

2010 Municipal Election – Candidates with Court Extensions in Default

Date:	June 30, 2011
To:	City Council
From:	City Clerk
Wards:	All
Reference Number:	

SUMMARY

At its meeting of April 12 & 13, 2011, Council received the report entitled 2010 Municipal Election - Candidates in Default (Item CC7.3) for information. Some candidates, having been unable to meet the statutory deadline for financial filings, sought court extensions. The purpose of this report is to advise Council of the 2010 municipal election candidates who failed to file their required financial statements by the individual court-imposed deadlines after seeking extensions for such filings. The penalties for these candidates in default include being ineligible to be elected or appointed to any office to which the *Municipal Elections Act, 1996* (the *Act*) applies until after the next regular (2014) election has taken place.

COMMENTS

Under the *Act*, all candidates in the 2010 municipal election are required to file a financial statement by the legislated deadline of 2:00 p.m. on March 25, 2011. The *Act* also permits candidates in a deficit at the end of their campaign to apply to the Ontario Court of Justice to extend the time for filing their financial statement for up to 90 days after the legislated deadline. Candidates who fail to file a financial statement by the court-imposed deadline are also in default of the *Act* and subject to penalties under the *Act*.

Subsection 80(3) of the *Act* requires the Clerk to notify Council of any candidates who are in default of the *Act*.

A candidate is in default if he or she:

- fails to file the required financial statement and/or auditor's report by the relevant date;
- fails to pay to the Clerk the surplus amount shown on the face of their financial statement by the relevant date; or
- has incurred expenses exceeding what is permitted under the *Act*.

A candidate in default is ineligible to be elected or appointed to any office to which the *Act* applies until the next regular election has taken place. In addition, if a candidate is an elected official, they forfeit the office to which they were elected and the office is deemed to be vacant.

Attached in Appendix "A" is a list for Council's information of the candidates who ran for the office of councillor and were in default of the individual court-imposed deadline. These individuals are unable to run for office until the next regular (2014) election has taken place.

As required under the *Act*, the Clerk has sent notice to each candidate, advising they are in default and of the penalties involved.

DECISION HISTORY

Background Information (City Council)

(March 29, 2011) Report from the City Clerk on 2010 Municipal Election - Candidates in Default (CC7.3) received for information by City Council on April 12 and 13, 2011.
(<http://www.toronto.ca/legdocs/mmis/2011/cc/bgrd/backgroundfile-37126.pdf>)

CONTACT

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SIGNATURE

Ulli S. Watkiss
City Clerk

ATTACHMENT

Appendix 'A' – 2010 Municipal Election – List of Candidates in default of the Court-imposed deadline

Appendix "A"

2010 Municipal Election - List of Candidates in Default of the Court-imposed deadline

Office of Councillor

Last Name	First Name	Ward	Court-imposed deadline	Notice of default letter sent
Berger	Ted	1	June 23, 2011	June 29, 2011
Cottle	Charlene	27	May 24, 2011	May 30, 2011