

---

**City Council**

---

**Notice of Motion**

MM42.3	ACTION			Ward: 35
--------	--------	--	--	----------

**Reimbursement of Legal Expenses Incurred by Councillor Heaps as a result of the 2006 Municipal Election - by Councillor Fletcher, seconded by Councillor Thompson**

*\* Notice of this Motion has been given.*

*\* This Motion is subject to referral to the Executive Committee. A two thirds vote is required to waive referral.*

**Recommendations**

Councillor Fletcher, seconded by Councillor Thompson recommends that:

1. City Council approve reimbursement of legal expenses incurred by Adrian Heaps for \$36,000 as a result of the defamation suit by the second place candidate in the 2006 Municipal election.
2. Staff be directed to give effect to this recommendation.

**Summary**

Councillor Adrian Heaps has endured three years of personal and financial hardship as a result of winning the 2006 election.

On November 11, 2006 the Globe and Mail published a column by John Barber entitled “In these wards, the choice is clear” wherein Mr. Barber endorsed Adrian’s candidacy in Scarborough Southwest. The Globe and Mail distributed 400,000 copies of the paper and Adrian included the article in a media kit which was distributed to a number of homes during the last two days of the campaign. Distributing newspaper articles about oneself during election campaigns is a normal practice.

After Adrian won the municipal election the second place candidate requested a recount of the vote. A senior campaign member of the second place candidate launched a compliance audit complaint against Adrian Heaps which, when finished, concluded that the complaints had no merit. The same senior campaign member also launched a complaint to the Integrity Commissioner on a land development matter.

In April 2007, the second place candidate launched a lawsuit against Adrian Heaps claiming that the distribution of The Globe and Mail article as part of these media kits constituted defamation and therefore she lost the election as a result.

After over two years of legal proceedings, the plaintiff requested a settlement to which Councillor Heaps agreed. In the last two years, Councillor Heaps has incurred the personal financial burden of \$53,000. The financial and emotional duress placed on his family forced him to accept the settlement in an effort to avoid personal bankruptcy and to relieve the emotional stress on his family.

Although the legal debt has been reduced by a small amount, the outstanding audited amount is \$36,000.

(Submitted to City Council on November 30 and December 1, 2009 as MM42.3)