

STREET LAW SMARTS #6

TICKETS

Provincial offences are **non-criminal** charges for breaking a provincial law, such as:

- *Liquor License Act* (e.g. being intoxicated in a public place)
- *Trespass to Property Act* (e.g. entering premises when entry is not allowed)
- *Safe Streets Act* (e.g. squeegeeing, aggressive panhandling)
- *Municipal Act* (e.g. spitting, smoking in prohibited places)
- *Highway Traffic Act* (e.g. jaywalking, driving violations)
- *Ticket Speculation Act* (scalping)
- *Education Act* (truancy)

You will probably get a fine in the form of a ticket. In some cases, usually for squeegeeing or aggressive panhandling, you may get a summons to appear in court on a specified date. Police usually issue these tickets, but they can also be issued by T.T.C. Special Constables, members of the Toronto Fire Department and other agencies.

Tickets

If you get a ticket stating that you must pay a fine, you have 3 options (which are listed on the back of your ticket). You must choose one of these options within **15 days** (otherwise you are not disputing the charges and you will be convicted):

1. **Plead guilty and pay the fine:** you can do this by mailing it to the address on the ticket or by going to the provincial court in person. You must pay the "total payment" in full. If you need more time to pay the fine, you can go to the court office listed on the back of your ticket and ask to fill out a form for an extension of time.

Paying a fine means that you are pleading guilty.

2. **Plead Not Guilty:** You have two choices here:

(a) Schedule a Trial: If you want to go ahead and schedule a trial, you or your agent (Downtown Legal Services will represent you in some situations) must go to the court listed on the back of your ticket and fill out a Notice of Intention to Appear. The court will let you know by mail when you should come back to court for your trial. If an agent is representing you, the court will need your written permission to send the trial notice to your agent. At the trial, you can tell your side of the story and bring any evidence or witnesses that support you. Before the trial, you should ask the prosecutor for disclosure as soon as possible.

(b) Schedule a First Attendance: This lets you talk to a prosecutor before going to a trial. To set an appointment with a prosecutor, call the court office listed on

the back of your ticket. Sometimes the matter can be resolved without going to a trial. If it is not resolved, you can set a date for trial.

3. **Plead guilty with an explanation:** you can go to the court and tell them that you are pleading guilty with an explanation and make submissions about the sentence. Again, you can tell the court your side of the story. For example, if you jumped a TTC turnstile because you had no money for fare, you can explain this. You can also provide evidence that you cannot pay the fine. Take any evidence that will support this. If you live in a shelter, get a letter from the shelter stating how much PNA (if any) you get. If you are on welfare, take your most recent stubs. If you are employed, take your most recent pay stubs. If you do not have any documents, it is still important to tell the court your story and to let them know that you are unable to pay. Sometimes the court will reduce the fine significantly or set up a payment plan.

Choosing this option means that you are pleading guilty and may have points taken off your licence.

What Happens When You Do NOT Pay the Fine

If you don't choose option 2 or 3 within 15 days and you don't pay the fine, a default certificate will be issued ordering you to pay the fine. Any unpaid fines will result in several penalties, including that you will be unable to get or renew a driver's license until the fine is paid. However, even if you have defaulted payment, the justice can grant an extension of time to pay the fine, set a fine payment schedule or, in exceptional cases, reduce the amount of the fine or order that the fine doesn't need to be paid. A **warrant for your arrest** may be issued if you have been repeatedly warned to pay fines.

Summons

When you first go to court you should ask the prosecutor for disclosure. If you don't show up on your court date, the court may convict you in your absence.

Safe Streets Act Tickets

Downtown Legal Services (DLS), at the University of Toronto, helps people to fight tickets and summons under the Safe Streets Act (usually for squeegeeing or aggressive panhandling). They will act as your agent and represent you in court. They have been quite successful at getting many tickets thrown out. To get your ticket or summons to DLS you can take it to:

- OCAP: 10 Britain Street (near Queen and Sherbourne). (416) 925-6939
- Youthlink Inncity: 7 Vanauley Street (near Queen and Spadina). (416) 703-3361
- The Meeting Place: 588 Queen W. (416) 504-4275
- DLS: 655 Spadina Avenue (just South of Bloor) (416) 978-6447

DLS will fight some other tickets as well:

- tickets for sleeping/dwelling in a park
- tickets for drinking in public (if 19 or over)

- tickets for loitering
- any other tickets for doing things in public that you would do in private if you had your own housing

For More Information

Call the Provincial Offences Office at (416) 338-7320 or speak with the Street Youth Legal Services lawyer.