



CITY OF HAMILTON

DECISION of the ELECTION COMPLIANCE AUDIT COMMITTEE *established under the *Municipal Elections Act, 1996**

A COMPLIANCE AUDIT APPLICATION RESPECTING THE CAMPAIGN FINANCES (DECEMBER 10, 2015 TO MAY 5, 2016) OF THE WARD 7 BY- ELECTION CAMPAIGN PERIOD OF H. RABB, CANDIDATE, WARD 7

With respect to the meeting of the Election Compliance Audit Committee held on September 6, 2015 to deal with the application concerning the Financial Statement of Mr. Howard Rabb (the Candidate):

Due to the applicant's absence, the Committee was unable to seek clarification on some of the issues in the application. The information in the application alone was not enough for the Committee to recommend a compliance audit on those issues.

The Candidate indicated that he did not estimate an equivalent cost for campaign expenses such as the use of his home office space, computer and personal cell phone. The omission of these contributed goods and services is an apparent contravention of the *Municipal Election Act*. However the value that might be assigned by the candidate for the use of these items would be immaterial with no net effect on the final surplus or deficit.

In regard to the concern with respect to the revenue being equal to expenses, we accept the explanation provided by the Candidate.

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.

Dated at the City of Hamilton September 7, 2016

Written and approved by the following Committee Members:

Ross Anderson, Chair

Barry Gilbert, Vice Chair

John Klein

Linda Lister