IN THE MATTER OF AN APPLICATION BY **ROLAND LIN (the "Applicant")** UNDER THE *MUNICIPAL ELECTIONS ACT, 1996* (THE "ACT") TO THE CITY OF TORONTO COMPLIANCE AUDIT COMMITTEE IN RESPECT OF THE FINANCIAL STATEMENT OF **NIKOLAOS MANTAS**, CANDIDATE FOR ELECTION TO TORONTO CITY COUNCIL, **WARD 22** (the "Candidate")

WRITTEN SUPPLEMENTARY SUBMISSIONS ON BEHALF OF NIKOLAOS MANTAS

Preliminary Objection

1. Late in the day on Friday, July 16, 2021, an email was received from the Committee Administrator, providing two new submissions dated July 15, 2021 and July 16, 2021, tht had been received from Mr. Lin.

2. This is the second application on which I have been required to address a last minute submission by Mr. Lin (the first being the Kelly application on July 24, 2019). In addition to that direct experience, Mr. Lin engaged in the same last minute surprise tactic on the Karygiannis application heard by this Committee on July 24, 2019 and as well, on the Luk application scheduled to be heard after the present application, on July 21.

3. Where an Applicant responds in a good faith manner to a submission made by a responding candidate, there may well be a justification for them to do so, given the timelines under which this Committee operates. That is not the case here. It was not the case in the pending Luk application, nor in the Kelly and Karygiannis applications. In each case, Mr. Lin's extra submissions were received PRIOR to him having received the responding candidate's material. These secondary submissions are not a response, they are a tactic; one that offends the principles of natural justice.

4. In further illustration of this point, referring to the attachments to the larger (25 page) submission, page 7 – 17 are all dated May 25, 2021, prior to the filing date of Mr. Lin's original application. Page 18 is dated June 26, 2021, two days after the application date (18 or 19 days prior to the date on which they were submitted to the Committee). Pages 19 – 25 all appear to have been extracted from Mr. Luk's filed financial documentation, and would have been available to Mr. Lin well prior to the date of the application.

5. In short, there is absolutely no new evidence that came to Mr. Lin's attention at the last minute, or that could have been submitted in response to a responding submission that had not yet been received.

6. This is a flagrant abuse of process, and with the greatest of respect, this Committee should have no tolerance for such "hearing by ambush" tactics.

7. It is therefore requested that the Committee decline to hear or consider any aspect of the information contained in this objectionable submission.

8. Of course, it would be unwise and presumptuous to anticipate a favourable ruling on this subject, and accordingly, the submissions that follow are provided strictly in the alternative and without prejudice to the position set out above, and intended for consideration only in the event that the above request is refused.

<u>Responding Submissions</u>

9. The two new submissions are largely duplicative of the original application, with exceptions as addressed below.

Six Page Submission

10. The shorter, six page submission, is apparently identical in content to the original application (but without the supporting documentation) other than paragraph 3, to which the words, "(Attachment N10-N11 was a sample of Brochure #1)" have been added. It does not appear that anything turns on this change.

Twenty-five Page Submission

11. Paragraphs 1 – 9 of this submission appear to be no different than the corresponding paragraphs in the original application, and in the six page submission, and warrant no further comment.

12. In response to new paragraphs 10 and 11, it would appear that Mr. Lin has come to the conclusion that there is something contrary to the Act for two different corporations (which are, as a matter of law, separate persons) that appear to have a common director, to provide services to competing candidates. There are no provisions in the Act that so much as suggest such a thing. Similarities between invoices demonstrate nothing more than that the two corporations used the same software or template for the generation of invoices.

13. Even if a single corporation provided services to competing candidates, there is no provision in the Act that would preclude or limit such a situation. Indeed, it is unquestionably the case that competing campaigns will use suppliers such as Canada Post, Bell Canada or Telus, or advertise in the same media outlet, without giving rise to any concern whatsoever.

14. Mr. Lin's "suspicion" as stated in paragraph 11, that Mr. Luk in some way paid the amount of his account to BA Muskoka for the purposes of Mr. Mantas' campaign, is supported neither by law nor by actual facts, and must be entirely disregarded. Mr. Lin's comments are libellous; they were presented in bad faith without appropriate cause and are not entitled to any claim of qualified privilege. Mr. Mantas reserves all rights to pursue the matter before the courts, seeking monetary damages from Mr. Lin.

15. Paragraph 12 correctly states that a candidate is required to keep receipts for all expenses. See ss. 88.22(1)(f) and (h). There is absolutely no requirement that such documentation be tendered with the Financial Statement when filed with the Clerk. Hence, the assertion cannot possibly constitute a basis for any alleged contravention of the Act. Similarly, and as previously stated in Mr. Mantas' original responding submissions, there is no

requirement in the Act for the disclosure of bank statements. Mere speculation about whether something happened cannot constitute a basis for granting a compliance audit.

16. In conclusion, it is respectfully submitted that the submissions of Mr. Lin dated July 15 and 16, 2021 should not be considered, as they were prepared and submitted in bad faith and in order to obtain some sort of tactical advantage. For the reasons contained in this submission and in Mr. Mantas' original submission, the application should be dismissed.

All of which is respectfully submitted,

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