

# Backgrounder Document d'information



Ministry of the  
Attorney General

Ministère du  
Procureur général

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## CIVIL VEHICLE FORFEITURE

Amendments to Ontario's civil forfeiture legislation take effect today to help keep Ontario's roads safe from repeat drinking and driving offenders.

Ontario's civil forfeiture law already allowed for the forfeiture of vehicles used for dangerous driving behaviour such as street racing. The new amendments to the Civil Remedies Act, included in the Safer Roads for a Safer Ontario Act, 2007, set a new standard for road safety by targeting vehicles used by repeat drinking and driving offenders. Victims of the activity which resulted in the forfeiture may apply for compensation from the proceeds of sale.

### The New Law

The new law allows civil courts, at the request of the Attorney General, to impound and forfeit a vehicle, if the court finds:

- That the vehicle was involved in, or is likely to be involved in, a drinking and driving offence, AND
- The vehicle is owned or driven by a person whose driver's licence has been suspended for a drinking and driving offence two or more times in the preceding 10 years.

The civil court would also have the power to release a vehicle from "impound" if the registered owner of the vehicle agrees to certain court-imposed terms and conditions including:

- Fitting the vehicle with an ignition interlock device — an alcohol breath-screening device that prevents a vehicle from starting if it detects a blood alcohol concentration over a pre-set limit
- Having the registered owner agree that the person whose actions resulted in the forfeiture application would not drive the vehicle.

The new law also protects the interests of responsible vehicle owners who do, or have done, all they can to ensure that the vehicle is not being driven, or will not be driven in the future, by the person who engaged in unlawful vehicular activities.

## **How The New Law Works**

The new law applies to automobiles, motorcycles, motor assisted bicycles and snowmobiles.

The process for civil forfeiture of vehicles involved in repeat drinking and driving offences begins when police or Crown prosecutors submit a case to the reviewing authority, an independent Crown counsel in the Ministry of the Attorney General. That counsel decides whether the statutory criteria in the Civil Remedies Act have been met. Once that is confirmed, the case information is forwarded to the ministry's Civil Remedies for Illicit Activities Office (CRIA), which is responsible for enforcing the Act.

Cases can be referred to the CRIA office before or after a drinking and driving charge is laid, or even if no drinking and driving charges are laid.

CRIA lawyers bring proceedings to court on behalf of the Attorney General. If they can prove that the vehicle was driven, or is likely to be driven, by someone who has committed or is likely to commit a drinking and driving offence, the court can issue orders forfeiting the vehicle to the Crown.

Forfeited vehicles will go to public auction. The proceeds will be deposited into a special purpose account. Direct victims of the unlawful activity associated with the forfeiture can submit a claim for compensation against the funds. Remaining funds may be disbursed for grants to support programs and initiatives that assist victims of unlawful activity or prevent victimization.

## **Civil Forfeiture Successes**

Ontario's Civil Remedies for Illicit Activities office is recognized nationally and internationally for its precedent-setting work. Since November 2003, a total of \$4.1 million in property has been forfeited to the Crown. The province also has approximately \$13.1 million in property that is frozen pending the completion of civil forfeiture proceedings.

Under the Civil Remedies Act, the Attorney General has:

- Shut down a notorious Hamilton crack house and transferred ownership to the City of Hamilton
- Frozen a second crack house in Hamilton
- Frozen a third crack house in Chatham
- Crushed two street racing cars
- Frozen two Hell's Angels club houses — one in Oshawa and one in Thunder Bay
- Taken 10 guns off the streets (including a stun gun)
- Forfeited 13 properties used for marijuana grow operations and frozen 54 more

- Forfeited over \$1 million in illicit cash
- Distributed approximately \$1 million in compensation to victims of unlawful activity
- Awarded more than \$900,000 in grants to law enforcement agencies.

### **Supporting Quotes for Today’s Announcement**

“There is strong public support for governments to strengthen measures aimed at reducing impaired driving,” said Wanda Kristensen, Director of Programs, Mothers Against Drunk Driving Canada. “We recently commissioned a study, along with Transport Canada, that showed that 89 per cent of respondents favoured the confiscation of vehicles of convicted drivers who drive during a licence suspension.”

“By making these new civil measures available to us, we can help prevent injury and death as a result of impaired driving,” said Hamilton Police Service Chief Brian Mullan.

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