

Province
of Manitoba

APPLICATION FOR EXTENSION OF TIME AND/OR APPLICATION TO SET ASIDE DEFAULT CONVICTION

The Provincial Offences Act s.21(1) and s.21(2)

Defendant

Counsel

Agent

Representative

First Name

Middle Name(s)

Surname

Date of Birth (dd/mm/yyyy)

Street Address / PO Box

City/Town/Municipality

Province

Postal Code

Email Address

Telephone Number

Driver's License No.

Ticket No.

Please refer to important information and instructions on the Information Sheet (on pages 3-4) before completing the application.

Part One: Application for Extension of Time under Section 21(2): (if this section does not apply, continue to part two)

I am applying for an extension of time as I did not respond to the court within 30 days of receiving the Notice of Default Conviction (deemed to be received seven days after the day it is mailed pursuant to section 106(1)).

The reason I did not respond to the court within 30 days is: (attach more pages if required or supporting documents if required) Additional pages included

If my extension of time application is granted, I would then like to apply to set aside the default conviction.

Part Two: Application to Set Aside Default Conviction under Section 21(1):

I found out that I had been convicted in my absence on this date:

dd/mm/yyyy

Explain how you found out about the conviction:

I did not respond to the ticket because: (attach more pages if required or supporting documents if required)

Additional pages included

If my conviction is set aside, I will; (select only one option):

- 1. Pay the original fine amount without the default penalty within 90 days of the date of the notice of decision
- 2. Admit the offence but ask for:
 - Additional time to pay; of _____ months; or
 - A reduction in the fine (*see below for conditions required for a fine reduction).
- 3. Dispute the offence and have a Dispute Hearing (trial) before a Judicial Justice of the Peace.

*If you are choosing option 2, a hearing date before a Judicial Justice of the Peace will be set. At that hearing you must be prepared to provide the specific details of the exceptional circumstances to support a fine reduction or more time to pay before a justice. For example, if you are applying for a fine reduction, section 21(6) states "If a default conviction is set aside but the person admits the offence, the justice must give the person an opportunity to make submissions as to the amount of the fine, including time to pay. The justice may, (a) impose the fine indicated on the ticket; or (b) if the justice is satisfied that exceptional circumstances exist, (i) impose a lesser fine than that indicated on the ticket, or (ii) reprimand the person; and may allow time to pay." Section 99 - Ignorance of the Law - A person's ignorance of the law (not knowing the law) is not an excuse for committing an offence.

I have read and understand the application and instructions for an extension of time and/or to set aside default conviction. The facts set out in this document are true to my knowledge and belief, and such a statement is deemed to be a statement made under oath. I acknowledge that my written submission is considered my appearance before a Judicial Justice of the Peace and that any evidence provided in support of the application must be included with this form and will be used by the Justice to make a final decision.

Dated this _____, at _____, Manitoba

Day

Month

Year

City/Town/Municipality

Signature of Defendant/Counsel/Agent/Representative

INFORMATION SHEET
APPLICATION FOR EXTENSION OF TIME AND/OR APPLICATION TO SET ASIDE DEFAULT CONVICTION

SECTIONS 19, 20, 21 & 106(1) OF THE PROVINCIAL OFFENCES ACT

The Provincial Offences Act sets out the legislation that must be followed in respect of proceedings. The Act can be viewed at <https://web2.gov.mb.ca/laws/statutes/ccsm/p160.php>. Below are the sections referred to in the Application.

Default conviction if person fails to respond

19(1) If a person served with a ticket fails to take any of the actions in section 15 within the response period indicated on the ticket,

- (a) the person is deemed to have admitted the offence;
- (b) a default conviction is to be entered against the person without the involvement of a justice; and
- (c) the fine indicated on the ticket and a default conviction penalty are automatically imposed on the person.

Default conviction if person fails to appear at hearing

19(2) If a person who requested a hearing under clause 15(c) fails to appear at the hearing after having been given notice under section 18, a justice may, without further notice, enter a default conviction against the person and impose the fine indicated on the ticket and the default conviction penalty.

Notice of default conviction

20 When a default conviction is entered against a person, the court must give the person a notice setting out the following:

- (a) that a default conviction has been entered;
- (b) the amount of the fine and default conviction penalty imposed;
- (c) that the person may apply to have the default conviction set aside under subsection 21(1).

Application to set aside default conviction

21(1) A person against whom a default conviction has been entered may appear before a justice and apply to have the conviction set aside.

Application within 30 days

21(2) An application must be made within 30 days after the person is given notice of the default conviction under section 20, unless the justice extends the time.

If conviction set aside – offence admitted

21(6) If a default conviction is set aside by the person admits the offence, the justice must give the person an opportunity to make submissions as to the amount of the fine, including time to pay. The justice may

- (a) impose the fine indicated on the ticket; or
- (b) if the justice is satisfied that exceptional circumstances exist,
 - (i) impose a lesser fine than that indicated on the ticket, or
 - (ii) reprimand the person;

and may allow time to pay.

How notice is to be given under this Act

106(1) A notice, order or other document required or authorized to be given to an individual under this Act may be

- (a) given personally;
- (b) sent by regular mail to the person's last known address, in which case it is to be deemed to be received seven days after the day it is mailed; or
- (c) given in accordance with a method specified by regulation.

INFORMATION AND INSTRUCTIONS SHEET

- Fill out the Application completely. Incomplete Applications will not be processed.
- Make sure to provide all the information and evidence that supports your Application on the Application itself, including any supporting documents such as moving dates, address changes or medical documentation. Information provided in an email will not be considered.
- Complete a separate Application for each incident. An Application can include multiple tickets if they were all received on the same date.
- The ticket number is found on the top righthand side of the ticket issued to you. The ticket number has 8 digits or numbers (eg. R1234567 or 12345678)
- If you are attaching documents that support your Application, please indicate this on the Application.
- Make sure the Application is typed or printed in a clear and legible format.
- Dates are important. Make sure to send in your Application on time or it may not be processed within the required time frame.
- The Provincial Offences Court Office will contact you with the decision of the Judicial Justice of the Peace. This may take up to 21 days. Please do not re-submit your Application.
- Once complete, you must sign the form. Digital signatures are permitted.
- You must submit your application in PDF format by email to: POCapplications@gov.mb.ca. The form has been created to fill in as you go and submit by email. If you are unable to scan or submit your Application in PDF format, or if you are unable to email your application, it may be mailed to the Provincial Offences Court (POC) office at 373 Broadway, Winnipeg MB R3C 4S4, or dropped off at POC office, 373 Broadway, Winnipeg, or at any regional court office in Manitoba. Please refer to the Manitoba Courts website for a list of court office locations: www.manitobacourts.mb.ca
- If your Application is granted and you have chosen option 2 or 3, a court hearing date will be scheduled. If a scheduled court hearing is missed; a conviction may be entered in your absence with no further Applications under this provision.
- All decisions of a Judicial Justice of the Peace are final. For any additional information, including Leave to Appeal, please visit the website below (Guide for Defendants).
- It is your responsibility to monitor your email, phone calls or postal services to ensure any communication is received and reviewed in a timely manner (including emails that may move to your “junk” folder).

FOR MORE INFORMATION

VISIT: www.gov.mb.ca/justice/tickets/index.html
TELEPHONE: 204-945-3156 or Toll Free: 1-800-282-8069