



Provincial Offences Act - An Overview of Filing an Appeal

Appeals Under Parts I or II (Ticketed Offences)

Within thirty (30) days of the disposition of the Court, a defendant or prosecutor is entitled to appeal an acquittal, conviction or sentence by filing a "Notice of Appeal" (POA 0201) with the Provincial Court office.

Application for Appeal by Defendant:

To file a "Notice of Appeal" form, the defendant may wish to obtain a photocopy of the certificate of offence (ticket) and complete the following steps:

- If required, order transcript from the Municipal POA Court Office (where the trial was held), and
- Pay the fine at a Municipal POA Court office

OR

- If the defendant is unable to pay the fine, the defendant must obtain permission from a Provincial Court Judge to waive payment of the fine by completing a form called "Application to File an Appeal Without Paying the Fine" (POA 0226)

Note: If the defendant fails to file a "Notice of Appeal" form within thirty (30) days of the disposition, the defendant must obtain permission from a Provincial Court Judge by completing an "Application for Extension of Time to Appeal" form (POA 0206).

Note: The defendant must give the prosecutor notice of any application under s 111(1) to file an appeal without paying the fine. Forms (POA 0226) "Application to File an Appeal Without Paying the Fine" and POA 0204 "Order for Recognizance and Recognizance" will be used for the Part I, II and III appeal recognizance.

All forms are available at any Provincial or Municipal Court office. All completed forms and applications must be filed with the Provincial Court office.

Appeal Court:

The appeal will be heard and determined by a Justice (Judge) of the Ontario Court of Justice. The Justice (Judge) has the authority to affirm, reverse or modify the disposition of the Trial Court, or order a new trial.

Appeals Under Part III (Summons)

Within thirty (30) days of the disposition of the Court, a defendant or prosecutor is entitled to appeal against acquittal, conviction or sentence by filing a "Notice of Appeal" (POA 0301) the Provincial Court office.

Application for Appeal by Defendant:

To file a "Notice of Appeal", the defendant must complete the following steps:

- Order transcript from the Municipal POA Court Office or where the trial was held, and
- Pay the fine at a Municipal POA Court office

OR

- if the defendant is unable to pay the fine, the defendant must obtain permission from a Provincial Court Judge to waive payment of the fine by completing a form called "Application to File an Appeal Without Paying the Fine" (POA 0226)

Note: If the defendant fails to file a "Notice of Appeal" form within thirty (30) days of the disposition, the defendant must obtain permission from a Provincial Court Judge by completing an "Application for Extension of Time to Appeal" form (POA 0206).

Note: The defendant must give the prosecutor notice of any application under s 111(1) to file an appeal without paying the fine. Forms (POA 0226) "Application to File an Appeal Without Paying the Fine" and POA 0204 "Order for Recognizance and Recognizance" will be used for the Part I, II and III appeal recognizance.

All forms are available at any Provincial or Municipal Court office. All forms and applications must be filed with the Provincial Court office.

- For ease of reference and assistance in completing the forms, the appellant may wish to obtain a copy of the Information(s) (charging document).

Appeal Court:

The appeal will be heard and determined by a Justice (Judge) of the Ontario Court of Justice. The Justice (Judge) has the authority to affirm, reverse or modify the disposition of the Trial Court, or order a new trial.

Reopenings under Parts I and II

Provincial Offences Act

Section 11(1)

11. (1) If a defendant who has been convicted without a hearing attends at the court office during regular office hours within fifteen days of becoming aware of the conviction and appears before a justice requesting that the conviction be struck out, the justice shall strike out the conviction if he or she is satisfied by affidavit of the defendant that, through no fault of the defendant, the defendant was unable to appear for a hearing or a notice or document relating to the offence was not delivered.

