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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| REOPENING APPLICATION/AFFIDAVIT (EARLY RESOLUTION) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ONTARIO COURT OF JUSTICE | | | | | | | | | | | | | | Under subsection 11(1) of the *Provincial Offences Act* | | | | | | | | | | | | | | Form 102.1 | | | | | | |
| PROVINCE OF ONTARIO | | | | | | | | | | | | | |  | | | | | | | | | | | | | | *Courts of Justice Act* | | | | | | |
|  | | | | | | | | | | | | | |  | | | | | | | | | | | | | | R.R.O. 1990 | | | | | | |
|  | | | | | | | | | | | | | |  | | | | | | | | | | | | | | Reg.200 | | | | | | |
| I, |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | (name) | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| of | | |  | | | | | | | |  | | | | |  | | | | | | | | |  | | | | | | |  | | |
|  | | | (street number) | | | | | | | | (street) | | | | | (apt. number) | | | | | | | | | (municipality) | | | | | | | (postal code) | | |
|  | | |  | | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | | |
|  | | | (phone) | | | | | | | | | | | | | | | | | | (email) | | | | | | | | | | | | | |
| make an application to strike out the conviction entered against me. In support I confirm and assert as follows: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. | | | | | I was convicted without a hearing of | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | **Offence Description** | | | | | | | | | | | | | | | | | **File No.** | | | | | | | | | | | | |
|  | | | | |  | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | |
|  | | | | | **Offence Date** | | | | | | | | | | | | | | | | | **Conviction Date** | | | | | | | | | | | | |
|  | | | | |  | | | | | | | | | | | | | | | | |  | | | | | | | | | | | | |
| 2. | | | | | Through no fault of my own, | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | (a) I did not have the opportunity to *(check the appropriate box)*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | |  | | dispute the charge at trial, or | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | |  | | attend an early resolution meeting | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | *(explain or attach other evidence or information to be relied upon in support of your application)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | **OR** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | | (b) I did not receive delivery of a notice or document relating to the offence, namely *(check the appropriate box)*: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  | Offence Notice | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  | And I wish to exercise one of the following options: | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  |  | **Early Resolution – Meet with Prosecutor** (by choosing this option you **do not** forego the right to trial) | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  |  | | | | ***NOTE:*** *You may be convicted in your absence if you do not attend the scheduled meeting.* | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  |  | **Trial Option:** I intend to appear in court to enter a plea of not guilty at the time and place set for the trial. | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  |  | | | | ***NOTE:*** *You may be convicted in your absence if you do not attend the trial.* | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | |  | Early Resolution Meeting Notice | | | | | | | | | | | | | | | | | | | | | |  | | |  |
|  | | | | |  | | |  | Notice of Trial | | | | | | | | | | | | | | | | | | | | | |  | | |  |
|  | | | | | *(explain or attach other evidence or information to be relied upon in support of your application)* | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | The conviction first came to my attention on the | | | | | | | | | | | | |  | | | | | day of | | | |  | | , yr. |  | | | . | |
| 4. | | | | |  | | | I have made a previous application for reopening in relation to this matter. | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Sworn/Affirmed before me | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| at | |  | | | | | | | | | | | | | | | | |  | | | | |  | | | | | | | | | | |
| this | | | | | |  | | | | day of | |  | | | , 20 | |  | |  | | | | | | | | | | | | | | | |
|  | | | | | | | | | | | | | | | | | | |  | | | | |  | | | | | | | | | | |
| A Commissioner, etc. | | | | | | | | | | | | | | | | | | |  | | | | | Signature of defendant | | | | | | | | | | |
| **NOTE:** Section 86 of the *Provincial Offences Act* provides: | | | | | | | | | | | | | | | | | | |  | | | | |  | | | | | | | | | | |
| Every person who makes an assertion of fact in a statement or entry in a document or form for use under this Act knowing that the assertion is false is guilty of an offence and on conviction is liable to a fine of not more than $2,000. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Subsections 11 (2) and (3) authorize the clerk of the court or justice to strike out a conviction on affidavit of the defendant or on other evidence or information that through no fault of the defendant, the defendant was unable to participate in the proceeding. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **The court may contact you regarding this application using the phone number or e-mail address provided.** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **FOR COURT USE ONLY** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| **ORDER OF THE CLERK** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Application forwarded to justice. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Conviction struck, re-opening granted. Certificate of striking out conviction and early resolution meeting notice to be given to defendant and prosecutor. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Conviction struck, reopening granted. Certificate of striking out conviction and notice of trial to be given to defendant and prosecutor. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | |  | | | | | | | | | | | | | | | |  | | | | | |  | | | | | | | | |
|  | | | | Date | | | | | | | | | | | | | | | |  | | | | | | Signature of Clerk of the Court | | | | | | | | |
| **ORDER OF THE JUSTICE** | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Conviction upheld, reopening denied. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Reason: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | |  | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Conviction struck, re-opening granted. Certificate of striking out conviction and early resolution meeting notice to be given to defendant and prosecutor. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | | Conviction struck, reopening granted. Certificate of striking out conviction and notice of trial to be given to defendant and prosecutor. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|  | | | |  | | | | | | | | | | | | | | | |  | | | | | |  | | | | | | | | |
|  | | | | Date | | | | | | | | | | | | | | | |  | | | | | | Signature of Justice of the Peace | | | | | | | | |