5.11.01- Driver's Licence Suspension

General Information

Last Modified: August 2022

For a summary of this procedure, and any related materials, see its highlight page.

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Policy

This policy is about ensuring that all appropriate and required steps have been taken before initiating the Driver's Licence Suspension (DLS) process. It provides the Family Responsibility Office (FRO) with an effective enforcement tool to ensure defaulting support payors (SP) bring their cases into compliance.

This policy describes the circumstances under which FRO notifies a defaulting SP of pending suspension of their driver's licence (DL).

This policy is used when case contacts have considered it necessary to request suspension of the SP's DL based on their knowledge and their review of the case.

Section 34 of the [_Family Responsibility and Support Arrears Enforcement Act (FRSAEA), 1996_](#)_. (FRSAEA)_ states when a support order that is filed with FRO is in default, FRO may serve a first notice on the payor, informing the payor that his or her driver's license may be suspended unless, within 30 days after the day the first notice is served unless:

a) the payor makes an arrangement satisfactory to FRO for complying with the support order and for paying the arrears owing under the support order

b) the payor obtains an order to refrain under subsection 35 (1) and files the order with FRO

c) the payor pays all arrears owing under the support order

Section 37 (1) of _FRSAEA_ states that FRO may direct the Registrar of Motor Vehicles to suspend a payor's driver's license if, within the 30-day period referred to in the first notice, the payor does not:

a) make an arrangement satisfactory to the Director for complying with the support order

b) obtain an order to refrain under subsection 35 (1) and file the order in the Director's office

c) pay all arrears owing under the support order

Section 37 (2) of *FRSAEA* states that FRO may direct the Registrar of Motor Vehicles to suspend a payor's driver's license if, within the 15-day period referred to in the final notice or at any time in the 24-month period referred to in the final notice, the payor does not:

a) comply with clause 36 (1) (a), (b) or (c) or

b) pay all arrears owing under the support order

Overview

NOTE: Prior to issuing any DL notices or suspending a DL, case contacts will make two phone attempts, at separate intervals, to advise the SP accordingly

Scenario:

1. First Notice was sent to the SP

2. SP enters into a 34(a) APS to avoid DLS

3. Terms of the 34(a) APS was updated into the system

4. Case was monitored for compliance for up to 24 months based on legislative requirement of the Final Notice (section 36 of *FRSAEA)*

Next steps If:

5A. SP is compliant, and arrears are paid off by the end of the 24 months

I. Cancel DLS process in the system

II. Terminate 34(a) APS on the system

5B. Case defaults within 24 months

I. Final Notice is issued to the SP

5C. SP is compliant with the terms of the 34(a) APS, but arrears are not paid off by the end of the 24 months

I. Cancel DLS process in the system

    II.   Terminate 34(a) APS on the system

    III.   Negotiate an APS with SP or send a new First Notice if the SP refuses to pay or negotiate an APS

Criteria

- Ensure case status is active

- Confirm no unapplied funds are on case

- Ensure that no unactioned activities/requests/correspondence exist on case (for example: change order, withdrawal, direct payment or terminating event)

- Case is either in arrears for minimum of $3000 or three (3) months of ongoing support

- Conduct Trace & Locate activities to confirm SP's identity and to set up address(es) for mailing to the SP, especially to enforce orders.

Note: If address in FRO database differs from the address in the Ministry of Transportation Ontario (MTO) database, a First Notice must be sent to both addresses.

- Ensure that the SP is not receiving social assistance

- Confirm if the SP has a valid Ontario DL

Note: Initiate the DLS process even if the SP's Ontario DL is suspended, expired, and/or cancelled

- Ensure FRO has a copy of the current support order(s)/agreement(s) being enforced and fulsome parties' names have been entered into the Court Order Contact section in FCMS as per the court order style of cause. Refer to '**3.12 Updating Support Payor and Support Recipient Names**' 'for details

- Verify enforcement of support is not limited by a Court Ordered Arrears Payment Schedule (CAPS). See procedure <u>Manual Issuance of First and Final Notice</u> where there is a CAPS

- Ensure there are no funds in the 'Unapplied Account' and no 'Hold Payment Alert' on the case

- FCMS will not allow users to initiate a DLS while Default Hearing (DH) is in progress

Note: FCMS will not allow issuance of a First Notice during the specified period prior to the late autumn (November-December) holiday season. Case contacts will receive an 'error' message during the specified period and should consult with their TL/MGR to find out when the '**Court Not in Session**' period ends.

IMPORTANT:

Do NOT initiate the DLS process when a Default Hearing (DH) is in progress.

If the SP has not been served with a Notice of DH (the **Case Contact** must confirm this with the Case Administration Team Lead), then the **Case Contact** may cancel the DH and initiate the DLS process (refer to '5.15.01 – Default Hearings' on steps to cancel a DH).

If the SP has been served with a Notice of DH (Default Hearing) (the **Case Contact** must confirm this with the Case Administration Team Lead), then the DH is in progress and DLS must NOT be initiated. For exceptional situations, the **Case Contact** must consult with their TL/MGR and FRO Legal Counsel for approval to do so.

Procedure

Issue First Notice

The First Notice as per section 34 of *FRSAEA* provides three (3) options to the SP to avoid their DL from being suspended and only one of which involves a motion to the court (refraining order (RO)). The other options are to pay all the arrears in full or to enter into a negotiated arrears payment plan (34(a) APS) with the Director's Office.

If the case meets the criteria above, the **Case Contact,** after advising the SP or two phone call attempts, will issue First Notice to SP by completing the following steps:

1. Update the SP SADA (Social Assistance Delivery Agent) status from 'Unknown' to 'NO'

   - Select **More Info** tab

   - Ensure **SADA Status** is 'NO'

2. Confirm SP's MTO name is recorded in FCMS

   - Select the **Identity History** tab

   - Ensure SP's name is listed exactly as it appears in the MTO database with **Name Type** = MTO

Note: MTO will pull the SP's name from Identity History view, when the 'Name Type' is 'MTO'

3. Confirm SP has a valid ON DL in MTO and verify if the MTO address is the same as the address in SP Contact View. If different, the MTO address must be updated to the SP Contact Address View. To add MTO address:

   - Navigate to **Personal Address** tab

   - Scroll down to Form View

   - Select the New button

- Update MTO address choosing a start date prior to today's date

- Press Save and you will be automatically directed to pick the **Address Type**

- Choose MTO address and save (Ctrl + S)

4. Ensure SP DL number is updated

- Navigate to the **Credentials** tab

- Select the New button

- **Name**: Copy last name of the SP exactly as it appears in the MTO database

- **Category**: Government Issued

- **Type**: Driver's Licence

- **Status**: Active

- **Number**: Input the SP's DL number (no hyphens, uppercase letters only, Province = Ontario)

- **Country**: Canada

- **State/Province**: Ontario

5. Ensure Trace and Locate actions are updated

- Navigate to **Trace and Locate** tab

- Select the New button, update Trace and Locate actions to Completed

- **Trace Type:** Driver's Licence number

- **Source:** MTO

- **Status:** Confirmed

6. Navigate to the Driver's Licence Suspension Enforcement View

7. Scroll down to the DL Form View

8. Select the New button

9. Select 'Issue First Notice' from the **DLS Action** field

10. Ctrl + S to save

11. Select the Submit button

12. Select the Execute Query icon

- When the DLS enforcement record is created, FCMS auto-populates **Initial Arrears, SP DL number, DL Province, and Driver's Licence Status** on the *DLS Form View*

Please ensure that DL number does not contain any hyphens when migrating it from the MTO database. Also ensure that the DL number begins with an UPPERCASE letter for example: B0703560651223 and Province = Ontario

- When the Case Contact initiates **DLS Action** to 'Issue First Notice', FCMS will validate if the following are true:

  - Case **Status** = Active

  - Case **Type** = not ISO-Out

  - Case has current Support Order, Domestic Contract, Support Deduction Order (SDO) or Changed Support Order

  - Driver's Licence number is populated

  - Driver's Licence Province = Ontario

  - Payor SADA Status = No

  - No current active Payment Schedule (VAPS/CAPS/RO/etc.)

  - Payor Contact Status is not equal to 'Bankrupt', 'Deceased', or 'Incarcerated'

  - Court is not in session

  - Payor's Contact Profile mailing address is Active

- If validation is successful, FCMS will automatically generate the following documents:

  - **DLS 1st Notice Ltr SP**: Letter contains Case Contact's name and Agent ID, BF date based on business rules, arrears amount

  - **Arrears Payment Schedule** (APS Proposal Form) under Section 34(a)

  - **Form 13.1 – Blank Financial Statement**

- FCMS will also:

  - Update the DLS enforcement Service Request Status to 'In Progress', Sub-Status to '1st Notice Issued' and Updates Date Status changed to current day's date

  - Populate 1st Notice BF Date field to today's date + **5 business days** for mailing + **33 calendar days** (FCMS calculated)

  - Create BF Case Activity for the Case Contact to follow up; start date for the Activity is set to **1st Notice BF Date + 1 calendar day**

The Case Contact will leave a case note detailing reason for the issuance of the First Notice.

The Case Contact will confirm if:

  - All First Notice arrears are paid

  - Refraining Order received

  - APS Proposal Form received

  - Changed order(s)/agreement(s) received

  - Notice of Withdrawal signed by all parties received (including assignee, if applicable) or Unilateral Recipient Withdrawal received

Note: An Affidavit of Service is not generated when issuing a DLS 1st Notice or a DLS Final Notice. LSB (Legal Service Branch) will advise the Case Contact in exceptional situations where an Affidavit of Service may be required. An example of when this may be required is when the SP alleges before the court in a refraining order motion or default hearing that FRO suspended their DL without any notification being sent to them (refer to section '**Affidavit of Service**' in this document for details).

Note: The FCMS generated due date issued on the 1st Notice may be 38 – 41 days from the date of issuance as calculated by FCMS (for example, the notice period begins after the 5th day of issuance, providing the SP with 30 days to respond to FRO and to allow for overnight printing of the 1st Notice.

Undo MTO Request:

If the Case contact has any errors with MTO requests, they can select 'Undo MTO Request' on the day the request was made.

'Undo MTO Request' applies to all 4 DLS actions which will trigger MTO interface action:

- Suspend DL (DM25)

- Reinstate DL (DM30)

- Accept 38(1) (d.1) (DM30)

- Reinstate without Fee (DM32)

Reminder: If the Request action has already been sent to MTO, Sub Status = 'DL suspension/ reinstatement/cancellation sent to MTO', user *cannot* perform the 'Undo MTO Request' or resubmit the request. A warning message will pop up notifying the user to wait until receiving MTO response. User needs to wait for the MTO response before they can resubmit, or submit a 'Cancel without Fee (DM32)'

Note: Users cannot use this button to reverse an 'Issue First Notice' request.

Once the user selects the 'Undo MTO Request' button; FCMS will revert the Sub Status back to the previous Sub Status and remove the Requested Date.

Note: If the user selects **Suspend DL** and the enforcement fee is added, the **Undo MTO Request** button will **NOT** reverse the enforcement fee. User will have to request the enforcement fee be removed using the admin fee exception request (refer to policy **14.01 – Collection of Administrative Fees** for details)

Multiple Driver's License Numbers for SP

Refresh DLS action can pick up new DL number from **Contact Credentials** tab. This is used to address scenarios in which user has found a new DL number on an existing MTO enforcement or if user receives error message, such as – invalid DL number.

User should confirm DL number and update if required in SP's Credentials Tab in the SP's profile

- When the user submits the **Refresh DL Number**, FCMS will pull the new DL number without validation

- Please note that any incorrect DL number should be placed in **Invalid Status** as users cannot have multiple active DL numbers

MTO Return Message

MTO Return Message field, advises user of actions taken on MTO enforcement.

- An Activity is created by FCMS when a user submits any DLS Action. An Activity is also created when MTO provides any return code for the case, including successful return

- These activities are assigned to the Case Contact in Open Status, with a Medium Priority. If the return code comes back with no errors (such as the expected action happened) the Activity generated will be in Closed Status

- The MTO Return Message field / Activity generated helps the user identify and track history and actions taken on the MTO Enforcement

- User will receive a message from MTO if there is an error and users will be able to correct the issue and re-submit their request (such as Driver name is invalid, already suspended by FRO, Driver is dead,)

A. APS Proposal Form Received

- The Case Contact reviews the completed and signed APS Proposal Form (refer to policy 5.03.01 – Voluntary Arrears Payment Schedule (VAPS) for payment proposal criteria)

- If submitted APS Proposal Form is satisfactory, the DLS process is put on hold (Note: The DLS process is put on 'hold' automatically once the APS Accepted Ltr SP is accepted into FCMS).

- The Case Contact enters detailed activity Note specifying 34(a) APS terms including the amount, frequency, and commencement date of the 34(a) APS and monitors post acceptance for 24 months to ensure compliance until DLS arrears are satisfied.

- Reminder: Monies should not be held when SP enters into a 34(a) APS or 38(1) (d.1) agreement with FRO.

The Case Contact will enter details of the 34(a) APS terms by completing the following steps:

1. Select the **Court Order** Tab on the case

2. Select the right court order hyperlink in the Court Order Number column

3. Scroll down to the Payment Schedule View

4. Select the **New** button

5. Populate the following fields

   o **Initial Arrears:** Input arrears amount

   o **Status:** Active

   o **Payment Amount:** Input payment amount

   o **Type:** VAPS

Note: 'VAPS' is selected only to accommodate system functionality. Do not enter 'DLS 34(a) Under First Notice'.

   o **Frequency:** Select frequency from drop down list

   o **Start Date:** Input start date of payment

   o **End Date:** Input end date of payment

   o **Notes:** Create a Note

6. Ctrl + S to save

APS Letters

To generate the 'APS Accepted Ltr SP', the Case Contact must complete the following steps:

1. Navigate to the DLS Form View

2. Select 'Accept 34(a) Proposal' from the **DLS Action** field value

3. Populate the following fields:

   a. **34(a) Accept Date**

   b. **APS Arrears balance** (outstanding arrears balance)

   c. **Periodic Amt** (the amount paid towards the 34(a) APS in addition to ongoing support)

      d. **Frequency**

      e. **Start Date**

4. Ctrl + S to save

5. Select the 'Submit' button

6. Select the 'Execute Query' icon

System will automatically:

- Generate the **APS Accepted Ltr SP**. Select the Documents link on upper right corner to view this letter

- Create Comments: "Accepted 34(a) Proposal. Review for APS Compliance".

- Create a BF Date = today's date + 30 calendar days

- Update **Status** to 'Open'

If submitted 34(a) APS is not satisfactory, the Case Contact sends counter proposal letter by completing the following steps:

1. Navigate to the DLS Form View

2. Select 'Send 34(a) Counter Proposal' from the DLS Action field

3. Populate the following fields:

- Arrears

- Prorated Ongoing Amt (auto-populated)

- Prorated Ongoing Frequency (auto-populated)

4. Ctrl + S to save

5. Select the Submit button

6. Select the Execute Query icon

7. Make detailed case notes on actions taken

FCMS will automatically:

- o Update **Status** to 'Open', **Sub-Status** to '34(a) Counter Proposal Issued', and **Status Changed Date** to the current day's date

- o Generate **Comments** with "Sent 34(a) Counter Proposal. Please review".

- o Generate the '34(a) Counter Proposal Letter' and the 'APS Proposal Form'

- o Creates a case Activity for the Case Contact with a BF Date = today's date + 20 calendar days (FCMS calculated), and Case Contact will review next steps such as, continue monitoring for compliance or suspend DL.

- **If 34(a) APS is not honoured (case defaults within 24 months**), the Case Contact:

  - o After advising the SP or two phone call attempts, issues Final Notice (refer to **Issue Final Notice** in this document)

  - o Enters detailed activity **Note** regarding the 34(a) APS shortfall amount to facilitate subsequent staff reviews or client inquiries.

  - o Monitors case for response to Final Notice.

- **If SP is compliant with the terms of the 34(a) APS but arrears are not paid off by the end of the 24 months**, the Case Contact:

  - o Cancel DLS process (refer to **Cancel DLS Process** in this document)

  - o Terminates 34(a) APS on the system

  - o Negotiate an APS with the SP or send a new First Notice if the SP refuses to pay or negotiate an APS

- **If no response to the Final Notice is received**, the **Case Contact**:

  - o After advising the SP or two phone call attempts, suspends the SP's DL (refer to **Suspend SP's DL** in this document).

- The Case Contact reviews for other applicable enforcement.

Refraining Order Received

A Refraining Order is a court order (prescribed court form) obtained by the SP, on notice to FRO, that prevents FRO from suspending the SP's DL for a temporary period, on mandatory statutory terms and with possible discretionary payment terms.

<u>A Refraining Order:</u>

- Prevents FRO from suspending a SP's DL to allow SP time to file a Motion to Change (MTC)

- **Expires after 20 days if SP does not file a MTC within 20 days**

- **Expires after 6 months (unless court grants 3-month extension, or 6 months extension for ISO Act variations) regardless of SP's compliance with the Refraining Order payment terms**

- Has payment terms as decided by the court (may differ from the support order being enforced by FRO)

<u>Note:</u> Payment terms under the Refraining Order are the <u>minimum</u> the SP must pay to keep the DL from being suspended. Parallel enforcement continues and additional payments may be received and disbursed by FRO to the Support Recipient (SR) because of parallel enforcement

A Refraining Order cannot be obtained if no 1st Notice has been sent/served by FRO. Under the Act a Refraining Order cannot be obtained outside the 30-day statutory limitation period (ss. 35(10)(11)(12)(13)) referred to in the 1st Notice. If the SP later breaches either the ss. 34(a) negotiated payment plan, the Refraining Order payment terms or the change order payment terms, a Final Notice may be sent by FRO which allows the SP **5** business days + **18** calendar days (FCMS calculated) to remedy the breach. **There is no court-based remedy in respect to the Final Notice.** SP must pay the amount owed or seek legal advice for other options once a Final Notice has been issued.

Review the end date of the Refraining Order and take appropriate action (valid for six (6) months from date of issuance unless extended by the court) including other enforcement actions, negotiating a new 34(a) APS, etc.

If Refraining Order received, the Case Contact will review the Refraining Order and will input the details of the Refraining Order to the case by completing the following steps:

1. Navigate to the **Court Order** tab in the Case View to populate details

2. Select the **New** button

3. Select 'Refraining Order' from the **Type** field drop down list of values

4. Populate remaining fields based on the details of the Refraining Order

5. Select the **Court Order Number** for the Refraining Order

6. Scroll down to the **Payment Schedule** view of the Court Order tab

7. Enter the actual **Frequency**, **Start Date** and **End Date**

8. Set the dollar value to $0.00

9. Include the terms of the Refraining Order in the **Notes** tab

10. Ctrl + S to save

Note: Case Contact shall perform compliance calculations MANUALLY.

To avoid double accruals do not update the Obligations fields.

11. Navigate to the DLS Case View tab

12. Navigate to the form view

13. Populate the **Refraining Order Date** field

14. Change **DLS Action** to 'Hold DLS - Refraining Order'

15. Ctrl + S to save

16. Select the 'Submit' button

17. Execute Query

Note: **Sub-Status** will automatically change to 'Hold – Refraining Order'

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18. The Case Contact creates an Activity with a Bring Forward (BF) in a minimum of **20** calendar days from the date of the Refraining Order to confirm if a motion to change the order or an application to change the order in a reciprocating jurisdiction (ISO) has been begun.

19. Once BF Activity created, the Case Contact updates the Activity to Priority = ASAP and Status = In Progress

    • The Case Contact contacts the SP and/or the SP's lawyer regarding above if no confirming documentation has been received after **20** days. The Case Contact informs SP or SP's lawyer to immediately send documentation to FRO or SP's DL will be suspended.

    • The Case Contact monitors for response and BFs an additional **10** calendar days.

    • If response received, then the Case Contact updates BF Activity to **Status** = Closed.

    • If still no response, the Case Contact reviews the case and decides if suspension of the SP's DL is required (refer to FCMS steps in Section 'B').

Note: Other enforcement actions in place or additional enforcement measures being considered are *not* affected by compliance with the Refraining Order terms.

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20. The Case Contact will document actions taken in the **Comments** field

21. Enter detailed activity Note specifying terms/payment terms and monitor for **six months** (unless extended by court for 3 or 6 months per s. 35 (21) *FRSAEA*) to ensure compliance.

o <u>Note:</u> Start notes with **RO** and in detail document all actions taken and the reasons why the action was taken.

Once a RO has expired, review the facts of the case, and consult with Manager if necessary to decide on next steps (suspension, monitoring for payments, etc.). Review DLS/RO process flow for more details.

Cancel DLS Process

<u>If all First Notice arrears are paid, the Case Contact will cancel the DLS process by completing the following steps:</u>

1. Select 'Cancel DLS Process' from the **DLS Action** field

2. Select **Reason** from 'Cancel Reason' field drop down list of values.

3. Ctrl + S to save

4. Select the 'Submit' button

5. Create an Activity to monitor for further compliance

The Case Contact will leave a case note detailing reason for the cancellation of the DLS process.

FCMS will confirm that the DL is not suspended on this Enforcement Action record, and if validation passes it will update the Enforcement Action [**Status**] to 'Closed' and [**Sub Status**] to 'DLS Process Cancelled'.

If validation fails, the user will receive an error message: 'Process cannot be cancelled as DL suspension is confirmed'.

o User must manually change the Print Status to Cancelled

o User must manually close the FCMS generated Activity

- The Case Contact amends all enforcement, as appropriate.

- The Case Contact contacts SP to promote sustained compliance and discuss remittance options (for example SDN (Support Deduction Notice), PAD, Online banking, etc.).

Note: If the SP again accumulates enforceable arrears, a new First Notice is required. Case contact will advise SP or make two phone attempts, at separate intervals, prior to issuing a new First Notice.

Issue Final Notice

DLS Final Notice is issued, after advising the SP or two phone attempts, only if:

- 34(a) APS is breached within 24 months of acceptance of the 1st Notice being issued

- Change order is breached within 24 months of the 1st Notice being issued

- Payment terms of the Refraining Order are breached

Steps for issuing a **DLS Final Notice Ltr SP**:

1. Navigate to the Driver's Licence Suspension Enforcement View

2. Scroll down to the DLS Form View

3. Select 'Issue Final Notice' from the **DLS Action** field

4. Ctrl + S to save

5. Select the 'Submit' button

6. Select the Execute Query icon

7. Enter a detailed case activity Note specifying payment shortfall amount required to bring Refraining Order payment terms into compliance.

When the Case Contact selects the 'Submit' button, FCMS will validate if the following is true:

- Case **Type** = not 'ISO-Out'

- **Payor's SADA Status** = No

- No current active Payment Schedule (APS/CAPS/RO/etc.)

If validation is successful, FCMS will:

- Generate and send **DLS Final Notice Ltr SP**

- Update DLS **Status** to 'In Progress', **Sub-Status** to 'Final Notice Issued' and **Date Status changed** to current day's date

- Populate **Final Notice BF Date** to today's date + **5** business days for mailing + **18** calendar days (FCMS calculated)

- Create BF Activity for the Case Contact. Start date for the Activity is set to **Final Notice BF Date** + **1** calendar day

The Case Contact will leave a case note detailing reason for the issuance of a DLS Final Notice Ltr SP.

When the following conditions are met after the Final Notice, the Case Contact may suspend the SP's DL:

- It has been more than **5** business days + **18** calendar days (FCMS calculated) since the Final Notice was sent

- The 38(1) (d.1) **Accept Date** is within 24 months of the current date

- There is no payment schedule with **Status** of 'Active' under the case

- There is no court order Type = 'Refraining Order' or the Refraining Order has expired or is not in compliance

- The Initial Arrears amount is greater than $0.00 after user executes 'Refresh' command to refresh DLS enforcement action.

Note: The FCMS-generated due date issued on the Final Notice may be 23 – 27 days from the date of issuance as calculated by FCMS (for example, the notice period begins after the 5th day of issuance, providing the SP with 15 days to respond to FRO) and to allow for overnight printing of the Final Notice.

Suspend SP's DL

Suspend a DL, after advising the SP or two phone attempts at separate intervals, if:

- There is no response to the 1st Notice

- There is no response to the Final Notice

- Breach of terms as per the Final Notice

The Case Contact will suspend SP's DL by completing the following steps:

1. Navigate to the Driver's Licence Suspension Enforcement View screen

2. Select 'Suspend DL' from the **DLS Action** field

3. Ctrl + S to save

4. Select the 'Submit' button

5. Select the 'Execute Query' icon

If validation is successful FCMS will:

- Set **Status** to 'In Progress', **Sub-Status** to 'Suspension to be Sent'

Note: MTO will send the notice of DL suspension to the SP. FCMS does not generate a letter to the SP.

NOTE: You cannot suspend or reinstate any DL if the Cancel Reason or Cancel Date Field is populated. Cancel Reasons must be removed first.

Case contact must clear the Cancel Reason by deleting it within the field.

Case contact must clear the cancel date by selecting 'Clear Cancel Date' from the DLS Action field, save <CTRL + S> and submit

The Case Contact will leave a case note detailing reason for the DL suspension,

Note: Should the **Case Contact** wish to use discretion within the DLS process for any reason for example, accepting a 34(a) APS for longer than 24 months, detail the reason for the discretion in a clear, detailed case note and ensure Manager approval is obtained and documented in the case notes.

Once MTO interface batch process sends the Suspend DL request, the interface updates DLS Enforcement action, **Sub-Status** to 'Suspension Sent to MTO' and updates **Date Status changed** with current day's date.

Required Case Review

Once a DL is suspended, review the SP's case(s) for more enforcement actions including a Notice of Default Hearing.

Manual Issuance of First and Final Notices

- The DLS 1st and Final Notices shall be issued manually when CAPS (Court Ordered Arrears Payment Schedule) is breached and only the breached CAPS amount (i.e., not the full amount on the case) needs to be captured and brought to the SP's attention.

- When a CAPS is breached, offering a 34(a) APS to the SP may not be advisable because it is contradictory to the CAPS which is court ordered. However, according to s. 34 of *FRSAEA*, the DLS notice includes the option to enter into a payment

arrangement therefore, if in the instance where a SP offers to enter into a 34(a) APS, the Case Contact must obtain Manager approval.

Note: A 34(a) APS should only be accepted in circumstances where the breached CAPS amount will be paid in full within a short time (such as, within 15 days). It may also be accepted to avoid DLS, but the SP should be advised that other enforcement can be taken to collect the breached CAPS amount.

Manual Issuance of First Notice

- The 1st Notice provides three (3) options to the SP to avoid their DL from being suspended – pay the arrears as per the terms of the CAPS, enter into a negotiated payment plan with the Director's Office or obtain a RO.

- To initiate a 1st Notice, the Case Contact will:

    1. Navigate to the Driver's Licence Suspension Enforcement View

    2. Scroll down to the DLS Form View

    3. Select 'Issue 1st Notice' from the **DLS Action** field

    4. Ctrl + S to save

    5. Select the 'Submit' button

    6. Select the Execute Query icon

    7. Cancel all 'Scheduled to Print' documents

- The Case Contact obtains the breached CAPS amount from the CAPS applet

Note: The Case Contact confirms what has been paid including payments in the Unidentified/Unapplied Accounts to ensure the breached CAPS amount is accurate

- The Case Contact completes the 1st Notice manually - **Enforcement - DLS 1st Notice to SP ltr Manual or Letter to SP - FRENCH First notice for driver's license suspension (DLS).**

Note: Ensure you use the FCMS generated dates from the 1st Notice that was cancelled for printing and manually enter this date in the manual 1st Notice.

- BF date that is calculated by FCMS (for example, **33** calendar days **+ 5** business days) to monitor.

- The Case Contact uploads a copy of the manual 1st Notice to case and mails the original to the SP.

- Once the 1st Notice is issued, the Case Contact will leave a case note detailing the reason for manually issuing the 1st Notice. The breached CAPS amount should also be included.

- The Case Contact will confirm if:

- All First Notice arrears are paid, or

  o 34(a) APS received (Manager approval required)

  o Refraining Order received

  o Change order(s)/agreement(s) received

  o Notice of Withdrawal signed by all parties received (including assignee, if applicable) or Unilateral Recipient Withdrawal received.

Note: An Affidavit of Service is not generated when issuing a DLS 1st Notice or a DLS Final Notice. LSB will advise the Case Contact in exceptional situations where an Affidavit of Service may be required. An example of when this may be required is when the SP alleges before the court in a refraining order motion or default hearing that FRO suspended his/her DL without any notification being sent to him/her. For details refer to applicable 'Note' under 'Issue First Notice'.

When the following conditions are met after the 1st Notice, the Case Contact may suspend the SP's DL:

- It has been more than **5** business days **+ 33** calendar days since the 1st Notice was sent

- The SP is contacted, or two phone attempts have been made, to advise accordingly

- No 34(a) APS has been accepted

- Payment Schedule Status is not 'Active'

- There is no court order **Type** = 'Refraining Order' or the Refraining Order has expired

- No changed Support Order(s)/Agreement(s) received

- SP is not in compliance

- The Case Contact reviews the payment schedule to determine if CAPS is still breached and decides on next steps such as, contacts SP or suspends DL.

Manual Issuance of Final Notice

- The Case Contact completes the Final Notice manually, after advising the SP or two phone attempts when:

  o 34(a) APS is breached within 24 months of acceptance of the 34(a) arrangement

  o Change order is breached within 24 months of the change order date

  o Terms of the Refraining Order are not followed.

- To initiate a Final Notice, the Case Contact will:

1. Navigate to the Driver's Licence Suspension Enforcement View

2. Scroll down to the DLS Form View

3. Select 'Issue Final Notice' from the **DLS Action** field

4. Ctrl + S to save

5. Select the 'Submit' button

6. Select the Execute Query icon

7. Cancel all 'Scheduled to Print' documents

- The Case Contact obtains the breached CAPS amount from the CAPS applet

- The Case Contact confirms what has been paid including payments in the Unidentified/Unapplied Accounts to ensure the breached CAPS amount is correct

- The Case Contact completes the Final Notice manually - **Enforcement - DLS Final Notice Ltr SP Manual or Letter to SP- FRENCH Final Driver's License Suspension (DLS)**

Note: Ensure you use the FCMS generated dates from the Final Notice that was cancelled for printing and manually enter this date in the manual Final Notice.

- BF date that is calculated by FCMS (for example, **18** calendar days **+ 5** business days) to monitor.

- The Case Contact uploads a copy of the manual Final Notice to case and mails the original to the SP.

- Once the Final Notice is issued, the Case Contact will leave a case note detailing the reason for manually issuing the Final Notice. Also include the breached CAPS amount.

When the following conditions are met after the Final Notice, the Case Contact may suspend the SP's DL:

- It has been more than **5** business days + **18** calendar days since the Final Notice was sent

- The SP is contacted, or two phone attempts have been made, to advise accordingly

- No payment(s) in total is equal to/greater than the CAPS amount in the 1st Notice is received

- There is no payment schedule with Status of 'Active' under the case

- There is no court order Type = 'Refraining Order' or the Refraining Order has expired

- The Case Contact reviews the payment schedule to find out if CAPS is still breached and decides on next steps such as, contacts SP or suspends DL.

Process for Manager Overrides:

If a Case Contact submits an action and there is a failed response between FCMS and MTO, and FCMS cannot correct the action, Managers are able to manually make changes.

Managers will have access to make manual changes to requests that have already been submitted to MTO. They will be able to edit the following three (3) DLS fields and populate the confirmed date <u>without</u> MTO response:

- Suspension Confirmed Date

- Reinstatement Confirmed Date

- Reinstate w/o Fee Confirmed Date

Steps for Manager:
1. Receives Service Request from the Case Contact

2. Navigates to the *Drivers Licence Suspension* view tab

3. Selects right record from List View

4. Enters data into one (1) of the three (3) fields

5. Ctrl + S to save

6. Leaves a detailed case note

Manager is also able to change the **Sub-Status** of certain actions. **This is for exception case handling or failed responses that cannot be corrected.** Manager can change **Sub-Status** to any value that is valid for the original action status, for example if the **Status** is 'Closed', Manager can change **Sub-Status** to 'Arrears paid' or 'DLS process cancelled' or 'DLS cancellation confirmed'.

Steps for Manager:
1. Receives Service Request from the Case Contact

2. Navigates to the *Drivers Licence Suspension* view tab

3. Selects record from List View

4. Changes **Sub-Status** to reflect desired result

5. Ctrl + S to save

6. Leaves detailed case note

Affidavit of Service

When a Case Contact is advised by LSB that an Affidavit of Service is required, the Case Contact will:

- complete 'Form 6B: Affidavit of Service' if the current Case Contact is the one who generated the DLS Notice(s) and is available (for example, not on vacation, etc.)

1. Navigate to the case **Default Hearing** view

2. Select the **Reports** icon

3. Select **Aff of Service FLR 6B** from the list
4. Select 'RTF' from the **Output Format** drop-down

5. Select the **Submit** button

6. Open the document and

    i. Populate the **date at paragraph 1** and enter the following information:

        1. **Name of Document**: First Notice to Suspend Driver's License (or Final Notice as the case may be)

        2. **Date when document signed**: date of First or Final Notice

    ii. Check the checkbox beside 'mail' at **paragraph 2**

    iii. Check the right checkbox at **paragraph 4**

    iv. Print the document

    v. Sign the affidavit in front of a Commissioner of Oaths

    vi. Ensure the Commissioner of Oaths completes the location, dates, signs, and stamps the affidavit

OR

- Complete '<u>Aff for DLS Notice 14A</u>' in consultation with the TL/MGR and **FRO Legal Counsel**, if the current Case Contact is <u>not</u> the Case Contact who generated the DLS Notice(s), that Case Contact is not available (for example, on vacation, etc.) or that the Case Contact is not with FRO anymore.

1. Navigate to **FRO Intranet>Staff Room>Off-line Letters and Forms**

2. Locate **Aff for DLS Notice Form 14A** and open it

3. Complete the affidavit as appropriate and include the following:

    a. A true copy of the First Notice (or Final Notice if applicable) marked as **Exhibit 'A'**.

        i. Access the case in FCMS

        ii. Navigate to the case **Driver's Licence Suspension** tab

        iii. Select the **Documents** sub-tab

        iv. Scroll down to the document list

        v. Select the document called **DLS 1st Notice Ltr SP**

        vi. Select the **View Document** button

        vii. Hover your mouse over the document and select the **Print File** (printer) icon

    b. A screenshot of the system showing the date the Notice(s) were sent to the SP, marked as **Exhibit 'B'**

        i. Access the case in FCMS

        ii. Navigate to the case **Driver's Licence Suspension** tab

        iii. Scroll down to the form view

        iv. Use the **snipping tool** or Ctrl + Alt + PrtSc to create a screenshot of the DLS form

        v. Paste the screenshot on a word document in landscape orientation.

vi.   Ensure the screenshot is readable

Note: The SP's DL number appears in the **Payor DL Number** field.

4. Sign the affidavit in front of a Commissioner of Oaths

5. Ensure the Commissioner of Oaths completes the location, dates, signs, and stamps the affidavit

Alternatively, LSB may ask the Case Contact to re-start the DLS process and complete Affidavit(s) of Service at that time.