



STAFF REPORT INFORMATION ONLY

Reimbursement of Legal Expenses Incurred by Candidates due to Election-Related Campaign Finance Court Proceedings

Date:	May 12, 2008
To:	City Council
From:	City Solicitor
Wards:	
Reference Number:	

SUMMARY

To advise as requested by Executive Committee on the reasonableness of the legal expenses incurred by Councillor Bussin in responding to an information filed by an individual with respect to her election campaign financing.

FINANCIAL IMPACT

Funding in the amount of \$7,308.00 for the payment of Councillor Sandra Bussin's legal expenses are available in the Council General Expenses Budget.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting on May 5, 2008, Executive Committee considered a letter dated April 21, 2008 from Councillor Howard Moscoe requesting that Council authorize payment of Councillor Bussin's legal costs in responding to an information filed by an individual with respect to her election campaign financing.

<http://www.toronto.ca/legdocs/mmis/2008/ex/comm/communicationfile-6993.pdf>

Executive Committee also considered my report dated April 30, 2008.

<http://www.toronto.ca/legdocs/mmis/2008/ex/bgrd/backgroundfile-12648.pdf>

Executive Committee is recommending that Councillor Bussin be reimbursed for her legal expenses. Committee also requested that the City Solicitor report directly to Council on the reasonableness of the legal expenses bill incurred in accordance with the Indemnification Policy.

COMMENTS

On December 6, 2007, LeRoy St. Germain swore an information alleging that Sandra Bussin failed to comply with the campaign financing provisions of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, as amended (“the MEA” or “the Act”) during the 2006 municipal election. A Justice of the Peace issued a summons on December 13, 2006 requiring Ms. Bussin to appear in court and answer to the charges.

Ms. Bussin brought an application for an order quashing the summons on the basis that the learned Justice of the Peace did not have jurisdiction to issue the summons because the informant did not comply with the compliance audit provisions of the MEA that were applicable to him.

After reviewing the provisions of the legislation and case law, Justice Trafford concluded that Ms. Bussin’s application to quash the summons should succeed and the summons compelling her to attend court and answer to the charges laid under the Municipal Elections Act was quashed.

Executive Committee determined that the reimbursement is consistent with the Indemnification Policy for Members of Council and is appropriate in light of exceptional circumstances, including the fact that the information was sworn by an elector well outside of the time period for commencing a compliance audit and contrary to recent case law.

The Indemnification Policy for Members of Council requires that Members of Council shall be reimbursed keeping in mind the 2005 Costs Grid. I have reviewed the invoice submitted by the Councillor and have confirmed that it is consistent with the Policy.

It would therefore be appropriate for City Council to authorize the indemnification of Councillor Bussin’s legal expenses in the amount of \$7,308.00.

CONTACT

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SIGNATURE

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City Solicitor