

## **COMMITTEE OF THE WHOLE - APRIL 30, 2007**

### **JUSTICES OF THE PEACE – CENTRAL EAST REGION**

#### **Recommendation**

The Commissioner of Legal and Administrative Services & City Solicitor recommends:

That Council adopt a Resolution urging the Attorney General to reconsider York Regional Council's earlier request for the appointment of Justices of the Peace; and,

That such Resolution be forwarded to the Attorney General and other municipalities in York Region.

#### **Economic Impact**

N/A

#### **Communications Plan**

The ongoing efforts by Vaughan and other area municipalities to encourage the Attorney General to appoint more Justices of the Peace should be marketed through media statements and the City of Vaughan website.

#### **Purpose**

This report is to provide information related to the impact the shortage of Justices of the Peace has on the City of Vaughan.

#### **Background - Analysis and Options**

As a result of an ongoing shortage of Justices of the Peace in York Region and the negative impacts on the area municipalities, York Region Council, on March 23, 2005, by Resolution, requested that the Attorney General immediately appoint 11 new Justices of the Peace for the Central East Region.

Despite the Resolution, the York Region Courts did not receive any of the 9 Justices of the Peace appointed in 2006.

On February 27, 2007, the Town of Markham passed a similar Resolution.

The resulting impact of the Justices of the Peace shortage on the City of Vaughan is a significantly diminished service level from the courts. In 2006, approximately 60 cases had to be withdrawn or re-summonsed. This resulted in loss of staff time and fine revenue, as well as negatively impacting service to the public. In addition, the resultant backlog now adds many months delay to trial times.

The lack of Justices of the Peace also resulted in approximately 65 days in 2006 where no "intake" Justice was available. This means that informations on new charges could not be sworn or summonses issued. This further delays bringing matters to court and potentially prolongs bringing violations into compliance.

In addition to the days that no intake Justice was available, the courts were closed for an additional 60 days in 2006 due to Justices' holidays, training, and sick time.

The situation in 2007 continues to deteriorate. The court schedule for 2007 indicates that the courts will be closed for 61 days. Examples of the closures are: 5 days for March break, 4 days in late April and 4 days in early May for a "spring seminar", 5 out of 6 weeks from late July to the end of August for vacations, and 4 days in late September and 4 days in early October for a "fall seminar". This will result in an excessive backlog of cases to be heard, potentially threatening the procedures due to the length of time it takes to bring matters to trial.

These 61 days do not include days that may be lost due to illness or other unforeseen problems. This equates to the courts being closed for approximately 24% of the available time.

Due to growth in the Region since 2005, the number of Justices of the Peace now required in Central East Region is 14. Without these Justices of the Peace, constituents will have to wait an inordinate amount of time for resolution of matters before the court; not have access to Justices of the Peace for other business at the courts and have the perception that the City is not acting in a timely manner to address their concerns.

It is critical that the public, enforcement, and legal communities have access to a court system that operates efficiently and effectively.

### **Relationship to Vaughan Vision 2007**

This report is in keeping with the Vaughan Vision as it speaks to service excellence.

### **Regional Implications**

The Region of York operates the Provincial Courts on behalf of the municipalities and would be supported by a resolution to increase the number of Justices of the Peace.

### **Conclusion**

The Courts in the Central East Region are operating far below the required complement of Justices of the Peace. The resulting negative impact on the residents and staff of the City of Vaughan is unacceptable. It is appropriate to pass and circulate a Resolution demanding more Justices of the Peace be appointed and assigned to York Region.

### **Attachments**

1. Copy of the Town of Markham's Resolution of February 27, 2007
2. Proposed City of Vaughan Resolution

### **Report prepared by:**

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Respectfully submitted,

Janice Atwood-Petkovski  
Commissioner of Legal & Administrative Services  
& City Solicitor



**EXCERPT CONTAINING ITEM #005a OF THE COUNCIL COMMITTEE (February 27, 07)**

**(1) JUSTICES OF THE PEACE FOR CENTRAL EAST REGION (13.2)**

Whereas on March 23<sup>rd</sup>, 2005, by resolution in March 2005, York Regional Council requested that the Attorney General immediately appoint 11 new Justices of the Peace for the Central East Region;

And Whereas despite the March 23<sup>rd</sup> resolution, York Region did not receive any of the additional nine Justices of the Peace appointed in 2006;

And Whereas now in 2007 because of the growth in the Region and retirements, the number of new Justices of the Peace required for York Central Region is 14;

And Whereas the possibility of the Justice of the Peace not being present is leading to more individuals choosing to go to court in hopes of avoiding a conviction;

And Whereas the Town of Markham in 2006 experienced over 140 cases that were either withdrawn or had to be re-summonsed, resulting in a loss of approximately 485 staff resource hours;

And Whereas the courts were closed 60 days in 2006 due to Justices' holidays, courses and sick time which resulted in the inability to process an additional 120 parking tickets issued due to no available court time, representing approximately 240 staff resource hours;

Now Therefore, be it resolved that Markham Council strongly urge the Attorney General to re-consider York Regional Council's earlier request for the appointment of additional Justices of the Peace to service Central East Region and immediately appoint an additional 14 Justices of the Peace.

CARRIED

**CITY OF VAUGHAN**

**PROPOSED COUNCIL RESOLUTION**

**JUSTICES OF THE PEACE FOR CENTRAL EAST REGION**

Whereas on March 23<sup>rd</sup>, 2005, by resolution in March 2005, York Regional Council requested that the Attorney General immediately appoint 11 new Justices of the Peace for the Central East Region;

And Whereas despite the March 23<sup>rd</sup> resolution, York Region did not receive any of the additional nine Justices of the Peace appointed in 2006;

And Whereas now in 2007 because of the growth in the Region and retirements, the number of new Justices of the Peace required for York Central Region is 14;

And Whereas the possibility of the Justice of the Peace not being present is leading to more individuals choosing to go to court in hopes of avoiding a conviction;

And Whereas the courts were closed for 60 days in 2006 due to Justices' holidays, courses and sick time which resulted in diminished available court time;

And Whereas the City of Vaughan in 2006 was impacted by the shortage of Justices of the Peace and court time by having approximately 60 cases either withdrawn or re-summonsed, resulting in a significant loss of staff resource hours;

Now Therefore, be it resolved that Vaughan Council strongly urge the Attorney General to re-consider York Regional Council's earlier request for the appointment of additional Justices of the Peace to service Central East Region and immediately appoint an additional 14 Justices of the Peace.