

# Table of Contents

## PROVINCIAL OFFENCES ACT

Introduction

### INTERPRETATION

Introduction to Interpretation

- 1 Definitions
  - § 1:1 Commentary
  - § 1:2 Case Law—“court”
  - § 1:3 —“justice”
  - § 1:4 —“offence”
  - § 1:5 —“police officer”
  - § 1:6 —“prosecutor”
  - § 1:7 —“provincial offences officer”
  - § 1:8 —“representative”
  - § 1:9 —“set fine”
- 2 Purpose of Act
  - § 2:1 Commentary
  - § 2:2 Case Law

### PART I COMMENCEMENT OF PROCEEDINGS BY CERTIFICATE OF OFFENCE (SS. 3–13)

Introduction to Part I

- 3 Certificate of offence
  - § 3:1 Commentary
  - § 3:2 Case Law
- 4 Filing of certificate of offence
  - § 4:1 Commentary
  - § 4:2 Case Law
- 5 Having a trial
  - § 5:1 Commentary
  - § 5:2 Case Law
- 5.1 Availability of meeting procedure
  - § 5.1:1 Commentary
  - § 5.1:2 Case Law
- 5.1.1 [Repealed 2009, c. 33, Sched. 4, s. 1(8).]
  - § 5.1.1:1 Commentary
- 5.2 [Repealed 2009, c. 33, Sched. 4, s. 1(9).]
  - § 5.2:1 Commentary

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- 5.3 Agreement on plea of guilty, no submissions [Proposed]
  - § 5.3:1 Commentary
- 5.4 Agreement on plea of guilty, submissions [Proposed]
  - § 5.4:1 Commentary
- 5.5 Notice of trial [Proposed]
  - § 5.5:1 Commentary
- 6 [Repealed 2009, c. 33, Sched. 4, s. 1(10).]
  - § 6:1 Commentary
- 7 Plea of guilty with submissions
  - § 7:1 Commentary
  - § 7:2 Case Law
- 8 Payment out of court
  - § 8:1 Commentary
  - § 8:2 Case Law
- 9 Deemed not to dispute charge
  - § 9:1 Commentary
  - § 9:2 Case Law
- 9.1 Failure to appear at trial
  - § 9.1:1 Commentary
  - § 9.1:2 Case Law
- 10 Signature on notice
  - § 10:1 Commentary
  - § 10:2 Case Law [decided under previous section]
- 11 Reopening
  - § 11:1 Commentary
  - § 11:2 Case Law
- 11.1 Error by municipality
  - § 11.1:1 Commentary
- 12 Penalty
  - § 12:1 Commentary
  - § 12:2 Case Law
  - § 12:3 Related *Highway Traffic Act* Provision, R.S.O. 1990, c. H.8
- 13 Regulations
  - § 13:1 Commentary
  - § 13:2 Case Law

**PART II COMMENCEMENT OF PROCEEDINGS FOR  
PARKING INFRACTIONS (SS. 14–20)**

Introduction to Part II

- 14 Definition
  - § 14:1 Commentary
  - § 14:2 Case Law
- 14.1 Proceeding, parking infraction
  - § 14.1:1 Commentary

## TABLE OF CONTENTS

	§ 14.1:2 Case Law
15	Notice issued
16	Payment out of court
17	Intention to appear
	§ 17:1 Case Law
17.1	Application
	§ 17.1:1 Case Law
18	Failure to respond
	§ 18:1 Case Law
18.1	Intention to appear
	§ 18.1:1 Case Law
18.1.1	Application
18.1.2	[Repealed 2009, c. 33, Sched. 4, s. 1(26).]
18.2	No response to impending conviction notice
	§ 18.2:1 Case Law
18.3	Application where ticket defective
18.4	Failure to appear at trial
	§ 18.4:1 Case Law
18.5	Error by municipality
18.6	Authority to collect parking fines
19	Reopening
	§ 19:1 Case Law
20	Regulations

## **PART III COMMENCEMENT OF PROCEEDING BY INFORMATION (SS. 21–27)**

### Introduction to Part III

21	Commencement of proceeding by information
	§ 21:1 Commentary
	§ 21:2 Case Law
22	Summons before information laid
	§ 22:1 Commentary
	§ 22:2 Case Law
23	Information
	§ 23:1 Commentary
	§ 23:2 Case Law
24	Procedure on laying of information
	§ 24:1 Commentary
	§ 24:2 Case Law
25	Counts
	§ 25:1 Commentary
	§ 25:2 Case Law
26	Summons
	§ 26:1 Commentary

- § 26:2 Case Law
- 27 Contents of warrant
- § 27:1 Commentary

## **PART IV TRIAL AND SENTENCING (SS. 28–75)**

### **TRIAL**

#### Introduction to Part IV

- 28 Application of Part
  - § 28:1 Commentary
- 29 Territorial jurisdiction
  - § 29:1 Commentary
  - § 29:2 Case Law
- 30 Justice presiding at trial
  - § 30:1 Commentary
  - § 30:2 Case Law
- 31 Retention of jurisdiction
  - § 31:1 Commentary
  - § 31:2 Case Law
- 32 Stay of proceeding
  - § 32:1 Commentary
  - § 32:2 Case Law
- 33 Dividing counts
  - § 33:1 Commentary
  - § 33:2 Case Law
- 34 Amendment of information or certificate
  - § 34:1 Commentary
  - § 34:2 Case Law
- 35 Particulars
  - § 35:1 Commentary
  - § 35:2 Case Law
- 36 Motion to quash information or certificate
  - § 36:1 Commentary
  - § 36:2 Case Law
- 37 Costs on amendment or particulars
  - § 37:1 Commentary
  - § 37:2 Case Law
- 38 Joinder of counts or defendants
  - § 38:1 Commentary
  - § 38:2 Case Law
- 39 Issuance of summons
  - § 39:1 Commentary
  - § 39:2 Case Law
- 40 Arrest of witness

## TABLE OF CONTENTS

	§ 40:1	Commentary
41		Order for person in a prison to attend
	§ 41:1	Commentary
42		Penalty for failure to attend
	§ 42:1	Commentary
43		Order for evidence by commission
	§ 43:1	Commentary
44		Trial of issue as to capacity to conduct defence
	§ 44:1	Commentary
	§ 44:2	Case Law
45		Taking of plea
	§ 45:1	Commentary
	§ 45:2	Case Law
45.1		Judicial pre-trial conferences
	§ 45.1:1	Commentary
	§ 45.1:2	Case Law
46		Trial on plea of not guilty
	§ 46:1	Commentary
	§ 46:2	Case Law—General
	§ 46:3	—Freedom of Religion [Charter of Rights and Freedoms, s. 2(a)]
	§ 46:4	—Freedom of Expression [Charter of Rights and Freedoms, s. 2(b)]
	§ 46:5	—Freedom of Assembly [Charter of Rights and Freedoms, s. 2(c)]
	§ 46:5.50	—Freedom of Association [Charter of Rights and Freedoms, s.2(d)]
	§ 46:6	—Fundamental Justice [Charter of Rights and Freedoms, s. 7]
	§ 46:7	—Unreasonable Search or Seizure [Charter of Rights and Freedoms, s. 8]
	§ 46:8	—Arbitrary Detention [Charter of Rights and Freedoms, s. 9]
	§ 46:9	—Right to Be Informed of Specific Offence [Charter of Rights and Freedoms, s. 10(a)]
	§ 46:10	—Right to Retain and Instruct Counsel [Charter of Rights and Freedoms, s. 10(b)]
	§ 46:11	—Right to Be Tried Without Unreasonable Delay [Charter of Rights and Freedoms, s. 11(b)]
	§ 46:12	—Presumption of Innocence [Charter of Rights and Freedoms, s. 11(d)]
	§ 46:13	—Right Not to Be Subject to Cruel or Unusual Punishment [Charter of Rights and Freedoms, s. 12]
	§ 46:14	—Equality Rights [Charter of Rights and Freedoms, s. 15]

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- § 46:15 —Court of Competent Jurisdiction [Charter of Rights and Freedoms, s. 24(1)]
- § 46:16 —Exclusion of Evidence [Charter of Rights and Freedoms, s. 24(2)]
- § 46:17 —Standing
- § 46:18 —Notice of Constitutional Question
- § 46:19 Related *Evidence Act* Provision, R.S.O. 1990, c. E.23
- 47 Evidence taken on another charge
  - § 47:1 Commentary
  - § 47:2 Case Law
- 48 Exhibits
  - § 48:1 Commentary
  - § 48:2 Case Law
- 48.1 Certified evidence
  - § 48.1:1 Commentary
  - § 48.1:2 Case Law
- 49 Adjournments
  - § 49:1 Commentary
  - § 49:2 Case Law
- 50 Appearance by defendant
  - § 50:1 Commentary
  - § 50:2 Case Law
- 51 Compelling attendance of defendant
  - § 51:1 Commentary
  - § 51:2 Case Law
- 52 Excluding defendant from hearing
  - § 52:1 Commentary
  - § 52:2 Case Law
- 53 Failure of prosecutor to appear
  - § 53:1 Commentary
  - § 53:2 Case Law
- 54 Conviction in the absence of the defendant
  - § 54:1 Commentary
  - § 54:2 Case Law
- 55 Included offences
  - § 55:1 Commentary
  - § 55:2 Case Law

**SENTENCING**

- 56 Pre-sentence report
  - § 56:1 Commentary
  - § 56:2 Case Law
- 57 Submissions as to sentence
  - § 57:1 Commentary

## TABLE OF CONTENTS

	§ 57:2 Case Law
	§ 57:3 Related <i>Regulatory Modernization Act, 2007</i> Provision, S.O. 2007, c. 4
58	Time spent in custody considered
	§ 58:1 Commentary
59	Provision for minimum penalty
	§ 59:1 Commentary
	§ 59:2 Case Law
60	Fixed costs on conviction
	§ 60:1 Commentary
	§ 60:2 Case Law
60.1	Surcharge
	§ 60.1:1 Commentary
	§ 60.1:2 Case Law
	§ 60.1:3 Related <i>Victims' Bill of Rights, 1995</i> Provision, S.O. 1995, c. 6, s. 5
61	General penalty
	§ 61:1 Commentary
	§ 61:2 Case Law
62	Minute of conviction
	§ 62:1 Commentary
63	Time when imprisonment starts
	§ 63:1 Commentary
	§ 63:2 Case Law
64	Sentences consecutive
	§ 64:1 Commentary
	§ 64:2 Case Law
65	Authority of warrant
	§ 65:1 Commentary
66	When fine due
	§ 66:1 Commentary
	§ 66:2 Case Law
66.0.1	Application for extension
	§ 66.0.1:1 Commentary
66.1	Defendant's address
	§ 66.1:1 Commentary
66.2	Fee for refused cheque collectable as a fine
	§ 66.2:1 Commentary
67	Regulation for work credits for fines
	§ 67:1 Commentary
68	Civil enforcement of fines
	§ 68:1 Commentary
69	Default
	§ 69:1 Commentary
	§ 69:2 Case Law

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- § 69:3 Related *Highway Traffic Act* Provision, R.S.O. 1990, c. H.8
- § 69:4 Related *Liquor Licence Act* Provision, R.S.O. 1990, c. L.19
- 69.1 Disclosure to consumer reporting agency
  - § 69.1:1 Commentary
- 69.2 Order of payment for multiple fines in default [Proposed]
  - § 69.2:1 Commentary
- 70 Fee where fine in default
  - § 70:1 Commentary
- 70.1 Collection agency costs payable
  - § 70.1:1 Commentary
- 71 Suspension of fine on conditions
  - § 71:1 Commentary
  - § 71:2 Case Law
- 72 Probation order
  - § 72:1 Commentary
  - § 72:2 Case Law
- 73 When order comes into force
  - § 73:1 Commentary
- 74 Variation of probation order
  - § 74:1 Commentary
  - § 74:2 Case Law
- 75 Breach of probation order
  - § 75:1 Commentary
  - § 75:2 Case Law

**PART V GENERAL PROVISIONS (SS. 76–92)**

Introduction to Part V

- 76 Limitation
  - § 76:1 Commentary
  - § 76:2 Case Law
- 76.1 Electronic court documents
  - § 76.1:1 Commentary
  - § 76.1:2 Case Law
- 77 Parties to offence
  - § 77:1 Commentary
  - § 77:2 Case Law
- 78 Counselling
  - § 78:1 Commentary
  - § 78:2 Case Law
- 79 Computation of age
  - § 79:1 Commentary
- 80 Common law defences
  - § 80:1 Commentary
  - § 80:2 Case Law

## TABLE OF CONTENTS

81	Ignorance of the law
§ 81:1	Commentary
§ 81:2	Case Law
82	Representation
§ 82:1	Commentary
§ 82:2	Case Law
83	Recording of evidence
§ 83:1	Commentary
§ 83:2	Case Law
83.1	Participation in proceedings by electronic method
§ 83.1:1	Commentary
84	Interpreters
§ 84:1	Commentary
§ 84:2	Case Law
85	Extension of time
§ 85:1	Commentary
§ 85:2	Case Law
86	Penalty for false statements
§ 86:1	Commentary
87	Delivery
§ 87:1	Commentary
§ 87:2	Case Law
88	Civil remedies preserved
§ 88:1	Commentary
89	Process on holidays
§ 89:1	Commentary
90	Irregularities in form
§ 90:1	Commentary
§ 90:2	Case Law
91	Contempt
§ 91:1	Commentary
§ 91:2	Case Law
91.1	Set fines
§ 91.1:1	Commentary
92	Regulations
§ 92:1	Commentary
§ 92:2	Related <i>Highway Traffic Act</i> Provision, R.S.O. 1990, c. H.8, s. 210(7)

## PART VI YOUNG PERSONS (SS. 93–108)

### Introduction to Part VI

93	Definitions
§ 93:1	Commentary
94	Minimum age

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- § 94:1 Commentary
- 95 Offence notice not to be used
  - § 95:1 Commentary
  - § 95:2 Case Law
- 96 Notice to parent
  - § 96:1 Commentary
- 97 Sentence where proceeding commenced by certificate
  - § 97:1 Commentary
  - § 97:2 Case Law
- 98 Young person to be present at trial
  - § 98:1 Commentary
  - § 98:2 Case Law
- 99 Identity of young person not to be published
  - § 99:1 Commentary
  - § 99:2 Case Law
- 100 Pre-sentence report
  - § 100:1 Commentary
- 101 Penalties limited
  - § 101:1 Commentary
  - § 101:2 Case Law
- 102 No imprisonment for non-payment of fine
  - § 102:1 Commentary
- 103 Open custody
  - § 103:1 Commentary
  - § 103:2 Related *Young Offenders Act* Provision, R.S.C. 1985, c. Y-1
- 104 Evidence of young person's age
  - § 104:1 Commentary
- 105 Appeal
  - § 105:1 Commentary
- 106 Arrest without warrant limited
  - § 106:1 Commentary
- 107 s. 149 does not apply
  - § 107:1 Related *Youth Criminal Justice Act* Provision, S.C. 2002, c. 1
  - § 107:2 Commentary
- 108 Functions of a justice of peace limited
  - § 108:1 Commentary

**PART VII APPEALS AND REVIEW (SS. 109–142)**

Introduction to Part VII

- 109 Definitions
  - § 109:1 Commentary
  - § 109:2 Case Law—"court"

## TABLE OF CONTENTS

- § 109:3 —“sentence”
- 110 Custody pending appeal
  - § 110:1 Commentary
  - § 110:2 Case Law
- 111 Payment of fine before appeal
  - § 111:1 Commentary
  - § 111:2 Case Law
- 112 Stay
  - § 112:1 Commentary
  - § 112:2 Case Law
- 113 Fixing of date where appellant in custody
  - § 113:1 Commentary
- 114 Payment of fine not waiver
  - § 114:1 Commentary
- 115 Transmittal of material
  - § 115:1 Commentary
  - § 115:2 Case Law

## APPEALS UNDER PART III

- 116 Appeals, proceedings commenced by information
  - § 116:1 Introduction to New Section 116 Appeal Rules
  - § 116:2 Commentary
  - § 116:3 Case Law—Jurisdiction
  - § 116:4 —Grounds of Appeal
  - § 116:5 —*Provincial Offences Act* Cases
  - § 116:6 —Grounds of Appeal Held Not to Comply with the Rule
  - § 116:7 —Extension of Time
  - § 116:8 —Intervention by Crown Attorney
- 117 Powers of court
  - § 117:1 Commentary
  - § 117:2 Case Law
- 118 Right to representation
  - § 118:1 Commentary
  - § 118:2 Case Law
- 119 Written argument
  - § 119:1 Commentary
- 120 Powers on appeal against conviction
  - § 120:1 Commentary
  - § 120:2 Case Law
- 121 Powers on appeal against acquittal
  - § 121:1 Commentary
  - § 121:2 Case Law
- 122 Appeal against sentence
  - § 122:1 Commentary

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- § 122:2 Case Law
- 123 One sentence on more than one count
  - § 123:1 Commentary
- 124 Appeal based on defect in information or process
  - § 124:1 Commentary
  - § 124:2 Case Law
- 125 Additional orders
  - § 125:1 Commentary
  - § 125:2 Case Law
- 126 New trial
  - § 126:1 Commentary
  - § 126:2 Case Law
- 127 Appeal by way of new trial
  - § 127:1 Commentary
  - § 127:2 Case Law—Failure to Apply for Trial de Novo
  - § 127:3 —Cases Where Trial de Novo Appeals Ordered
  - § 127:4 —Cases Where Trial De Novo Appeals Refused
- 128 Dismissal or abandonment
  - § 128:1 Commentary
- 129 Costs
  - § 129:1 Commentary
  - § 129:2 Case Law
- 130 Implementation of appeal court order
  - § 130:1 Commentary
- 131 Appeal to Court of Appeal
  - § 131:1 Introduction to Court of Appeal Appeal Rules
  - § 131:2 Commentary
  - § 131:3 Case Law—Jurisdiction
  - § 131:4 —Extensions of Time
  - § 131:5 —Costs
  - § 131:6 —Leave to Appeal to the Court of Appeal—Cases Where  
Leave to Appeal Granted
  - § 131:7 —Leave to Appeal to the Court of Appeal—Cases Where  
Leave to Appeal Refused
- 132 Custody pending appeal
  - § 132:1 Commentary
- 133 Transfer of record
  - § 133:1 Commentary
- 134 Application of ss. 114, 117–126, 128(b), 129
  - § 134:1 Commentary
  - § 134:2 Case Law

**APPEALS UNDER PARTS I AND II**

- 135 Appeal
  - § 135:1 Introduction to New Section 135 Appeal Rules

## TABLE OF CONTENTS

- § 135:2 Commentary
- § 135:3 Case Law—Jurisdiction
- § 135:4 —General
- § 135:5 —Extension of Time
- § 135:6 —Sentence Appeals
- 136 Conduct of appeal
  - § 136:1 Commentary
  - § 136:2 Case Law
- 137 Dismissal on abandonment
  - § 137:1 Commentary
  - § 137:2 Case Law
- 138 Powers of court on appeal
  - § 138:1 Commentary
  - § 138:2 Case Law
- 139 Appeal to Court of Appeal
  - § 139:1 Commentary
  - § 139:2 Case Law

## REVIEW

- 140 Application for relief in nature of mandamus, prohibition, certiorari
  - § 140:1 Commentary
  - § 140:2 Case Law—Jurisdiction
  - § 140:3 —*Certiorari* [See also section 141]
  - § 140:4 —Prohibition
  - § 140:5 —Mandamus [See also section 142]
- 141 Notice re certiorari
  - § 141:1 Commentary
  - § 141:2 Case Law
- 142 Application for *habeas corpus*
  - § 142:1 Related *Habeas Corpus Act* Provision, R.S.O. 1990, c. H.1
  - § 142:2 Related *Judicial Review Procedure Act* Provision, R.S.O. 1990, c. J.1
  - § 142:3 Commentary
  - § 142:4 Case Law

## PART VIII ARREST, BAIL AND SEARCH WARRANTS (SS. 143–160)

### ARREST

Introduction to Part VIII

- 143 Officer in charge
  - § 143:1 Commentary

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- 144 Execution of warrant
  - § 144:1 Commentary
  - § 144:2 Case Law
- 145 Arrest without warrant
  - § 145:1 Commentary
  - § 145:2 Case Law
- 146 Use of force
  - § 146:1 Commentary
  - § 146:2 Case Law
- 147 Immunity from civil liability
  - § 147:1 Commentary
  - § 147:2 Case Law
- 148 Production of process
  - § 148:1 Commentary
  - § 148:2 Case Law

**BAIL**

- 149 Release after arrest by officer
  - § 149:1 Commentary
  - § 149:2 Case Law
- 150 Person in custody to be brought before justice
  - § 150:1 Commentary
  - § 150:2 Case Law
- 151 Expediting trial of person in custody
  - § 151:1 Commentary
- 152 Appeal
  - § 152:1 Commentary
- 153 Appointment of agent for appearance
  - § 153:1 Commentary
- 154 Recognizance binds for all appearances
  - § 154:1 Commentary
- 155 Motion by surety to be relieved
  - § 155:1 Commentary
- 156 Delivery of defendant by surety
  - § 156:1 Commentary
- 157 Certificate of default
  - § 157:1 Commentary

**SEARCH WARRANTS**

- 158 Search warrant
  - § 158:1 Commentary
  - § 158:2 Case Law
- 158.1 Electronic warrants
  - § 158.1:1 Case Law

## TABLE OF CONTENTS

- 158.2 Duty of person who carries out seizure
  - § 158.2:1 Commentary
  - § 158.2:2 Case Law
- 159 Order of justice re things seized
  - § 159:1 Commentary
  - § 159:2 Case Law
- 160 Examination or seizure of documents where privilege claimed
  - § 160:1 Commentary
  - § 160:2 Case Law

## **PART IX ORDERS ON APPLICATION UNDER STATUTES (S. 161)**

- Introduction to Part IX
- 161 Orders under statutes
  - § 161:1 Commentary
  - § 161:2 Case Law

## **PART X AGREEMENTS WITH MUNICIPALITIES CONCERNING ADMINISTRATIVE FUNCTIONS AND PROSECUTIONS (SS. 161.1–176)**

- Introduction to Part X
- 161.1 Definition
  - § 161.1:1 Commentary
- 162 Agreements
  - § 162:1 Commentary
  - § 162:2 Case Law
- 163 Area of application
  - § 163:1 Commentary
- 164 Deposit with clerk
  - § 164:1 Commentary
- 165 Collection and enforcement
  - § 165:1 Commentary
  - § 165:2 Case Law
- 165.1 Definition
  - § 165.1:1 Commentary
- 166 Fines imposed before effective date
  - § 166:1 Commentary
  - § 166:2 Case Law
- 167 Special rules
  - § 167:1 Commentary
  - § 167:2 Case Law
- 168 Right to intervene
  - § 168:1 Commentary

## 2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

- § 168:2 Case Law
- 169 No agency
  - § 169:1 Commentary
  - § 169:2 Case Law
- 170 Protection from personal liability
  - § 170:1 Commentary
- 171 Order for compliance
  - § 171:1 Commentary
- 172 Review committee
  - § 172:1 Commentary
- 173 Transition, Part III proceedings
  - § 173:1 Commentary
- 174 Regulations
  - § 174:1 Commentary
- 174.1 Municipal powers
- 175 Delegation
  - § 175:1 Commentary
- 176 Group of municipalities
  - § 176:1 Commentary

### COMPLEMENTARY AMENDMENTS

- § CA:1 Commentary

### COURTS OF JUSTICE ACT RULES AND REGULATIONS

#### ONT. REG. 53/01—BILINGUAL PROCEEDINGS

##### [HEADING REPEALED O. REG. 677/21, S. 1.]

- 1 [Repealed O. Reg. 677/21, s. 1.]

##### [HEADING REPEALED O. REG. 677/21, S. 2.]

- 2 [Repealed O. Reg. 677/21, s. 2.]

### EXERCISING THE RIGHT TO A BILINGUAL PROCEEDING

- 3 Filing first document in French
- 4 Provincial offences proceedings
- 5 Requisition or statement
- 5.1 [Repealed O. Reg. 677/21, s. 5.]
- 6 Withdrawing requirement

## TABLE OF CONTENTS

### **APPEALS**

- 7 Filing first documents in French
- 8 Requisition
- 8.1 [Repealed O. Reg. 677/21, s. 8.]
- 9 Withdrawing requirement

### **EXAMINATIONS OUT OF COURT**

- 10 Examinations out of court

### **INTERPRETATION**

- 11 Transcript of oral evidence
- 12 Provincial offences proceedings
- 13 Witness who speaks neither English nor French
- 14 Submissions or evidence in French where trier of fact is not bilingual

### **GENERAL**

#### **[HEADING AMENDED O. REG. 121/17, S. 5.]**

- 15 Electronic filing
- 16 Commencement
- Form 1 [Repealed O. Reg. 121/17, s. 6.]
- Form 2 [Repealed O. Reg. 121/17, s. 6.]

### **ONT. REG. 721/94—RULES OF THE COURT OF APPEAL IN APPEALS UNDER THE PROVINCIAL OFFENCES ACT**

### **DEFINITIONS AND INTERPRETATION**

- 1 Definitions

### **APPLICATION OF CIVIL RULES**

- 2

### **SPECIAL LEAVE TO APPEAL**

- 3 Form of notice of motion

### **INMATE APPEALS/APPEALS IN WRITING BY UNREPRESENTED DEFENDANT—LEAVE TO APPEAL**

- 4 Motion for leave to appeal in writing

### **NOTICE OF APPEAL**

- 5 Time for service

**ORDER WITHOUT ATTENDANCE OF COUNSEL**

6

**EXTENSION OR ABRIDGEMENT OF TIME**

7 General powers of judge

**TRANSCRIPTS**

8 No application to inmate appeals

**DISMISSAL FOR FAILURE TO COMPLY WITH RULE 8**

9 Service of notice to cure default

**PROCESSING APPEALS**

10

**ORIGINAL PAPERS AND EXHIBITS**

11

**APPEAL BOOKS**

12 Contents of appeal book

**APPEAL BOOK FOR UNREPRESENTED APPELLANT**

13

**FACTUMS**

14 Heading of factum

**SENTENCE APPEALS**

15 Sentence appeal factum to be in Form 6

**PERFECTING THE APPEAL**

16 Service and filing

**MOTION FOR DIRECTIONS**

17

**FAILURE TO PERFECT APPEAL**

18 Notice of failure to perfect

**LISTING APPEALS**

19 Notice of date of appeal

TABLE OF CONTENTS

**BOOKS OF AUTHORITIES**

20 Filing books of authorities

**INTERVENTION**

21

**APPEALS IN WRITING (NON-INMATE)**

22 Appellant to file appeal books, transcripts and written  
argument

**INMATE APPEALS—NOTICE OF APPEAL AND APPEAL  
BOOKS**

23 Superintendent to provide inmate notice of appeal

**INMATE APPEALS—EXTENSION OF TIME**

24

**INMATE APPEALS—PRESENCE OF APPELLANT**

25

**INMATE APPEALS—APPEALS IN WRITING**

26 Inmate to be given appeal book and time to prepare argument

**REASONS FOR JUDGMENT**

27

**ABANDONMENT OF APPEALS**

28 Service of notice of abandonment

**RELEASE FROM CUSTODY PENDING APPEAL—  
CONTENTS OF AFFIDAVIT**

29 Contents of applicant's affidavit

**CONDITIONS OF RELEASE**

30

**VARIATION OF BAIL**

31 Judge may vary order

**NOTICE**

32

**TRANSITION**

33

**REVOCATION AND COMMENCEMENT**

34

**FORM 1—NOTICE OF MOTION**

**FORM 2—NOTICE OF MOTION FOR INMATE APPEALS  
AND WHERE MOVING PARTY IS UNREPRESENTED**

**FORM 3—NOTICE OF APPEAL FOR INMATE APPEALS**

**FORM 4—NOTICE OF APPEAL**

**FORM 5—UNDERTAKING**

**FORM 6—APPELLANT’S FACTUM—APPEAL FROM  
SENTENCE ONLY**

**ONT. REG. 723/94—RULES OF THE ONTARIO COURT  
(GENERAL DIVISION) AND THE ONTARIO COURT  
(PROVINCIAL DIVISION) IN APPEALS UNDER  
SECTION 116 OF THE PROVINCIAL OFFENCES ACT**

**DEFINITIONS AND INTERPRETATION**

1 Definitions

**CALCULATION OF TIME**

2 General

**NOTICE BY MAIL**

3

§ 116RA3:1 Case Law

**SUBSTITUTED SERVICE**

4

**SERVICE AND FILING OF NOTICE OF APPEAL**

5 Notice of appeal

§ 116RA5:1 Case Law

xxx

TABLE OF CONTENTS

**APPEAL WHERE FINE IMPOSED**

6

**EXTENSION OR ABRIDGMENT OF TIME**

7 Judge's power

§ 116RA7:1 Case Law

**TRANSCRIPTS**

8 Certificate

**RECOGNIZANCES**

9

**MOTIONS UNDER ACT OF RULES**

10 Notice of motion

**TRANSMISSION OF MATERIAL**

11 S. 115 notice deemed given

**INTERVENTION OF CROWN ATTORNEY**

12

**LISTING OF APPEAL**

13 Appeal list

**DIRECTIONS**

14

**FACTUMS**

15 Where factum not necessary

**APPEAL IN WRITING**

16

**DISMISSAL OF APPEAL**

17

§ 116RA17:1 Case Law

**ABANDONMENT OF APPEALS**

18 Notice of abandonment

**APPEAL RESPECTING RELEASE FROM CUSTODY**

19 Commencing appeal

**OFFICIAL EXAMINATIONS**

20 Definition, “order”

**SPECIAL COMMISSIONER**

21 Appointment

**NOTICE OF DECISION OF COURT**

22

**TRANSITION**

23 Definition, “preceding rules”

**REVOCATION AND COMMENCEMENT**

24

**FORM 1—NOTICE OF APPEAL UNDER SECTION 116  
OF THE *PROVINCIAL OFFENCES ACT***

**FORM 2—CERTIFICATE OF CLERK OF ONTARIO  
COURT (PROVINCIALDIVISION) AS TO TRANSCRIPT  
OF EVIDENCE**

**FORM 3—ORDER FOR RECOGNIZANCE AND  
RECOGNIZANCE UNDER SECTION 110 OF THE  
*PROVINCIAL OFFENCES ACT***

**FORM 4—ORDER FOR RECOGNIZANCE AND  
RECOGNIZANCE UNDER SECTION 111**

**FORM 5—NOTICE OF ABANDONMENT OF APPEAL**

**FORM 6—CERTIFICATE OF OFFICIAL EXAMINER TO  
ONTARIOCOURT (GENERAL DIVISION) OR ONTARIO  
COURT (PROVINCIALDIVISION)**

**ONT. REG. 722/94—RULES OF THE ONTARIO COURT  
(PROVINCIAL DIVISION) IN APPEALS UNDER  
SECTION 135 OF THE PROVINCIAL OFFENCES ACT**

TABLE OF CONTENTS

**DEFINITIONS AND INTERPRETATION**

1 Definitions

**CALCULATION OF TIME**

2 General

**NOTICE BY MAIL**

3

**SUBSTITUTED SERVICE**

4

**APPEAL WHERE FINE IMPOSED**

5

**FILING OF NOTICE OF APPEAL**

6 Notice of appeal

§ 135RA6:1 Case Law

**NOTICE TO CROWN ATTORNEY**

7 Copies to Crown Attorney

**EXTENSION OR ABRIDGMENT OF TIME**

8 Judge's power

§ 135RA8:1 Case Law

**TRANSCRIPTS**

9 Transcript not required

**RECOGNIZANCES**

10

**MOTIONS UNDER ACT OR RULES**

11 Notice of motion

**DIRECTIONS**

12

**DISMISSAL OF APPEAL**

13

**ABANDONMENT OF APPEALS**

14 Notice of abandonment

**NOTICE OF DECISION OF COURT**

15 Notice of decision on appeal  
§ 135RA15:1 Case Law

**TRANSITION**

16 Definition, “preceding rules”

**REVOCATION AND COMMENCEMENT**

17

**FORM 1—NOTICE OF APPEAL UNDER SECTION 135  
OF THE *PROVINCIAL OFFENCES ACT***

**FORM 2—NOTICE OF TIME AND PLACE OF HEARING  
OF APPEAL UNDER SECTION 135 OF THE  
*PROVINCIAL OFFENCES ACT***

**FORM 3—ORDER FOR RECOGNIZANCE AND  
RECOGNIZANCE UNDER SECTION 110 OF THE  
*PROVINCIAL OFFENCES ACT***

**FORM 4—ORDER FOR RECOGNIZANCE AND  
RECOGNIZANCE**

**FORM 5—NOTICE OF ABANDONMENT OF APPEAL**

**ONT. REG. 200—RULES OF THE ONTARIO COURT  
(PROVINCIAL DIVISION) IN PROVINCIAL OFFENCES  
PROCEEDINGS**

1

2

3

4

§ RPOP4:1 Case Law

5

6

7

§ RPOP7:1 Case Law

8

9

## TABLE OF CONTENTS

10	
11	
12	§ RPOP11:1 Case Law
13	
14	§ RPOP12:1 Case Law
15	[Revoked O. Reg. 498/94, s. 8.]
16	
17	§ RPOP13:1 Case Law
18	
19	
20	
21	
22	
23	§ RPOP22:1 Case Law
24	
25	
26	
27	
28	
29	
30	
31	
32	§ RPOP31:1 Case Law
33	
Form 101	Affidavit of Service Upon Defendant
Form 101.1	Application to Justice to Strike Out Conviction (Form 101.1)
Form 102	Affidavit in Support of a Request for Reopening
Form 103	Certificate of Striking Out Conviction
Form 104	Summons to Defendant Under Section 22 of the <i>Provincial Offences Act</i>
Form 105	Information Under Section 23 of the <i>Provincial Offences Act</i>
Form 106	Summons Under Section 24 of the <i>Provincial Offences Act</i>
Form 107	Warrant for Arrest of Defendant Under Section 24 of the <i>Provincial Offences Act</i>

# 2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

Form 108	Notice of Cancellation of Summons Under Section 24 of the <i>Provincial Offences Act</i>
Form 109	Summons to Witness Under Section 39 of the <i>Provincial Offences Act</i>
Form 110	Warrant for Arrest of Witness Under Subsection 40(1) of the <i>Provincial Offences Act</i>
Form 111	Warrant for Arrest of Witness Under Subsection 40(2) of the <i>Provincial Offences Act</i>
Form 112	Recognizance by Witness Under Section 40 of the <i>Provincial Offences Act</i>
Form 113	Warrant for Arrest of Witness Under Subsection 40(10) of the <i>Provincial Offences Act</i>
Form 114	Order for Detention of Witness Under Subsection 40(6) of the <i>Provincial Offences Act</i>
Form 115	Order to Bring a Person Before the Ontario Court (Provincial Division) Under Section 41 of the <i>Provincial Offences Act</i>
Form 116	Certificate of Failure of Defendant to Attend Under Section 42 of the <i>Provincial Offences Act</i>
Form 117	Order to Attend for Examination Under Section 44 of the <i>Provincial Offences Act</i>
Form 118	Warrant to Take Custody of Defendant Under Section 44 of the <i>Provincial Offences Act</i>
Form 119	Certificate of Execution of Warrant
Form 120	Summons to Require Defendant to Attend Hearing in Person Under Section 51 of the <i>Provincial Offences Act</i>
Form 121	Order of Dismissal Under Section 53 of the <i>Provincial Offences Act</i>
Form 122	Summons to Defendant Under Section 54 of the <i>Provincial Offences Act</i>
Form 123	Warrant for Arrest of Defendant Under Section 54 of the <i>Provincial Offences Act</i>
Form 124	Warrant of Committal Under Subsection 63(2) of the <i>Provincial Offences Act</i>
Form 125	Application for Extension of Time to Pay Fine
Form 126	Order Extending Time for Payment
Form 127	Certificate of Default Under Section 68 of the <i>Provincial Offences Act</i>
Form 128	[Revoked O. Reg. 498/94, s. 24.]
Form 129	[Revoked O. Reg. 498/94, s. 24.]
Form 130	[Revoked O. Reg. 498/94, s. 24.]
Form 131	Undertaking to Appear Under the <i>Provincial Offences Act</i>
Form 132	Probation Order Under Section 72 of the <i>Provincial Offences Act</i>
Form 133	Summons Where New Trial Ordered by Appeal Court Under the <i>Provincial Offences Act</i>

## TABLE OF CONTENTS

Form 134	Recognizance Entered Into Before Officer in Charge Under Subsection 149(2) of the <i>Provincial Offences Act</i>
Form 135	Recognizance Under Section 150 of the <i>Provincial Offences Act</i>
Form 136	Order for Detention of Defendant Under Section 150 of the <i>Provincial Offences Act</i>
Form 137	Warrant for Arrest of Defendant Under Section 155 of the <i>Provincial Offences Act</i>
Form 138	Certificate of Arrest Under Section 155 of the <i>Provincial Offences Act</i>
Form 139	Certificate as to Failure to Comply with Condition of Recognizance Under Section 157 of the <i>Provincial Offences Act</i>
Form 140	Information to Obtain Search Warrant Under Section 158 of the <i>Provincial Offences Act</i>
Form 141	Search Warrant Under Section 158 of the <i>Provincial Offences Act</i>
Form 142	Statement Under Section 161 of the <i>Provincial Offences Act</i>
Form 143	Warrant Remanding Person Detained in Custody Under the <i>Provincial Offences Act</i>
Form 144	Order for Judicial Interim Release of Defendant Under the <i>Provincial Offences Act</i>
Form 145	Order for Release of Person Held in Custody Under the <i>Provincial Offences Act</i>
Form 146	General Warrant of Committal Under the <i>Provincial Offences Act</i>
Form 147	Order Under the <i>Provincial Offences Act</i>
Form 148	Recognizance Entered Into by a Non-Resident of Ontario Before Officer in Charge Under Subsection 149(3) of the <i>Provincial Offences Act</i>
Form 149	[Revoked O. Reg. 498/94, s. 24.]
Form 150	Application by a Defendant to Have a Conviction Struck Out
Form 151	Request to Strike Out a Conviction: P.O.A. Part II
Form 152	Application/Affidavit for a Re-Opening Under Section 19(2) of the <i>Provincial Offences Act</i>
Form 153	Order That No Warrant or Summons be Issued

## REGULATIONS UNDER THE *PROVINCIAL OFFENCES ACT*

### ONT. REG. 132/14—CERTIFIED EVIDENCE

- 1 [Repealed O. Reg. 710/20, s. 1.]
- 2 Other types of certified evidence
- 3 Commencement

**R.R.O. 1990, REG. 945—COSTS**

1  
2

§ POAC2:1 Case Law

**ONT. REG. 472/21—DEFECTIVE CERTIFICATE OF  
OFFENCE**

1  
2 Commencement

**ONT. REG. 67/12—ELECTRONIC DOCUMENTS AND  
REMOTE MEETINGS**

**ELECTRONIC DOCUMENTS**

1 Definitions  
2 Electronic signing  
3 Electronic filing  
4 Electronic delivery  
5 Timing of filing or delivery  
6 Use and retention of electronic documents

**[HEADING REPEALED O. REG. 673/20, S. 1.]**

7 [Repealed O. Reg. 673/20, s. 1.]  
7.1 [Repealed O. Reg. 673/20, s. 1.]  
8 [Repealed O. Reg. 673/20, s. 1.]  
9 [Repealed O. Reg. 673/20, s. 1.]  
10 [Repealed O. Reg. 673/20, s. 1.]

**R.R.O. 1990, REG. 946—EXTENSIONS OF PRESCRIBED  
TIMES**

1  
§ EPT1:1 Case Law

**ONT. REG. 679/92—FEE FOR LATE PAYMENT OF  
FINES**

1 Fee for late payment of fines  
§ FLPF1:1 Case Law  
2

**ONT. REG. 108/11—FORMS**

1 Forms

## TABLE OF CONTENTS

### **PROCEEDINGS COMMENCED BY CERTIFICATE OF OFFENCE (PART I OF THE ACT)**

- 2 Certificate of offence
- 3 Offence notice
- 4 Summons under Part I of Act
- 4.1 Early resolution meeting notice (in person)
- 4.2 Early resolution meeting notice (electronic method)
- 4.3 Early resolution outcome form (joint submission)
- 5 Notice of intention to appear
- 6 Notice of trial under Part I of Act
- 7 Certificate of striking out conviction
- 8 Notice of fine and due date

### **PARKING INFRACTIONS (PART II OF THE ACT)**

- 9 Certificate of parking infraction
- 10 Parking infraction notice
- 11 Information set out in certificate or notice
- 12 Notice of intention to appear
- 13 Notice of trial under Part II of Act
- 14 Notice of impending conviction, certificate requesting a conviction
- 15 Notice of fine
- 16 Amendments
  - § POAF16:1 Commentary

### **TABLE OF FORMS**

- Form 1 Certificate of Offence
- Form 2 Red Light Camera System Certificate of Offence
- Form 2.1 Fail to Stop for a School Bus—Owner Liability Certificate of Offence
- Form 2.2 Automated Speed Enforcement System Certificate of Offence
- Form 3 Offence Notice
- Form 4 Offence Notice
- Form 5 Red Light Camera System Offence Notice
- Form 5.1 Fail to Stop for a School Bus—Owner Liability Offence Notice
- Form 5.2 Automated Speed Enforcement System Offence Notice
- Form 6 Red Light Camera System Offence Notice
- Form 6.1 Fail to Stop for a School Bus—Owner Liability Offence Notice
- Form 6.2 Automated Speed Enforcement System Offence Notice
- Form 7 Summons
- Form 7.1 Early Resolution Meeting Notice (In Person)
- Form 7.2 Early Resolution Meeting Notice (by electronic method)

2023 ANNOTATED ONTARIO PROVINCIAL OFFENCES ACT

Form 7.3	Early Resolution Outcome
Form 8	Notice of Intention to Appear
Form 9	Notice of Trial
Form 10	Notice of Fine and Due Date
Form 10.1	Municipal By-Law Parking Infraction—Notice of Fine
Form 10.2	[Repealed O. Reg. 383/19, s. 2(2).]
Form 10.3	[Repealed O. Reg. 383/19, s. 2(2).]
Form 11	Certificate of Parking Infraction
Form 12	Parking Infraction Notice
Form 13	Parking Infraction Notice
Form 14	Notice of Impending Conviction
Form 15	Notice of Impending Conviction
Form 16	Certificate Requesting Conviction Under Section 18.2 of the <i>Provincial Offences Act</i>
Form 17	[Repealed (November 2, 2011).]

**R.R.O. 1990, REG. 949—PARKING INFRACTIONS**

1	[Repealed O. Reg. 107/11, s. 1.]
2	[Repealed O. Reg. 107/11, s. 1.]
3	[Repealed O. Reg. 107/11, s. 1.]
4	[Repealed O. Reg. 107/11, s. 1.]
5	[Repealed O. Reg. 107/11, s. 1.]
6	[Repealed O. Reg. 107/11, s. 1.]
7	[Repealed O. Reg. 107/11, s. 1.]
8	[Repealed O. Reg. 107/11, s. 1.]
9	
10	
11	
12	
12.1	
13	
14	
15	
16	[Repealed O. Reg. 66/12, s. 6.]
17	
18	

**R.R.O. 1990, REG. 950—PROCEEDINGS COMMENCED  
BY CERTIFICATE OF OFFENCE**

1	[Repealed O. Reg. 106/11, s. 1.]
2	[Repealed O. Reg. 106/11, s. 1.]
3	[Repealed O. Reg. 106/11, s. 1.]
4	[Repealed O. Reg. 106/11, s. 1.]
4.1	[Repealed O. Reg. 106/11, s. 1.]
4.2	[Repealed O. Reg. 106/11, s. 1.]

## TABLE OF CONTENTS

- 4.3 [Repealed O. Reg. 106/11, s. 1.]
- 4.3.1 [Repealed O. Reg. 106/11, s. 1.]
- 4.4
- 4.5 [Repealed O. Reg. 68/12, s. 1.]
- 5
  - § PCCO5:1 Commentary
  - § PCCO5:2 Case Law
- 6
- 7 [Revoked O. Reg. 682/92, s. 1.]

## **ONT. REG. 475/21—SERVICE OF SUMMONS**

- 1 Additional methods of service
- 2 Registered mail
- 3 Courier
- 4 Email
- 5 To a representative
- 6 Commencement

## **ONT. REG. 161/00—VICTIM FINE SURCHARGES**

- 1
- 2
- 3

## **ONT. REG. 277/99—RED LIGHT CAMERA SYSTEM EVIDENCE**

## **DEFINITIONS AND APPLICATION**

- 1
- 1.1 [Repealed O. Reg. 399/19, s. 1.]
- 2

## **INFORMATION ON PHOTOGRAPHS**

- 3
- 3.1 [Repealed O. Reg. 317/20, s. 2.]
- 3.2
- 3.3

## **SERVICE OF OFFENCE NOTICE**

- 4

## **CERTIFICATE STRIKING OUT A CONVICTION**

- 5
- 6

**ONT. REG. 158/03—CERTIFICATION OF RECORDINGS  
AND TRANSCRIPTS**

- 1 Application
- 2 Definitions
- 3 Certification of recordings
- 4 Certification of transcripts
- 5 Forms

**TABLE OF FORMS**

- Form 1 Certificate of Recording (Subsection 5(1))  
Form 2 Certificate of Transcript (Subsection 5(2))  
Form 3 Electronic Certificate of Transcript (Subsection 5(2))

**ONT. REG. 431/20—ADMINISTERING OATH OR  
DECLARATION REMOTELY**

- 1 Remote administering of oath, declaration permitted
- 2 Records
- 3 Commencement

**APPENDIX**

Appendix TC. Table of Concordance

**Table of Cases**

**Index**