EA9.1 - Compliance Audit Application for the Election Campaign Finances of Parthi Kandavel

9:30am, July 3, 2024

Overview of Claimed Finances

Contribution and Spend Limits

In the 2023 Ward 20 City Council by-election, there were several defined contribution and spend limits that campaigns could not exceed, per the Municipal Elections Act, 1996 (MEA):

- 1. \$71,583.05: General spending limit
- 2. \$7,158.31: Parties and Other Expressions of Appreciation
- 3. N/A: Expenses not subject to general spend limit

- 4. \$20,666.60: Contributions from Candidate and Spouse
- 5. \$1,200.00: Maximum contribution from an individual residing in Ontario
- 6. \$0.00: Maximum contribution from a non-individual, e.g. corporation

Candidate Kandavel Claimed Finances

EXPENSES (Note: include the value of contributions of goods and services)

1. Expenses subject to general spending limit

\$811.21
\$2,486.00
\$331.13
\$0.00
\$847.10
\$8,992.00
\$840.23_
\$4,454.11
\$319.05
\$9,172.26
\$33,371.91
\$3,338.08
\$2,081.00

Candidate Kandavel Claimed Finances

The Kandavel campaign claimed the following in the financial filing submitted for the 2023 Ward 20 City Council by-election:

- 1. \$67,044.08 expenses subject to general spend limit (limit: \$71,583.05)
- 2. \$223.65 expenses subject to spending limit for parties and other expressions of appreciation (limit: \$7,158.31)
- 3. \$5,780.00 expenses NOT subject to general spend limit
 - a. \$1,680.14 cost of fundraising events/activities

\$4,538.97

\$71,583.05 - \$67,044.08 = \$4,538.97

Value of Goods and Services

Overview of Canada Post

- According to financial filing, 3 orders for Canada Post literature distribution were made in November 2023
- More than 80,000 literature pieces were distributed by Canada Post on behalf of the campaign
- The campaign received a significant discount (thousands of dollars)
- The discount was improperly accounted for as a contribution and expense
- Contribution accounting error
 - This discount should not have been accepted as it was a contribution from a corporation (not an individual)
 - The amount of the discount is greater than the maximum contribution the campaign can receive from a single source
- Expense accounting error
 - Discount should have been accounted for as an expense subject to the general spend limit

C175751936



Neighbourhood Mail - Fully Featured Courrier de quartier - Haut de gamme

Mailed By Customer Number Expédié par Nº du client: 5080913

PARTHI KANDAVEL

416-271-7492

Mailed on behalf of Expédié au nom de: 5080913 PARTHI KANDAVEL

CIF ACMA: No / Non

Customer Reference Référence du client:

Pieces Size Format des articles: Up to/Jusqu'à 30.5x15.24x1.9 cm (12x6x0.75 in)

Deposit Summary / Sommaire du dépôt

Location / Bureau:

(Direct to DI / Directement aux IL)

C175751936

Accepting Location Lieu de dépôt

Paid By Customer No. No du client/compte

5080913

Method of Payment Mode de paiement Credit Card / Carte de crédit

Contract No. Nº de la convention.

Transmitted/Transmis: 2023/11/17 09:31

Deposit Date / Date du dépôt:



ZMKS 12003 17575 19360 00000 0000

Acceptance and RTO Scans Required (CPC use only)

Balayage d'acceptation et RTO requis (À l'usage de SCP seulement)

Service Description

/ Description du service

Pieces Articles Weight / Piece Poids / article

Neighb MI Std

00005

/ C. de quartier st

Entire Mailing / Envoi complet

Product Cost Centre Reference Produit Référence centre de coûts

Deposit Date Date du dépôt

Pieces Articles Weight/Piece \$ / Piece Poids/article \$ / article

\$/kg

Start Date de livr. \$ / Piece

\$ / article

Transportation / Transport Total Cost (\$) Pieces \$ / Piece Articles \$ / article

Total des frais (\$) \$3,760.94 \$3,760.94

\$3,760.94

-\$1,504.38

30.00 g \$0.17600 2023/11/17 21.369 641.07 kg 21,369 TOTAL

Deposit Type / Type de dépôt Direct to DI / Directement aux IL Base Charges frais de base

Promotional Discount Réduction promotionelle Promo Code Code promotionnel: NMTRY2023 Sub-total Before Taxes Total partiel avant les taxes

GST/TPS \$0.00 HST/TVH \$293.35 PST/TVP \$0.00 Total Amount Due to CPC Montant total dû à la SCP \$2,256.56 \$293.35

\$2,549.9

C175752921 Neighbourhood Mail - Fully Featured CANADA Accepting Location Lieu de dépôt Courrier de quartier - Haut de gamme POST C175752921 Mailed By Customer Number Expédié par Nº du client: 5080913 **PARTHI KANDAVEL** Mailed on behalf of Expédié au nom de: 5080913 PARTHI KANDAVEL CIF ACMA: No / Non Customer Reference Référence du client: Pieces Size Format des articles: Up to/Jusqu'à 30.5x15.24x1.9 cm (12x6x0.75 in) Location / Bureau: Deposit Summary / Sommaire du dépôt Deposit Date / Date du dépôt: ZMKS 12003 17575 29210 00000 0000 Acceptance and RTO Scans Required (CPC use only) Balayage d'acceptation et RTO requis (À l'usage de SCP seulement) Weight / Piece Pieces Service Description / Description du service Articles Poids / article Neighb MI Std / C. de quartier st Entire Mailing / Envoi complet Start Date de livr. \$ / Piece Weight/Piece \$ / Piece Deposit Date Pieces Product Cost Centre Reference Poids/article \$ / article \$/kg \$ / article Articles Produit Référence centre de coûts Date du dépôt 30.00 g \$0.17600 18,137 00005 2023/11/17

TOTAL

Deposit Type / Type de dépôt

Direct to DI / Directement aux IL

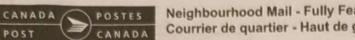
18,137

544,11 kg

Base Charges frais de base

Paid By Customer No. No du client/compte 5080913 Method of Payment Mode de palement Credit Card / Carte de crédit Contract No. Nº de la convention Transmitted/Transmis: 2023/11/17 (Direct to DI / Directement aux IL Transportation / Transport Total Cost (\$) Pieces \$ / Piece Articles \$ / article Total des frais (\$) \$3,192.11 \$3,192.11 \$3,192.11 -\$1,276.84 Promotional Discount Réduction promotionelle Promo Code Code promotionnel: NMTRY2023 \$1,915.27 Sub-total Before Taxes Total partiel avant les taxes \$248.99 10 GST/TPS \$0.00 HST/TVH \$248.99 PST/TVP \$0.00 Total Amount Due to CPC Montant total dû à la SCP \$2,164.26

C175791953



PARTHI KANDAVEL

CIF ACMA: No / Non

Customer Reference Référence du client:

Deposit Summary / Sommaire du dépôt

Acceptance and RTO Scans Required (CPC use only)

Service Description

Neighb MI Std

Entire Mailing / Envoi complet

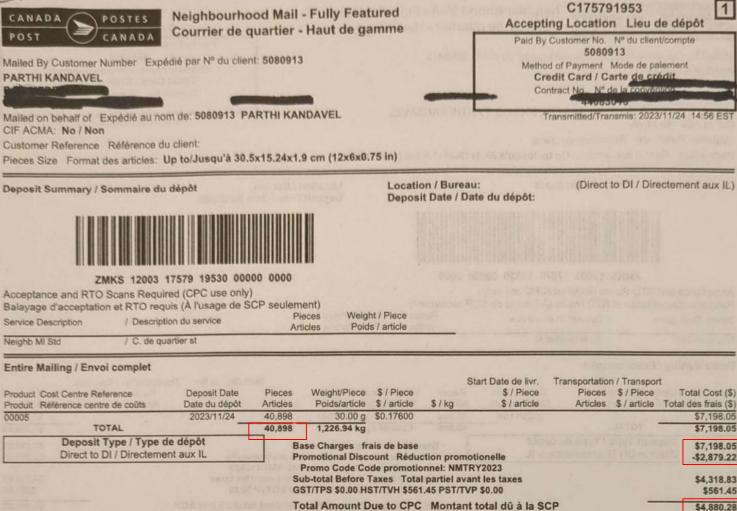
Product Cost Centre Reference Produit Référence centre de coûts

\$7,198.05

\$7,198.05

Total Amount Due to CPC Montant total dû à la SCP

\$4,318,83 \$561.45



Invoice #	Date (2023)	#	¢ / piece	Paid Base Charge (Discount)	Paid Total w/ Tax (Discount)
C175751936	November 17	21,369	17.6¢	\$2,256.56	\$2,549.91
C175752921	November 17	18,137	17.6¢	\$1,915.27	\$2,164.26
C175791953	November 24	40,898	17.6¢	\$4,318.83	\$4,880.28
Total	Nov 17 - 24	80,404	17.6¢	\$8,490.66	\$9,594.45

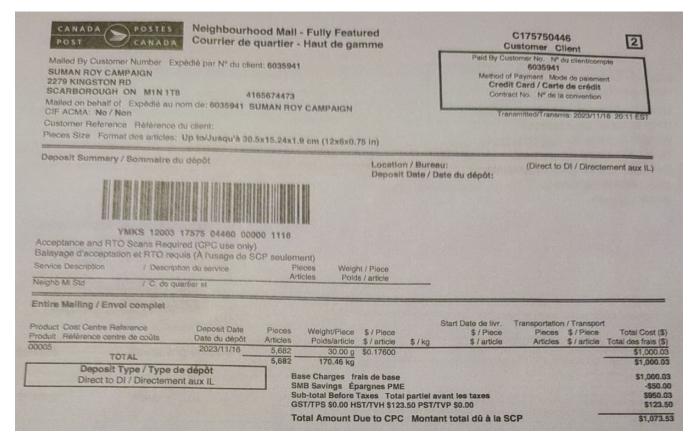
Invoice #	Date (2023)	#	¢ / piece	Paid Base Charge (Discount)	Paid Total w/ Tax (Discount)	Base Charge (Correct)	Total w/ Tax (Correct)
C175751936	November 17	21,369	17.6¢	\$2,256.56	\$2,549.91	\$3,760.94	\$4,249.87
C175752921	November 17	18,137	17.6¢	\$1,915.27	\$2,164.26	\$3,192.11	\$3,607.09
C175791953	November 24	40,898	17.6¢	\$4,318.83	\$4,880.28	\$7,198.05	\$8,133.79
Total	Nov 17 - 24	80,404	17.6 ¢	\$8,490.66	\$9,594.45	\$14,151.10	\$15,990.75

Invoice #	Date (2023)	#	¢ / piece	Paid Base Charge (Discount)	Paid Total w/ Tax (Discount)	Base Charge (Correct)	Total w/ Tax (Correct)	Difference
C175751936	November 17	21,369	17.6¢	\$2,256.56	\$2,549.91	\$3,760.94	\$4,249.87	\$1,699.96
C175752921	November 17	18,137	17.6¢	\$1,915.27	\$2,164.26	\$3,192.11	\$3,607.09	\$1,442.83
C175791953	November 24	40,898	17.6¢	\$4,318.83	\$4,880.28	\$7,198.05	\$8,133.79	\$3,253.51
Total	Nov 17 - 24	80,404	17.6¢	\$8,490.66	\$9,594.45	\$14,151.10	\$15,990.75	\$6,396.30

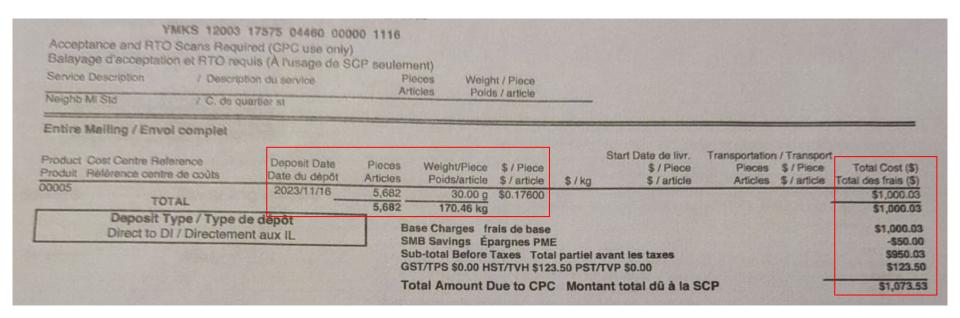
Misleading Claim from Kandavel Team

"Canada Post provides a discounted rate for mailing election campaign materials to <u>all</u> individuals running for office in municipal elections. Any candidate running in the Ward 20 by-election was able to access those same mailing rates with Canada Post. As such, the market value for mailing election campaign material was the discounted price that Mr. Kandavel (and all other candidates) paid."

2023 Suman Roy Canada Post Invoice



2023 Suman Roy Canada Post Invoice



Invoice #	Date (2023)	#	¢ / piece	Paid Base Charge (Discount)	Paid Total w/ Tax (Discount)	Base Charge (Correct)	Total w/ Tax (Correct)	Difference
C175751936	November 17	21,369	17.6¢	\$2,256.56	\$2,549.91	\$3,760.94	\$4,249.87	\$1,699.96
C175752921	November 17	18,137	17.6¢	\$1,915.27	\$2,164.26	\$3,192.11	\$3,607.09	\$1,442.83
C175791953	November 24	40,898	17.6¢	\$4,318.83	\$4,880.28	\$7,198.05	\$8,133.79	\$3,253.51
Total	Nov 17 - 24	80,404	17.6 ¢	\$8,490.66	\$9,594.45	\$14,151.10	\$15,990.75	\$6,396.30

Improper Classification of Campaign Event Expenses as Fundraising Expenses

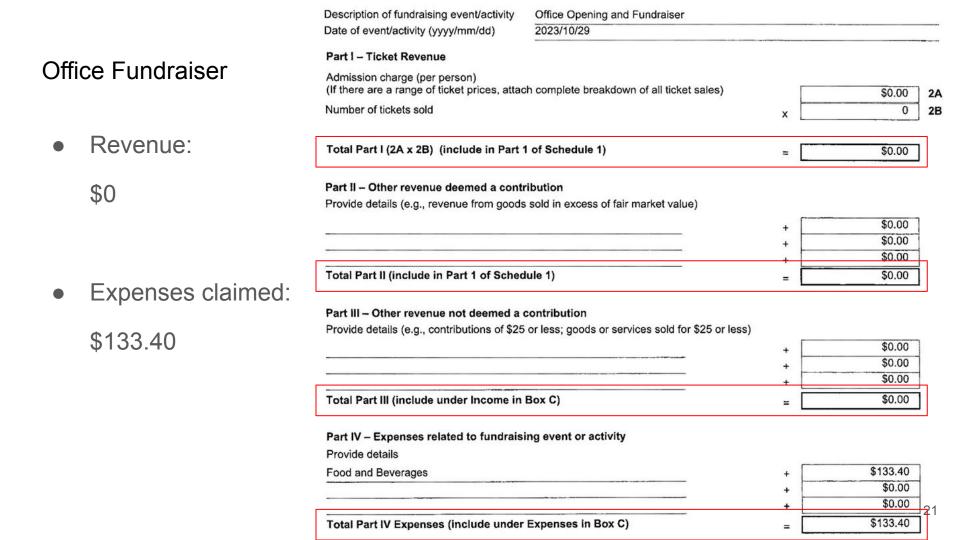
Municipal Elections Act (1996) Section 88.19 Campaign Expenses

Expenses

- (3) Without restricting the generality of subsections (1) and (2), the following amounts are expenses:
- 5. The cost of holding fund-raising functions.
- 10. The cost of election campaign advertisements (within the meaning of section 88.3) or third party advertisements, as the case may be. 2016, c. 15, s. 57 (3).

Exception

- (4) For greater certainty, the cost of holding fund-raising functions does not include costs related to,
- (a) events or activities that are organized for such <u>purposes as promoting public awareness of a candidate</u> and at which the <u>soliciting</u> <u>of contributions is incidental</u>; or
- (b) promotional materials in which the soliciting of contributions is incidental. 2016, c. 15, s. 57 (3).



Office Fundraiser

The event was advertised as "Campaign Launch & Office Opening", not a "fundraiser".

Campaign events with incidental fundraising cannot be accounted for as fundraisers.

The expenses associated with this fundraiser were improperly accounted for as fundraising expenses.

These expenses should have been accounted for as expenses subject to the general spend limit.





Dear Friends.

↓ We came so close last fall to bringing a Clear Vision + a Strong Voice to Toronto City Hall.

🎉 I'm excited to invite you to my Campaign Launch + Office Opening!

It's this Sunday, October 29th from 1 - 3 pm.



Parthi Kandavel

Sponsored · Paid for by Parthi Kandavel

Dear Friends and Community,

It was 1 year ago today, when we came so very close to bringing a **Clear Vision** and a **Strong Voice** to Toronto City Hall.

Now, we have a second chance to bring it home.

•••



PARTHIKANDAVEL.CA

Parthi Kandavel Scarborough Southwest – Ward 20
Neighbourhoods are the lifeblood of our city. Scarborough Southwest is undergoing its biggest changes, and challenges, in 70 years. I bring a strong...

Learn more

Office Fundraiser Misclassification

"Campaign Launch and Office Opening" (October 2023)

Parthi for CITY COUNCIL Kandavel Scarborough Southwest - WARD 20 Official Campaign Launch Office Opening Sunday, October 29th 1-3 pm 1572 Kingston Road Feel free to join us after to knock doors or drop flyers. Dress warmly and wear running shoes! Clear Vision. Strong Voice.

"Campaign Office Launch and Fundraiser" (July 2024)

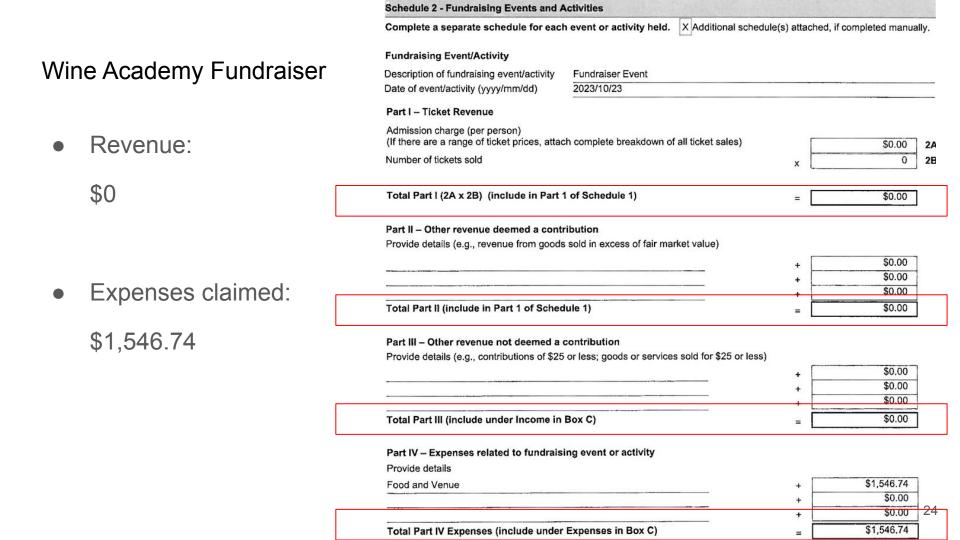
As such, a campaign event at which the soliciting of contributions is merely incidental will not count as a fund-raising function.

Mr. Nishibayashi raises concerns about two events that he says were improperly classified as fundraisers: a Wine Academy Fundraiser, and Mr. Kandavel's Campaign Office Launch and Fundraiser.

There can be no doubt that the Wine Academy Fundraiser was exclusively a fundraiser. As set out in the attached email at Tab 5, the Wine Academy event was expressly described as a fundraiser. It was not a general campaign event, and it had only limited attendance from individuals from whom Mr. Kandavel was seeking to raise funds. Mr. Kandavel's campaign did ultimately raise significant funds from that fundraiser, with attendees ultimately donating approximately \$7,000 (either that night or subsequently).

With respect to Mr. Kandavel's Campaign Office Launch and Fundraiser, Mr. Kandavel intended that the primary purpose of that event was to serve as a fundraiser. As set out in the email at Tab 6, Mr. Kandavel was soliciting donations in connection with that event. Moreover, Mr. Kandavel did in fact raise significant funds from that event. All of the donations made to Mr. Kandavel's campaign on October 29, 2023, totalling over \$5,000, were made in connection with that event. Mr. Kandavel's campaign raised more money on that day than it did on any other single day of the campaign.

While Mr. Kandavel intended the Campaign Office Launch and Fundraiser to be a fundraiser and he did in fact raise substantial funds from it, Mr. Kandavel acknowledges that the Campaign Office Launch and Fundraiser was not exclusively a fundraiser in the way that the Wine Academy Fundraiser was. He acknowledges that it would have been preferable to either make clearer that the event was a fundraiser or to include expenses from that event within expenses subject to that general limit, in order to avoid the present dispute. However, the fundraising purpose of the Campaign Office Launch and Fundraiser was far more than an incidental purpose for the event: it was a central purpose of the event. Consequently, it falls within the definition of a fund-raising function under the Act.



Missing Receipts & Expenses

Receipt & Invoice Requirements per Municipal Elections Act (1996) and City of Toronto Municipal Code

Municipal Elections Act (1996), 88.22 (1) Duties of candidates

A candidate shall ensure that,

- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (h) records are kept of every expense including the receipts obtained for each expense;
- (I) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;

TORONTO MUNICIPAL CODE, CHAPTER 53, ELECTIONS

2. Candidate's Obligations: <u>To participate in the contribution rebate program</u>, a candidate must file an audited initial financial statement and <u>a copy of all campaign invoices</u>.

Unaccounted for expenses with missing invoices

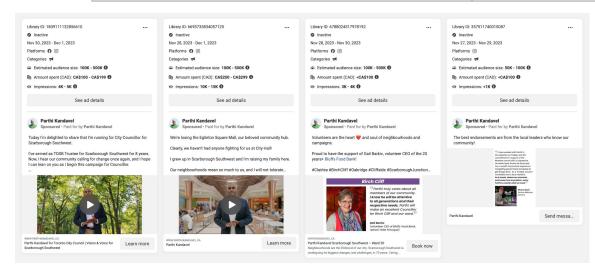
Expense Category	Missing Invoice(s) Value
Advertising	\$ 2,000+
Signs	\$ 1,000+
Meetings Hosted	\$ 300+
Office Expenses Until Voting Day	\$ 3,000+
Phone / Internet Until Voting Day	\$ 800+
Salaries, etc. Until Voting Day	\$ 300+
Other	\$ 600+
Total Missing Invoices	\$ 8,000+

Unaccounted for expenses with missing invoices

	Claimed on	Calculated based on all	Discrepancy Amount
Expense Category	Financial Filing	submitted receipts	(missing receipts)
Advertising	\$3,338.08	\$0.00	\$3,338.00
Signs	\$9,172.26	\$9,172.26	\$0.00
Meetings hosted	\$319.05	\$0.00	\$319.00
Office expenses until voting day	\$4,454.11	\$1,337.91	\$3,116.00
Phone / internet until voting day	\$840.23	\$0.00	\$840.00
Salaries, etc. until voting day	\$8,992.00	\$6,992.00	\$2000.00
Bank charges until voting day	\$847.10	\$70.60	\$777.00
Other	\$3,628.34	\$2,933.33	\$695.00
Total expenses subject to			
spending limit	\$67,044.08	\$55,959.01	\$11,085.00

Advertising Costs

Reported on financial statement	\$3,338.08
Spending on Meta (reported on Facebook Ad Library)	Up to \$2,283.00
Spending on newspaper ads	Hundreds of dollars





Daisy Group

Mr. Kandavel also received support from professional lobbying firm Daisy Group, however no invoice was submitted to the City Clerk for this spending.



Warren Kinsella 🤡 @kinsellawarren · Dec 4, 2023

Parthi! @DaisyGrp was honored to help out on his campaign. "Meet **Parthi** Kandavel, Toronto's newest city councillor and hopeful Scarborough ally to Olivia Chow" #topoli #onpoli thestar.com/news/gta/meet-... via @torontostar



From thestar.com

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C Daisy Group reposted



Warren Kinsella 🔮 @kinsellawarren · Nov 30, 2023

@DaisyGrp is very proud to have helped our friend @ParthiKandavel in Scarborough Southwest - which he'll now represent at City Council! Woot! #topoli #onpoli #cdnpoli

 Q_1

73

J 13

III 2.5K



Daisy Group

Discrepancies persist in July 2 documents

Date Sent	Nov 21, 2023
From Account	COMMUNITY PLAN PLUS - 5251830
Amount	\$2,000.00
Recipient	Emily emily@daisygroup.ca
Confirmation #	CA***Qp4
Purpose	BPY - Bill Payment
Sent By	PARTHI KANDAVEL CAMPAIGN
Method	Email

CONTRACT FOR CONSULTING SERVICES

This contract ("Contract") is effective the 20th day of November, 2023 ("Effective Date") by and between Parthi Kandavel ("The Client") and the Daisy Consulting Group ("Daisy").

WHEREAS, The Client wishes to retain Daisy to provide services on the terms and conditions set out herein; and

THEREFORE, in consideration of the mutual covenants contained herein, the adequacy and receipt of which are hereby acknowledged, the parties agree as follows:

- TERM. The term of this Contract will commence on the Effective Date, and continue until November 30, 2023.
- SERVICES. The Client agrees to retain Daisy to perform the services as set out in the attached Schedule "A" (the "Services"), and Daisy agrees to perform the Services.
- 3. COMPENSATION. During the Term for Daisy's Services rendered under this Contract, The Client will pay a monthly retainer of \$2,000 (plus HST) which will commence on the Effective Date. The Fees are based on the number of hours required to complete the tasks as outlined in the Services. Should the scope of work increase significantly, both parties will determine a value for work completed. For your reference, billable rates for Daisy's staff are set out in the attached "Schedule B", however, the consultant will endeavor and anticipates working within the agreed upon monthly retainer set out above.
- 4. EXPENSES. The Fees do not include any applicable taxes or reasonable expenses, such as travel, food, and accommodation. They also do not include fees associated with website hosting, graphic design, advertisement production and placement, domain registrations or any other related costs.
- 5. SUBCONTRACTORS. If services are rendered, subcontractors will be billed at their professional rates and the client will be responsible for these fees. Anticipated subcontracted services include but are not limited to public opinion research and call centre services. These are subject to change based on the client's desired project scope. Subcontractors will not be retained without expressed consent from the client. These fees are subject to HST.
- PAYMENT. The payment of \$2,000 (plus HST) is due and payable on the Effective Date
- CONFIDENTIALITY. Daisy's staff will not publicly disclose The Client's strategy, tactics, or their involvement in said activities unless otherwise approved in writing by The Client or as required by law.



he Dalsy Group

89 Bloor Street West, Suite 300, Toronto, Ontario, M5S 1M1 Tel: 416.642.3100 | Fax: 416.964.2979 | www.dalsygroup.ca Privileged and Confidential

Missing Expenses – Printer Paper

The campaign submitted receipts for printer ink, but no printer paper – the fact that there are expenses either not submitted or not reflected in the campaign financial statement point to the need for a compliance audit.

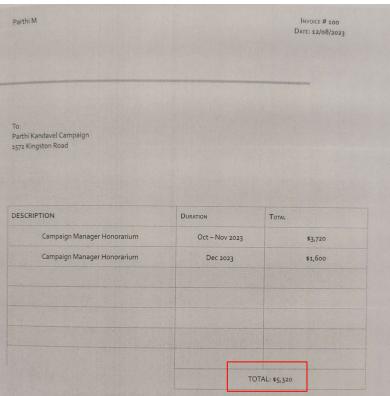


Altered Invoices

Original invoice on campaign's Google Drive



Invoice submitted to City Clerk



Unattributed Campaign Literature

Unattributed Flyers – Violation of MEA

88.3 Candidates' election campaign advertisements

Mandatory information in advertisement

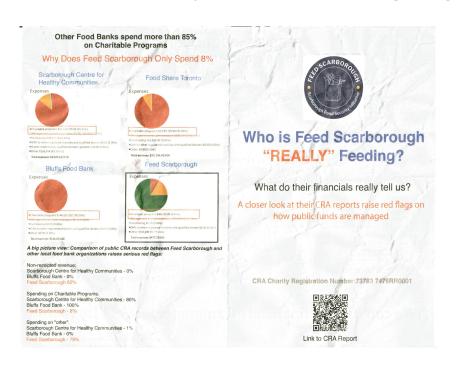
(2) An election campaign advertisement purchased by or under the direction of a candidate shall identify the candidate. 2016, c. 15, s. 47.

Additional Unattributed Literature + Distribution

- Unattributed flyers targeting candidates Suman Roy and Kevin Rupasinghe
 - Rupasinghe: Risky Rupasinghe flyers
 - Roy: Feed Scarborough flyer
- Indicia of professional preparation
 - Glossy, full-bleed, professional printing
 - Wide distribution (tens of thousands)
 - Paid distribution
 - Edited videos and web presence
- Lack of attribution and difficulty in accounting risks election integrity
 - A compliance audit will resolve any doubts and mitigate the impact to election integrity

Suman Roy/Feed Scarborough Unattributed Flyer

Thousands of flyers distributed targeting candidate Suman Roy





Risky Rupasinghe Unattributed Flyer

Thousands of flyers distributed targeting candidate Kevin Rupasinghe







S Flyers & K Flyers

S & K invoice appears to be deliberately vague.

INVOICE

Amount Due (CAD) \$0.00

BILL TO **Parthi Kandavel Campaign** Parthi Kandavel

mmparthi@gmail.com

Invoice Number: 200404

Invoice Date: November 29, 2023

Payment Due: November 29, 2023

ITEMS	QUANTITY	PRICE	AMOUNT
Coroplast Sign 24x32	200	\$10.00	\$2,000.00
Flyers K flyers (rush	1	\$835.00	\$835.00
Flyers S flyers digital (rush) 3000	1	\$750.00	\$750.00
Flyers S flyers 7000	1	\$685.00	\$685.00
Rush Charges	1	\$185.00	\$185.00

S Flyers & K Flyers

Most other invoices clearly identify the size and nature of the flyers that were printed.

INVOICE

Amount Due (CAD) \$0.00

BILL TO
Parthi Kandavel Campaign
Parthi Kandavel
mmparthi@gmail.com

Invoice Date: November 26, 2023

Invoice Number: 200401

Payment Due: November 26, 2023

ITEMS	QUANTITY	PRICE	AMOUNT
Flyers 40,000 12x6 - Scarborough	1	\$3,800.00	\$3,800.00
Design Charges	1	\$125.00	\$125.00
Rush Charges	1	\$200.00	\$200.00
Flyers 2700 digital flyers - Oakridge	1	\$720.00	\$720.00

 Subtotal:
 \$4,845.00

 HST 13% (852117506RT0001):
 \$629.85

40

In Summary

Summary

- Value of Goods and Services
- Improper Classification of Campaign Event Expenses as Fundraising Expenses
- 3. Missing Receipts & Expenses
- 4. Unattributed Campaign Literature

Please proceed with compliance audit.

Thank You