



AFFLECK GREENE MCMURTRY LLP
BARRISTERS

EA4.2.2

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File: 4241-001

By Email: complianceaudit@toronto.ca; Julie.Amoroso@toronto.ca

Compliance Audit Committee, City of Toronto
10th floor, West Tower, City Hall
100 Queen St W
Toronto ON M5H 2N2

Attention: Ms. Julie Amoroso

Dear Ms Amoroso:

**Re: EA4.2 Compliance Audit Application by Roland Lin for the Election
Campaign Finances of Jim Karygiannis (Ward All - Statutory: Municipal
Elections Act, SO 1996)**

We are the lawyers for Jim Karygiannis.

The Compliance Audit Committee (the “Committee”) should decline to grant this request for three principal reasons.

First, the matter of compliance audits into Mr. Karygiannis' election finances is stayed pursuant to Section 25 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22.

Mr. Karygiannis appealed the decision of the Committee in Item EA3.1 (Compliance Audit Application by Adam Chaleff for the Election Campaign Finances of Jim Karygiannis). That appeal is ongoing and Mr. Chaleff and the City have appointed counsel to respond.

Given the stay provisions of the *Statutory Powers Procedure Act*, the Committee is simply barred from rendering decisions in the matter of the election campaign finances of Jim Karygiannis until the appeal in Item EA3.1 is disposed of.

Second, the current request of Mr. Lin is an abuse of process. Mr. Lin spoke in favour of the compliance audit requested by Mr. Chaleff (see Item EA3.1), which was granted by



the Committee. Mr. Lin now requests his own audit. We query how many audits can be ordered and performed on the same election campaign finances of the same candidate. Mr. Lin's request is moot in light of a compliance audit having been ordered, in which he participated by giving a public deputation.

Third, Mr. Lin submitted three additional briefs of documents for his request which were posted and provided to our client as late as this Monday, July 22nd for a hearing on the 24th. It would not be possible for any candidate facing this request to be able to put forward a cogent defence on little to no notice.

For the Committee to grant the request of Mr. Lin this matter in the face of the stay, in light of its mootness, and because of the lateness of materials delivered would raise serious procedural fairness and natural justice issues.

We trust this is satisfactory.

Sincerely,

Affleck Greene McMurtry LLP

A handwritten signature in blue ink, appearing to read 'Binetti', written over the firm name.

Michael I. Binetti