

Order Granting Relief from Forfeiture for the Office of Councillor, Ward 22, Scarborough-Agincourt

Date: November 25, 2019

To: City Council

From: City Clerk

Wards: 22

SUMMARY

The purpose of this report is to inform City Council that the Superior Court of Justice has granted an application by Jim Karygiannis for relief from forfeiture under s. 88-23 of the Municipal Elections Act. As a result he resumes the office of Councillor for Ward 22.

In order to allow him to fully resume his duties as Councillor, City Council needs to consider his committee and board appointments.

RECOMMENDATIONS

The City Clerk recommends that:

1. City Council consider reappointing Councillor Jim Karygiannis to the following bodies for a term ending on December 31, 2020:

- a. Exhibition Place Board of Governors
- b. General Government and Licensing Committee
- c. Greater Toronto Airports Authority (GTAA) Consultative Committee
- d. Toronto and Region Conservation Authority Partners in Project Green: Executive Steering Committee
- e. Toronto Transit Commission

2. The Scarborough Community Council and General Government and Licensing Committee take steps at their next meetings to elect their chair and vice-chair respectively.

FINANCIAL IMPACT

Not applicable.

DECISION HISTORY

The City Clerk submitted a report (November 18, 2019) to City Council regarding the vacancy on Ward 22 and promised this supplementary report once the outcome of an application before the Superior Court of Justice by Mr. Karygiannis was known.

COMMENTS

On November 6, 2019 the City Clerk served a notice of default on Councillor Jim Karygiannis under s. 88.23(3) of the Municipal Elections Act, and advising him that he had forfeited the office of Councillor for Ward 22.

The Superior Court of Justice granted an application by Mr. Karygiannis for relief from forfeiture

Mr. Karygiannis made an application to the Superior Court of Justice seeking an order for relief from forfeiture of the office to which he was elected.

In a decision dated November 25, 2019, Mr. Justice Chalmers granted Mr. Karygiannis relief citing s. 92(2) of the Municipal Elections Act which, in the context of the prosecution and conviction of a candidate for a campaign finance offence, provides that the penalties in s. 88.23(2) of the Act do not apply if the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgement. The Court has held that these good faith, inadvertence, and error in judgment exceptions also apply in the case of automatic penalties set out in s. 88.23(1) of the Act.

The order granting relief does not affect an ongoing compliance audit involving the Councillor, or the Compliance Audit Committee's discretion to determine whether to commence legal proceedings against him following receipt and consideration of an auditor's report.

Committee and Board Vacancies

Councillor Karygiannis' appointments to various committees and boards expired on November 6, when he forfeited his office, namely:

- Exhibition Place Board of Governors
- General Government and Licensing Committee (also serves as Vice Chair)
Greater Toronto Airports Authority (GTAA) Consultative Committee
- Scarborough Community Council, Chair
Toronto and Region Conservation Authority Partners in Project Green: Executive Steering Committee

- Toronto Transit Commission
- Committee of Revision (by virtue of being chair of Scarborough Community Council)

None of the vacancies has been filled to date. City Council should consider Councillor Karygiannis' re-appointment to these bodies. In addition, the Scarborough Community Council and the General Government and Licensing Committees should take steps to elect their chair and vice-chair, respectively, at their next meetings.

CONTACT

Fiona Murray, Deputy City Clerk, Election Services, City Clerk's Office
416-392-8019; fiona.murray@toronto.ca

John Elvidge, Deputy City Clerk, Secretariat, City Clerk's Office
416-392-8641; john.elvidge@toronto.ca

SIGNATURE

ORIGINAL SIGNED BY

City Clerk