

## Table of Contents

### PROVINCIAL OFFENCES ACT

#### INTERPRETATION

1	Definitions . . . . .	POA-9
2	Purpose of Act . . . . .	POA-10
<b>PART I — COMMENCEMENT OF PROCEEDINGS BY CERTIFICATE OF OFFENCE (SS. 3–13)</b>		
3	Certificate of offence . . . . .	POA-11
4	Filing of certificate of offence . . . . .	POA-11
5	Having a trial . . . . .	POA-12
5.1	Availability of meeting procedure . . . . .	POA-13
7	Plea of guilty with submissions . . . . .	POA-14
8	Payment out of court . . . . .	POA-15
9	Deemed not to dispute charge . . . . .	POA-15
9.1	Failure to appear at trial . . . . .	POA-16
10	Signature on notice . . . . .	POA-16
11	Reopening . . . . .	POA-16
11.1	Error by municipality . . . . .	POA-17
12	Penalty . . . . .	POA-17
13	Regulations . . . . .	POA-18
<b>PART II — COMMENCEMENT OF PROCEEDINGS FOR PARKING INFRACTIONS (SS. 14–20)</b>		
14	Definition . . . . .	POA-18
14.1	Proceeding, parking infraction . . . . .	POA-19
15	Notice issued . . . . .	POA-19
16	Payment out of court . . . . .	POA-19
17	Intention to appear . . . . .	POA-19
17.1	Application . . . . .	POA-20
18	Failure to respond . . . . .	POA-21
18.1	Intention to appear . . . . .	POA-22
18.1.1	Application . . . . .	POA-22
18.2	No response to impending conviction notice . . . . .	POA-23
18.3	Application where ticket defective . . . . .	POA-24
18.4	Failure to appear at trial . . . . .	POA-24
18.5	Error by municipality . . . . .	POA-25
18.6	Authority to collect parking fines . . . . .	POA-25
19	Reopening . . . . .	POA-26
20	Regulations . . . . .	POA-26
<b>PART III — COMMENCEMENT OF PROCEEDING BY INFORMATION (SS. 21–27)</b>		
21	Commencement of proceeding by information . . . . .	POA-27
22	Summons before information laid . . . . .	POA-27

## Table of Contents

23	Information . . . . .	POA-27
24	Procedure on laying of information . . . . .	POA-28
25	Counts . . . . .	POA-28
26	Summons . . . . .	POA-29
27	Contents of warrant . . . . .	POA-30

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

#### *Trial*

28	Application of Part . . . . .	POA-31
29	Territorial jurisdiction . . . . .	POA-31
30	Justice presiding at trial . . . . .	POA-32
31	Retention of jurisdiction . . . . .	POA-32
32	Stay of proceeding . . . . .	POA-32
33	Dividing counts . . . . .	POA-33
34	Amendment of information or certificate . . . . .	POA-33
35	Particulars . . . . .	POA-34
36	Motion to quash information or certificate . . . . .	POA-34
37	Costs on amendment or particulars . . . . .	POA-34
38	Joinder of counts or defendants . . . . .	POA-34
39	Issuance of summons . . . . .	POA-34
40	Arrest of witness . . . . .	POA-35
41	Order for person in a prison to attend . . . . .	POA-36
42	Penalty for failure to attend . . . . .	POA-36
43	Order for evidence by commission . . . . .	POA-36
44	Trial of issue as to capacity to conduct defence . . . . .	POA-37
45	Taking of plea . . . . .	POA-38
45.1	Judicial pre-trial conferences . . . . .	POA-38
46	Trial on plea of not guilty . . . . .	POA-39
47	Evidence taken on another charge . . . . .	POA-39
48	Exhibits . . . . .	POA-39
48.1	Certified evidence . . . . .	POA-39
49	Adjournments . . . . .	POA-40
50	Appearance by defendant . . . . .	POA-41
51	Compelling attendance of defendant . . . . .	POA-41
52	Excluding defendant from hearing . . . . .	POA-41
53	Failure of prosecutor to appear . . . . .	POA-42
54	Conviction in the absence of the defendant . . . . .	POA-42
55	Included offences . . . . .	POA-42

#### *Sentencing*

56	Pre-sentence report . . . . .	POA-42
57	Submissions as to sentence . . . . .	POA-43
58	Time spent in custody considered . . . . .	POA-43
59	Provision for minimum penalty . . . . .	POA-43
60	Fixed costs on conviction . . . . .	POA-43
60.1	Surcharge . . . . .	POA-44
61	General penalty . . . . .	POA-44
62	Minute of conviction . . . . .	POA-44
63	Time when imprisonment starts . . . . .	POA-44
64	Sentences consecutive . . . . .	POA-45

## Table of Contents

65	Authority of warrant . . . . .	POA-45
66	When fine due . . . . .	POA-45
66.0.1	Application for extension . . . . .	POA-45
66.1	Defendant’s address . . . . .	POA-46
66.2	Fee for refused cheque collectable as a fine . . . . .	POA-46
67	Regulation for work credits for fines . . . . .	POA-46
68	Civil enforcement of fines . . . . .	POA-46
69	Default . . . . .	POA-47
69.1	Disclosure to consumer reporting agency . . . . .	POA-49
69.2	[Proposed] Order of payment for multiple fines in default . . . . .	POA-49
70	Fee where fine in default . . . . .	POA-50
70.1	Collection agency costs payable . . . . .	POA-50
71	Suspension of fine on conditions . . . . .	POA-50
72	Probation order . . . . .	POA-51
73	When order comes into force . . . . .	POA-52
74	Variation of probation order . . . . .	POA-52
75	Breach of probation order . . . . .	POA-52
<b>PART V — GENERAL PROVISIONS (SS. 76–92)</b>		
76	Limitation . . . . .	POA-53
76.1	Electronic court documents . . . . .	POA-53
77	Parties to offence . . . . .	POA-54
78	Counselling . . . . .	POA-54
79	Computation of age . . . . .	POA-54
80	Common law defences . . . . .	POA-54
81	Ignorance of the law . . . . .	POA-54
82	Representation . . . . .	POA-54
83	Recording of evidence . . . . .	POA-54
83.1	Participation in proceedings by electronic method . . . . .	POA-55
84	Interpreters . . . . .	POA-56
85	Extension of time . . . . .	POA-56
86	Penalty for false statements . . . . .	POA-56
87	Delivery . . . . .	POA-56
88	Civil remedies preserved . . . . .	POA-57
89	Process on holidays . . . . .	POA-57
90	Irregularities in form . . . . .	POA-57
91	Contempt . . . . .	POA-57
91.1	Set fines . . . . .	POA-58
92	Regulations . . . . .	POA-58
<b>PART VI — YOUNG PERSONS (SS. 93–108)</b>		
93	Definitions . . . . .	POA-59
94	Minimum age . . . . .	POA-59
95	Offence notice not to be used . . . . .	POA-59
96	Notice to parent . . . . .	POA-59
97	Sentence where proceeding commenced by certificate . . . . .	POA-60
98	Young person to be present at trial . . . . .	POA-60
99	Identity of young person not to be published . . . . .	POA-60
100	Pre-sentence report . . . . .	POA-61
101	Penalties limited . . . . .	POA-61

Table of Contents

102	No imprisonment for non-payment of fine . . . . .	POA-62
103	Open custody . . . . .	POA-62
104	Evidence of young person’s age . . . . .	POA-62
105	Appeal . . . . .	POA-62
106	Arrest without warrant limited . . . . .	POA-62
107	s. 149 does not apply . . . . .	POA-62
108	Functions of a justice of peace limited . . . . .	POA-63
<b>PART VII — APPEALS AND REVIEW (SS. 109–142)</b>		
109	Definitions . . . . .	POA-63
110	Custody pending appeal . . . . .	POA-64
111	Payment of fine before appeal . . . . .	POA-64
112	Stay . . . . .	POA-64
113	Fixing of date where appellant in custody . . . . .	POA-64
114	Payment of fine not waiver . . . . .	POA-64
115	Transmittal of material . . . . .	POA-64
<b>Appeals Under Part III</b>		
116	Appeals, proceedings commenced by information . . . . .	POA-65
117	Powers of court . . . . .	POA-65
118	Right to representation . . . . .	POA-66
119	Written argument . . . . .	POA-66
120	Powers on appeal against conviction . . . . .	POA-66
121	Powers on appeal against acquittal . . . . .	POA-67
122	Appeal against sentence . . . . .	POA-67
123	One sentence on more than one count . . . . .	POA-67
124	Appeal based on defect in information or process . . . . .	POA-67
125	Additional orders . . . . .	POA-67
126	New trial . . . . .	POA-67
127	Appeal by way of new trial . . . . .	POA-68
128	Dismissal or abandonment . . . . .	POA-68
129	Costs . . . . .	POA-68
130	Implementation of appeal court order . . . . .	POA-69
131	Appeal to Court of Appeal . . . . .	POA-69
132	Custody pending appeal . . . . .	POA-69
133	Transfer of record . . . . .	POA-69
34	Application of ss. 114, 117–126, 128(b), 129 . . . . .	POA-69
<b>Appeals Under Parts I and II</b>		
135	Appeal . . . . .	POA-69
136	Conduct of appeal . . . . .	POA-70
137	Dismissal on abandonment . . . . .	POA-70
138	Powers of court on appeal . . . . .	POA-70
139	Appeal to Court of Appeal . . . . .	POA-71
<b>Review</b>		
140	Application for relief in nature of mandamus, prohibition, certiorari . . . . .	POA-71
141	Notice re certiorari . . . . .	POA-71
142	Application for <i>habeas corpus</i> . . . . .	POA-72

Table of Contents

<b>PART VIII — ARREST, BAIL AND SEARCH WARRANTS (SS. 143–160)</b>	
<b><i>Arrest</i></b>	
143	Officer in charge . . . . . POA-72
144	Execution of warrant . . . . . POA-72
145	Arrest without warrant . . . . . POA-73
146	Use of force . . . . . POA-73
147	Immunity from civil liability . . . . . POA-73
148	Production of process . . . . . POA-73
<b><i>Bail</i></b>	
149	Release after arrest by officer . . . . . POA-73
150	Person in custody to be brought before justice . . . . . POA-74
151	Expediting trial of person in custody . . . . . POA-75
152	Appeal . . . . . POA-75
153	Appointment of agent for appearance . . . . . POA-75
154	Recognizance binds for all appearances . . . . . POA-75
155	Motion by surety to be relieved . . . . . POA-76
156	Delivery of defendant by surety . . . . . POA-76
157	Certificate of default . . . . . POA-76
<b><i>Search Warrants</i></b>	
158	Search warrant . . . . . POA-77
158.1	Electronic warrants . . . . . POA-77
158.2	Duty of person who carries out seizure . . . . . POA-79
159	Order of justice re things seized . . . . . POA-80
160	Examination or seizure of documents where privilege claimed . . . . . POA-80
<b>PART IX — ORDERS ON APPLICATION UNDER STATUTES (S. 161)</b>	
161	Orders under statutes . . . . . POA-81
<b>PART X — AGREEMENTS WITH MUNICIPALITIES CONCERNING ADMINISTRATIVE FUNCTIONS AND PROSECUTIONS (SS. 161.1–176)</b>	
161.1	Definition . . . . . POA-82
162	Agreements . . . . . POA-82
163	Area of application . . . . . POA-82
164	Deposit with clerk . . . . . POA-82
165	Collection and enforcement . . . . . POA-83
165.1	Definition . . . . . POA-84
166	Fines imposed before effective date . . . . . POA-85
167	Special rules . . . . . POA-84
168	Right to intervene . . . . . POA-85
169	No agency . . . . . POA-85
170	Protection from personal liability . . . . . POA-85
171	Order for compliance . . . . . POA-85
172	Review committee . . . . . POA-86
173	Transition, Part III proceedings . . . . . POA-86
174	Regulations . . . . . POA-86
174.1	Municipal powers . . . . . POA-86
175	Delegation . . . . . POA-87
176	Group of municipalities . . . . . POA-87

Table of Contents

**721/94 — RULES OF THE COURT OF APPEAL IN APPEALS UNDER THE  
PROVINCIAL OFFENCES ACT . . . . . POA-89**

**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 . . . . .  
..... POA-117**

**722/94 — RULES OF THE ONTARIO COURT (PROVINCIAL DIVISION) IN  
APPEALS UNDER SECTION 135 OF THE PROVINCIAL OFFENCES ACT  
..... POA-132**

**200 — RULES OF THE ONTARIO COURT (PROVINCIAL DIVISION) IN  
PROVINCIAL OFFENCES PROCEEDINGS . . . . POA-142**

**53/01 — BILINGUAL PROCEEDINGS . . . . . POA-194**

**132/14 — CERTIFIED EVIDENCE . . . . . POA-199**

**945 — COSTS . . . . . POA-199**

**472/21 — DEFECTIVE CERTIFICATE OF OFFENCE . . . POA-  
200**

**67/12 — ELECTRONIC DOCUMENTS AND REMOTE MEETINGS . . . .  
..... POA-201**

**946 — EXTENSIONS OF PRESCRIBED TIMES . . . POA-203**

Table of Contents

**679/92 — FEE FOR LATE PAYMENT OF FINES . . . . . POA-203**  
.....

**108/11 — FORMS . . . . . POA-204**

**949 — PARKING INFRACTIONS . . . . . POA-253**

**950 — PROCEEDINGS COMMENCED BY CERTIFICATE OF OFFENCE**  
..... **POA-263**

**475/21 — SERVICE OF SUMMONS . . . . . POA-669**

**161/00 — VICTIM FINE SURCHARGES . . . . . POA-671**

