

STEPS TO JUSTICE

Provincial Offences Workshop

An OJEN facilitator's guide demonstrating a CLEO public legal information resource.



ONTARIO JUSTICE EDUCATION NETWORK
RÉSEAU ONTARIEN D'ÉDUCATION JURIDIQUE



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario



About this workshop guide

This workshop guide is a collaboration between the **Ontario Justice Education Network (OJEN)** and **Community Legal Education Ontario (CLEO)**. OJEN's Steps to Justice workshops introduce audiences to common legal problems and familiarize them with a specific area of law. Using hypothetical scenarios, workshop participants explore a legal topic by navigating the practical step-by-step information on CLEO's Steps to Justice website. They learn how to use the website to find legal information, including the forms, self-help guides, and referral information for legal and social services which may be helpful in working through a future legal problem.

This workshop guide was written for use in Ontario high school classrooms, but can be used (or modified) for other audiences. For more information on how to use this workshop guide, please check out our short training video available on the OJEN website ojen.ca/steps-to-justice-workshops-training-video.

OJEN is a charitable, non-profit, public legal education organization. We develop innovative educational tools that introduce young people to the justice system, help them understand the law, and build their legal capability. We partner with schools and community organizations across Ontario to prepare young people to manage the legal problems that will arise in their lives. For more information on OJEN, please visit ojen.ca.

We gratefully acknowledge the support of law students who have contributed to this workshop guide through the Osgoode Public Interest Requirement (OPIR) at Osgoode Hall Law School and through placements with Pro Bono Students Canada (PBSC). We would also like to thank the high school students who provide us with their perspectives and feedback on this resource as OJEN summer interns through the Law in Action Within Schools (LAWS) Summer Job Program.

Any legal information in this resource is intended for general educational purposes and should not form the basis of legal advice of any kind. Individuals seeking specific information about their legal problem should always consult a lawyer.

For over 45 years, **CLEO** has developed clear, accurate, and practical legal rights education and information to help people understand and exercise their legal rights. We produce print and online resources, including the Steps to Justice website, the Family Law Guided Pathways, and CLEO Connect which has information and supports for community organizations. For more information on CLEO, please visit cleo.on.ca.

STEPS TO JUSTICE PROVINCIAL OFFENCES OVERVIEW

Activity (minutes)	Content
Warm-up (5)	<ul style="list-style-type: none"> Clarify differences between criminal and civil law. Group quiz on provincial offences (Slides 2-6). What are the major areas covered by provincial offences? (Slide 7).
Hook (5)	<ul style="list-style-type: none"> Advance to Slide 8 and read the demonstration scenario out loud. Encourage participants to identify potential legal issues in the scenario. Advance to Slide 9. Explain that the Steps to Justice website is a tool that can help people understand what they need to do when they have legal problems like this one. The group will next use the website to answer questions related to this scenario.
Introduce Steps to Justice (10)	<ul style="list-style-type: none"> Distribute the participant handout, "Scenario 1: Demonstration". Advance to Slide 10. Read the questions about the scenario out loud. Pull up the Steps to Justice website on the display screen. As a group, use Steps to Justice to find answers to the questions about the demonstration scenario on the slide. Use different searching options (sub-topics, front page keyword search and header menu) and introduce the actual "steps" to follow. Use the presenter's notes on where to find the information included in this guide for support. Ask if anyone has questions.
Group work (25)	<ul style="list-style-type: none"> Advance to Slide 11. Divide participants into groups and cue them to pull up Steps to Justice on their phones/computers and to start on the provincial offences legal topic. Give each group a scenario worksheet (Scenarios 2-5). Each group needs at least one device with internet to complete their worksheet. Circulate and support groups as needed.
Discussion (15)	<ul style="list-style-type: none"> Each group has 3-5 minutes to explain their scenario and what they have learned through their investigations. Participants should refer to the completed worksheet for support. Address questions and issues arising from their reporting.
Application (Optional)	<ul style="list-style-type: none"> Advance to slide 12. Since the group has practiced using the Steps to Justice website, the presenter may introduce a more complex scenario. Participants should comment on it reflecting what they have just learned. As a group, use the website to answer the scenario questions. Facilitator's notes are included in this guide to support discussion.



Provincial Offences Workshop

TRUE OR FALSE¹**1. All traffic tickets will give you demerit points.**

F – Not all traffic tickets will result in demerit points. Demerit points depend on how serious the ticket is. The number of demerit points for a speeding ticket depends on how fast you were driving. If you were driving 0-15km/h over the limit, you would gain 0 demerit points, but if you were driving 50km/h or more over the limit, you would gain 6 demerit points.

2. Demerit points do not stay on your record, and they are removed once you pay a fine.

F – Demerit points remain on your record for two years.

3. I receive a small speeding ticket. I decide not to fight it because I didn't receive any demerit points, and I pay it. My insurance rate will not be affected because the insurance companies will not learn about my speeding ticket.

F – Your insurance rate might see a small increase because your insurance company will learn about your speeding ticket once there is a conviction. If a) you decide to pay the fine, b) you negotiate a plea deal, or c) you are found guilty in court, then a conviction will be visible on your driver's record.

4. I am 17, and I have ten demerit points. I wasn't convicted of a serious driving offence. My driver's licence could now be suspended.

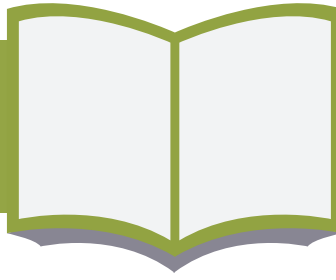
T – Novice and new drivers face harsher penalties for demerit points. A new or novice driver can have their licence suspended after nine demerit points.

5. Noise bylaws are different across Canada, and noises are treated differently at different times.

T – Noise bylaws vary across municipalities. Not all noises are treated the same in all places. Loud music might be okay in some municipalities until 11 pm, and lawnmowers before 9 pm. Most noises are acceptable if they are between 40 and 60 decibels.

¹ Adapted from <https://stepstojustice.ca/steps/immigration/4-learn-more-about-differences-between-refugee-claims-and-hc-claims> and <https://stepstojustice.ca/steps/refugee-law/2-learn-who-can%E2%80%99t-make-refugee-claim>

Facilitator's Package Scenarios



Start on the Steps to Justice question, "I got a parking or traffic ticket. What are my options?" under **Tickets**. Follow the steps from the landing page to answer the questions. The relevant steps are listed in brackets following the question.



Scenario 1: Demonstration

I was driving in Toronto, and the traffic was terrible. When I passed the traffic jam, I sped about 10 kilometres/hour over the speed limit. I didn't notice the police car hidden along the road and was pulled over. My job requires that I report any criminal offences. Will I have a criminal record?

Start on the Steps to Justice topic, "Tickets," with the question, "I got a parking or traffic ticket. What are my options?"

- What type of ticket is it? (**Landing page**)
- What are your options for dealing with a notice of offence? (**Step 2**)
- How would a summary conviction affect your driver's licence? (**Link from Step 2**)
- What are the steps for preparing for trial? (**Link from Step 2**)

Discussion

You do not receive criminal convictions for provincial offences. There are three types of tickets:

1. Parking infraction notices
2. Notices of offence
3. Summons

Since the driver was only driving 10 km/h over the speed limit, the driver would likely receive a notice of offence. You have 15 days from the day you receive a notice of offence to either plead guilty and pay the fine, plead guilty and ask a Justice of the Peace for a lower fine, or speak to a prosecutor to see if they will agree to lower the fine/drop the charges, or you can dispute the ticket

and ask for a trial. If you plead guilty, a summary conviction will be entered on your driving record. Most speeding tickets stay on your driving record for three years. In addition to a fine, pleading guilty to a speeding ticket can add demerit points to your licence, increase your insurance payments, result in your licence being suspended if you receive enough tickets, and affect your employment. If you decide that disputing the ticket and asking for a trial is the best option for you, you need first to fill out the information on the back of the ticket and ask for a trial date. Then, you need to file your request with the court office shown on the ticket and prepare for trial.



Scenario 2

Every night for the past week, my neighbour has been using a power tool. It sounds like he's doing construction work. Some nights I get woken up at 2 a.m. Other nights, I can't fall asleep at 11 p.m. because it keeps me up. I am so angry. I want to call the cops on him so he can go to jail. Is this my best option?

Start on the Steps to Justice topic, "Noise," with the question, "I have a noise complaint. What can I do?"

- What is the noise bylaw in my city, and what are its common features? **(Step 1)**
- What noise counts as "likely to disturb"? **(Step 2)**
- Are there any alternatives that would be better for me? **(Step 3)**
- How do I make a noise complaint? **(Step 4)**

Discussion

Noise bylaws differ from city to city, but the rules are mostly similar. It is important to determine whether the noise is too much. Usually, acceptable noises range between 40 and 60 decibels. The goal of municipal bylaws is usually not to punish residents but to get them to understand and follow the laws. Depending on your needs, you can talk to the person, talk to your landlord, start mediation, or sue in civil court. To make a noise complaint, you must contact your municipality's bylaw enforcement department. If you are located in the City of Toronto, you can dial 3-1-1. Once you have called in, an enforcement officer will likely contact you, investigate the complaint, and talk to the person making the noise. Then, the enforcement officer may try to mediate, issue cautions, warnings and notices. If the issues persist, the enforcement officer will issue tickets as a last resort.



Scenario 3

I am in so much trouble. I came back from a party one night, and the Uber dropped me in front of a house I thought was my own, so I fell asleep on the outdoor couch under the porch. I didn't realize it wasn't my own home until a man walked out with a baseball bat, and before I knew it, the cops were there. What should I do?

Start on the Steps to Justice topic, "Trespass," with the question, "I have been charged with trespassing. What do I need to know?"

- What will happen to me? (**Landing page**)
- What kind of ticket do I have? (**Step 1**)
- What are my options if I receive a notice of offence? (**Step 2**)
- What are my options if I receive a summons (**Step 3**)
- What will I do if I get to trial? (**Step 4**)

Discussion

Trespass is a strict liability offence. There are three kinds of trespassing offences under provincial law:

1. Entering a place when it is prohibited
2. Doing something that is not allowed on the property
3. Not leaving someone's property when you are told to leave

You may either receive a notice of offence or a summons. Check the top of the ticket to see which kind it is. If you receive a notice of offence, you have 15 days to either plead guilty and pay the fine, plead guilty and ask a Justice of the Peace for a lower fine, or dispute the ticket and ask for a trial. If you receive a summons, you can plead guilty or request a trial.

At trial, the prosecutor will need to prove the following things beyond a reasonable doubt: the identity of the property owner, your identity, the date, time, location and city where the trespass happened, and that it was you who trespassed. You can defend a trespass charge by showing that you did your "due diligence". This means that you took all reasonable steps to avoid trespassing, had permission to be on the property, or believed that you owned the property.

Another defence you can use is the defence of “necessity”. You must prove that you had no legal alternative but to trespass, for example, if you were in danger.

There are also some procedural defences, such as: problems with the ticket; the officer didn’t file the ticket with the court within 7 days or the ticket was filed in the wrong court; there was not enough disclosure or information about the officer’s notes and other details of the offence, or; there was a long delay in having a trial.



Scenario 4

I have a private property sign posted on trees around my property. Recently, I have been getting a lot of people coming onto my property to sell me stuff. It is mainly the same person selling “house cleaning services”. I have told him to leave a few times, and sometimes he refuses and insists on selling me their services. Sill, this person keeps coming back. I watch a lot of American movies and see that property owners can defend their property against intruders. Can I threaten the person so he leaves me alone?

Start on the Steps to Justice topic, “Trespass,” with the question, “Someone is trespassing on my property. What can I do?”

- Do the actions of the person offering “house cleaning services” count as trespass? **(Step 1)**
- Has there been notice that the trespasser is not allowed on your property? **(Step 2)**
- Should you call the police or the city? **(Step 3)**
- What remedies are available? **(Step 4)**

Discussion

Canada has different trespass laws than the United States. Just because someone is on your property does not necessarily mean that it counts as trespassing. However, if someone enters your property when it is not allowed, and you have either told them to leave or posted a sign saying they cannot enter, then they are trespassing. Once you give notice, it becomes illegal for them to enter or stay on your property. If someone is trespassing on your property and you want them to stop, you can call the city. If you have a real concern about your safety, you can call the police. The police can arrest the trespasser if there is danger or charge them with a crime if the trespass is serious. Depending on the situation, the trespasser can be issued a provincial offences ticket, you can start a civil lawsuit, or the court can order an injunction.



Scenario 5

My name is Mathieu, and I have been charged with stunt driving. I live in Sudbury, Ontario, and English is my second language. I grew up in a Franco-Ontarian community. I rely heavily on translation services. I cannot afford a lawyer and want to represent myself, but I am worried I won't be able to provide the best defence for myself in English. What can I do?

Start on the Steps to Justice topic, "Going to court," with the question, "Can I have my provincial offences trial in French?"

- Canada is a bilingual country. Are French language rights available? (**Landing page**)
- What language rights exist? (**Landing page and Step 1**)
- How do you obtain bilingual court proceedings? (**Step 2**)
- Are there any limits or deadlines for asking for and obtaining bilingual proceedings? (**Step 2**)
- What can Mathieu do if he doesn't know his rights? (**Step 3**)

Discussion

French language rights are available in all court proceedings. If you live in Ontario and you speak French, you have the right to have your provincial offence proceedings in French. The law refers to these proceedings as bilingual proceedings. This includes the right to file your court documents in French, the right to a judge who speaks French and English, the right to an interpretation of anything said in court, and in certain areas, the right to a bilingual jury. To obtain bilingual proceedings, you must ask for them by filing the correct documents with the court or by asking the judge for a bilingual proceeding. If you receive a summons, you have to ask for bilingual proceedings before the trial date is set. Similarly, if you receive any other type of notice, like a notice of offence, you must ask for bilingual proceedings when you give your notice of intention to appear.

Mathieu doesn't have to hire a lawyer or paralegal to help with his legal problem. But a legal representative can help him understand his legal rights, responsibilities, and options.

Lawyers can give legal advice. This means they can explain what the law says and how it applies to Mathieu's situation. A [paralegal](#) is a different legal representative that can give legal advice in certain areas. A paralegal is often less expensive than a lawyer. But a paralegal isn't allowed to work in all the legal areas that a lawyer can.



Scenario 6

My name is Milan. I was charged with excessive speed driving on the highway at 45 kilometres/hour over the speed limit and given four demerit points. I am young, and my insurance will go up by quite a bit if I have the demerit points on my record. I explained to the police officer who caught me and to the judge at trial, where I pleaded not guilty, that I was only trying to pass a car that was driving at 100 km/h the entire time, but the moment I tried passing the car, they started racing me. The judge held that I was guilty. I think it is so unfair. What can I do?

Start on the Steps to Justice topic, "Going to court," with the question, "I don't agree with my provincial offences trial. Can I appeal?"

- When are appeals available? (**Landing page**)
- What are the steps in an appeal? (**Landing page and Step 1**)
- If I start an appeal, will I still pay the fine? (**Step 2**)
- How do I obtain a stay? (**Step 2**)
- How do I prepare for an appeal? (**Step 4**)

Discussion

If you are found guilty of a provincial offence, you can appeal the decision and the sentence, but you must start your appeal within 30 days from the date of the decision. You must show that the provincial offences court made an error in law, an error in fact, ineffective counsel, complain about the Justice of the Peace's behaviour or bring fresh evidence. The basic steps in an appeal are to: write a notice of appeal, serve and file the notice of appeal, pay any outstanding fines, order your trial transcript if required, get a hearing date, prepare for your appeal, file a factum (a written argument), attend your appeal, and receive a decision. If you file an appeal, you may still need to pay fines. If you want to stop the effects of your conviction (the fine), you must apply for a "stay", which pauses the effects of your conviction until your appeal has been decided. To obtain a stay, you must show that there is some merit to your appeal, that you would suffer "irreparable harm" if the stay is refused, and that the harm to you outweighs the harm to the government if the stay is granted. To get ready for an appeal, you need to understand the law, review all your documents, prepare for arguments and questions, and arrange witnesses.



Display: *Large Group Practice* Scenario 7

My name is Jeanie and I was charged with trespassing two weeks ago in Thunder Bay. I have a trial date coming up, but I don't understand anything that's been going on. I speak two languages other than English, and English is by far my weakest language. I was initially charged because I couldn't read the sign that said "NO TRESPASSING". I was taking pictures of wildlife and didn't realize I was on private property. When a man came out of a cabin exclaiming enthusiastically in English, I thought he might be telling me there was an interesting bird species nearby, so I walked up to the property. I thought he was a fellow camper and wildlife enthusiast. Before I knew it, the police appeared, and I was charged. What should I do? How can I defend myself? I have been charged with trespassing under section 2 of the Ontario Trespass to Property Act.

Discussion

Students can draw from their learning to identify potential legal issues and questions to investigate. There are many issues at play here, such as language rights, obtaining free legal help, and trespass defences. The facilitator should encourage students to consider how these issues might be interrelated or affect each other.

Start from the topic, "Can I have my provincial offences trial in French?". Consider questions like:

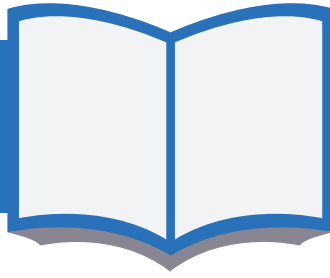
- Can Jeanie have her provincial offences proceedings in French? (**Landing Page**)
- What does Jeanie need to do to obtain bilingual proceedings? (**Step 2**)
- Can Jeanie obtain a bilingual jury? (**Landing Page**)
- What alternatives to a lawyer can Jeanie consider? (**Step 3**)
- What are some resources that Jeanie can use to help with her provincial offences proceedings? (**Step 4**)

Start from the topic, "I have been charged with trespassing. What do I need to know?". Consider questions like:

- What kind of ticket does Jean likely have? (**Step 1**)
- What are Jeanie's options for dealing with her ticket? (**Steps 2 and 3**)
- Can Jeanie get free legal help for her charge? (**Landing Page and link**)
- What will the prosecutor have to prove? (**Step 4**)
- How can Jean defend herself? (**Step 4**)



Participant Handouts Scenarios



Scenario 1 Worksheet: Demonstration

I was driving in Toronto, and the traffic was terrible. When I passed the traffic jam, I sped about 10 kilometres/hour over the speed limit. I didn't notice the police car hidden along the road and was pulled over. My job requires that I report any criminal offences. Will I have a criminal record?

Start on the Steps to Justice topic, "Tickets," with the question, "I got a parking or traffic ticket. What are my options?"

- What type of ticket is it?
- What are your options for dealing with a notice of offence?
- How would a summary conviction affect your driver's licence?
- What are the steps for preparing for trial?



Scenario 2 Worksheet

Every night for the past week, my neighbour has been using a power tool. It sounds like he's doing construction work. Some nights I get woken up at 2 a.m. Other nights, I can't fall asleep at 11 p.m. because it keeps me up. I am so angry. I want to call the cops on him so he can go to jail. Is this my best option?

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Scenario 4 Worksheet

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- What remedies are available?



Scenario 5 Worksheet

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- What can Mathieu do if he doesn't know his rights?



Scenario 6 Worksheet

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