MEMORANDUM

DATE: November 2017

RE: Applying to have a criminal record expunged

Introduction
How a criminal record will be removed depends on a variety of factors, such as:
- the outcome of the charges
- the number of charges, and
- the policies of the charging police service.
Generally speaking however:
- if the outcome resulted in a not-guilty verdict, a destruction of the person's fingerprints and photographs and the destruction or sealing of the outcome record is required;
- an offence that was discharged requires a purge and a destruction;
- a conviction requires a record suspension (formerly called a pardon).

The Parole Board of Canada (PBC) is the official and only federal agency responsible for making record suspension decisions under the Criminal Records Act (CRA). Under the CRA, the PBC can order, refuse to order and revoke a record suspension.2

What is the cost?
The processing fee for the Parole Board application is $631.00 CDN3.
Generally, other associated costs include:
- Record check: $50 to $75
- Fingerprinting: $30 to $125
- Court processing: $40 to $100
- US waiver processing: $585

Who can apply?
You can apply for a Record Suspension if you:
- were convicted as an adult of an offence in Canada under a federal act or regulation of Canada;
- were convicted of a crime in another country and were transferred to Canada under the Transfer of Offenders Act or International Transfer of Offenders Act;
- have completed all the requirements of your sentence and probation;
- have completed the 5 or 10 year waiting period, depending on the nature of the offence.

You are not eligible for a record suspension if you have been convicted of:
- a Schedule 1 Offence (offence involving a child) under the Criminal Records Act
- more than three (3) offences prosecuted by indictment, each with a prison sentence of two (2) years or more.

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1 https://www.legalline.ca/legal-answers/how-to-remove-a-canadian-criminal-record/
2 https://www.canada.ca/en/pardon-board/services/record-suspensions/what-is-a-record-suspension.html
3 https://www.canada.ca/en/pardon-board/services/record-suspensions/10-steps-to-apply-for-a-record-suspension.html
4 https://www.pardonpros.com/faq/faq.html
5 https://www.canada.ca/en/pardon-board/services/record-suspensions/applying-for-a-record-suspension.html
How to apply?
You do not need a lawyer or a representative to apply for a record suspension. The application guide includes step-by-step instructions and all the forms that you need. You can also call a toll-free number for assistance. Here are the 10 steps to apply for a record suspension, with instructions for each one.

Step 1
Get your Convictions, Conditional and Absolute Discharges form (Criminal Record) from the RCMP in Ottawa and, if required, your Proof of Conviction documents.

Step 2
Get your Court Information using the Court Information Form.

Step 3
Get your Military Conduct Sheet
(current and former members of the Canadian Forces only).

Step 4
Get your Local Police Records Check(s).

Step 5
Get your Proof of Citizenship or Immigration Documents
(if born outside of Canada).

Step 6
Get a Photocopy of your Document to Support your Identification.

Step 7
Fill in the Schedule 1 Exception Form
(if applicable, complete all sections).

Step 8
Fill in the Record Suspension Application Form.

Step 9
Fill in the Measurable Benefit/Sustained Rehabilitation Form (complete all sections).

Step 10
Complete the Checklist and mail your application and documents with the $631.00 (CON) processing fee.

7 https://www.canada.ca/en/parole-board/services/record-suspensions/applying-for-a-record-suspension.html
8 https://www.canada.ca/en/parole-board/services/record-suspensions/10-steps-to-apply-for-a-record-suspension.html
Processing Times
Record suspension applications are processed according to the following service standards by the Parole Board of Canada⁹:

- Applications seeking a record suspension for an offence or offences tried summarily will be processed within 6 months of application acceptance.
- Applications seeking a record suspension for an offence or offences tried by indictment will be processed within 12 months of application acceptance.
- Applications in which the Board is proposing to refuse to order a record suspension will require up to 24 months after application acceptance to complete.

Ontario Works Employment Supports¹⁰

Employment-related expenses are a discretionary employment benefit offered by Ontario Works if the Administrator is satisfied that eligibility criteria have been met. Employment-related expenses are provided to support participants as they progress toward sustainable employment. Employment-related expenses are also available for ODSP recipients who are participating in Ontario Works employment assistance activities. Where a participant is eligible for the mandatory Other Employment and Employment Assistance Activities Benefit, that benefit is accessed first.

Payments may cover out-of-pocket expenses associated with participation in employment assistance activities, including costs associated with obtaining a Pardon (for the removal of a criminal record) where the criminal record may be a barrier to employment.

The maximum average that is provided for each eligible participant is $250 per month, with a maximum advance of $500.

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