatriculai		Juris C	ommercial <i>Utilitaire</i>	Y/O	NSC/	CNS Code
A commis l'ini Contrary to: Contrairement	raction de :  Plate number laque d'immatriculai	R No NSC	Juris C Aut. lég.	ommercial Utilitaire Y/O I'IUVU - I	∐Y/O V° du CNS	NSC/	CNS Code
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FIGURE 1.4 Enforcement Agency Record/Enforcement Agency Notes

•	Enforcement Agency nates/Nates de l'agence d'exécution
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#### FIGURE 1.5 Payment Notice

Faire un chêque 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 postdatis avec votre palement. Pour plus de renseignements, composez le 705-739-4291. Les chèques impayés sont assujettis à des frais administratifs et las renseignements concernant le montant impayé peuvent être transmis au service de recouvrement.				S		CHARLES WITH A STATE A STATE OF THE PROPERTY PROPERTY OF THE P	Option de paiement en ligne www.paietickets.ca	
		SEMETORINA SELECTION THE PROPERTY OF THE PROPE		Total Payable	Montain total exigible	Date of Offence: Date de l'infraction :	Online Payment Option www.paytickets.ca	
Make cheque or money order payable to  The City of Barrie and write the number of the offence notice on the front of the chequefunorey order. Do not send cash or post-dated cheques with your payment. If you have any questions, call 795-739-4291.  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		Y TO A LAWN BY TO ADMINISTRATION AND ADMINISTRATION ADMINISTRATIO	, 3860			
Provincial Offences Act, Ontario Court of Justice  Loi sur less infractions provinciales Cour de Justice de l'Ontario  Payment Notice/Avis de Paiement To pay the total payable shown, forward To pay the total payable with this votre paiement, accompagné de cet avis et de l'avis notice and the offence notice to the d'infraction, à l'adresse qui figure sur le présent avis address shown on this notice. Sign the plea Noulblez pas de signer le pladoyer de culpabilité sur of guilty on the offence notice (Option 1).  Complete the following information //euillaz donner les renseignements suivants	Address/Adresse	Telephone/ <i>Téléphone</i>	Cheque/monder order enclosed Visa Master Card	Card number Nº de carde	(year)	see back for maling address and instructions / <i>Pour compitte Fadresse postale et las instructions, p</i> riere de v <i>oir au veiso.</i>		
A67017	99	}		NOILO	OFFENCE NUMBER NO			

FIGURE 1.5 Payment Notice

#### FIGURE 1.6 Form 7: Summons

	Code ement du RI						
Form 7, <i>Provii</i> Formulaire 7,				rt of Justice ales <i>, Cour de ju</i>	stice de l'O	ntario	
				mons			
			Assig	nation			
		(print	name / nom	en lettres moulées	s)		
believes and c		t on the day	vot ⊨	Y/A M/N )	D/J	Time / h	neure M
Name							
Nom			(family	ı / nom de famille)			
		(given / p	orénom)			(initial	s / initiales)
Address	<u></u>			reet / numéro et no	om de la rue)		
(municipali	tu / municino	lita\ (	P.O. / C.P.)	(provino	o) (n	ootal aad	o / godo postal)
Driver's licen	ty / municipa ce no. / <i>N</i> º			=	c, (p		e / code postal) s / Aut. Lég.
Birth date / D	ate de nai. M∣M			vehicle involved / hicule impliqué	Collision inve		Witnesses / Témoins
				□ N / N	□ Y /	0	□Y/0
At			/l-ll	Et. /			
	ne offence			lity / municipalité)			
A commis l'in	fraction de	€					
contrary to contrairemen	t à				sec l'art		
	Plate no.	iculation	Juris Aut. Lég.	Commercial Utilitaire	CVOR	NS:	
rv de la pla	que a minuta	rounditorr	Aut. Log.	□ Y / O	□Y/O	_	10
		CVOR No	NSC No. /	N° de l'IUVU - N			
This is therefo	ore to com	nmand you		Office		Platoor	
Majesty's nar	ore to com	nmand you ear before	the Ontari	io <sup>№ de l</sup>		Platoor Pelotor	
Majesty's nar Court of Justi enjoint, au no	ore to comme to appe ce. / Pour om de Sa I	nmand you ear before ces motifs Majesté, de	the Ontari , il vous e e compara	io Nº de l est			
Majesty's nar Court of Justi enjoint, au no	ore to com ne to appe ce. / Pour om de Sa I ur de justic	nmand you ear before ces motifs Majesté, de ce de l'Onta	the Ontari , il vous e e compara	io N° de l est aître	l'agent		
Majesty's nar Court of Justi enjoint, au no	ore to com ne to appe ce. / Pour om de Sa I ur de justic	nmand you ear before ces motifs Majesté, de	the Ontari , il vous e e compara ario.	io N° de l est aître	l'agent	Pelotor	
Majesty's nar Court of Justi enjoint, au no	ore to comme to appe ce. / Pour om de Sa I ur de justic	nmand you ear before ces motifs Majesté, de ce de l'Onta	the Ontari i, il vous e e compara ario.	io N° de l est aître	Time /	Pelotor  Heure  OA Office	M Me at / à la Cour
This is therefe Majesty's nar Court of Justi enjoint, au no devant la Cou	ore to comme to appe ce. / Pour om de Sa I ur de justic	nmand you ear before ces motifs Majesté, de ce de l'Onta	the Ontari i, il vous e e compara ario.	Nº de la standario Cou	Time /	Pelotor  Heure  OA Office	M Me at / à la Cour
Majesty's nar Court of Justi enjoint, au no devant la Cou	pore to comme to appeared. / Pour mm de Sa Nur de justico	nmand you ear before ces motifs Majesté, de ce de l'Onta Y / A mm / Salle d'auc	the Ontari	io Nº de l' st aître  'M D / J at the Ontario Cou de justice de l'Onta	Time /	Peloton  I heure  OA Office infraction.	M M a at / à la Cour s provinciales au
Majesty's nar Court of Justi enjoint, au no devant la Cou  And to attend law, this sum Et d'être prés	ore to comme to apperent of the comment of the comm	nmand you ear before ces motifs Majesté, de de l'Onte Y / A	the Ontari s, il vous e se compare ario.  M  dience  ed by the series exerted of ser	io st sitre  M D / J  at the Ontario Coude justice de l'Onta  court in order t the Provincial digences du trib.	Time / urt of Justice P- rio, Bureau des  o be dealt v Offences A bunal, afin of	Peloton  I heure  OA Office infraction.  with acc.  It'être tra	Unité  M  B at / à la Cour s provinciales au  cording to  aité(e) selon
Majesty's nar Court of Justi enjoint, au no devant la Cou  And to attend law, this sum Et d'âtre prés la loi. La prés	ore to comme to appeared to appear to comme to appear to	nmand you ear before ces motifs Majesté, de ce de l'Onte Y / A mn / Salle d'auc	the Ontari s, il vous e se compare ario.  M  dience  ed by the series exerted of ser	io st sitre  "M D/J  at the Ontario Coude justice de l'Onta	Time / urt of Justice P- rio, Bureau des  o be dealt v Offences A bunal, afin of	Peloton  I heure  OA Office infraction.  with acc.  It'être tra	Unité  M  B at / à la Cour s provinciales au  cording to  aité(e) selon
Majesty's nar Court of Justi enjoint, au no devant la Cou  And to attend law, this sum Et d'être prés	ore to comme to appeared to appear to comme to appear to	nmand you ear before ces motifs Majesté, de ce de l'Onte Y / A mn / Salle d'auc	the Ontari s, il vous e se compare ario.  M  dience  ed by the series exerted of ser	io st sitre  M D / J  at the Ontario Coude justice de l'Onta  court in order t the Provincial digences du trib.	Time / urt of Justice P- rio, Bureau des  o be dealt v Offences A bunal, afin of	Peloton  I heure  OA Office infraction.  with acc.  It'être tra	Unité  M  B at / à la Cour s provinciales au  cording to  aité(e) selon
Majesty's nar Court of Justi enjoint, au no devant la Cou  And to attend law, this sum Et d'être prés la loi. La prés les infractions	pore to comme to appece. / Pour me to appece. / Pour m de Sa I ur de justicion 2 0 Ct. roo ct.	nmand you ear before ces motifs Majesté, de ce de l'Onta Y / A mm / Salle d'auco r as require erved unde la suite se gnation voulles.	the Ontari, il vous e e compareario.  M /  M /  dilience  ed by the er Part I of elon les exus est sign	io st sitre  M D / J  at the Ontario Coude justice de l'Onta  court in order t the Provincial digences du trib.	Time / urt of Justice Prio, Bureau des  o be dealt v Offences A unal, afin o	Peloton  I heure  OA Office infraction  with acc lct. l'être tra Partie I of	Me at I à la Cour s provinciales au cording to carité(e) selon de la Loi sur

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#### 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
- (B) Set a date for trial
- (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 comparaissez 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

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#### FIGURE 1.7 Annotated Form 3: Offence Notice—Original Signature

Code d'emplacement		N	ffence numbe uméro d'infra	ction				
Form 3, Provincial Formulaire 3, Loi su						e l'Ont.	108/11	
		Offence I						
	A	vis d'inf	raction					
	(print na	me / nom en k	ettres moulées)			<u>.</u>		
believes and certific croit et atteste que		of 2 0	/A M /	M D/J	Time	/ heure	M	
Name								
Nom		(family / n	om de famille)					
	(given / pre	énom)			(initia	ls / initia	ales)	
Address	(3 - 7 -	,			,		,	
Adresse	(nun	ber and street	t / numéro et no	m de la rue)				
(municipality / mi	unicipalité) (p	.O. / C.P.)	(province	e)	postal cod	le / cod	e postal)	
Driver's licence no			-	-,		s / Au		
							ŭ	
Birth date / Date of	le naissance Sei		nicle involved /	Collision in			esses / moins	
1/4	17W D7J 3e.		N / N	□ Y			Y / O	
At				•				
À		(municipality /	municipalité)					
Did commit the off A commis l'infracti								
A commis minaca	on de							
contrary to				se	ct.			
contrairement à				, 6	ırt.			
Plate N° de la plaque d'		Aut. lég.	Commercial Utilitaire  Y / O	CVOR IUVU Y/O	NSC CNS		Code	
	CVOR No N	SC No. / Nº	de l'IUVU - N'	du CNS				
					1		1 1	
And I further certify								
norconally upon th				Or oth				
J'atteste également	e person charged qu'à la date de l'in	on the offe fraction, j'ai s	nce date. signifié, en		er servio ate de si			This section
J'atteste également mains propres, un a	e person charged qu'à la date de l'in vis d'infraction à la	on the offe fraction, j'ai s personne a	nce date. signifié, en		ate de si	gnifica	tion, le :	This section does not need
J'atteste également mains propres, un a Signature of iss	e person charged qu'à la date de l'in	on the offe fraction, j'ai s personne a es Officer	nce date. signifié, en ccusée.			gnifica on		
J'atteste également mains propres, un a Signature of iss	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offend	on the offe fraction, j'ai s personne a es Officer	nce date. signifié, en ccusée.	Autre o	ate de si	gnifica on	Unit	does not need
J'atteste également mains propres, un a Signature of iss Signature de l'a	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offenc gent des infractions pi	on the offe fraction, j'ai s personne a les Officer rovinciales	nce date. signifié, en ccusée. Offic N° de	er No. l'agent	Plator Peloto	gnifica  on  plicable	Unit Unité Unité	does not need to be original.  When all the forms are still together, the
J'atteste également mains propres, un a Signature de l'a Set fine of Amende fixée de	e person charged qu'à la date de l'in invis d'infraction à la uing Provincial Offenc gent des infractions provincial payable Montant total ex	on the offe fraction, j'ai s personne a res Officer rovinciales	nce date. signifié, en ccusée. Offic № de	er No. l'agent includes se and costs	Plator Peloto t fine, ap	gnifica on on plicable	Unit Unité Unité	does not need to be original.  When all the forms are still together, the officer fills out
J'atteste également mains propres, un a Signature de l'a Set fine of Amende fixée de	e person charged qu'à la date de l'in invis d'infraction à la uing Provincial Offenc gent des infractions provincial payable Montant total ex	on the offe fraction, j'ai s personne a les Officer rovinciales	nce date. signifié, en ccusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoin	er No. I'agent includes see and costs rend l'ameie	Plator Pelotr t fine, ap / Le mor	on o	Unit Unité Unité	does not need to be original.  When all the forms are still together, the officer fills out everything except
J'atteste également mains propres, un a Signature de l'a Set fine of Amende fixée de	e person charged qu'à la date de l'in invis d'infraction à la uing Provincial Offenc gent des infractions provincial payable Montant total ex	on the offe fraction, j'ai s personne a ses Officer rovinciales	nce date. signifié, en ccusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoin applicable et l	er No. I'agent includes see and costs rend l'ameie	Plator Pelotr t fine, ap / Le mor	on o	Unit Unité Unité	does not need to be original.  When all the forms are still together, the officer fills out everything except the signature. This
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offenc gent des infractions pu  Total payable Montant total ex	on the offe fraction, j'ai s personne a les Officer rovinciales	nce date. signifié, en ccusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoir applicable et le  ant:	er No. I'agent includes se and costs rend l'amer e pour l'aides frais.	Plator Pelote t fine, ap / Le mor ide fixée,	plicable tant to la sura imes	Unit Unité Unité e victim tal amende	does not need to be original.  When all the forms are still together, the officer fills out everything except
J'atteste également mains propres, un a Signature de l'a Set fine of Amende fixée de	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offenc gent des infractions pu  Total payable Montant total ex	on the offe fraction, j'ai i personne a les Officer rovinciales ligible \$   Import day you re	nce date. signifié, en ccusée.  Office Nº de  Total payable surcharge exigible comp compensatoir applicable et l  ant: eceive this	Autre of er No. l'agent includes se and costs rend l'amere pour l'aid es frais.	Plator Pelote t fine, ap / Le mor ide fixée,	plicable tant to la sura imes	Unit Unité Unité e victim tal amende	does not need to be original.  When all the forms are still together, the officer fills out everything except the signature. This offence notice
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offenc gent des infractions pu  Total payable Montant total ex  \$	on the offe fraction, j'ai i personne a les Officer rovinciales ligible \$   Import day you re	nce date. signifié, en ccusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoin applicable et l ant: eccive this ack of the	Autre of er No. l'agent includes se and costs rend l'amere pour l'aid es frais.	Plator Pelote t fine, ap / Le mor ide fixée,	plicable tant to la sura imes	Unit Unité Unité e victim tal amende	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
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$ \$	e person charged qu'à la date de l'in avis d'infraction à la uing Provincial Offenc gent des infractions pri des infractions p	on the offerfraction, j'ai is personne a less Officer oviniciales ligible sigible significant	nce date. signifié, en ccusée.  Office Nº de  Total payable fine surcharge exigible comp compensatoir applicable et l'ant: eccive this ack of the ant: ent avis, vo	Autre of a control of the control of	Platon Peloti ti fine, ap / Le mor ide fixée, e aux vict	plicable than to la sura imes	Unit Unité e victim tal amende	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
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$ \$	e person charged qu'à la date de l'in avis d'infraction à la date de l'in la uing Provincial Offenc gent des infractions pri Total payable Montant total ex \$	on the offerfraction, j'ai is personne a less Officer oviniciales ligible sigible significant	nce date. signifié, en ccusée.  Office Nº de  Total payable fine surcharge exigible comp compensatoir applicable et l'ant: eccive this ack of the ant: ent avis, vo	Autre of Aut	Platon Peloti ti fine, ap / Le mor ide fixée, e aux vict	plicable than to la sura imes	Unit Unité e victim tal amende	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
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$ You have 15 d	e person charged qu'à la date de l'in avis d'infraction à la uing Provincial Offenc gent des infractions pri des infractions p	on the offerfraction, j'ai is personne a less Officer oviniciales ligible sigible significant	nce date. signifié, en ccusée.  Office Nº de  Total payable fine surcharge exigible comp compensatoir applicable et l'ant: eccive this ack of the ant: ent avis, vo	Autre of Aut	Platon Peloti ti fine, ap / Le mor ide fixée, e aux vict	plicable than to la sura imes	Unit Unité e victim tal amende	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
J'atteste également mains propres, un a Signature of iss Signature de l'a Set fine of Amende fixée de \$ \$ You have 15 d	e person charged qu'à la date de l'in vis d'infraction à la uing Provincial Offence gent des infractions pi Total payable Montant total ex \$  ays from the continue of the options is ir une des options are la réception in the la réception is ir une des options are la réception in the la réception is ir une des options are la réception in the la réception is ir une des options are la réception in the la réception is la réception in the la réception in the la réception is la réception in the la ré	on the offe fraction, j'ai i personne a iese officer ovinciales  Import day you re on the b. Import du prése tiun prése	nce date. signifié, en ccusée.  Office Nº de  Total payable fine surcharge exigible comp compensatoir applicable et l'ant: eccive this ack of the ant: ent avis, vo	Autre of Aut	Platon Peloti ti fine, ap / Le mor ide fixée, e aux vict	plicable than to la sura imes	Unit Unité e victim tal amende	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

Offence) is signed.

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### FIGURE 1.8 Annotated Form 1: Certificate of Offence-Officer Information

ICON Location Code Code d'emplacement du RIII	Offence numb			-1	
Form 1, Provincial Offences Act, (	ncial Offences Act, Ontario Court of Justice, O. Reg. 108/11 .oi sur les infractions provinciales, Cour de justice de l'Ontario, Règl. de l'Ont. 108/11				
	ertificate of Offen		de l'Olli. 100/11	-1	
Prod	ès-verbal d'infrac	tion		- 1	
l, Je soussigné(e)	(print name / nom en lettr	na maulána)	,		- Officer's name.
<i>be</i> soussigne(e) believe and certify that on the da	ay of Y/A M/		/ heure	- 1	
crois et atteste que le	2 0		M	- 1	
Name				- 1	
Nom	(family / nom de famille)			- 1	
(given	/ prénom)	(init	tials / initiales)	- 1	
Address		-		- 1	
Adresse (	number and street / numéro et r	om de la rue)		- 1	
(municipality / municipalité)	(P.O. / C.P.) (provin	ce) (postal c	ode / code postal)	- 1	
Driver's licence no. / Nº de perm	is de conduire	Ju	ıris / Aut. Lég.	- 1	
				- 1	
Birth date / Date de naissance Y/A M/M D/J	Sex / Motor vehicle involved / Sexe Véhicule impliqué	Collision involved / Collision	Witnesses / Témoins	- 1	
	□ N / N	□Y/0	□Y/O	- 1	
At	(municipality / municipalité)			- 1	
Did commit the offence of	(municipality / municipalite)			- 1	
A commis l'infraction de				- 1	NOTE: Officer
				- 1	signs Certificate
contrary to contrairement à		sect. l'art.			of Offence (Form 1) <i>after</i> the
Plate no.	Juris Commercial		NSC Code		Offence Notice
Nº de la plaque d'immatriculation	Aut. Lég. Utilitaire		CNS	- 1	(Form 3) has
CVOR No.	- NSC No. / Nº de l'IUVU - I		Y/0	- 1	been signed and
				- 1	served on the defendant.
And I further certify that I served		☐ Or other serv		- 1	delendant.
personally upon the person charg J'atteste également qu'à la date de		Autre date de :	signification, le :		Officer's badge
mains propres, un avis d'infraction	à la personne accusée.				number, platoon, and unit.
Signature of issuing Provincial Of Signature de l'agent des infraction			oton Unit oton Unité	- 1	and unit.
				- 1	
Set fine of Total payable	Total payable	includes set fine, a	pplicable victim	- 1	
Amende fixée de Montant total	fine surcharg exigible com	e and costs. / Le mo orend l'amende fixée	ontant total	- 1	
\$ \$ \$		re applicable et les f		- 1	
Summons issued. You are required to appear in court on	Y/A M/M D/	J Time / heur	re M		
Assignation. Vous êtes Ct.	TOOTITY Galle	urt of Justice POA Official	ce at / à la Cour	- 1	
le tribunal le	l'audience de l'Onta	no, Darcaa aco ilmacac	nis provinciales da	- 1	© Queen's Printer for Ontario, 2019.
Deemed not to dispute charge under s. 9(1 contester l'accusation aux termes de l'aliné	)(a) of the <i>Provincial Offences Act</i> a 9 (1) (a) de la Loi sur les infraction	Set fine imposed. / Ré	puté ne pas de fixée imposée.		Not an official version. Reproduced with permission. This form is subject
	Y/	A M//			to change without notice. For the most
Justice / Juge					current version, please visit http://
					ontariocourtforms.on.ca/en/provincial
OA 0847 (November 2, 2011 / 2 novembre	2011) CSD				-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 Code d'emplacement du RIII		Offence numb Numéro d'infr				
Form 1, <i>Provincial Offences</i> Formulaire 1, Loi sur les infra				ègl. de l'Ont	. 108/11	
	Certificate	of Offen	ce			
ı	Procès-verb	al d'infrac	ction			
I, Je soussigné(e)	(print na	ame / nom en letti	res moulées)			
believe and certify that on	rne day of	Y/A M/	M D/J Ti	ime / heure	М	Date and time
crois et atteste que le	<u> </u>	-				of offence.
Name Nom	(family	/ / nom de famille	)			
	(given / prénom)			(initials / initi	iales)	
Address Adresse	(number and st	treet / numéro et i	nom de la rue)			
(municipality / municipalité)	(P.O. / C.P.)	(provin	una) (nont	al anda / and	do nostañ	
Driver's licence no. / Nº de			ice) (posi	al code / cod Juris / Αι		
	, 25 55//46	-			3	
Birth date / Date de naissa	OCX / WOLD	vehicle involved	/ Collision involve		esses / moins	
17.7 1917/9/ [	J. J GOAG VE	□ N / N	□ Y / O		Y/O	Location
At				<b>—</b>		of offence.
À	(municipal	lity / municipalité)				Chart farm
Did commit the offence of A commis l'infraction de						Short-form
						wording of the
						wording of the offence (consul
contrary to			sect.			offence (consul a wordings and
contrary to contrairement à	li.	Commorsial	l'art.	Nec	Codo	offence (consul
contrary to	Juris ation Aut. Lég.	Commercial Utilitaire	l'art. CVOR IUVU	NSC CNS	Code	offence (consul a wordings and
contrary to contrairement à Plate no. № de la plaque d'immatricule	ation Aut. Lég.	Utilitaire	l'art.  CVOR IUVU  ☐ Y / O		Code	offence (consul a wordings and fines book).
contrary to contrairement à Plate no. № de la plaque d'immatricule		Utilitaire	l'art.  CVOR IUVU  ☐ Y / O	CNS	Code	offence (consul a wordings and fines book). Statute and
contrary to contrairement à Plate no. № de la plaque d'immatricule	Aut. Lég.	Utilitaire  ☐ Y / O  N° de l'IUVU -	l'art.  CVOR IUVU  ☐ Y / O	CNS  Y/O		offence (consul a wordings and fines book). Statute and the section
contrary to  contrairement à  Plate no.  N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person	R No NSC No. /	Utilitaire  Y / O  N° de l'IUVU - I	l'art.  CVOR IUVU  ☐ Y / O  N° du CNS	CNS  Y / O  ervice dat	e of:	offence (consul a wordings and fines book). Statute and the section
contrary to  contrairement à  Plate no.  N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la de	R No NSC No. /  Prived an offence is charged on the cate de l'infraction, j	Utilitaire  Y / O  N° de l'IUVU - I  motice offence date. l'ai signifié, en	l'art.  CVOR IUVU  ☐ Y / O  N° du CNS  ☐ Or other se	CNS  Y / O  ervice dat	e of:	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no. Nº de la plaque d'immatricula  CVC  And I further certify that I se personally upon the personally denote be galement qu'à la d mains propres, un avis d'infre  Signature of issuing Provir	R No NSC No. /  Prved an offence i charged on the cate de l'infraction, j iction à la personn	Utilitaire  Y / O  N° de l'IUVU - I  notice offence date. l'ai signifié, en e accusée.	l'art.  CVOR I/VVU  □ Y / O  N° du CNS  □ Or other s  Autre date.	CNS  Y / O  ervice dat de significa	e of: ation, le :	offence (consul a wordings and fines book). Statute and the section
contrary to  contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre	R No NSC No. /  Prved an offence i charged on the cate de l'infraction, j iction à la personn	Utilitaire  Y / O  N° de l'IUVU - I  notice offence date. l'ai signifié, en e accusée.	l'art.  CVOR I/VVU  □ Y / O  N° du CNS  □ Or other s  Autre date.	CNS  Y / O  ervice dat de significa	e of: ation, le :	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no.  N° de la plaque d'immatricula  CVC  And I further certify that I se personally upon the personally upon the personally allow a mains propres, un avis d'infre  Signature de l'agent des in  Set fine of  Total p	R No NSC No. /  Prved an offence in charged on the control of t	Utilitaire  Y / O  N° de l'IUVU -  notice  offence date.  ai signifié, en e accusée.	l'art.  CVOR IVVU  Y / O  Nº du CNS  Or other s.  Autre date.	CNS  Y / O  ervice dat de significa  Platoon Peloton	e of: unit Unite	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no. N° de la plaque d'immatricula  CVC  And I further certify that I se personally upon the person Jatteste également qu'à la d mains propres, un avis d'infra  Signature de l'agent des in  Set fine of Amende fixée de  Total p Montar	Aut. Lég.  IR No NSC No. / erved an offence in charged on the c	Utilitaire  Y / O  N° de l'IUVU -  notice  offence date.  'ai signifié, en e accusée.  Total payabl  fine surchare exigible com	l'art.  CVOR IVVU  Y / O  W du CNS  Or other s: Autre date  icier No. le l'agent  e includes set finie perend l'amende fi	CNS  Y / O  ervice dat de significa  Platon Peloton  a, applicable montant to tixée, la sura	e of: unit Unit Unité	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre Signature de l'agent des in  Set fine of Amende fixée de \$  \$	avable  at total exigible  avable  Aut. Lég.  Aut. Lég.	Utilitaire  Y / O  N° de l'IUVU -  notice  ontice  offence date.  'ai signifié, en e accusée.  Total payabl fine surchar exigible com compensato	l'art.  CVOR IUVU  Y / O  N' du CNS  Or other st Autre date  eincludes set fine ge and costs. / Le prend l'amende fi ire applicable et li	CNS  Y / O  ervice dat de significa  Platoon Peloton  a, applicable montant to ixée, la sure es frais.	e of: unit Unit Unité	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no. Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre Signature de l'agent des is  Set fine of Amende fixée de \$  Summons issued. You are required to appear in court on	R No NSC No. /  erved an offence in charged on the control of t	Utilitaire  □ Y / O  N° de l'IUVU - I  notice  offence date.  'ai signifié, en e accusée.  Offence date.  Total payabl fine surcharg exigible com compensate.  M / M D	l'art.  CVOR IVVU  Y / O  N° du CNS  Or other s  Aufre date.  icer No. le l'agent  e includes set fine ge and costs. / Le prend l'amende fi  re applicable et li  / J Time / /	CNS  Y / O  ervice dat de significa  Platoon Peloton  a, applicable montant to tixée, la sure se frais.	e of: Unit Unit Unite e victim tal amende	offence (consul a wordings and fines book). Statute and the section
contrary to  contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d' anfar  Signature of issuing Provir, Signature de l'agent des is  Set fine of Amende fixée de  \$  Summons issued. You are	avable total exigible  Y / A  2 0  Ct. room / Salle	Utilitaire  Y / O  N° de l'IUVU -  notice offence date. l'ai signifié, en e accusée.  Off N° c  Total payabl fine surchare exigible come compensato  M / M D  at the Ontario Co	l'art.  CVOR IUVU  Y / O  N' du CNS  Or other st Autre date  eincludes set fine ge and costs. / Le prend l'amende fi ire applicable et li	CNS  Y / O  ervice dat de significa  Platon Peloton  e, applicable montant to ixée, la sura es frais.  heure  Office at / à	e of: Unit Unité  Unité  e victim tal amende  M  la Cour	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no. Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre Signature de l'agent des in  Set fine of Amende fixée de \$  Summons issued. You are required to appear in court on Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le Deemed not to dispute charge unde	R No NSC No. /  erved an offence is charged on the cate de l'infraction, justion à la personn incial Offences Officer infractions provinciale  ayable it total exigible  Y / A  2 0  Ct. room / Salle d'audience  r s. 9(1)(a) of the Prow	Utilitaire  □ Y / O  N° de l'IUVU -  □ a signifié, en e accusée.  Off  Total payabl fine surchare extiple com compensato  M / M D  at the Ontario Co de justice de l'Onti	l'art.  CVOR IVVU  Y / O  N° du CNS  Or other si Aufre date:  icer No. le l'agent  e includes set fini ge and costs. / Le prend l'amende fi rire applicable et li // Time / /  urt of Justice POA ario, Bureau des infir-	CNS  Y / O  ervice dat de significa  Platoon Peloton  Platoon Peloton  Office at / à actions provir	Unit Unité Unité  e victim tal amende  M la Cour clales au	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre  Signature de l'agent des in  Set fine of Amende fixée de  \$  Summons issued. You are required to appear in court on Assignation. Vous étes tenu(e) de comparaître devant le tribunal le	R No NSC No. /  erved an offence is charged on the cate de l'infraction, justion à la personn incial Offences Officer infractions provinciale  ayable it total exigible  Y / A  2 0  Ct. room / Salle d'audience  r s. 9(1)(a) of the Prow	Utilitaire  □ Y / O  N° de l'IUVU -  □ a signifié, en e accusée.  Off  Total payabl fine surchare extiple com compensato  M / M D  at the Ontario Co de justice de l'Onti	l'art.  CVOR IVVU  Y / O  N' du CNS  Or other si Autre date  icer No. le l'agent  e includes set fine pe and costs. / Le prend l'amende fi ire applicable et li / J Time / /  urt of Justice POA ario, Bureau des infr.  £. Set fine imposed. ons provinciales. Ar	CNS  Y / O  ervice dat de significa  Platoon Peloton  Platoon Peloton  Office at / à actions provir	Unit Unité Unité  e victim tal amende  M la Cour clales au	offence (consul a wordings and fines book). Statute and the section
contrary to contrairement à  Plate no. Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre Signature de l'agent des in  Set fine of Amende fixée de \$  Summons issued. You are required to appear in court on Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le Deemed not to dispute charge unde	Aut. Lég.  IR No NSC No. /  Prved an offence reharged on the center de l'infraction, j  action à la personn  acial Offences Officer  fractions provinciale  ayable  at total exigible  Y / A  2 0  Ct. room / Salle  d'audience  r s. 9(1)(a) of the Prove  a l'alinéa 9 (1) (a) de la	Utilitaire  Y / O  N° de l'IUVU -  notice offence date. l'ai signifié, en le accusée.  Offine surchare axigible com compensato  M / M D  at the Ontario Co de justice de l'Ontri	l'art.  CVOR IVVU  Y / O  N' du CNS  Or other si Autre date  icer No. le l'agent  e includes set fine pe and costs. / Le prend l'amende fi ire applicable et li / J Time / /  urt of Justice POA ario, Bureau des infr.  £. Set fine imposed. ons provinciales. Ar	CNS  Y / O  ervice dat de significa  e, applicable montant to ixée, la sura es frais.  eure  Office at / à actions provir / Réputé ne pr mende fixée in	e of: Unit Unité  Unité  e victim tal amende  M  la Cour ciales au mposée.	offence (consul a wordings and fines book). Statute and the section

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

ICON Location Code Code d'emplacement du RIII	Offence num Numéro d'inf			
Form 1, Provincial Offences Act, C	Ontario Court of Justice, (	D. Reg. 108/11	le l'Ont. 108/11	'
	ertificate of Offen es-verbal d'infra			
l,			,	
Je soussigné(e)	(print name / nom en lett		haura	
believe and certify that on the da crois et atteste que le	ay of 2 0   W/	III D75 Time?	M	
Name				Defendant's
Nom	(family / nom de famille	)	_	name.
(given /	/ prénom)	(initia	als / initiales)	<u>.                                     </u>
Address				Defendant's
Adresse (i	number and street / numéro et	nom de la rue)	_	Defendant's address.
(municipality / municipalité)	(P.O. / C.P.) (provii	nce) (postal co	de / code postal)	
Driver's licence no. / Nº de perm			is / Aut. Lég.	Jurisdiction
			<b>▼</b> 30°	where
Birth date / Date de naissance	Sex / Motor vehicle involved	/ Collision involved /	Witnesses /	driver's
	Sexe Véhicule impliqué	Collision	Témoins	licence was
	□ N / <i>N</i>	QY/0	□Y/0	issued (e.g.,
At				for Ontario
À	(municipality / municipalité			write "ON").
Did commit the offence of				William Sitty.
A commis l'infraction de				
				Defendant's
contrary to		coot		driver's licence
contrary to contrairement à		sect. <i>l'art.</i>		number.
Plate no.	Juris Commercial		SC Code	Harriber.
N° de la plaque d'immatriculation	Aut. Lég. Utilitaire		NS Code	Defendant's
	□Y/0	_Y/O _\	110	
CVOR No.	- NSC No. / Nº de l'IUVU -	№ du CNS	<u>.</u>	date of birth.
And I further certify that I served a	an offence notice	☐ Or other service	ne date of:	'
personally upon the person charg J'atteste également qu'à la date de	ged on the offence date. l'infraction, j'ai signifié, en	Autre date de s		
mains propres, un avis d'infraction a		1	ı	
Signature of issuing Provincial Off Signature de l'agent des infraction		ficer No. Plato de l'agent Pelot		
Set fine of Total payable	. Total payab	e includes set fine, ap	plicable victim	
Amende fixée de Montant total	fine surchar	ge and costs. / Le mor	ntant total	
\$ \$ <b>\$</b>	\$ compensate	nprend l'amende fixée, pire applicable et les fra		
Summons issued. You are	Y/A M/M D	/ J Time / heure	•   M	© Queen's Printer for Ontario, 2019.
Assignation. Vous êtes Ct.	room / Salle at the Ontario Co	purt of Justice POA Offic ario, Bureau des infraction	e at / à la Cour	Not an official version. Reproduced with permission. This form is subject
Deemed not to dispute charge under s. 9(1)	(a) of the Provincial Offenses As	t Set fine imposed / Dán	uté ne nes	to change without notice. For the most
Deemed not to dispute charge under s. 9(1) contester l'accusation aux termes de l'alinéa				current version, please visit http://
	Y	/A M/M	D/J	ontariocourtforms.on.ca/en/provincial
Justice / Juge	2 0	<u> </u>		-offences-act-forms/. The Government
Jusuce / Juge				of Ontario and the Ministry of the
DA 0847 (November 2, 2011 / 2 novembre	2011) CSD			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 Code d'emplacement du RIII		Offence numbe Numéro d'infra				
Form 1, Provincial Offences Formulaire 1, Loi sur les infra					t. 108/11	
,	Certificate Procès-verba					
l, Je soussigné(e)	(print nan	ne / nom en lettre	s moulées)		,	
believe and certify that on crois et atteste que le	" <b>v</b>	/ <i>A</i> M/ <i>M</i>	,	Time / heure	М	
Name						
Nom	(family /	nom de famille)				
	(given / prénom)			(initials / ini	tiales)	
Address	(number and stre	eet / numéro et no	om de la rue)			
7.147.0000	(					
(municipality / municipalité)		(provinc	:e) (	postal code / co		
Driver's licence no. / Nº de	e permis ae conaui	re 		Juris / A	ut. Leg.	
Birth date / Date de naissa	OCX / WOLDI V	ehicle involved /	Collision in		nesses /	
		□ N / N	□ Y /		Y / O	If a vehicle wa
At		<u> </u>				not involved in
Á		y / municipalité)				the offence,
Did commit the offence of A commis l'infraction de						indicate here.
A continus i initiaction de						indicate riere.
A commis i imaction de						
contrary to			se l'ai			Vehicle's plate number.
contrairement à	Juris	Commercial	l'ai	t.	Code	Vehicle's plate
contrary to contrairement à		Utilitaire	l'ai CVOR IUVU	NSC CNS	Code	Vehicle's plate
contrary to contrairement à  Plate no. № de la plaque d'immatricule		Utilitaire	CVOR	t.	Code	Vehicle's plate number.  Jurisdiction where driver's
contrary to contrairement à  Plate no. № de la plaque d'immatricule	ation Aut. Lég.	Utilitaire	CVOR	NSC CNS	Code	Vehicle's plate number.  Jurisdiction where driver's licence was
contrary to contrairement à  Plate no. N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la de	PR No NSC No. / N erved an offence no n charged on the of late de l'infraction, j'a	Utilitaire  Y/O  P de l'IUVU - N  otice fence date.  ii signifié, en	CVOR IUVU  Y / O  '' du CNS	NSC CNS	te of:	Vehicle's plate number.  Jurisdiction where driver's
contrary to contrairement à  Plate no. N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infra	OR No NSC No. / N enved an offence no charged on the of late de l'infraction, j'a	Utilitaire  Y / O  P de l'IUVU - N  potice fence date. ai signifié, en accusée.	CVOR IUVU  Y / O  du CNS  Or othe Autre da	nsc cns  Y/O  r service da ate de signific	te of: ation, le :	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
contrary to contrairement à  Plate no. N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la de	OR No NSC No. / N erved an offence no charged on the offate de l'infraction, j'a action à la personne	Utilitaire  Y / O  P de l'IUVU - N  otice  fence date.  ni signifié, en accusée.	CVOR IUVU  Y / O  '' du CNS	NSC CNS  Y/O  Pr service da	te of:	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
contrary to contrairement à  Plate no. N° de la plaque d'immatricula  CVC  And I further certify that I se personally upon the person Jatteste également qu'à la d mains propres, un avis d'infra  Signature de l'agent des in  Set fine of  Total p	OR No NSC No. / N erved an offence no n charged on the of late de l'infraction, j'a action à la personne notal Offences Officer nfractions provinciale	Utilitaire  Y/O  P de l'IUVU - N  otice fence date. ni signifié, en accusée.  Offic  Nº de	CVOR IUVU  Y / O P du CNS Or other Autre da  includes sets e and costs.	rt.  NSC CNS  Y/O  r service da ate de significa  Platoon Peloton	Unit Unité	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
contrary to contrairement à  Plate no. N° de la plaque d'immatricula  CVC  And I further certify that I se personally upon the person Jatteste également qu'à la d mains propres, un avis d'infra  Signature de l'agent des in  Set fine of  Total p	OR No NSC No. / N enved an offence no charged on the of late de l'infraction, j'a action à la personne noial Offences Officer nifractions provinciale	Utilitaire  Y/O  P de l'IUVU - N  otice fence date. ni signifié, en accusée.  Offic  Nº de	CVOR IUVU  Y / O P du CNS Or other Autre da  Der No. I agent	er service da ate de signific  Platoon Peloton  fine, applicable to de fixée, la sur	Unit Unité	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
contrary to contrairement à  Plate no. Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre Signature de l'agent des in  Set fine of Amende fixée de \$  Summons issued. You are required to appear in court on	DR No NSC No. / N erved an offence no o charged on the of late de l'infraction, j'a action à la personne noial Offences Officer nfractions provinciale ent total exigible  Y / A  2 0	Utilitaire  □ Y / O  P de l'IUVU - N  btice fence date. is ignifié, en accusée.  Offic Nº de  Total payable fine surcharge exigible compe compensatoir  M / M D /	CVOR IUVU  Y / O  F du CNS  Or othe Autre de Costs. I'agent  includes set e and costs. orend l'amene e applicable  J Tim	Platon Peloton  fine, applicabl Le montant to de fixée, la sur et les frais.	te of: ation, le : Unit Unité e victim otal amende	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
Contrary to  contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person  J'atteste également qu'à la d mains propres, un avis d'infra  Signature of issuing Provir  Signature de l'agent des in  Set fine of  Amende fixée de  \$  Summons issued. You are	PR No NSC No. / N erved an offence no charged on the of late de l'infraction, j'a action à la personne notal Offences Officer nifractions provinciale  **Ty/A**    Y/A**   Y/A**   Y/A**   Y/A**   X/A**   X/A**	Utilitaire  Y/O  P de l'IUVU - N  otice fence date. is signifié, en  accusée.  Office  Nº de  Total payable fine surcharge exigible comp compensatoir	CVOR IUVU  Y / O P du CNS Or other Autre da  includes set e and costs. vend l'amene e applicable  J Tim rt of Justice P	rt.  NSC CNS  Y/O  Preservice da atte de significa  Platoon Peloton  fine, applicabi Le montant to de fixée, la sur et les frais.  e / heure  OA Office at / à	te of: ation, le : Unit Unité e victim stal amende	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
Contrary to  contrairement à  Plate no.  Nº de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person  J'atteste également qu'à la di mains propres, un avis d'infre  Signature de l'agent des in  Set fine of Amende fixée de  \$  Summons issued. You are required to appear in court on  Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le Deemed not to dispute charge unde	DR No NSC No. / N erved an offence no n charged on the of late de l'infraction, j'a laction à la personne noial Offences Officer nifractions provinciale   Y / A  2 0  Ct. room / Salle d'audience dt  er s. 9(1)(a) of the Provini	Utilitaire  Y/O  P de l'IUVU - N  otice fence date. is isgnifié, en accusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoir M / M D /  the Ontario Cou justice de l'Ontario	CVOR IUVU  Y / O  P du CNS  Or other Autre did  cer No. I agent  includes set a and costs. reand l'amen re applicable  J Tim  It of Justice P rio, Bureau des	rt.  NSC CNS  Y / O  Preservice da ate de signific  Platoon Peloton  fine, applicabl / Le montant to de fixée, la sur et les frais.  e / heure  OA Office at / à a infractions provi	te of: ation, le :  Unit Unité  e victim otal amende  M la Cour nciales au	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario
contrary to contrairement à  Plate no. N° de la plaque d'immatricule  CVC  And I further certify that I se personally upon the person J'atteste également qu'à la d mains propres, un avis d'infre  Signature de l'agent des in  Set fine of Amende fixée de \$  Summons issued. You are required to appear in court on Assignation. Vous êtes tenu(e) de comparaître devant le tribunal le	DR No NSC No. / N erved an offence no n charged on the of late de l'infraction, j'a laction à la personne noial Offences Officer nifractions provinciale   Y / A  2 0  Ct. room / Salle d'audience dt  er s. 9(1)(a) of the Provini	Utilitaire  Y/O  P de l'IUVU - N  otice fence date. is isgnifié, en accusée.  Offic Nº de  Total payable fine surcharge exigible comp compensatoir M / M D /  the Ontario Cou justice de l'Ontario	CVOR IUVU  Y / O P du CNS Or other Autre di  Der No. 1 'agent  includes sets a and costs. rend l'amene re applicable J Tim rt of Justice P rio, Bureau des Set fine impos ns provinciale:	rt.  NSC CNS  Y / O  Preservice da ate de signific  Platoon Peloton  fine, applicabl / Le montant to de fixée, la sur et les frais.  e / heure  OA Office at / à a infractions provi	te of: ation, le :  Unit Unité  e victim otal amende  M la Cour nciales au	Vehicle's plate number.  Jurisdiction where driver's licence was issued (e.g., for Ontario

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

ICON Location Code Code d'emplacement of	Offence number Numéro d'infraction							
Form 1, <i>Provincial C</i> Formulaire 1, Loi sur	Offences Act, Or les infractions p	itario Cou ovinciales	rt of Just , Cour de	ice, O. justice	Reg. 108/1 de l'Ontario	1 , Règl. d	e l'Ont. 1	08/11
		tificate s-verb			-			
l, Je soussigné(e)		(print p	ame / nom	on lottro	a maulána)			,
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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 Code d'emplacement du RIII			Offence numbe <i>Numéro d'infra</i>	action						
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# **FIGURE 1.14** Annotated Form 1: Certificate of Offence—Elements of a Driver's Licence Number

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#### 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

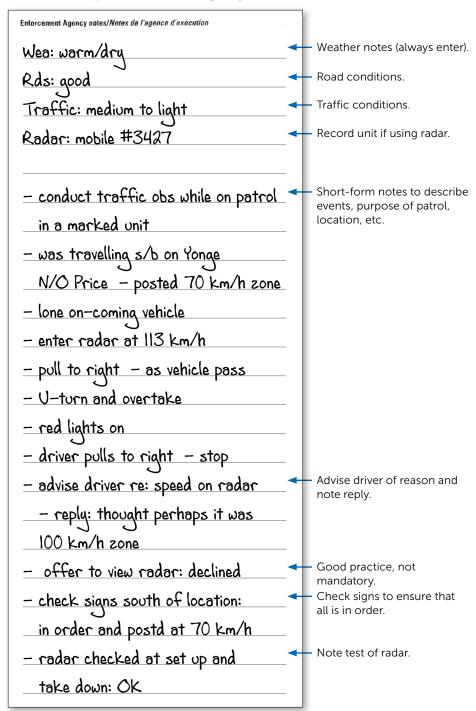
60 - 50 = 10 = October

61 - 50 = 11 = November62 - 50 = 12 = December

current version, please visit http://ontariocourtforms.on.ca/en/provincial
-offences-act-forms/. The Government of Ontario and the Ministry of the
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**FIGURE 1.15** Annotated Form 1: Certificate of Offence—Sample Enforcement Agency Notes



### **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

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# 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**

•	010110110	
	The House of Commons creates federal and provincial laws.  True False In law, the word "prescribed" means "described	<ul><li>11. Part II Offence Notices of the POA deal strictly with</li><li>a. Minor offences</li><li>b. Serious offences</li></ul>
3.	in regulations."  True False  Provincial offence officers find their arrest powers within the POA.  True False	<ul> <li>c. Parking offences</li> <li>d. Punishments</li> <li>12. An officer has days from the date of the offence to serve a person with a Part I Offence Notice.</li> </ul>
4.	True False  The POA provides a limitation period of two (2) years from the date of the offence.  True False	<ul><li>a. 15</li><li>b. 7</li><li>c. 45</li><li>d. 30</li></ul>
	All the facts in issue must be proven before an accused can be convicted of an offence.  True False  The Act gives each province the authority to create laws to govern its citizens.	<ul> <li>13. Part III Offence Notices of the POA deal strictly with</li> <li>a. Minor offences</li> <li>b. Serious offences</li> <li>c. Parking offences</li> <li>d. Punishments</li> </ul>
8.	The Provincial Offences Act provides the framework for provincial  Part I Offence Notices in the POA have a maximum fine of \$  Mens rea is a Latin expression that means	<ul> <li>14. The POA refers to a "young person" as one who at the time of the offence is</li> <li>a. Between 12 and 16 years</li> <li>b. Between 12 and 15 years</li> <li>c. Between 12 and 18 years</li> <li>d. Between 16 and 18 years</li> </ul>
О.	" is a Latin expression that means "guilty act."	<ul> <li>15. To obtain a conviction for an absolute liability offence the prosecutor need only prove</li> <li>a. Guilty mind</li> <li>b. Guilty act</li> <li>c. General intent</li> <li>d. Negligence</li> </ul>

### **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

Vehicle: 2018 Toyota

**Current year** 

val tag for plate: ABCD 123

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:

Defendant: James William Knight

Home address: 244 Innisfil Street,

Barrie, ON L3M 3T2

Date of birth: May 22, 1992

# 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