

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

