

W-23-00698413-0000
(Court file no.)

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

Eric Tuck

Applicant

and

City of Hamilton

Respondent



[SEAL]

APPLICATION UNDER SECTION 88.23(6) OF THE *MUNICIPAL ELECTIONS ACT*

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- ☒ In person
- ☐ By telephone conference
- ☐ By video conference

at the following location: 361 University Avenue, Toronto, Ontario on a day to be set by the registrar.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date April 24, 2013

Issued by [Signature]

Local registrar

Address of
court office

SUPERIOR COURT OF JUSTICE 330 UNIVERSITY AVE. 8TH FLOOR TORONTO, ONTARIO M5G 1R7	COUR SUPÉRIEURE DE JUSTICE 330, AVE. UNIVERSITY. 8E ÉTAGE TORONTO, ONTARIO M5G 1R7
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TO

City of Hamilton

71 Main St. W., 1st Floor

Hamilton, Ontario, Canada L8P 4Y5

carrie.mcintosh@hamilton.ca

APPLICATION

1. The applicant makes application for:

(a) An extension of time to file a financial statement and the associated requested banking documents in the course of Election Compliance Audit following the Hamilton City Council 2022 elections to **July 30, 2023**.

2. The grounds for the application are:

(a) On October 24, 2022 the Hamilton municipal election was held, including the election for Hamilton City Council. Mr. Tuck (the "Applicant") participated in the election run as one of the candidates for Ward 4. He ultimately did not win.

(b) As part of the post-election audit, Mr. Tuck was requested to provide certain banking documents, including images of all the cheques and I.P. addresses of all the e-transfer donations received. The filing deadline is April 30, 2023.

(c) Mr. Tuck has requested these documents from his bank, TD Bank. However, the TD Bank informed him that his request will be processed in up to 6 weeks.

(d) Under section 88.23(6) *Municipal Elections Act*, the candidate may request an extension for filing a document of up to 90 days by applying to the Superior Court of Justice. Therefore, Mr. Tuck requires an extension of 90 days for filing the requested banking documents until July 30, 2023.

3. The following documentary evidence will be used at the hearing of the application: Documents pertaining to the post-election audit request, documents pertaining to the request to TD Bank and any other documentation relevant to the requested extension.

✓
✓
~~April 21, 2023~~

April 24

John Riley Palmer (LSO # 73303R)
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Phone: 905-660-1499
Email: rpalmer@watsonpalmerlaw.com

Lawyer for the Applicant

BETWEEN:

ERIC TUCK
Applicant

and

CITY OF HAMILTON
Respondent

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PROCEEDING COMMENCED AT TORONTO

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