

Ministry of the Attorney General

A New Approach to Providing Civil Enforcement Services in Ontario

Extended until March 18, 2016

Ministry of the Attorney General

January 20, 2016



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Exploring a new approach to providing civil enforcement services in Ontario

Objectives of this Consultation

The Ministry of the Attorney General is exploring a new approach to providing civil enforcement services to court and tribunal users in Ontario. The information collected from this consultation will help the ministry decide if we will move forward with changing the civil enforcement process, and how we would do so.

What is a court/tribunal order?

In many cases, people turn to the courts or to tribunals, such as the Landlord and Tenant Board, to uphold their legal rights. One option is to start a lawsuit. A civil case is a lawsuit that usually deals with contracts, or with torts (which are harmful acts that cause damage or injury to another person or group of people).

If you are the successful party in a civil lawsuit (a court or tribunal has decided in your favour), you may be entitled to payment, an award, the return of property, or have someone evicted from your property. In many cases, you now have to take steps to have this decision enforced.

How is a court/tribunal order enforced?

Currently, enforcement of court or tribunal orders is carried out by public enforcement officers who have been given the authority to exercise the powers and carry out the duties of sheriffs. Enforcement officers are employed by the Government of Ontario and they serve out of courthouses. There are currently 49 enforcement offices operating throughout the province.

Enforcement officers can use the following methods to help retrieve property or collect moneys owed:

- Writ of Seizure and Sale - the authority to seize and sell the real and personal property belonging to a debtor
- Writ of Sequestration – the authority to take possession of and hold the property of a person against whom an order has been made and to collect and hold any income from the property until the person complies with the order
- Writ of Possession – the authority to enter and take possession of specified land and premises and give possession of that land and premises to a party
- Writ of Delivery – the authority to recover possession of specific personal property and return it
- Eviction - the authority to enforce or carry out an eviction forcing a person to leave a residence or court ordered eviction for commercial property

Why does the government want to change how civil enforcement services are delivered?

The government has committed to enhancing access to justice by providing court clients with different service delivery options.

Currently, enforcement of court and tribunal orders can only be carried out by public enforcement officers employed by the Government of Ontario. Changing the way that civil enforcement services are delivered would create access to more enforcement officers, in more locations, with the objective of speeding up the enforcement of court orders across the province.

What are the different models of enforcement being considered?

The Ministry of the Attorney General is exploring two different service models:

- a delegated administrative authority (DAA)
- local service providers

What is a delegated administrative authority?

A delegated administrative authority is a private, not-for-profit corporation that has been given the authority to carry out services on behalf of the government. Currently, there are nine of these corporations operating in Ontario and delivering services to the public. They include:

- the [Technical Standards and Safety Authority](#)
- the [Electrical Safety Authority](#)
- the [Travel Industry Council of Ontario](#)

Under a delegated administrative authority model, laws are created to establish its powers and duties, including how it will be accountable to the government and how it will perform its services.

The delegated administrative authority would be self-funded through fees charged to the users of the services, as well as potential licensing and service fees.

With a delegated administrative authority, the government would:

- retain overall accountability and control through legislation
- approve rules such as the composition of the board of directors (which would include government and private sector representatives), the setting of fees, conflict of interest and other accountability measures

The delegated administrative authority would assume responsibility for day-to-day decision making and service delivery, and would:

- directly deliver enforcement services through its staff and/or licensed enforcement officers
- take in and review applications by people who would like to be licensed enforcement officers
- train, test and issue licences for the delivery of enforcement services by other persons or agencies

- investigate and handle complaints with respect to the delivery of court order enforcement services
- conduct inspections, investigations, discipline and other activities related to the delivery of enforcement services
- provide financial and service delivery reports back to government on a regular basis.

The delegated administrative authority could be authorized to deliver civil enforcement directly through its employees, through appointed agents or a combination of both.

What is a local private service provider?

In this model, the ministry would accept applications from a defined number of local agencies and individuals who want to provide civil enforcement services within specific areas of the province for a limited period of time. Agencies and their employees would be subject to legislation and regulations that govern their conduct.

Once the time period has expired, a new application process would begin. The same or different agencies may bid to become the authorized agencies to deliver civil enforcement services in their specific area.

A local service provider would be self-funded through fees charged to the users of the services. The government would be responsible for setting the training and qualification standards for local service providers and for investigating and responding to complaints with respect to the service providers.

This model would be similar to civil enforcement services that operate in British Columbia and Alberta.

Submissions

The ministry wants to hear from you with respect to the two possible options set out above. Your advice and input will help inform decisions about if and how the ministry will proceed with amending the civil enforcement process, and what the ministry should consider when developing any plan for change.

In particular:

1. What experiences have you had with the current civil enforcement system?
2. What experiences have you had with an enforcement office?
3. What are the advantages or limitations to the civil enforcement process that is currently in place?
4. Should a centralized agency such as a delegated administrative authority train, license, monitor and discipline civil enforcement service providers with the government maintaining overall authority over the agency?
5. Should individual civil enforcement agencies be licensed and monitored by the government?

The ministry will also be looking for input from specific groups such as judges, lawyers, landlord and tenant associations, and other government ministries and agencies that may have an interest in these proposals.

Please provide your comments no later than **March 18, 2016**.

Both electronic and hard copy submissions will be accepted.

Electronic submissions may be sent by email to CSD.CivilFamilyPP@ontario.ca. Please use the subject line: **Civil Enforcement Service Delivery Review** so that we can track your comments.

Written submissions may be mailed or faxed to:

Attention: Civil Enforcement Service Delivery Review
The Ministry of the Attorney General
Court Services Division
Civil and Family Policy and Programs Branch

720 Bay Street, 2nd Floor
Toronto, Ontario M7A 2S9

Fax: 416.326.4289

Questions/Privacy Statement

Please note that unless agreed otherwise by the Ministry of the Attorney General, all responses received from organizations in response to this consultation will be considered public information and may be used and disclosed by the ministry to assist in evaluating and revising the proposal. This may involve disclosing any response received to other interested parties.

An individual who provides a response and who indicates an affiliation with an organization will be considered to have submitted the response on behalf of that organization.

Responses received from individuals who do not indicate an affiliation with an organization will not be considered public information. Responses from individuals may be used and disclosed by the ministry to assist in evaluating and revising the proposal. Any personal information such as an individual's name and contact will be handled in accordance with the Freedom of Information and Protection of Privacy Act and will not be disclosed by the ministry except in accordance with that Act or as may otherwise be required by law.

If you have any questions about the collection of this information or about any other aspect of the review, please contact: CSD.CivilFamilyPP@ontario.ca.