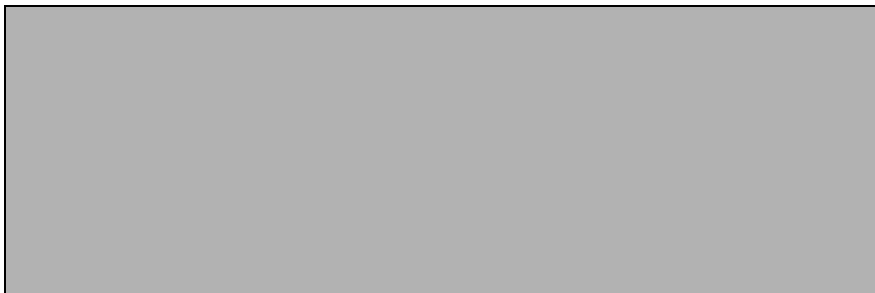




Target Group:
Fire Services

Commencing Proceedings Under Part I
of the *Provincial Offences Act*



June 2009

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GUIDELINE

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June 2009
OFM Section: Fire Safety Standards at (416) 325-3100

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Abstract

Assistants to the Fire Marshal have been appointed as provincial offences officers with limited authority under the *Provincial Offences Act*. This designation authorizes them to commence proceedings under Part I of the *Provincial Offences Act* for offences under the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 for non-compliance with the Ontario Fire Code (O. Reg. 213/07) for which short form wording and set fines have been established.

This guideline is intended to assist these provincial offences officers by providing a step-by-step process to follow while initiating a proceeding.

1.0 SCOPE

Only offences which have approved set fines can be commenced by Certificate of Offence in a Part I proceeding. Articles 2.13.2.1., and 6.3.3.2. through 6.3.3.5. of Division B of the Ontario Fire Code may be enforced under Part I of the *Provincial Offences Act* by a provincial offences officer. A set fine of \$195.00 has been prescribed by the Chief Judge, Provincial Division for each of these offences. Alternatively, anyone can institute a proceeding for these violations under Part III of the *Provincial Offences Act* by swearing an information. Set fines can be found at www.ontariocourts.on.ca.

This guideline will assist a provincial offences officer in initiating a proceeding under Part I of the *Provincial Offences Act*. The guideline provides a variety of steps that may be taken depending upon the circumstances (i.e. issuing an offence notice or summons on the offence date, after the offence date, on a corporation, on a person, etc.).

2.0 BACKGROUND

Article 2.13.2.1. of Division B of the Fire Code requires the installation of smoke alarms in all dwelling units, with the exception of dwelling units constructed under the Building Code and dwelling units regulated under Part 9 of Division B of the Fire Code.

Article 6.3.3.2. of Division B requires that the owner of the property or the landlord (in the case of a rental dwelling unit including a dwelling unit regulated under Section 9.8 of Division B under Article 6.3.3.2 (2) maintain smoke alarms in operating condition. Article 6.3.3.3. of Division B requires that the landlord provide a copy of the smoke alarm manufacturers' maintenance instructions or approved alternative to the occupant of each rental dwelling unit, including the occupant in a dwelling unit regulated under Section 9.8 of Division B. Article 6.3.3.4. of Division B prohibits anyone from intentionally disabling a smoke alarm. Article 6.3.3.5. of Division B ensures that when smoke alarms are replaced, the installation shall not reduce the level of detection originally required at the time of construction (under the Building Code) or the level prescribed by municipal by-laws in effect before this Section of Division B of the Fire Code came into force.

Prosecution for each of these offences can be initiated by a provincial offences officer under Part I of the *Provincial Offences Act*.

Persons designated as an inspector under the provisions of the *Fire Protection and Prevention Act* (FPPA) must be familiar with their authority and limits of their authority as outlined under the FPPA. Before proceeding further, you should review in detail Section 15 and Parts VI through VIII of the FPPA.

The Office of the Fire Marshal has developed this guideline to assist fire departments in meeting their inspection and enforcement responsibilities. The guideline is not a complete reference for all fire safety and Code enforcement issues. If you require further information or assistance, please contact the appropriate Regional Office of the Fire Marshal and your legal adviser(s).

For guidance on matters relating to fire safety inspection practices and enforcement refer to your department's operational guidelines and the following Office of the Fire Marshals technical guidelines.

- Fire Safety Enforcement
- Orders, Orders to Close and Immediate Threat to Life
- Obtaining an Entry Warrant Under the FPPA

These technical guidelines can be accessed at
<http://www.ofm.gov.on.ca/english/Publications/Guidelines/default.asp>.

3.0 PROVINCIAL OFFENCES OFFICERS

3.1 Appointment

A provincial offences officer is defined in Section 1 of the *Provincial Offences Act* as a police officer or any other person designated as a provincial offences officer by "a (cabinet) minister".

The Solicitor General and Minister of Correctional Services has appointed every Assistant to the Fire Marshal who has been designated under the FPPA as a provincial offences officer for the purposes of all offences under the FPPA and the Fire Code (O. Reg. 213/07) which are commenced under Part I of the *Provincial Offences Act*. Please refer to Appendix A for a replica of the designation letter.

3.2 Limitations of Appointment

The appointment of every Assistant to the Fire Marshal as a provincial offences officer is limited by the appointment to initiating an offence under Part I of the *Provincial Offences Act* (i.e. this appointment does not provide authority to serve a summons under Part III of the *Provincial Offences Act*).

4.0 COMMENCING A PROCEEDING UNDER PART I

4.1 The Offences and Penalty

Fire Code Short Form Wording, Set Fine, and Victim Fine Surcharge

Schedule 17.4 Regulation 213/07 under the <i>Fire Protection and Prevention Act, 1997</i>			SET FINE
ITEM	COLUMN 1	COLUMN 2 SECTION	
1.	Fail to install smoke alarm as required	Article 2.13.2.1. of Division B	\$195.00

Schedule 17.4 Regulation 213/07 under the <i>Fire Protection and Prevention Act, 1997</i>			SET FINE
ITEM	COLUMN 1	COLUMN 2 SECTION	
2.	Fail to maintain smoke alarm in operating condition	Article 6.3.3.2. of Division B	\$195.00
3.	Fail to provide smoke alarm maintenance instructions to occupant	Article 6.3.3.3. of Division B	\$195.00
4.	Intentionally disable smoke alarm to make it inoperable	Article 6.3.3.4. of Division B	\$195.00
5.	Replace smoke alarm with reduced level of detection	Article 6.3.3.5. of Division B	\$195.00

Short form wording used to describe violations under the Fire Code, Ontario Regulation 213/07 are outlined in Schedule 17.4 of R.R.O 1990, Reg. 950. This schedule and the corresponding set fines are consolidated in the table above for ease of reference.

The short form wording listed in the table must be used when describing the contravention.

The total payable amount shown in the Certificate of Offence actually consists of three separate amounts, namely:

- **Set fine**, (www.ontariocourts.on.ca)
- **Costs** (currently \$5 fee) *Provincial Offences Act*, O. Reg. 945, and
- **Victim fine surcharge**. The Victim Fine surcharge is \$35.00 for a set fine ranging between \$151 and \$200 (O. Reg. 161/2000, Table).

The approved Certificate of Offence Form 1 can be found at *Provincial Offences Act*, O. Reg. 950.

All Ontario Statutes and Regulations can be found at <http://www.e-laws.gov.on.ca>.

4.2. Commencing A Proceeding

WHEN: "A Provincial Offences Officer who believes that one or more persons have committed an offence..."

HOW: ...may issue, by completing and signing, a certificate of offence certifying that an offence has been committed **AND**
a) an offence notice, **OR**
b) a summons" (**Refer to Section 5.0 of the guideline "Issuing A Summons"**)

An example of a completed certificate of offence notice appears in Appendix B.

4.3 Completing The Certificate Of Offence And Offence Notice Or Summons

- a. If not completed properly, it may be a nullity (i.e. something invalid, without legal force) and may be quashed by the court.
- b. Defects that may render it a nullity include:
 - no informant's name,
 - no date,
 - no defendant named,
 - no location named,
 - no offence named,
 - no legislation named, (FPPA)
 - no signature of provincial offences officer,
 - no set fine stated or incorrect total payable indicated on an offence notice.
- c. Minor errors (i.e. incorrect spelling of defendant's name, incorrect date of birth) do not render the certificate of offence a nullity.

4.4 Serving The Offence Notice Or Summons – On A Person On The Offence Date

- a. The offence notice contains the same information that the provincial offences officer printed on the certificate of offence. All applicable portions of the offence notice and certificate of offence must be completed.
- b. The provincial offences officer must sign the certificate of offence certifying that an offence has been committed and that service of the Offence Notice or Summons has occurred.
- c. The provincial offences officer must give the defendant the offence notice.
- d. The certificate of offence must be filed in the office of the court as soon as practicable after service of the offence notice or summons (within 7 calendar days). (Courts of Justice Act, R.S.O. 1990, c. C.43, R.R.O, 1990, O. Reg 200, s. 11)

4.5 Serving The Offence Notice Or Summons – On A Person After The Offence Date By The Provincial Offences Officer Who Signed The Certificate Of Offence

- a. The offence notice must be served personally upon the defendant within 30 days of the date of offence. Please refer to subsection 3.(3) of the *Provincial Offences Act*.
- b. The provincial offences officer must sign the certificate of offence, check off the box "or other service date of" and enter the date of service in the space provided.
- c. Give the defendant the offence notice.
- d. File the certificate of offence in the office of the court as soon as practicable after service of the offence notice or summons (within 7 calendar days).

4.6 Serving The Offence Notice Or Summons – On A Corporation

- a. An offence notice may be served on
 - (i) in the case of a municipal corporation, to the mayor, warden, reeve or other chief officer of the corporation or to the clerk of the corporation; or
 - (ii) in the case of any other corporation, to the manager, secretary or other executive officer of the corporation or person apparently in charge of a branch office thereof, [Provincial Offences Act, R.S.O. 1990, c. P.33, s. 26(4). A part I proceeding must be served personally and the POA is silent as to service by registered mail on a corporation if it is a part I proceeding.]
- b. If you do not have this information, obtain a Corporation Search prior to serving the offence notice.
- c. The provincial offences officer must complete the affidavit of service on the reverse of the certificate of offence, and
 - service must be sworn before a Commissioner of Oaths, and
 - the certificate of offence must be filed as soon as practicable after service of the offence notice or summons (within 7 calendar days).

4.7 Service By A Provincial Offences Officer Other Than The Provincial Offences Officer Who Signed The Certificate Of Offence

- a. Give the person the offence notice.
- b. The provincial offences officer must complete the affidavit of service on the reverse of the certificate of offence, and
 - service must be sworn before a Commissioner of Oaths, and
 - the certificate of offence must be filed as soon as practicable after service of the offence notice or summons (within 7 calendar days).

5.0 ISSUING A SUMMONS

Part I of the *Provincial Offences Act* contains provisions for serving a summons for instances where there is short form wording and an approved set fine and where there is no established short form wording or set fine, and where it would not be appropriate for the defendant to pay out of court. Currently, less than 1% of the tickets issued by provincial offences officers in Ontario involve a summons.

The practice of issuing a summons under Part I of the *Provincial Offences Act* for Fire Code violations is not a recommended practice. Instead, Part III of the *Provincial Offences Act* should be used. A trial of the evidence is required when a summons has been issued.

In instances where the set fine is not deemed to be appropriate (e.g. second offence), the Assistant to the Fire Marshal should commence a proceeding for the violation under Part III of the *Provincial Offences Act*. Commencement of a proceeding under Part III of the *Provincial Offences Act* may result in the maximum penalty imposed under the FPPA upon conviction whereas the maximum fine for commencing a proceeding under Part I of the *Provincial Offences Act* s. 12(1) is limited to \$500.00.

6.0 PROVINCIAL OFFENCES OFFICER NOT TO ACT AS AN AGENT

The provincial offences officer who serves the offence notice or summons shall not receive payment of any money in respect of a fine or receive the offence notice for delivery to the court.

7.0 THE DEFENDANT'S OPTIONS

7.1 Option For A Trial

In the following regions;

- City of Hamilton
- City of Ottawa
- City of Toronto
- County of Dufferin
- County of Essex
- County of Haliburton
- County of Northumberland
- County of Peterborough
- District Municipality of Muskoka
- Haldimand County
- Regional Municipality of Durham
- Regional Municipality of Halton
- Regional Municipality of Peel
- Regional Municipality of Waterloo
- Regional Municipality of York

a defendant may give notice of intention to appear in court for the purpose of entering a plea and having a trial of the matter by attending in person or by an agent at the court office specified in the offence notice at the time or times specified in the offence notice. The defendant or agent must file a notice of intention to appear (using the prescribed form) with the clerk of the court. (O. Reg. 950 made under the *Provincial Offences Act*) In those parts of Ontario designated above, the offence notice shall be in Form 4. (Refer to Appendix D)

In all other regions in Ontario, a defendant may give notice of intention to appear in court for the purposes of entering a plea and having a trial of the matter by so indicating on the offence notice and delivering the notice to the court office specified in it. In these regions, the offence notice shall be a Form 3. (Refer to Appendix C)

The clerk of the court will then set a trial date and send a notice to the defendant and the prosecutor of the time and place of the trial. In instances where the defendant indicates an intention to challenge the officer's evidence, the clerk of the court shall notify the provincial offences officer as well.

7.2 First Attendance Meeting

In the regions listed above, when the defendant attends the court to request a trial, (or calls the court office) the clerk of the court will ask the defendant if he/she wants a first attendance meeting with the prosecutor. If so, the clerk of the court schedules a first attendance meeting and issues a first attendance notice to the defendant and prosecutor. When the prosecutor is served with a copy of the first attendance notice, he or she will obtain the information from the provincial offences officer who laid the charge. At a first attendance meeting, the prosecutor using the same threshold test used at a trial, will consider whether or not there is reasonable prospect of conviction if the case were to go to trial and whether or not it is in the public interest to accept a plea to a lesser offence or a reduction in sentence, taking into consideration all of the circumstances of the particular case.

If the defendant fails to attend the first attendance meeting, a default conviction may be registered against the defendant.

If the first attendance meeting results in an agreement between the prosecutor and the defendant, both will appear before the Justice, at which time the plea will be entered to either the original charge, a substituted offence, or the charge will be withdrawn.

If the first attendance meeting does not result in resolution, the prosecutor will advise the defendant to complete a notice of intention to appear in court and file it with the clerk of the court.

7.3 Plead Guilty With Representations

The defendant may plead guilty with representations where there is no dispute as to the charge but the defendant wishes to make submissions as to penalty and/or extensions of time for payment. This is an informal, recorded proceeding which takes place before a justice of the peace at the court specified on the offence notice without a prosecutor. The justice of the peace, after hearing representations, may impose the set fine or such lesser fine as is permitted by law. The Justice of the Peace does not have the authority to amend the charge at this stage of a proceeding.

7.4 Plead Guilty

The defendant may simply plead guilty by signing the offence notice and delivering the total payable amount (with the signed offence notice) to the court office.

7.5 Fail To Respond

The defendant may do nothing in which case, after 15 days have elapsed after the defendant has been served, he/she will be deemed not to wish to dispute the charge. A justice will then inspect the certificate of offence and either enter a conviction and impose the set fine or, where the certificate of offence is incomplete or irregular, the justice shall quash the certificate. [*Provincial Offences Act*, s. 9.(1)] The justice is required to keep a separate record of all quashed certificates of offence and the corresponding reasons for that action. The prosecutor is entitled to inspect that record. If the defendant has done nothing and a conviction has been entered, the defendant may be able to re-open the case. Section 11 of the *Provincial Offences Act* allows the case to be re-opened where, through no fault of the defendant, necessary notice or documents never reached the defendant's attention.

8.0 PENALTY

Under Part I proceedings the maximum penalty is either \$500 or the maximum penalty specified in the Act creating the offence WHICHEVER IS THE LESSER.

Under Part I proceedings, no provision for imprisonment applies.

If the proceeding is initiated by an offence notice (as opposed to a Part I summons):

- a. Nothing seized in connection with the offence after service of the offence notice is liable to forfeiture.
- b. No provision in or under any Act that provides for an action or result in addition to the set fine as set out on the offence notice is enforceable except for the purpose of
 - carrying out the sentence imposed,
 - recording or proving the conviction.

9.0 OBTAINING A SUPPLY OF TICKETS

Tickets may be obtained from the local Provincial Offences Court Office where the tickets would normally be returned to. The fire department official requesting a supply of tickets would have to contact the Manager of Court Operations to order the desired number of tickets that would be expected to be used within a 6 month to one year period. There is no cost for the tickets.

In some instances, a supply of tickets may not be readily available for immediate pick-up.

10.0 RECORD RETENTION

It is essential to establish a record retention system to facilitate retrieval of all original records should a case involve a first attendance meeting, a trial, or if the case is re-opened or there is an appeal.

APPENDIX A

Letter of Designation – Replica

Pursuant to subsection 1(3) of the *Provincial Offences Act*, R.S.O. 1990, c.P.33, I hereby designate,

all Assistants to the Fire Marshal pursuant to subsection 11(1) of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4,

as Provincial Offences Officers for the purposes of all offences under the Fire Code (Ontario Regulation 388/97 made under the *Fire Protection and Prevention Act, 1997*) which are commenced under Part I of the *Provincial Offences Act*.

Dated at Toronto this 15th day of July, 1998.

Original Signed by Jim Flaherty

Jim Flaherty
Solicitor General and
Minister of Correctional Services

APPENDIX B – FORM 1

ICDN Localisation Code Code d'emplacement du RI/1	2360	Offence Number N° d'infraction	1340678A
Form 1 Reg. 950 <i>Provincial Offences Act</i> Ontario Court of Justice Formule 1 Rég. 950 Loi sur les infractions provinciales Cour de justice de l'Ontario			
Certificate of Offence / Procès-verbal d'infraction			
I/Je soussigné(e) <u>DAVID DUNCAN</u> (Print name/nom en lettres majuscules)			
Believe and certify that on the day of <u>2 0 09 03 04</u> Time/À (Heure) <u>10 25 A M</u> Crois et atteste que le			
Name <u>SMITH</u> Nom			
Family/Nom de famille <u>JOHN</u>			
Address <u>214 KENDAL DR.</u> Adresse			
Municipality/Municipalité <u>SUMMERVILLE ONT. X1T 2B1</u>			
Driver's licence No./Numéro de permis de conduire			
Birthdate/Date de naissance <u>1 9</u> Sex <u>Male</u> Motor Vehicle Involved <input type="checkbox"/> Collision <input type="checkbox"/> Witnesses <input type="checkbox"/>			
At/À <u>214 KENDAL DR. SUMMERVILLE ONTARIO</u>			
Did commit the offence of: <u>FAIL TO INSTALL A SMOKE ALARM AS REQUIRED BY DIVISION B ARTICLE 2.132.1. OF O. REG. 213/07</u> A commis l'infraction de:			
Contrary to: <u>FIRE PROTECTION AND PREVENTION ACT, 1997</u> Contrairement à: Sect./L'art. <u>28(1)(c)</u>			
Plate number N° de plaque d'immatriculation	Juris Aut. lég.	Commercial Utilitaire	CVOR/IUVU NSC/CNS
		<input type="checkbox"/> Y/O	<input type="checkbox"/> Y/O
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS			
And I further certify that I served an offence notice personally upon the person charged on the offence date. Or other service date of: <input type="checkbox"/>			
Signature of issuing Provincial Offences Officer <u>David Duncan</u> Officer No. Platoon Unit			
Set fine of Amende fixée de	Total payable Montant total exigible	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.	
\$ <u>195</u>	\$ <u>235</u>		
Summons issued. You are required to appear in court on <u>2 0</u> Time/À (Heure) <u>M</u>			
Assignment. Ct. room/Salle d'audience at the Ontario Court of Justice P.O.A. Office at 824 Dundas St., London, Ontario			
Conviction entered pursuant to section 9 of the <i>Provincial Offences Act</i> . Set fine imposed. Déclaration de culpabilité inscrite conformément à l'article 9 de la Loi sur les infractions provinciales. Amende fixée imposée.			
Justice/Juge			
POA 6000 v.1 rev. 01/09			
DATA BUSINESS FORMS S65952			

APPENDIX C – FORM 3

ICCN
Location
Code
Code
d'emplacement
de RV

0000

Offence
Number
N°
d'infraction

0000001A

Form 3 Reg. 950 Provincial Offences Act Ontario Court of Justice
Formule 3 Rég. 950 Loi sur les infractions provinciales Cour de justice de l'Ontario

Offence Notice / Avis d'infraction

Believes and certifies
that on the day of
Croit et atteste
que le

(First name/vo en lettres noûtes)

Y/A M/M D/J Time/À (Heure)

2 0 M

Name
Nom

Family/Noû de famille

Address
Adresse

Street/Prison Initials/lettre

Number and street/Numéro et nom de la rue

Municipality/Municipalité P.D./C.P. Province Postal code/Code postal

Driver's licence No./Numéro de permis de conduire

Birthdate/Date de naissance Y/A M/M D/J Sex Sexe Motor Vehicle Involved Véhicule impliqué Collision Involved Collision Witnesses Témoins

1 9 N/W Y/O Y/O

At/À

Did commit the offence of:
A commis l'infraction de :

Municipality/Municipalité

Contrary to:
Contrairement à :

Sect./L'art

Plate number N° de plaque d'immatriculation	Juris Aut. Rég.	Commercial UR/Motivo <input type="checkbox"/> Y/O	CVOR/IUVU <input type="checkbox"/> Y/O	NSC/CNS <input type="checkbox"/> Y/O	Code
CVOR No. - NSC No. / N° de l'IUVU - N° du CNS					
And I further certify that I served an offence notice personally upon the person charged on the offence date. J'atteste également qu'il le date de l'infraction, j'ai signé, en mes propres, un avis d'infraction à la personne accusée.			<input type="checkbox"/> Or other service date of: Autre date de signification, le :		
Signature of issuing Provincial Offences Officer Signature de l'agent des infractions provinciales		Office No. N° de l'agent	Patrol Patrouille	Unit Unité	
Set fine of Amende fixe de	Total payable	Total payable includes set fine, applicable victim fine surcharge and costs. Le montant total exigible comprend l'amende fixée, la suramende compensatoire applicable et les frais.			
\$	\$	Montant total exigible			

Important:
You have 15 days from the day you receive this notice to choose one of the options on the back of the notice.

Important :
À compter de la réception du présent avis, vous avez 15 jours pour choisir une des options décrites au verso de l'avis.

APPENDIX C – FORM 3 (CONTINUED)

<p>Important – If you do not exercise one of the following options within 15 days of receiving this notice, you will be deemed not to dispute 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 enforce your defaulted fine. For example, speeding, your driver's licence may be suspended.</p> <p>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 juge pourra inscrire s'ajouteront au montant total exigible. En cas de défaut de paiement de l'amende, des frais d'administration s'ajouteront et des mesures seront prises pour exécuter le paiement de votre amende. Par exemple, l'information peut être transmise à une agence de renseignements sur le consommateur et dans le cas de certaines infractions, dont l'excès de vitesse, votre permis de conduire pourra être suspendu.</p>	<p style="text-align: center;">OPTION 1</p> <p>Plea of Guilty – Voluntary Payment of Total Payable – I plead Plaidoyer de culpabilité – Paiement volontaire de montant total exigible. I plead guilty and make submissions. Je plaide coupable et le montant total exigible est joint à la présente (suivre les instructions figurant sur le "Paiement de parement").</p> <p>Signature _____</p>
<p>Important – If you do not exercise one of the following options within 15 days of receiving this notice, you will be deemed not to dispute 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 enforce your defaulted fine. For example, speeding, your driver's licence may be suspended.</p> <p>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 juge pourra inscrire s'ajouteront au montant total exigible. En cas de défaut de paiement de l'amende, des frais d'administration s'ajouteront et des mesures seront prises pour exécuter le paiement de votre amende. Par exemple, l'information peut être transmise à une agence de renseignements sur le consommateur et dans le cas de certaines infractions, dont l'excès de vitesse, votre permis de conduire pourra être suspendu.</p>	<p style="text-align: center;">OPTION 2</p> <p>Plea of Guilty – Submissions as to Penalty – I want to appear Plaidoyer de culpabilité – Submissions au sujet de la peine. Je desire comparaître et faire des submissions. Je plaide coupable et je soumettrai des propositions au sujet de la peine (insérer les détails de la peine proposée en dessous de la section de paiement). Important – Please enter your presence at the court office shown below within the times and days stated. Bring this notice with you.</p> <p style="text-align: center;">Ontario Court of Justice, Provincial Offences Office <i>Cour de justice de l'Ontario, Bureau des infractions provinciales</i></p>

<p style="text-align: center;">OPTION 3</p> <p>The Trial, Ontario Court of Justice, Provincial Offences Office / Procès, Cour de justice de l'Ontario, Bureau des infractions provinciales</p> <p>Notice of intention to appear in court:</p> <p><input type="checkbox"/> 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.</p> <p>I request a _____ language interpreter for the trial. (Leave blank if inapplicable.)</p> <p><input type="checkbox"/> I intend to challenge the evidence of the Provincial Offences Officer and I request that the officer attend the trial.</p> <p>If you fail to notify the court office of address changes, you may not receive important notices in a timely manner. (You may be convicted in your absence if you do not attend the trial.)</p> <p>Signature _____</p>	<p style="text-align: center;">OPTION 3</p> <p>Procès, Cour de justice de l'Ontario, Bureau des infractions provinciales</p> <p>Avis d'intention de comparaître devant le tribunal :</p> <p><input type="checkbox"/> J'ai l'intention de comparaître devant le tribunal pour inscrire un plaidoyer de non-culpabilité à l'heure et au lieu prévus pour le procès et je désire que le procès se déroule en français.</p> <p>Je demande l'aide d'un interprète de langue _____ pour le procès. (À remplir s'y a lieu.)</p> <p><input type="checkbox"/> Je demande de contester la preuve de l'agent des infractions provinciales.</p> <p>Si vous omettez de prévenir le greffe du tribunal de tout changement d'adresse, vous pourriez ne pas recevoir d'importantes avis (par ex., votre avis de procès). Si vous n'assistez pas au procès, vous pourriez être déclaré(e) coupable en votre absence.</p> <p>Signature _____</p>
<p>Changes to your address (if applicable). Address / Changement d'adresse (le cas échéant). Adresse</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Representative's name and address (if applicable) / Nom et adresse de représentant (le cas échéant)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

APPENDIX D – FORM 4 (CONTINUED)

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 juge pourra inscrire une déclaration de culpabilité contre vous. En cas de déclaration de culpabilité, des frais additionnels s'ajouteront au montant total exigible. En cas de défaut de paiement de l'amende, des frais d'administration s'ajouteront et des mesures seront prises pour exécuter le paiement de votre amende. Par exemple, l'information peut être transmise à une agence de renseignements sur le consommateur et dans le cas de certaines infractions, dont l'excès de vitesse, votre permis de conduire pourra être suspendu.

1 **OPTION 1 – Pleadoyer de culpabilité – Paiement volontaire du montant total exigible** : Je plie(e) coupable et le montant total exigible est joint à la présente (suivre les instructions figurant sur n. l'avis de paiement «).

Signature _____

2 **OPTION 2 – Pleadoyer de culpabilité – Observations au sujet de la peine** : Je désire comparaître devant un juge pour inscrire un plaidoyer de culpabilité et présenter des observations au sujet de la peine (montant de l'amende ou délai de paiement). **Remarque** : Vous devez vous présenter au greffe du tribunal ci-après aux dates et heures indiquées. Apportez le présent avis.

3 **OPTION 3 – Procès – NE PAS ENVOYER PAR LA POSTE** – Je désire comparaître devant un juge pour inscrire un plaidoyer de non-culpabilité et subir un procès.

1. Vous ou votre représentant DEVEZ vous présenter au greffe du tribunal aux dates et heures indiquées pour déposer un avis d'intention de comparaître devant le tribunal. Vous ne pouvez pas fixer la date du procès par courrier.
2. Apportez le présent avis au greffe du tribunal.
3. Vous ou votre représentant pouvez rencontrer le poursuivant avant un procès. Pour des renseignements additionnels, veuillez communiquer avec le greffe du tribunal ci-dessous.

Important – If you do not exercise one of the following options within 15 days of receiving this notice, you will be deemed not to dispute 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 enforce 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.

1 **OPTION 1 – Plea of Guilty – Voluntary Payment of Total Payable**: I plead guilty and payment of the total payable is enclosed (follow the instructions on the 'payment notice'.)

Signature _____

2 **OPTION 2 – Plea of Guilty – Submissions as to Penalty**: I want to appear before a justice to enter a plea of guilty and make submissions as to penalty (amount of fine or time to pay).
Note: You must attend the court office shown below within the times and days shown. Bring this notice with you.

3 **OPTION 3 – Trial Option – DO NOT MAIL** – I want to appear before a justice to enter a plea of not guilty and to have a trial.

1. You or your representative **MUST** attend at the court office at the times and days shown to file a notice of intention to appear in court. You cannot set a trial date by mail.
2. Bring this notice to the court office.
3. You or your representative may meet with a prosecutor in advance of a trial. For more information contact the court office below.