



**EXTENSION OF TIME REQUEST FOR
APPLICATION TO SET ASIDE A DEEMED CONVICTION**

Pursuant to

The Summary Offences Procedure Act, 1990

If you are applying to set aside a deemed conviction more than 60 days after the conviction date, you may apply in writing for an extension of time by completing and submitting this form along with your set aside application. **See the instructions on the back of this form for more details on how to complete this extension request.**

1. I, _____ (Applicant), Offender/Prosecutor (circle response) am applying for an extension of time to submit an Application to Set Aside a Deemed Conviction for the following ticket(s): (list each ticket #)

_____ # _____ # _____

2. The name on the ticket(s) is: _____

3. The reason the application was not made within the 60-day timeframe from the date of the deemed conviction is as follows:

Date: _____

Applicant Signature: _____



4. I _____ (Prosecutor), consent/do not consent to this extension of time request.

Date: _____

Prosecutor Signature: _____

Information and Instructions for Completing the Extension Request

Please provide all information requested on the form. Indicate whether you are the Offender or a Prosecutor. If you are the Defendant named on the ticket, you are now referred to as the Offender given your deemed conviction of the offence. **Ensure you complete Part 3 of this form. This will be your only opportunity to explain why the 60-day time period to submit an Application to Set Aside a Deemed Conviction was missed. It is important to provide a detailed answer.** If you are the Offender, **DO NOT** provide information on this form about why you think you are guilty or not guilty of the offence, or your reasons for requesting the deemed conviction to be set aside, or what your plea will be if the deemed conviction is set aside, or information about the fine amount including whether you think the fine should be lowered. If you are applying as a Prosecutor, do not complete Part 4 of this form.

If you are applying as the Offender, send your completed extension request to the Registry Office for the court location identified on your ticket along with your Application to Set Aside a Deemed Conviction. If you are applying as a Prosecutor, you will only be completing and submitting the extension request to the applicable Registry Office.

A Prosecutor may or may not consent to the Offender's extension request. The consent of a Prosecutor is required for the Offender's extension request to be considered by the court. If a Prosecutor consents and the Offender's extension request is then considered by the court, the court may grant or deny the extension. If a Prosecutor does not consent to the Offender's extension request, that will end the proceedings. See the applicable legislative sections below.

You will be contacted by Court Services about the outcome of the extension request. If the court denies the extension request, that will conclude the matter. If you are the Offender and the court grants your extension request, a hearing date will be set for your Application to Set Aside a Deemed Conviction. If you are a Prosecutor and the court grants your extension request, a timeframe will be provided for an Application to Set Aside a Deemed Conviction to be made.

The Summary Offences Procedure Act, 1990

Summons Tickets

15.1(1) If not more than 60 days have elapsed since a conviction was recorded, the offender may apply in writing to a justice to strike out the conviction on the grounds that the offender did not have the opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If the justice is satisfied that the circumstances in subsection (1) apply, the justice may: (a) set aside the conviction; and (b) either: (i) give the defendant a notice of trial; or (ii) enter a conviction and permit the offender to make submissions respecting the penalty.

(3) A justice may extend the period set out in subsection (1) if, on the application of the offender with the consent of the prosecutor or by the prosecutor directly, the justice is satisfied that the offender was unable to dispute the charge or appear in person or by agent due to circumstances beyond the control of the offender. (emphasis added)

Offence Notice Tickets

23(1) If not more than 60 days have elapsed since a default conviction was recorded, the offender may apply in writing to a justice to strike out the conviction on the grounds that the offender did not have the opportunity: (a) to dispute the charge; or (b) to appear in person or by agent at the trial.

(2) If the justice is satisfied that the circumstances in subsection (1) apply, the justice may: (a) set aside the conviction; and (b) either: (i) give the defendant a notice of trial; or (ii) enter a conviction and permit the offender to make submissions respecting the penalty.

(3) If a conviction is set aside pursuant to this section, any late payment charge imposed pursuant to section 28 is cancelled.

(4) A justice may extend the period set out in subsection (1) if, on the application of the offender with the consent of the prosecutor or by the prosecutor directly, the justice is satisfied that the offender was unable to dispute the charge or appear in person or by agent due to circumstances beyond the control of the offender. (emphasis added)