

**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](mailto: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](http://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](http://www.gov.mb.ca/justice/tickets/index.html)  
TELEPHONE: 204-945-3156 or Toll Free: 1-800-282-8069