



300 Dufferin Avenue  
P.O. Box 5035  
London, ON  
N6A 4L9

**APPENDIX A**

**NOTICE OF DECISION  
THE CORPORATION OF THE CITY OF LONDON  
COMPLIANCE AUDIT COMMITTEE  
established under Section 88.37 of the *Municipal Elections Act, 1996***

*IN THE MATTER OF an Application for Compliance Audit under section 88.35(1) of the Municipal Elections Act, 1996;*

*AND IN THE MATTER OF the City of London's Rules of Procedure for the 2018 Municipal Election Compliance Audit Committee in accordance with section 88.37(6) of the Municipal Elections Act, 1996;*

**Respondent: Barry Phillips  
Applicant: Stephen Turner  
File No. CAC-2019-L01-010  
Meeting Date: Friday, July 26, 2019 at 10:00 AM**

**Meeting Location: Committee Room #5 – 2<sup>nd</sup> Floor  
City Hall  
300 Dufferin Avenue  
London, Ontario N6B 1Z2**

**DECISION**

**PURPOSE OF MEETING**

The purpose of the meeting was to consider a Compliance Audit Application (the "Application") submitted by Stephen Turner (the "Applicant") with respect to the 2018 City of London Municipal Election as it relates to Barry Phillips (the "Respondent").

This meeting was held in accordance with the provisions of the City of London's Rules of Procedure for the 2018 Municipal Election Compliance Audit Committee.

**DECISION**

After reviewing the documentation submitted in response to the Application appended to the Compliance Audit Committee Agenda and hearing oral submissions from the Applicant, Mr. Stephen Turner, and the Respondent, Mr. Barry Phillips, and considering the appropriate provisions of the *Municipal Elections Act, 1996* (the "Act"), it is the decision of the Compliance Audit Committee to reject the Application and not to order a compliance audit in accordance with the Act, as the Committee determined that they do not have jurisdiction to deal with the Application given that the Respondent did not register as a third party advertiser during the 2018 Municipal Election.

**REASONS**

The reasons for the decision are as follows:

1. The Applicant has applied for a compliance audit of the election campaign finances related to activities of the Respondent, as a third party advertiser in contravention of the provisions(s) of the *Municipal Elections Act, 1996*.
2. The Applicant confirmed that he was entitled to vote in the 2018 Municipal Election and is therefore qualified to make this Application.

3. The Applicant indicated in his Application and oral submissions at the Committee meeting, that the Respondent undertook activities during the 2018 Municipal Election that fall within the definition of third party advertisement which, as defined in the Act, “means an advertisement in any broadcast, print, electronic or other medium that has the purpose of promoting, supporting or opposing: (a) a candidate, or (b) a “yes” or “no” answer to a question referred to in subsection 8(1), (2) or (3), but does not include an advertisement by or under the direction of a candidate or an advertisement describe in subsection (2) or (2.1)” and therefore should have registered as a third party and filed a financial statement in accordance with the Act. The Applicant indicated that failure of the Respondent to register as a third party does not alleviate his legislated obligation to submit a financial statement as a third party advertiser in accordance with section 88.29(1) of the Act.
4. The Committee relied on previous submissions from Mr. Bryan Skolnik, Gardiner Roberts, Agent for Amir Farahi and Blackridge Strategy, indicating that as his clients were not registered third party advertisers as defined by the Act, the Committee has no jurisdiction to deal with the Application. In accordance with the Act, a registered third party “means, in relation to an election in a municipality, an individual, corporation or trade union that is registered under section 88.6”. Similarly, the Respondent, Mr. Phillips, was not a registered third party as defined by the Act.
5. The Committee received confirmation from the City Clerk that the Respondent did not register as a third party advertiser during the 2018 Municipal Election.
6. The Committee has reviewed the Applicant’s submissions and received an oral submission from the Applicant with respect to the Committee’s jurisdiction to consider the Application, given that the Respondent did not register as a third party advertiser during the 2018 Municipal Election.
7. It is the role of the Committee under section 88.35 of the Act to determine whether reasonable grounds have been established that the Respondent has contravened a provision of the Act relating campaign finances in relation to activities as a registered third party. While the Applicant has expressed concern with the activities of the Respondent, the Committee has referenced section 88.35(1) of the Act which states: “An Elector who is entitled to vote in an election in a municipality and believes on reasonable grounds that a registered third party who is registered in relation to the election in the municipality has contravened a provision of this Act relating to campaign finances may apply for a compliance audit of the campaign finances of the registered third party in relation to third party advertisements, even if the registered third party has not filed a financial statement under section 88.29”.
8. Given that the Committee received confirmation at the Committee meeting that the Respondent did not register as a third party advertiser and based upon the submissions in writing and at the meeting, the Committee determined that they do not have the legislative jurisdiction to consider the Application.
9. The Committee therefore rejects the Application and does not order a compliance audit in accordance with the *Municipal Elections Act, 1996* as the Committee determined that they do not have jurisdiction to deal with the Application given that the Respondent did not register as a third party advertiser during the 2018 Municipal Election.

DECISION  
Turner/Phillips

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ISSUED by the The Corporation of the City of London Compliance Audit Committee at  
London, Ontario, on July 31, 2019.

Compliance Audit Committee

  
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Dan Ross, Member (Acting Chair)

  
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Christene Scrimgeour, Member