

# 2022 Yukon Judicial Compensation Commission

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## SUBMISSION OF THE GOVERNMENT OF YUKON IN RELATION TO TERRITORIAL COURT JUDGES AND JUSTICES OF THE PEACE

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## Section I: Introduction

### The Territorial Court

1. The Yukon Territorial Court<sup>1</sup> ("Territorial Court") is akin to a provincial court in Canada. Its constitution and powers are set out in the *Territorial Court Act*, R.S.Y. 2002, c. 217 ("TCA"). The Territorial Court serves Whitehorse and all other Yukon communities, including Watson Lake and Dawson City. It consists of three (3) full-time judges and approximately 30<sup>2</sup> deputy judges (full-time or retired judges from other jurisdictions) to provide additional coverage to the Territorial Court.
2. The Territorial Court makes decisions on criminal and provincial offences, young offenders, child protection laws, and civil matters up to \$25,000 (in Small Claims Court). Its criminal duties cover matters such as first appearances; bail hearings; receiving pleas of guilty and not guilty; and preliminary inquiries, trials and sentencings (in both summary conviction and indictable matters).
3. The Territorial Court also encompasses the Yukon Justice of the Peace Court. Justices of the Peace provide additional court and legal support services, such as receiving and swearing information, issuing search warrants, receiving pleas and conducting summary conviction sentencing hearings under territorial (or federal) legislation. There are 31<sup>3</sup> part-time Justices of the Peace who are remunerated on an hourly basis.

### The PEI Reference Case

4. The decision of the Supreme Court of Canada in *Re Provincial Court Judges*, [1997] 3 S.C.R. 3 (the "PEI Reference Case"), recognized financial security as one of the three core characteristics of judicial independence, the other two being security of tenure and institutional independence. Lamer C.J.C. for the majority of the court explained the

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<sup>1</sup> <https://www.yukoncourts.ca/en/territorial-court>

<sup>2</sup> <https://www.yukoncourts.ca/en/territorial-court/judges> (Accessed on September 10, 2024)

<sup>3</sup> <https://www.yukoncourts.ca/en/territorial-court>

concept of financial security this way at paragraph 133:

First, as a general constitutional principle, the salaries of provincial court judges can be reduced, increased, or frozen, either as part of an overall economic measure which affects the salaries of all or some persons who are remunerated from public funds, or as part of a measure which is directed at provincial court judges as a class. However, any changes to or freezes in judicial remuneration require prior recourse to a special process, which is independent, effective and objective, for determining judicial remuneration, to avoid the possibility of, or the appearance of, political interference through economic manipulation.

5. The majority of the Court held that there is a constitutional obligation to establish bodies which are "independent, effective, and objective", indicating at paragraph 287:

... Any changes to or freezes in judicial remuneration require prior recourse to the independent body, which will review the proposed reduction or increase to, or freeze in, judicial remuneration. Any changes to or freezes in judicial remuneration made without prior recourse to the independent body are unconstitutional.

6. And at paragraph 147, Lamer C.J.C. described the constitutional purpose of these independent bodies:

The constitutional function of this body would be to depoliticize the process of determining changes to or freezes in judicial remuneration.

7. In addition to the requirement that a commission be interposed between the judiciary and the executive of the Government to make recommendations on judicial remuneration, the Court also indicated that financial security requires that judicial remuneration be adequate and that it not fall below a basic minimum level. The reason for this, as noted by the Court at paragraph 135, is as follows:

Public confidence in the independence of the judiciary would be undermined if judges were paid at such a low rate that they could be perceived as susceptible to political pressure through economic manipulation, as is witnessed in many countries.

8. However, the Court also emphasized that the guarantee of a minimum acceptable level of judicial remuneration is not a means to shield the courts from the effects of deficit

reduction. The Court observed:

Nothing would be more damaging to the reputation of the judiciary and the administration of justice than a perception that judges were not shouldering their share of the burden in difficult economic times (paragraph 196).

9. Moreover, the Court noted that salary increases can also be powerful economic levers and cautioned as follows:

... salary increases also have the potential to undermine judicial independence. (paragraph 159)

10. What is required, the Court held, is that an independent commission make recommendations on judicial remuneration that are grounded in objective criteria, not political expediencies, supported by reasons which relate to the public interest, broadly understood.

### **Part 3 of the *Territorial Court Act* - Mandate of the Commission**

11. As a result of the PEI Reference Case, Part 3 (sections 13 to 29) of the *Territorial Court Act* (the "Act") was enacted (see **Tab 1 of supplementary materials**), to provide for the establishment every third year of a Judicial Compensation Commission (the "Commission"). The Government and the judiciary both have input into the selection of the members in the manner set out in section 21. The Commission is mandated to make recommendations respecting all matters of "judicial remuneration" (section 14) which is defined as all forms of compensation including salaries, pensions, allowances and benefits.
12. In developing its recommendations, the Commission is directed by section 19 of the Act to consider any matter it considers relevant, and in addition, address in its report, submissions made to it regarding the following:
  - a. the current financial position of the government;
  - b. the need to provide reasonable compensation to the judges;

- c. the need to build a strong court by attracting qualified applicants;
  - d. the unique nature of the Yukon;
  - e. the compensation provided to judges in the Northwest Territories, British Columbia, Alberta and Saskatchewan;
  - f. the laws of the Yukon;
  - g. the cost of living in the Yukon, including the growth and decline in real per capita income; and
  - h. any submission by the public filed under section 26.
13. The recommendations made by the Commission are binding on Government to the extent that they do not exceed the highest total value of judicial remuneration provided to the provincial or territorial judges of British Columbia, Alberta, Saskatchewan or the Northwest Territories.
  14. The Commission is thus established, as required by the PEI Reference Case, as an independent body to make binding recommendations on judicial remuneration that are justified on an objective basis.
  15. The 2022 Commission is the eighth such commission under the Act. This Commission was established by Order in Council 2022/107, effective June 14, 2022<sup>4</sup>.
  16. Section 13 of the Act allows for a commission to consist of one commissioner or three commissioners. With the parties' approval, Debbie Hoffman was appointed as the sole Commissioner of the 2022 Commission.

## Section II: Overview of the Government's Submission

17. The Government, the Territorial Court Judges and the Justices of the Peace were able to arrive at a joint recommendation which is appended as **Appendix A** to this submission. The Act contemplates the use of mediation, and efforts being made to resolve, by

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<sup>4</sup> [https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2022/2022-0107/2022-0107\\_1.pdf](https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2022/2022-0107/2022-0107_1.pdf)

consensus, the issues between the Parties. Further, the parties are operating according to a Letter of Understanding signed in 2005 (attached as **Appendix B**) recognizing the parties' mutual interest in meeting "with a view to identifying common ground and exploring the possibility of joint submissions on agreed upon issues."

18. As is not uncommon in Judicial Compensation Commissions ("JCCs") proceedings in Canada, the parties are in a position where they have agreed upon a Joint Submission on a number of issues, which follows, to be placed before the Commission for approval, if considered appropriate.
19. Concerning the Territorial Court Judges, the parties arrived at joint recommendations for salaries, administrative stipends, and pensions.
20. For Justices of the Peace, the parties arrived at joint recommendations for salaries, allowances and rates for training and standby pay.
21. All the parties also agreed to change the duration of the JCC cycle from 3 to 4 years.
22. The Government submits that the joint recommendations appropriately address the factors set out in section 19 of the Act.

## Consideration of the Factors set out in Section 19 of the Act

### *Financial Position of the Government*

23. Attached at **Tab 2 of the supplementary materials** is the 2024-25 Fiscal and Economic Outlook for the Yukon Government. As can be seen from Tab 3, page 2, the government projects a surplus of \$119 million in the 2024-25 fiscal year. However, it is important to note that it is expected that the expenses will exceed the revenues by \$33 million and the debt will increase from \$444.5 million to \$488.8 million.
24. The projected surplus largely represents new buildings, roads and other infrastructure that will be developed during the year. The value of these infrastructure investments,

also known as tangible capital assets, has a positive impact on the surplus (see page 3).

25. From the fiscal years 2013-14 to 2022-23, government spending outpaced revenue growth. It is forecasted that this trend will reverse with revenues growing at 3.6% annually between 2023-24 and 2028-29, which exceeds expenditure growth of 1.7% annually (see page 5).

### ***The Need to Provide Reasonable Compensation to the Judges***

26. Financial security as a component of judicial independence requires that judicial salaries be above an adequate minimal level required for the office of a judge. At the same time, large salary increases that cannot be justified on an objective basis are also to be avoided. Thus, there is a range of compensation, the top and bottom margins of which identify the points that "public confidence in the independence of the judiciary would be undermined" (PEI Reference Case, paragraph 135).
27. To determine what is reasonable compensation, appropriate to the judicial office and sufficient to ensure financial security, it is helpful to survey the income in various sectors in the community to gain an understanding of the relative financial position of the Judges to the community they serve. Judges currently earn a salary of \$307,722.31 per annum, effective April 1, 2021<sup>5</sup>.
28. Relative to other legal and government professionals, the Judges are better-paid. Attached at **Tab 3 of the supplementary materials** are charts showing the income levels for other legal sectors are as follows:
  - a. For 2024, a deputy minister with the Government of Yukon has annual earnings between \$202,799 and \$271,299.
  - b. For 2024, a senior lawyer with the Government of Yukon has annual earnings between \$145,013 and \$193,974.

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<sup>5</sup> [https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2012/2012-0070/2012-0070\\_2.pdf](https://laws.yukon.ca/cms/images/LEGISLATION/SUBORDINATE/2012/2012-0070/2012-0070_2.pdf)



- c. Effective April 1, 2024 to March 31, 2025, the Premier of Yukon has an annual salary of \$168, 176 which is comprised of an MLA Indemnity of \$93,067 and Premier Pay of \$75,109. The Premier is also entitled to an annual tax-exempt MLA Expense Allowance of \$23,261. These salary and allowance entitlements are set out in sections 39, 41, and 42 of the *Legislative Assembly Act*, R.S.Y. 2002, c. 136 and include an annual April 1st Consumer Price Index adjustment (section 39(2)).
29. The salaries of the Judges are currently higher than the salaries of most other sectors of the local workforce. This salary has over the last number of years grown at a significant rate. It should also be noted that the Judges may receive a Yukon Bonus benefit of \$2,242 per year<sup>6</sup> to offset the cost of travel to and from the Yukon, after qualifying with sufficient service. Moreover, the judicial pension plan is a robust one that is considered more beneficial than the plan applicable to territorial and federal employees, for example, and is an important aspect of compensation which also contributes to the financial security of the judiciary.

***The Need to Build a Strong Court by Attracting Qualified Applicants***

30. The Government of Yukon wants a strong court as does the public. There are several factors that attract lawyers to the judiciary including a professional desire to discharge the important and challenging role a judge plays in our society. The ability to make a difference and have a meaningful impact on society through one's work, especially in a small jurisdiction like Yukon, is certainly one of the non-monetary rewards. Judges, like elected officials, assume these positions in the government structure to serve the public and accept the fact that public service may have some drawbacks.
31. Compensation is also one of the factors in attracting qualified candidates to the bench and keeping them. The compensation must be seen to be reasonable given the responsibilities and challenges of the position.

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<sup>6</sup> <https://yukon.ca/en/pay-benefits-pension>

32. There has been very low turnover at the Territorial Court. Retirements from the Bench have followed lengthy service. This is evidence that the remuneration associated with the position of Judge has not been a deterrent to staying with the Court.
33. The Judges of the Territorial Court receive higher earnings and salaries than government lawyers and managers, and they also have a valuable pension plan. The pension plan must also be considered in terms of the ability to attract qualified candidates. As stated by the New Brunswick Court of Appeal:<sup>21</sup>

It is universally accepted that the value of the judicial pension is a significant factor to be taken into account in comparing the income position of judges and lawyers in private practice... This is because lawyers in private practice do not have the benefit of pension arrangements or pension schemes and are obliged to save for their retirement.

*Provincial Court Judges' Assn. of New Brunswick v. New Brunswick (Minister of Justice) et al*, 2005 SCC 44

34. Given the foregoing, it is submitted that there is little risk that qualified candidates would be deterred from applying for the position of Territorial Court Judge on the basis that the compensation proposed by the Government is not adequate.

### ***The Unique Nature of the Yukon***

35. The Yukon is a wonderful place to live and raise a family. Wilderness activities including hiking, paddling and camping are easily accessible and Yukoners live in a rugged and beautiful landscape. Interesting sporting events are a part of life as well including the Chilkat Bike Relay from Haines Junction to Haines, the Klondike Road Relay from Skagway to Whitehorse, various triathlon events and the Yukon River Quest to name a few.
36. Whitehorse also boasts a vibrant arts scene which includes local, national and international musical and theatrical presentations at the Yukon Arts Centre and the Guild Hall; music, storytelling and writers' festivals; and several art galleries. The Yukon also enjoys a varied demographic, enriched by First Nations' culture, and has been in the

forefront of some major social changes, including the settlement of modern day treaties and the implementation of self-government arrangements for First Nations. All of this makes the Yukon an enviable place to live.

37. At the same time, direct air connections to Vancouver, Edmonton and Calgary allow residents to easily travel south<sup>7</sup>. Affluent residents make regular trips to destinations outside of the Yukon for holiday, shopping or to attend cultural events.
38. However, it is acknowledged that in a small community like Whitehorse, there is some social isolation for the judiciary.
39. Moreover, it is recognized that the substantial First Nations population in the territory requires the Court to be familiar with and sensitive to Aboriginal culture and practices.
40. The Government is aware of the contribution which the Territorial Court makes to life in the Yukon and the innovative approaches it has utilized to assist in the administration of justice.
41. At paragraph 147 of the 2019 Yukon Judicial Compensation Commission Report (see **Tab 4 of supplementary materials**), the Commission concluded that the unique nature of the Yukon includes a recognition that Judges encounter some social isolation as well as increased challenges in carrying out their judicial responsibilities. The Commission determined that this was a relevant but not determinative factor in considering the adequacy of judicial compensation.

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<sup>7</sup> AirNorth also has flights from Whitehorse to Ottawa and Toronto, but these may or may not be regular or direct flights.

<https://www.flyairnorth.com/>

<https://www.flyairnorth.com/flights/flight-schedules>

*The Compensation provided to Judges in the Northwest Territories, British Columbia, Alberta and Saskatchewan*

Territorial Court Judges

42. At paragraph 151 of the 2019 Yukon Judicial Compensation Commission Report, the Commission considered the comparator groups as objective markers of reasonableness, while keeping in mind there are differences between those jurisdictions and the Yukon.
43. At paragraph 161, the Commission considered the salaries of the Judges in the Northwest Territories a relevant consideration carrying significant weight because of the similarity of working conditions and workload in the two territorial courts as compared to the southern provinces.
44. There is a difference in the scope of work performed by Territorial Court Judges (“TCJs”) as compared with Provincial Court Judges in that the TCJs do not deal with family law matters such as custody, access and child support whereas the Provincial Court Judges do deal with such issues.
45. In considering the salaries of Judges from other jurisdictions, the commission noted in paragraph 195 that Yukon residents, similar to residents of the Northwest Territories are taxed at lower personal income tax rates than residents in the comparator jurisdictions of Saskatchewan, Alberta and British Columbia.
46. Accordingly, to assist the Commission in comparing the salary and benefits of Judges in the comparator jurisdictions, the Government has included the most current reports of JCCs, as follows:
  - a. Report of the 2022 British Columbia Judicial Compensation Commission, recommending judicial salaries and benefits dated April 28, 2023 [**Tab 5 of supporting materials**].
  - b. Report of the 2021 Alberta Judicial Compensation Commission [**Tab 6 of**

supporting materials];

- c. Report of the 2023 Provincial Court Commission of Saskatchewan dated December 2023 [**Tab 7 of supporting materials**]; and
  - d. Report of the 2020 Northwest Territories Judicial Remuneration Commission, recommending judicial salaries and benefits for fiscal years 2020/21 to 2023/24 [**Tab 8 of supporting materials**].
  - e. A document summarizing compensation for Judges in all of the above comparator jurisdictions [**Tab 9 of supporting materials**].
47. The one important caveat to the above information is that the Government of Alberta did not accept the recommendations made. We attach at **Tab 10 of the supporting materials** the reasons offered for not supporting the Commission's recommendations.
48. The joint proposal proposes that salaries for the TCJs will be as follows: \$334,980 for 2022/2023 (90% of federal salary of \$372,200), \$345,330 for 2023/2024 (90% of federal salary of \$383,700), \$357,030 for 2024/2025 (90% of federal salary of \$396,700), and commencing in 2025/2026, will increase to 90 percent of the current year salary of federally appointed justices of the Supreme Court of Yukon.
49. Based on the joint recommendations and from the chart at Tab 9, the comparison to the comparator jurisdictions is as follows:

**Judges Salaries for Comparator Jurisdictions**

	2022/23	2023/24	2024/25	2025/26
BC	288,500	343,000	360,000	CPI
AB <sup>8</sup>	328,119	337,963	348,102	2025 JCC

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<sup>8</sup> These recommendations are under review.

SK <sup>9</sup>	343,045	353,590	364,515	376,865
NWT	311,724	333,456		
YK	334,980	345,330	357,030	90% of federal salary

50. Based on the above, as can be seen, the joint recommendations will result in the Yukon Judges being paid the second highest in 2022/2023 and 2023/2024, and the third highest in 2024/2025 but the differences are minor even with the highest paid Judges. Thus, the joint recommendations appropriately address clause 19(e) of the Act by placing the Yukon Judges well within the comparator jurisdictions.
51. As can be seen the joint proposal also proposes that from the April 2025 fiscal year forward, the salaries will be linked to the federally appointed justices of the Supreme Court of the Yukon and there would be a presumption created to the 90 per cent linkage for years after 2025 but with certain protections.
52. It is proposed that if this percentage results in a reduction in the salary of a TCJ, the salary to be paid to the TCJ is the annual salary that was paid in the previous annual period.
53. The presumption (of 90%) set above does not apply in any of the following extraordinary circumstances:
- if the TCJ salaries become either the highest or the lowest of the comparator jurisdictions, being British Columbia, Alberta, Saskatchewan and the Northwest Territories;
  - a failure to update the salary paid to the federally appointed justices of the Supreme Court of Yukon as required pursuant to the *Judges Act* (Canada);

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<sup>9</sup> Calculated as 95% of Federal Justice salaries

- c. a currently unforeseen significant increase or decrease in the scope of responsibilities of the TCJ; or
  - d. an agreement between the Chief Territorial Court Judge and the Minister that there is an extraordinary situation that warrants commission review.
54. It is understood that pensions, benefits, northern allowances and the like, are not to be considered in determining whether the presumption applies.
55. This proposal meets the criteria set out in section 19 of the Act as discussed below.
56. In the 2019 Yukon Judicial Compensation Commission Report (see **Tab 4 of supporting materials**), the Commissioner commented on the notion of linking TCJ salaries to those of Supreme Court Justices. At paragraph 134 of the report, the Commissioner noted that the appointments to the Supreme Court since 2000 have been local candidates. Similarly, the most recent appointments to the Territorial Court have also been local candidates. As a result, the Commission considered that compensation paid to Yukon Supreme Court Judges to be a relevant consideration.
57. At paragraph 138, the Commission stated that it is mindful that attracting highly qualified applicants could become a problem if the compensation for the Territorial Court does not keep pace with other options open for these candidates.

#### Justices of the Peace

58. With regard to the hourly rates of the Justices of the Peace, the Government of Yukon submits that the most relevant comparable jurisdiction is Northwest Territories. The other comparable jurisdictions require the Justices of the Peace to have a law degree. The Northwest Territories and Yukon do not require a law degree.
59. We attach at **Tab 11 of the supporting materials**, a summary showing the salaries of Justices of the Peace in other jurisdictions, which was obtained from the Alberta JCC.

60. We attach at **Tab 12 of the supporting materials** Regulation 070-2022 under the *Justices of the Peace Act* from the Northwest Territories, passed November 25, 2022. Section 2(1)(b) sets out the hourly and per diem amount payable to Justices of the Peace, being \$73 per hour to a maximum of \$443 per day.
61. The amount earned by a Yukon JP3 as of April 1, 2021 is \$74.25 per hour or using an 8 hour day, it equals \$594. This is more than the amount being paid in the Northwest Territories. Thus, the joint recommendation which proposes an inflationary increase for each of the 3 years is a reasonable proposal.
62. In addition, the joint recommendation proposes an increase to the daily allowance for training. This recognizes the value of training and compensates for training.

### ***The Cost of Living in the Yukon***

63. As Tab 3 demonstrates, after more than a year of local inflation being among the highest in Canada, growth in the Whitehorse CPI has trended down throughout 2023 and is now below the national rate. The January 2024 inflation rate of 2.6% was the lowest since 1.1% in March 2021 (see page 19).
64. A summary of the key economic indicators is listed at page 35 of Tab 3. This shows that the CPI is forecasted to be 3% for the 2024 fiscal year, 2.5% for the 2025 fiscal year and 2% for each year thereafter until 2028.
65. Attached at **Tab 13 of the supporting materials** is the Yukon Bureau of Statistics<sup>10</sup> discussing the Consumer Price Index for 2023. This analysis shows that the CPI from 2014 to 2023 has increased 25% which is equivalent to a compound annual rate of 2.3% per year.
66. Attached at **Tab 14 of the supporting materials** is a summary of the Yukon's key indicators for 2024 which lists the population, GDP by Industry Growth, Unemployment Rate, Real

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<sup>10</sup> <https://yukon.ca/en/bureau-of-statistics>



Estate Transactions, Change in CPI and Retail Sales.

67. In making recommendations on judicial remuneration, the cost of the recommendations to the public purse needs to be considered. In considering costs, it must be remembered that salary increases have an impact on pension, group insurance and leave benefit costs.
68. While the cost of straight salary increases are simple enough to compute, and may at first glance appear modest, it cannot be forgotten that there is a "multiplier effect" in terms of the costs to the Government when the increased pension costs are factored in, as the Territorial Court Judges enjoy enrolment in a defined benefit pension plan which allows a 70% pension after approximately 23 years of service.
69. Attached as **Appendix C** to this submission is a summary of all the recommendations of Yukon Judicial Compensation Commissions from 1998 up to 2019.
70. As set out above, the CPI increased 25% from 2014 to 2023. By comparison, the salary of Territorial Judges in 2014 was \$262,758 and pursuant to the joint recommendation, it is proposed to be \$345,330 in 2023 - 2024. The difference between these years, \$82,572 is about 31%. This has outpaced the rate of inflation. This is significant considering that from 2021 to 2023, all areas of Canada, including the Yukon, suffered the highest rates of inflation in over 6 decades. The salaries for the Judges will have increased at a rate that is higher than the rate of inflation in spite of the Yukon suffering the highest rate of inflation in decades over the past few years.

### ***The Laws of the Yukon***

71. Paragraph 19(f) of the Act requires the Commission to consider submissions made to it on the laws of the Yukon. There appear to be two possible interpretations of this paragraph. One interpretation is that the Commission is required to consider submissions made to it on the number, nature and complexity of the laws of the Yukon in setting judicial remuneration for the Territorial Court Judges who must interpret and apply that law.

72. An alternate interpretation is that the Commission must look generally at the laws of the Yukon in interpreting how to apply this criteria.
73. At paragraph 172 of its 2019 report, the Commission concluded that it was required to take appropriate account of the laws of the Yukon generally and in particular as they relate to the Judges interpreting and applying those laws. The latter aspect relates to the Judges' workload.
74. The Government submits that given the joint recommendations, this factor does not have significant weight or that the necessary weight with regard to the workload of the Judges has been taken into account in arriving at the joint recommendations.

## Section III: Discussion of the Joint Recommendations

### Territorial Court Judges

75. The salary proposed for the TCJs:
  - a. falls well within the comparator jurisdictions;
  - b. addresses the need to provide reasonable compensation to the Judges;
  - c. addresses the need to build a strong court by attracting and keeping qualified applicants by linking the TCJ salaries to those of Supreme Court Justices; and
  - d. addresses the cost of living in the Yukon by proposing salaries which exceed the forecasted inflation.
76. In summary, the proposed salary meets the section 19 criteria.
77. The parties have also proposed that there be a legislative change to the duration of a Judicial Compensation Commission from the current three years to four years for each Commission starting April 1, 2025.

78. The purpose of this is that in light of the agreement to link the salaries to 90% of Supreme Court Justices, there is less need to consider compensation every three years. However, safeguards have been built-in such that the presumption of 90% does not apply in certain extraordinary circumstances. As a result, were any of the extraordinary circumstances to take place, there is still protection for the TCJs to reconsider their compensation.
79. There is also a proposed increase to the stipend for the Chief Judge from \$10,000 to \$15,000.
80. A review of the stipends in the comparator jurisdictions reveals that Yukon's stipend, which is a reflection of the additional administrative responsibilities that accompany the office of the Chief Judge of the Territorial Court, is appropriate when the size of the Court is taken into account. The stipend was \$10,000 per annum. The joint recommendation proposes an increase to \$15,000.
81. In British Columbia, the Chief Judge receives an additional 12% of base salary. This is more than the stipend being proposed for the Chief Judge in the Yukon. However, in British Columbia the Chief Judge in British Columbia is responsible for approximately 122 full-time Judges, and 22 senior (i.e., supernumerary) Judges. This is significantly more than the responsibility of the Chief Judge in the Yukon.
82. In Alberta, the Chief Judge receives an additional 10% of base salary. However, there are some 160 Judges in Alberta.
83. In Saskatchewan, the Chief Judge receives a stipend of 7.5% of a Judge's salary. There are approximately 48 Judges in addition to the Chief Judge.
84. Finally, the Chief Judge in the Northwest Territories receives \$15,000 per annum, and there are 3 Judges. The amount being proposed for the Chief Judge of the Yukon is the same as that of the Chief Judge of the Northwest Territories as they both are responsible for approximately the same number of judges.

85. Section 61 of the Act requires that the Chief Judge appoint a Supervising Judge, who is responsible for the supervision and training of all Justices of the Peace. The Supervising Judge receives an annual stipend for these additional administrative duties.
86. There is a joint recommendation that the Supervising Judge of the Justices of the Peace will receive an increase from \$5,000 to \$7,500 per year. This is to recognize the additional work required for this position.
87. The joint recommendation proposes to amend the pension legislation so that in certain circumstances, if a member dies after the commencement of pension payments, the remaining monthly payments are made to the member's spouse or partner.
88. This change will be made to ensure fairness in the event of a death of a member.

### **Justices of the Peace**

89. Under the Act and its regulations, there are three categories of Justices of the Peace being JP3, JP2 and JP1. Both JP3s and JP2s may be presiding as well as administrative justices. The JP1 category is for administrative responsibilities only.
90. The hourly rate paid to Justices of the Peace was last increased by the most recent JCC (2019), and both parties believe a further increase is warranted at this time. The joint recommendation proposes increases for each of 2022, 2023, and 2024 to be the greater of zero percent or the percentage of change of the CPI for the preceding year for Whitehorse.
91. The increases proposed are in line with the most notable comparator jurisdiction, namely, the Northwest Territories.
92. The joint recommendation also proposes an increase to the daily allowance for training. from \$100 per day to \$150 per day for a full day, or \$75 for a half day starting April 1 2022. These increases are a reflection of the value the training provides for Justices of the Peace.

93. An increase is proposed to the hourly rate for training from \$30 to an amount equivalent of that paid to a JP1.
94. Finally, there is a recommendation to allow for standby pay for JP3s who cover bail court on weekends and statutory holidays of a minimum of four hours, and at the applicable rate above four hours, starting April 1, 2022. This recommendation is being made to recognize the work being performed and the necessity to compensate when the JP3s are required to standby and be available.

## Section IV: Conclusion

95. The government submits that the joint recommendation should be adopted as the recommendations of the Commission as the joint recommendation meets all the factors set out in section 19 of the Act.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated: September 13, 2024

Mitha Law Group

Per:



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Nazeer T. Mitha, K.C.

## Appendix A

**JOINT SUBMISSION OF THE TERRITORIAL COURT JUDGES,  
THE JUDICIAL JUSTICE ASSOCIATION  
AND THE YUKON GOVERNMENT TO THE  
2022 JUDICIAL COMPENSATION COMMISSION**

The *Territorial Court Act* contemplates the use of mediation, and efforts being made to resolve, by consensus, the issues between the Court and the Government. For example, section 23 provides as follows:

Mediation skills of commission

23 If practicable, at least one commissioner should be skilled in mediation or other consensus processes to resolve differences.

Section 24(2) states:

(2) The commission shall make every effort to use mediation and other consensus processes to resolve differences between the parties.

Finally, section 25(4)(b) reads:

(4) The commission shall

...

(b) employ those consensus processes that the commission considers advisable to assist the government and the judiciary in resolving their differences within 60 days of the commission having been appointed;

As is not uncommon in JCC proceedings in Canada, the parties are in a position where they have agreed upon a Joint Submission on a number of issues, which follows, to be placed before the Commission for approval, if considered appropriate.

## **1. Salary for Territorial Court Judges (TCJ)**

The parties are in agreement that salary increases for TCJs will be as follows:

- Effective April 1, 2022, salaries will increase to \$334,980;
- Effective April 1, 2023, salaries will increase to \$345,330;
- Effective April 1, 2024, salaries will increase to 90 per cent of the current year salary of federally appointed justices of the Supreme Court of Yukon.

## **2. Recommendations for Amendment to the *Territorial Court Act*, R.S.Y. 2002, c. 217**

The parties are in agreement that this Commissioner should recommend legislative changes to the *Territorial Court Act*, R.S.Y. 2002, c. 217 to give effect to the following:

- Commencing April 1, 2025, link the salaries of TCJs to the current year salary of federally appointed justices of the Supreme Court of Yukon;
- Create a presumption that for each annual period commencing on or after April 1, 2025, the specific linkage be 90 per cent of the current year salary of federally appointed justices of the Supreme Court of Yukon.
- If this percentage results in a reduction in the salary of a TCJ, the salary to be paid to the TCJ is the annual salary that was paid in the previous annual period.
- The presumption (of 90%) set above does not apply in any of the following extraordinary circumstances:
  - a. if the TCJ salaries become either the highest or the lowest of the comparator jurisdictions, being British Columbia, Alberta, Saskatchewan and the Northwest Territories;
  - b. a failure to update the salary paid to the federally appointed justices of the Supreme Court of Yukon as required pursuant to the Judges Act (Canada);
  - c. a currently unforeseen significant increase or decrease in the scope of responsibilities of the TCJ; or
  - d. an agreement between the Chief Territorial Court Judge and the Minister that there is an extraordinary situation that warrants commission review.

It is understood that pensions, benefits, northern allowances and the like, are not to be considered in determining whether the presumption applies.

- The parties agree that, except as necessary to implement the agreement as it relates to salaries, *Territorial Court Act* amendments will not be recommended which would authorize a decrease of judicial remuneration other than as provided for in section 15.



- In fulfilling its mandate, the commission shall, in addition to considering any matter it considers relevant, address in its report submissions presented addressing those factors presently set out at s. 19 of the *Territorial Court Act*.
- The parties (Territorial Court Judges, Government of Yukon, and Justices of the Peace), are in agreement to recommend a legislative change to the duration of a Judicial Compensation Commission from the current three years to four years for each Judicial Compensation Commission starting April 1, 2025.

### **3. Stipends for Territorial Court Judges**

The stipend for the Supervising Judge of the JPs will be increased to \$7,500 per year.

The Chief Judge stipend will be increased to \$15,000 per year.

### **4. Recommendations for Amendment to the *Territorial Court Judiciary Pension Plan Act***

The parties are in agreement that this Commissioner should recommend legislative changes to the *Territorial Court Judiciary Pension Plan Act* as follows:

(2.01) If the member dies after commencement of pension payments but before 60 monthly payments have been made, the pension payments under subsection (2) shall be continued without reduction until 60 monthly payments have been made in one of the following ways:

~~(a) if the spouse or common-law partner remains alive until the end of the 60 months,~~ the remaining monthly payments after the member's death are made to the spouse or partner.

### **5. Salary for Justices of the Peace**

The parties are in agreement that hourly rate increases for justices of the peace will be as follows:

- Effective April 1, 2022, hourly rates will increase by the percentage of change of the CPI for Whitehorse for the 2021 calendar year;
- Effective April 1, 2023, hourly rates will increase by the percentage of change of the CPI for Whitehorse for the 2022 calendar year;

- On April 1, 2024, hourly rates will increase by the greater of 0% or the percentage of change of the CPI for Whitehorse for the 2023 calendar year.

## **6. Allowances and Hourly Rates for Training for Justices of the Peace**

There will be an increase to the daily allowance for training at a Justice of the Peace College from \$100 per day to \$150 per day for a full day, or \$75 for a half day, starting April 1, 2022.

There will be an increase to the hourly rate for training from \$30 to an amount equivalent of that paid to a JP1, starting April 1, 2022.

## **7. Standby Pay for Justices of the Peace**

There will be a change to allow for standby pay for JP3s for covering bail court on weekends and statutory holidays of a minimum of four hours, and at the applicable rate above four hours, starting April 1, 2022.

DATED at the City of Vancouver, in the Province of British Columbia, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
NAZEER MITHA, KC  
Barrister for the Yukon Government

DATED at the City of Winnipeg, in the Province of Manitoba, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
SUSAN DAWES  
Counsel for the Territorial Court Judges and  
Justices of the Peace

# Appendix B

## LETTER OF UNDERSTANDING

on the process for Judicial Compensation Commissions among the Government of Yukon, the Yukon Territorial Court Judges, the Senior Presiding Justice of the Peace, and the Justice of the Peace Association.

### 1.0 Definitions

"JCC" means a Judicial Compensation Commission as defined in the *Territorial Court Act* and may mean a single commissioner or three commissioners, depending on the context;

"parties" means the Government of Yukon, the Yukon Territorial Court Judges, the Senior Presiding Justice of the Peace and the Justice of the Peace Association;

"Yukon" means the Government of Yukon;

"Act" means the *Territorial Court Act*; and

"representation costs" means lawyer's fees and disbursements.

### 2.0 Background

As a result of previous JCC experiences and their related high costs, the parties agreed to explore an informal JCC procedure that is consistent with the principles referred to in the *Act*.

### 3.0 Purpose

The purpose of this Letter of Understanding is to establish such an informal procedure that will apply to the establishment and conduct of a JCC.

If, with respect to the establishment and conduct of a particular JCC the informal procedure proves unworkable, the formal procedure established by the *Act* applies.

### 4.0 Principles

The parties agree to the following principles:

- 4.1 The JCC procedure should be cost effective, involving minimal use of legal counsel and proceeding by way of consensus whenever possible.
- 4.2 Based on previous experience, the parties recognize that unexpected delays can occur and agree that no party should benefit from this.
- 4.3 Cost effectiveness can be achieved by the parties in a number of ways, including but not limited to the following.

- 4.3.1 The parties will identify outstanding issues at an early stage of the proceedings.
- 4.3.2 The parties will agree at an early stage on the information (reports, data, etc) to be provided to the JCC.
- 4.3.3 If a consultant is required to provide advice or a report on an issue, the parties will make every attempt to agree on one consultant who will be the JCC's witness.
- 4.3.4 The parties will make full disclosure of all relevant information.

## **5.0 Single Commissioner**

Unless otherwise agreed, the parties will make every attempt to agree on a single commissioner, preferably one with mediation experience.

## **6.0 Effective Date of JCC Recommendations**

The recommendations of a JCC will be effective April 1st, of the year in which the JCC is established.

## **7.0 Summary Process**

The parties agree on the following summary process for the establishment and conduct of a JCC:

- 7.1 By November 30 of the year proceeding the JCC, the parties will identify an individual or individuals (representatives) who have authority to make decisions on their behalf.
- 7.2 By December 31 the representatives will generate a list of possible commissioners with a view to agreeing on a single commissioner for the JCC.
- 7.3 By January 31 of the JCC year, the parties will agree on a single commissioner, and Yukon will proceed with the appointment of this individual in accordance with the Act.
- 7.4 Between January and March, the representatives will meet in order to disclose information (reports and data) and identify the issues they believe will be relevant to the JCC process.

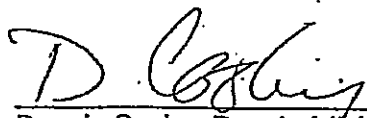
- 7.5 The representatives will identify any additional information that should be obtained and how it should be obtained. This may include a discussion about the use of outside consultants. All relevant information obtained by one representative must be disclosed to the others, whether it is intended to be relied upon or not.
- 7.6 By May 31 the parties will advise each other of their position and rationale on issues they intend to put to the JCC. Each party will endeavor to provide its written response as quickly as possible.
- 7.7 By August 31, the representatives will meet with a view to identifying common ground and exploring the possibility of joint submissions on agreed upon issues.
- 7.8 During September, the JCC will convene to informally address any outstanding issues among the parties.
- 7.9 If agreement on outstanding issues cannot be reached informally, then a formal hearing will be conducted as and when directed by the JCC.
- 7.10 By mutual agreement, the parties may change the dates set out in this section.

#### **8.0 Costs**

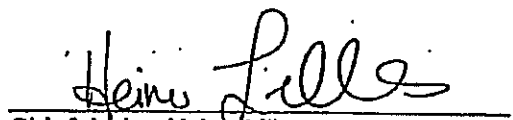
- 8.1 With the exception of representation costs and subject to an appropriation by the Legislature, one hundred percent of the reasonable summary process costs for all of the parties will be paid by Yukon.
- 8.2 Subject to an appropriation by the Legislature, Yukon agrees to pay one hundred percent of the combined reasonable representation costs of the Territorial Court Judges, Senior Justice of the Peace and the Justice of the Peace Association related to a JCC up to a maximum of \$50,000 (fifty thousand dollars).
- 8.3 If these representation costs exceed \$50,000, the remainder shall be paid in accordance with the formula set out in the Act.

#### **9.0 Modification or Termination**

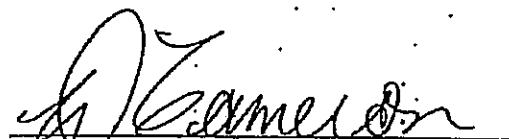
- 9.1 By agreement of the parties, the informal procedure set out in this letter with respect to the establishment and conduct of a JCC may be modified.
- 9.2 This Letter of Understanding may be terminated by any party, with written notice to all other parties at least twelve (12) months prior to the date of the intended termination.

  
Dennis Cooley, Deputy Minister of Justice  
On behalf of Yukon


Jan. 13, 2005  
Date

  
Chief Judge Heino Lilles  
On behalf of the Territorial Court Judges

January 12, 2005  
Date

  
Dean Cameron, Senior Presiding Justice of the Peace

Jan 12-05  
Date

  
Justice of the Peace Gary Burgess  
On behalf of the Justice of the Peace Association

Jan 13/05  
Date

# Appendix C

## Summary of Recommendations of Yukon Judicial Compensation Commissions

### 1998 Commission

#### a. Salary

- **Territorial Court Judges:** the salary for a Judge was increased from \$114,423 to \$135,000 effective September 18, 1998 to be adjusted annually on April 1 by the Whitehorse Consumer Price Index (CPI) of the preceding year which resulted in the following salaries:
  - ▶ \$135,270 as of April 1, 1999
  - ▶ \$138,246 as of April 1, 2000
  - ▶ \$141,702 as of April 1, 2001
- **Deputy Judges:** Prior to the JCC Report, Deputy Judges received \$400/day, which was increased by the JCC to \$500/day effective September 18, 1998.
- **Chief and Supervising Judges:** The Chief Judge received an additional \$7000 per year as compensation for additional duties. Similarly, the "Supervising Judge" for the Justices of the Peace received an additional \$3500 per year in addition to the base salary if he was to be a Territorial Court judge.

#### b. Pension

- Judges' contributions to pension would be 7.5% of their salary.
- The annual accrual rate was increased from 2% to 3% for service after September, 1998.
- Retirement with full pension was set at 23.33 years.
- Pension to be based on the average of the highest 3 years of income rather than 6 years.
- Voluntary retirement without penalty was permitted at 60 years of age or 20 years of service, whichever occurs first.
- Post retirement survival benefits for spousal pension increased from 50% to 60%.

#### c. Other Benefits

- Vacation leave was set at 30 days per year.

## 2001 Commission

### a. Salary

- **Territorial Court Judges:** the salary for a Judge, which at the time of the Commission's report was \$141,702, was increased to:
  - ▶ \$166,000 as of September 1, 2001
  - ▶ \$172,000 as of April 1, 2002
  - ▶ \$178,000 as of April 1, 2003
- **Deputy Judges:** The per-day pay for deputy judges was increased from \$500 to \$800 effective April 1, 2002.
- **Senior Presiding Justice of the Peace (SPJP):** The salary of the sole SPJP was increased from \$62,779/year to \$85,000 as of September 1, 2001, and thereafter to \$87,000 on April 1, 2003.

### b. Stipends

- Judges' stipends were not increased. The SPJP was not granted the stipend for supervising Justices of the Peace included in salaries for pension purposes.

### c. Pension

- Judges' stipends were included in salaries for pension purposes.
- Judges' contributions to their pension plan were increased to a flat 7% for service after September 1, 2001 (and that they would also pay CPP contributions).
- The annual accrual rate of 3% was made applicable to service prior to September 18, 1998 as well.
- Pension was to be based on the average salary of the highest 2 years rather than 3 years.
- Pensionable service can continue when a judge is on a sabbatical or educational leave.

### d. Other Benefits

- Annual vacation entitlement for the Judges was increased from 30 days to 35.
- Territorial Judges would receive educational leave (4 months off every 4 years) to replace sabbatical leave (one year off every 5 years), paid at 70% of regular salary.
- The Judges' "reasonable" representation costs to be paid by the Yukon Government.
- No changes to "existing" remuneration package for Justices of the Peace.



## 2004 Commission

### a. Salary

- **Territorial Judges:** the salary for a Judge, which was \$178,000 at the time of the Commission's report, was increased to \$189,900 effective April 1, 2004, to be adjusted annually thereafter by the Whitehorse Consumer Price Index of the preceding year; as of April 1, 2006, this salary had thus risen to \$199,901.
- **Justices of the Peace:** The hourly rate was increased for Justices of the Peace. Whereas before the hourly wage rate for JPI, JPII, and JPIII classifications was \$25, \$30, and \$50 per hour respectively, that wage rate was increased to \$30, \$35, and \$55 per hour effective April 1, 2004. The monetary cap on such fees was removed at the same time.
- **SPJP:** The salary of the SPJP was increased to \$98,500 effective April 1, 2004 and annual increases equivalent to the cost of living percentage increases for Territorial Court Judges.

### b. Stipends

- The Chief Judge's stipend was increased from \$7,000 to \$8,000 per annum.
- The stipend for the Supervising Judge (who is the Judge designated to supervise the JP Program) was increased from \$3,500 to \$4,000 per annum.

### c. Other Benefits

- Effective April 1, 2004, each Judge would receive a professional allowance of \$3,000 per annum to cover reasonable expenditures.
- Territorial Court Judges (and the SPJP) were entitled to the benefit plans available to the management group of the Yukon public service. The terms of those benefit plans (except those terms inapplicable to the judiciary) would apply to Territorial Court Judges and SPJP in the same manner as they applied to the management group.
- The SPJP was also entitled to the educational leave.
- The Judges' reasonable representation costs for the JCC were to be paid by the Yukon Government to a maximum of \$50,000 (plus GST), less a contribution of \$500 per Judge.
- Deputy Judges were to receive payment for travel time of \$400 *per diem* to compensate for travel time to and from the Yukon.
- Training payments for Justices of the Peace were reinstated and increased.

## 2007 Commission

### a. Salary

- **Territorial Court judges:** the salary for a Judge, which was \$199,901 at the time of the Commission's report, was increased by approximately 7.9% to \$215,742 effective April 1, 2007, by 3% to \$222,214 effective April 1, 2008, and by 3% to \$228,880 effective April 1, 2009.
- **Deputy Judges:** salaries were increased by the same percentages as Territorial Court Judges' salaries were. Prior to this report, Deputy Judges were paid \$800/day. Effective April 1, 2007 the *per diem* was increased to \$863.39; and thereafter \$889.29 (April 1, 2008); and \$915.97 (April 1, 2009).
- **SPJP:** The Commission increased the salaries of the SPJP by ~5.6% (April 1, 2007); 3% (April 1, 2008), and 3% (April 1, 2009).

### b. Judges' Stipends

- The Chief Judge's stipend was increased from \$8,000 to \$10,000 per annum.
- The stipend for the Supervising Judge (who is the Judge designated to supervise the JP Program) was increased from \$4,000 to \$5,000 per annum.

### c. Other Benefits

- The judicial pension was modified to ensure that any salary increases that took place in the "window period" between the date a Commissioner is appointed and the date of the Commissioner's recommendations would be included in pensionable earnings, notwithstanding that the Judge may have retired in that period.
- Deputy Judges previously received travel *per diems* set at \$400. These were increased for by the same percentages and in the same manner as the Territorial Court judges' salaries were increased. Effective April 1, 2007 the travel *per diem* was increased to \$431.70; then \$444.65 (on April 1, 2008), and \$457.99 (on April 1, 2009).
- The Chief Judge was given authority, in exceptional cases, to grant preparation time to Deputy Judges sitting on complex cases.

## 2010 Commission

### a. Salary

- **Territorial Judges:** the salary for a Judge, which was \$228,880 per annum at the time of the Commission's report, was increased by 3% to \$235,746.40 effective April 1, 2010, by 3% to \$242,818.92 effective April 1, 2011, and by 3% to \$250,103.36 effective

April 1, 2012.

- **Deputy Judges:** Deputy Judges' *per diems* were increased by the same percentages as Territorial Court Judges' salaries were. The *per diem* sitting rate increased from \$915.97 to \$943.45 (April 1, 2010); \$971.75 (April 1, 2011); and to \$1,000.91 (as of April 1, 2012).
- **SPJP:** The annual salary of the SPJP was increased in the same manner as it was for Territorial Court Judges, being 3% per annum in 2010, 2011, and 2012.

#### b. Other Compensation or Benefits

- The hourly rate for JPs was increased to time and one half for hours worked on statutory holidays.

### 2013 Commission

#### a. Judges' Salaries and Income

- **Territorial Judges:** the salary for a Judge, which was \$250,103.36 per annum at the time of the Commission's report, was increased by 3% to \$257,606.46 effective April 1, 2013, by 2% to \$262,758.59 effective April 1, 2014, and by 2% to \$268,013.76 effective April 1, 2015.
- **Deputy Judges:** the per-day sitting rate for Deputy Judges was increased by the same percentages as Territorial Court Judges' salaries were. The sitting rate, which was \$1,000.91 at the time of the Commission's report, was increased to \$1,030.94 (on April 1, 2013), and then \$1,051.56 (April 1, 2014) and \$1,072.59 (on April 1, 2015).
- **SPJP:** The salary for the SPJP (Senior Presiding Justice of the Peace) was increased by the same percentages as Territorial Court Judges' salaries were.
- **Justices of the Peace:** The base hourly rate for JPs was increased by \$5 per hour across all classifications of Justice of the Peace.

#### b. Other Benefits

- Long-term disability (LTD) benefits were altered such that the existing monetary cap of LTD benefits was removed and replaced with a cap of 70% of annual salary.

### 2016 Commission

#### a. Judges' Salaries and Income

- **Territorial Judges:** the salary for a Judge, which was \$268,013.76 per annum at the

time of the Commission's report, was increased by 2% to \$273,374.04 effective April 1, 2016, by 2.5% to \$280,208.39 effective April 1, 2017, and by 2.5% to \$287,213.60 effective April 1, 2018.

- **Deputy Judges:** the per-day sitting rate for Deputy Judges was increased by 2% to \$1,094.40 effective April 1, 2016, and by 2.5% to \$1,129.39 effective April 1, 2017. Effective April 1, 2018, the funding formula for Deputy Judges was changed from the *per diem* rate being calculated as 1/250<sup>th</sup> of a Territorial Court Judge's salary to 1/235<sup>th</sup>.
- **Justices of the Peace:** The base hourly rate for JPIs was increased from \$35/hour to \$45/hour, for JP2s from \$40/hour to \$50/hour, and for JP3s from \$60/hour to \$70/hour.

#### b. Other Benefits

- Three changes were recommended to the *Territorial Court Judicial Pension Plan Act, 2003* to ensure that the benefits between the two pensions plan provisions (Registered and Supplementary) were harmonized.
- For Justices of the Peace, a multiplier of 1.5 times regular hourly rate for working on statutory holidays (instead of a prescribed hourly rate) was recommended, with retroactive effect to April 1, 2013.

## 2019 Commission

### Recommendation: Salaries for Judges of the Territorial Court

1. That effective April 1, 2019, the salaries for Yukon Territorial Court Judges be set at \$298,701.52, a 4% increase.
2. That effective April 1, 2020, the salaries for Yukon Territorial Court Judges be increased to \$304,675.55, a 2% increase which is equal to the percentage increase to the CPI for Whitehorse for the year ending December 31, 2019.
3. That commencing April 1, 2021, the salaries of the Yukon Territorial Court Judge be increased by greater of 0% or a percentage increase equal to the CPI percentage increase for Whitehorse for the year ending December 31, 2020.

### Recommendation: Medical Insurance Coverage for Deputy Judges

That the Government of Yukon will provide a once-annual stipend of \$220.00 to a Deputy Judge attending the Yukon to cover the cost for medical insurance during the travel of the Deputy Judge to and from Yukon, as well as for time actively working in Yukon (as opposed to presence for personal reasons). If the Deputy Judge chooses not to purchase insurance, the Deputy Judge may keep the annual payment.

**Recommendation: JP Salaries**

That effective April 1, 2019, the pay rate for the hourly-rated Justices of the Peace be increased by 2% per year, as follows:

- JP 1: April 1, 2019: from \$45.00/hour to \$45.90/hour [2% increase]  
April 1, 2020: from \$45.90/hour to \$46.82/hour [2% increase]  
April 1, 2021: from \$46.82/hour to \$47.75/ hour [2% increase]
- JP 2: April 1, 2019: from \$50.00/hour to \$51.00/hour [2% increase]  
April 1, 2020: from \$51.00/hour to \$52.02/hour [2% increase]  
April 1, 2021: from \$52.02/hour to \$53.06/hour [2% increase]
- JP 3: April 1, 2019: from \$70.00/hour to \$71.40/hour [2% increase]  
April 1, 2020: from \$71.40/hour to \$72.83/hour [2% increase]  
April 1, 2021: from \$72.83/hour to \$74.29/hour [2% increase]