



CITY OF HAMILTON

**DECISION of the
ELECTION COMPLIANCE AUDIT COMMITTEE**
established under Section 81.1(1) of the *Municipal Elections Act, 1996*
**A COMPLIANCE AUDIT APPLICATION RESPECTING THE ELECTION
CAMPAIGN FINANCES OF TOBY YULL, CANDIDATE, WARD 13**

With respect to the meeting of the Election Compliance Audit Committee held on July 8, 2015 to deal with the application submitted by Ms. Joanna Chapman (the Applicant) concerning the Financial Statement of Ms. Toby Yull (the Candidate):

Under Section 78(4) of the *Municipal Election Act* (MEA) a Candidate is required to attach an Auditor's Report to their Financial Statement if either contributions or expenses exceed \$10,000.

Ms. Toby Yull received contributions and incurred expenses in excess of \$10,000 and as such breached 78(1) and 78(4) of the MEA.

As a first time Candidate, compliance matters may be daunting at times, but this does not detract from the fact of the seriousness of the Candidate contravening the MEA.

Apart from the lack of an Auditor's Report, we are of the opinion the Financial Statement was completed appropriately and any additional submissions or review is not necessary.

The Committee is in agreement that there has been a breach of the MEA and as such has the authority to order a compliance audit. In the Superior Court rulings of *Lancaster v. Compliance Audit Committee et al.*, 2013 ONSC 7631 and *Vezina v. Parrish*, 2013 ONSC 2368, it was held the ordering of compliance audit is discretionary.

Based on the information provided, the Committee agreed that an order for a compliance audit is not warranted in this case. The Committee strongly emphasizes that this should not be constructed as an open invitation for any current or future candidates to breach this section of the MEA, or any other section for that matter.

Dated at the City of Hamilton July 20, 2015

Written and approved by the following Committee Members:

Ross Anderson, Chair

Barry Gilbert, Vice Chair

John Klein