

How long will my jail term be?

The Criminal Code of Canada sets jail terms for non-payment of fines. Your jail term will be the smaller of the following two numbers:

- the amount of the fine, divided by 8 times the provincial minimum hourly wage

OR

- the maximum jail term the judge could have given you when you were convicted

Example:

You were fined \$1,000 and haven't paid any of this by the due date. The judge could have sent you to jail for a maximum of 6 months.

- First, divide 1,000 by 64 (the current minimum hourly wage of \$8 times 8). You get 15.625. Round this down to the nearest whole number (15). This is the number of days that you could serve in your jail term.
- Next, compare this figure with the maximum jail term the judge could have given you (6 months).

Your jail term would be 15 days, because that's smaller than 6 months.

You can get out of jail sooner by paying all or part of your fine. The amount of time that will be taken off your jail term will be in proportion to how much you pay. For example, if you pay half your fine, you will cut your jail time in half.

You must pay enough to reduce your jail time by at least one day — you can't pay a smaller amount than this and still get any time taken off your jail term.

If you are arrested

Call the Brydges Line, a province-wide toll-free legal advice service available 24 hours a day, 7 days a week. Phone 1-866-458-5500 (call no charge, in the Lower Mainland) or 1-866-458-3300 (call no charge, outside the Lower Mainland). Or ask the police for the Brydges Line phone number.

If You Can't Pay Your Court Fine on Time



What should I do if I can't pay a court fine on time?

If you get a fine in court, the judge will give you a deadline for paying. This is called the **due date**. You have four choices. You can:

- **pay by the due date**
 - ❑ If you can pay some but not all of the fine by the due date, pay as much as you can and then choose one of the next three options.
- **ask for an extension** (more time to pay)
- **ask for jail time instead**
 - ❑ This is called default jail time. If you are serving jail time for another crime anyway, you might choose this option.
- **do nothing** — and risk the consequences, which could include jail time
 - If you can't pay by the due date and you don't want to go to jail, ask for an extension. Do this only if you can show the judge that you could pay with more time.

How do I ask for an extension?

Follow these steps if you want to ask for an extension:

1. Make a list of all the money that you get each month. Then make a list of your expenses (the money that you spend on things like rent, bills, and groceries).
2. Before your due date, take your list to the court registry where you were sentenced. Also bring your copy of the **fine order** (the form that you got when you were fined).

- ❑ You can find the address for the court registry in the blue pages of the phone book under "Government - Provincial — Court Services — Court Registries." Court registries are open Monday to Friday (except statutory holidays).
3. Tell the clerk you need more time to pay. You will have to fill out a form called an **application to change the time to pay**.
 4. See a judge (staff at the registry will arrange this for you). Often, you will see the judge who fined you. Explain why you can't pay by the due date, and tell the judge when and how you can pay. In smaller cities, you may get the extension from a justice of the peace in the court registry.

You can still ask for an extension after the due date, but this is harder to get — and you can be arrested if you don't pay your court fine on time.

If you get an extension, try to pay by the new due date. If you can't, you can ask for more time to pay again. But you must have a good reason for this request, or the judge will not give you any more time to pay. It's hard to get more than one extension, so don't assume that this will happen. You should ask for any further extension before your new due date.

How do I ask for jail time instead?

If you want to serve default jail time instead of paying your court fine, follow the first two steps under "How do I ask for an extension?" Under step three, fill out the application form, but show that you do not want any more time. Then explain to the judge that you want to serve default jail time instead of paying your fine.

What will happen if I don't pay my fine?

If you do not pay your fine, and you have not asked for an extension or default jail time, the province can start action against you. You may receive a letter right after the due date, and again 30 days later, explaining that you missed your due date and that you must pay. If you still do not pay after receiving these letters, the province can send your debt to a collection agency (which will try to collect the money that you owe).

The province can refuse to renew a licence (or give out a new one) if a court fine hasn't been paid. For example, if you were fined for a driving offence, the province will not give you a new driver's licence (or renew an expired one) until you pay your court fine.

The province can also apply to a judge for a hearing to discuss sending you to jail. You have a right to be at this hearing. The judge might send you to jail if the province can show that collection agencies and licence refusal won't work (and that you have refused to pay without a good reason).