SUBMISSION TO THE DEPARTMENT OF JUSTICE AND PUBLIC SAFETY

A Municipal Offences Justice of the Peace Jurisdiction

Proposal for a faster, independent process to hear valid municipal offences in Prince Edward Island

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THE PROPOSAL IN ONE SENTENCE

Allow provincially appointed, independent judicial justices of the peace to hear an appropriate range of municipal offences on a predictable municipal-offences docket, while municipalities provide their own prosecution capacity and administrative support.

Executive summary

Prince Edward Island already recognizes both judicial justices of the peace and municipal staff justices of the peace. Municipal staff justices of the peace, however, presently have only narrow administrative powers for municipal tickets. At the same time, municipalities have broad statutory authority to enact and enforce valid bylaws.

I respectfully propose that the current Justice of the Peace Act amendment process be used to create, or enable through the appropriate combination of legislation and regulation, a dedicated Municipal Offences jurisdiction for judicial justices of the peace.

The goal is not a City-controlled court. The municipality would prosecute. The Province would appoint the judicial officer. The Chief Judge would retain supervision and assignment authority. The adjudicator would remain independent of City Hall.

1. The existing legal foundation

Municipalities already have broad bylaw jurisdiction

Section 180 of the Municipal Government Act gives municipal councils broad jurisdiction over matters including public safety and protection of property, businesses and business activities, activities in public places, transportation, nuisances and loitering. Municipal bylaw enforcement is therefore not peripheral to local government; it is part of the authority the Legislature has deliberately assigned to municipalities.

Municipal offences already have meaningful court remedies

Section 234 of the Municipal Government Act provides a default penalty framework where a bylaw does not provide a different penalty. On summary conviction, the court may impose fines, imprisonment for up to one year, or both, and may order compliance. The proposal in this submission does not seek to increase those statutory penalties. Sentencing would remain entirely a judicial decision, subject to the applicable law and procedural protections.

PEI already recognizes municipal staff justices of the peace

Section 22 of the Justice of the Peace Act allows the Minister, at the request of a municipality's chief administrative officer, to appoint a municipal employee as a staff justice of the peace. Under section 23(2), that municipal staff justice currently has only limited administrative authority: entering a guilty plea on proof of payment of a municipal ticket and swearing an oath, affidavit or declaration.

Judicial justices of the peace are structurally independent

Judicial justices of the peace are appointed provincially. The Chief Judge is responsible for their general supervision and assignment of duties. Section 17 gives a judicial justice of the peace province-wide jurisdiction to exercise powers conferred by enactments and to hear and decide matters specified in the regulations, subject to any limits on the appointment.

The Act also separates prosecution from adjudication: a person who prosecutes provincial or federal offences is ineligible to serve as a judicial justice of the peace. That separation should remain central to any municipal-offences model.

2. Proposed Municipal Offences jurisdiction

The Province should establish a clear statutory and procedural pathway for an independent judicial justice of the peace to hear an appropriate range of municipal bylaw prosecutions.

- A municipality would retain responsibility for its own enforcement decisions and could employ or retain a municipal prosecutor.
- The Province would retain responsibility for judicial appointment and judicial independence.
- The Chief Judge would retain responsibility for assigning judicial duties, scheduling within the judicial system, professional standards and supervision.
- Municipalities could provide or fund agreed courtroom, clerk, filing, technology and administrative resources without directing judicial decisions.
- The docket would hear only matters that lawfully fall within municipal jurisdiction. Criminal Code prosecutions would remain within the existing criminal justice system.
- Existing procedural protections, appeal rights and principles governing sentencing would remain intact.

Because section 17 of the Justice of the Peace Act already contemplates matters specified by regulation, the Province may find that part of this model can be implemented by regulation. Other aspects may require amendments to the Justice of the Peace Act, Municipal Government Act, Summary Proceedings Act, Provincial Court Act or related regulations. This submission deliberately leaves that technical drafting choice to Legislative Counsel and the Department.

3. Why a dedicated docket would help residents

Faster follow-through

Residents lose confidence in local government when a recurring violation produces repeated warnings or tickets but no timely resolution. A predictable municipal-offences docket would create a visible path from enforcement to hearing to disposition.

Better use of judicial resources

Straightforward municipal matters should not need to compete indefinitely with more serious criminal and other proceedings for hearing capacity. A judicial-JP docket can provide an appropriately scaled forum while preserving Provincial Court resources for matters that require a Provincial Court judge.

Consistency and accountability

A regular docket would encourage municipalities to improve the quality of their bylaws, evidence, disclosure, prosecution practices and record keeping. It would also make it possible to measure how long cases take and whether enforcement is actually producing compliance.

4. A Charlottetown pilot

Charlottetown would be a practical municipality in which to test the model. A time-limited pilot could establish a regular municipal-offences docket and evaluate the results before any province-wide expansion.

The pilot should publish aggregate measures such as:

- number and type of municipal matters filed;
- median time from filing to first appearance and final disposition;
- appearance and default rates;
- compliance with court orders;
- case cost to the municipality and Province;
- appeal and rehearing rates; and
- resident and court-user accessibility, including remote or electronic processes where appropriate.

The pilot should also include a formal review by the Province, judiciary and participating municipality after an agreed period.

5. Safeguards

- No municipal appointment of the adjudicator. Judicial justices of the peace remain provincially appointed.
- No direction from Council, the mayor, municipal administration, police or a municipal prosecutor about how a judicial officer decides a case.
- No conversion of Criminal Code conduct into municipal offences merely to obtain a different forum.
- No automatic or politically directed sentence. Any fine, compliance order or custodial sentence must be imposed independently by the court under existing law.
- Clear conflict-of-interest rules separating prosecution, enforcement and adjudication.
- Normal disclosure, procedural fairness, Charter protections and appeal rights remain in place.

6. Recommendations

1. Amend or supplement the Justice of the Peace Act and regulations as necessary to expressly authorize an appropriate Municipal Offences jurisdiction for judicial justices of the peace.
2. Authorize the Chief Judge to establish or assign predictable municipal-offences dockets while preserving full judicial supervision and independence.
3. Permit participating municipalities to provide prosecution capacity and agreed administrative, technology and facility support without acquiring any control over adjudication.
4. Make any necessary consequential amendments to the Municipal Government Act, Summary Proceedings Act, Provincial Court Act or related regulations so jurisdiction, procedure, appeals and enforcement are unambiguous.
5. Invite the City of Charlottetown to participate in a pilot and evaluate its performance before broader implementation.

Conclusion

Municipalities should have both the authority to make reasonable local rules and an efficient, independent forum in which valid municipal offences can be resolved. Prince Edward Island already has much of the institutional foundation: municipal bylaw authority, municipal ticket enforcement, municipal staff justices of the peace, and an independent judicial-justice-of-the-peace system.

The next step is to connect those pieces in a way that produces timely, fair and measurable local enforcement.

THE MUNICIPALITY PROSECUTES. AN INDEPENDENT JUSTICE DECIDES.

Official sources consulted

Government of Prince Edward Island - Justice and Public Safety consultation (comments due September 4, 2026): https://www.princeedwardisland.ca/en/news/feedback-wanted-from-public-on-upcoming-legislative-changes

Justice of the Peace Act: https://www.princeedwardisland.ca/en/legislation/justice-of-the-peace-act

Municipal Government Act: https://www.princeedwardisland.ca/en/legislation/municipal-government-act

Guide to Municipal Bylaw Offences and Enforcement: https://www.princeedwardisland.ca/en/publication/guide-to-municipal-bylaw-offences-and-enforcement

Respectfully submitted,

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