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**DELIVERED**

City Clerk Office  
City Hall  
100 Queen Street West  
Toronto, ON  
M5H 2N2

Dear City Clerk:

**Claim for Reimbursement of Legal Fees**

Please be advised that as lawyers for Giorgio Mammoliti, we hereby request on behalf of our client full reimbursement for all legal fees, disbursements and applicable H.S.T., incurred in excess of the \$20,000 already paid by the City of Toronto for our representation of Mr. Mammoliti in connection with the Integrity Commissioner's recent investigation into his conduct while a member of City Council, a board member of the Toronto Parking Authority (the "TPA") and a board member of the Emery Village Business Improvement Area (the "EVBIA") and related representation in pursuing a complaint to the Ombudsman of Ontario about the conduct of the Integrity Commissioner during her investigation.

*Scope of our Retainer*

We were originally retained by Mr. Mammoliti, a then City Councillor, in February 2018 when he was first contacted by the Integrity Commissioner and advised that he was under investigation by her office in connection with City Council's direction to probe the aborted TPA purchase of 1111 Arrow Rd. This direction was given by City Council seven months earlier, in July 2018. During the seven month interval, the Integrity Commissioner's Office, at no time, advised Mr. Mammoliti that he was or would be under investigation or that her office required any documentation from him.

It was our understanding, that pursuant to City of Toronto policies, that Mr. Mammoliti was eligible to be reimbursed \$20,000 for his legal fees, without seeking approval from City Council. Such reimbursement for his representation has been received.

However, this limit, while reasonable for an expected efficient and reasonable investigation is wholly inadequate in the circumstances of the investigation that was conducted, which lasted almost two years and which, vis-à-vis Mr. Mammoliti, was conducted, in our client's view, unfairly and with bias and *animus* against him throughout, and which interfered with and contributed to his electoral defeat in, the 2018 municipal election.

**GARDINER ROBERTS LLP**

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The investigation into whether Mr. Mammoliti breached the Code of Conduct for members of City Council and other codes of conduct related to his board status as a board member of the TPA and the EVBIA has to date resulted in Mr. Mammoliti incurring legal fees, including disbursements and H.S.T., in the total amount of \$45,269.24.

This figure is further broken down as follows:

<b>Legal Services re: Integrity Commissioner investigation</b>	<b>Legal Services re: Complaint to Ombudsman of Ontario</b>	<b>Current WIP incurred to respond to Report and Ombudsman complaint</b>
<b>\$31,047.47</b>	<b>\$6,792.27</b>	<b>\$7,429.50</b>

We are seeking reimbursement for all of the legal fees, disbursements and applicable H.S.T. incurred since they all of our legal services are related to the Integrity Commissioner’s investigation, her conduct therein, and her final report. The conduct of the Integrity Commissioner’s Office and the lengthy, unexplained delay in her investigation, increased Mr. Mammoliti’s fees and required Mr. Mammoliti to pursue a complaint to the Ombudsman of Ontario and to file a lengthy response of the final report publicly table before City Council to correct factual inaccuracies therein as it related to the Integrity Commissioner’s interactions with Mr. Mammoliti. Various comments in the final report unfairly and inappropriately malign Mr. Mammoliti.

We note that the Integrity Commissioner’s final report (the “**Report**”) was neither provided to us or to Mr. Mammoliti, as required, by either the Integrity Commissioner’s Office or the City Clerk’s Office prior to being placed on the Agenda for City Council’s meeting commencing June 18, 2019.

As a person under investigation while a member of City Council and subsequently, Mr. Mammoliti was entitled to receive and review, as a matter of procedural fairness, a draft copy of the Report before it was placed on City Council’s agenda, so that he could adequately respond to its content. As a responding party to the investigation, Mr. Mammoliti, as determined by the Divisional Court in *Magder v. Ford*, had a right to speak to the gratuitous, petty, unprofessional and unjudicious allegations made against him in the Report before it was tabled before City Council.

The failure to provide Mr. Mammoliti with the Report before it was publicly tabled before City Council is further evidence of the animus held by the Integrity Commissioner against Mr. Mammoliti, who although finding him completely innocent of any wrongdoing or of any breach of an applicable conduct code in connection with the aborted TPA land deal, chose to, without necessity, deliberately, unprofessionally, gratuitously and unjudiciously malign him.



Mr. Mammoliti held a reasonable apprehension of bias in relation to the conduct of the Integrity Commissioner during the investigation, which was brought to her attention, but wholly dismissed by her, and was bullied and threatened by her to the point where she left him alone to languish, while physically unwell, in her interview room for 20 minutes, without explanation.

The wholly irrelevant attack against Mr. Mammoliti that is revealed in the Report demonstrates that from the outset the Integrity Commissioner viewed Mr. Mammoliti's conduct in connection with the 'land deal that never happened' with skepticism rather than approaching her task with an open-mind, as required of any judicial or quasi-judicial officer or accountability officer.

The legal fees incurred in the circumstances are reasonable and full indemnification is wholly justified, particularly considering that the lengthy delay in completing the investigation interfered in the 2018 municipal election and contributed to Mr. Mammoliti's electoral defeat, loss of income and loss of eligibility for a full pension.

We trust that this request will be dealt with promptly, and, if required, that it be brought to the immediate attention of City Council.

Yours truly,

**GARDINER ROBERTS LLP**

A handwritten signature in black ink, appearing to read 'Gavin Tighe'.

Gavin Tighe  
Partner