

Hello everyone,

Per the order of the Chief Justice of Ontario, all in-person *Provincial Offences Act* ["POA"] matters scheduled until January 22, 2021 will be rescheduled.

The number of people who may be present in the courthouse and in the courtroom remains restricted in order to comply with health and safety precautions and maintain safe physical distancing to prevent the spread of COVID-19.

Until further notice, appearances for guilty pleas, early resolutions, withdrawal of charges, judgment delivery and judicial pre-trials will be by remote appearance (audioconference) only at the Durham POA Court.

Guilty plea Matters

1. This process is available for all Part I Certificate(s) of Offence in which, after resolution discussions between the defence and the prosecution, the defendant wishes to enter a plea of guilty to the charge or an amended charge.
2. This process is available for all Part III Proceedings by Information(s) in which, after resolution discussions between the defence and the prosecution, the defendant wishes to enter a plea of guilty to the charge or an amended charge.
3. This process is also available for all Part II Proceedings which are not subject to administrative monetary penalties (Parking Infraction Notice) and in which, after resolution discussions between the defence and the prosecution, the defendant wishes to enter a plea of guilty to the charge.

Early Resolution Matters

1. This process is available for all Part I Certificate(s) of Offences in which the defendant has requested to have his or her early resolution meeting conducted by electronic method; or
2. This process is available for all Part I Certificate(s) of Offences in which the defendant originally chose the early resolution option but will now be changed to early resolution by electronic method upon notification by the court office; or
3. This process is also available for all Part I Certificate(s) of Offences in which the defendant originally chose the early resolution option; an early resolution meeting has taken place and the matter was marked for trial, but subsequently there has been a resolution reached between the prosecutor and the defendant to bring the matter before the Court for a guilty plea.

Judicial Pre-trial Matters

1. It is available for all matters that were scheduled for judicial pre-trials after March 16th, 2020.

Judgment Delivery

1. This refers to matters in which all the evidence and submissions have been completed prior to March 16, 2020. What remains is judgment delivery and, if appropriate, sentencing.

PROSECUTORS, PLEASE NOTE THE FOLLOWING: (Part I, Part II and Part III Prosecutors)

In order to assist us with facilitating our limited court time, we are requesting prosecutors to review all your matters and **advise us of the following asap** as we plan to schedule on a first-come, first-served basis:

1. which resolved ER matters are ready to be re-issued notices – include defendant's name and file number(s)
2. which unresolved ER matters are ready to be re-issued notices – include defendant's name and file number(s)
3. which matters can be added to a withdrawal list – include defendant's name and file number(s). The onus is on the prosecution to communicate the status of these matters to the defendants to advise them of such.
4. how many matters you have for guilty pleas (non-ER matters)
5. any outstanding pre-trial matters waiting to be set – include defendant's name and file number(s)
6. any outstanding matters awaiting judgment delivery – include defendant's name and file number (s)

Upon receipt of this information, you will be assigned to a date/tier time.

Upon receipt of your assigned date/tier, you will need to advise Courts Administration of all **guilty plea** matters (#4 in the above list) to be added to your assigned tier(s). It is imperative that you advise the courts well in advance if you will not be utilizing your assigned tier so that it may be re-assigned.

For all remote matters, **the prosecutor will be required to attend the court building (crrm #103 interview room) to access the telephone line.** Further details regarding entering/accessing the building will be provided at a later date.

DEFENCE COMMUNITY PLEASE NOTE THE FOLLOWING: (Defendants, Defence Agents, Defence Counsel)

To the defence community, if you have any matters to be resolved, please reach out to your respective prosecutor(s) to discuss resolutions.

Please feel free to reach out to us if you have any questions. For Notices and Info about Provincial Offences Act Proceedings, please click [here](#).

Please feel free to share with colleagues I may have missed.
Thank you and stay safe,
Tanya

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Regional Municipality of Durham | Corporate Services – Legal Services –POA Court Services

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