|  |
| --- |
| 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 |