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 88.33(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;

Candidate: Paul Van Meerbergen
Applicant: John Hassan
File No. CAC-2019-L01-006
Meeting Date: Thursday, June 27, 2019 at 1:00 PM

Meeting Location: Committee Room #3 – 2nd 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 John Hassan (the “Applicant”) with respect to the 2018 City of London Municipal Election as it relates to the candidacy of Paul Van Meerbergen (the “Candidate”).

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. John Hassan, and the Candidate, Mr. Paul Van Meerbergen 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 order a compliance audit in accordance with the Act.

REASONS

The reasons for the decision are as follows:

1. The Applicant has applied for a compliance audit of the election campaign finances of Paul Van Meerbergen (the “Candidate”) in connection with his candidacy for the office of Ward 10 Councillor in the 2018 Municipal Election.

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 Candidate filed an audited financial statement with respect to his 2018 Municipal Election Campaign for the office of Ward 10 councillor in the City of
London, in the prescribed Form 4 in accordance with the Act. This financial statement was considered by the 2018 Municipal Election Compliance Audit Committee (the “Committee”) at the meeting held on June 27, 2019. The Candidate has stated in his submission that only he was authorized to receive campaign contributions and make campaign expenditures, as reflected in the above-noted audited financial statement. The Candidate also indicated that only he had control of the campaign bank account.

4. The Committee has reviewed the Candidate’s audited financial statement and is satisfied that the expenditures noted therein individually, and in the aggregate, do not indicate any non-compliance with the Act.

5. The Applicant in a written submission has acknowledged that “I have no direct evidence of any violation in or by the campaign” and further states “I do have what I believe is a reasonable suspicion to make this request based on most recent reports in the local media”. The Applicant has not, however, identified in the Candidate’s financial statement, any specific item or items of expenditures which the Applicant alleges to be in contravention of the Act.

6. The Applicant did make specific reference to expenditures made by Barry Phillips to Blackbridge Strategy, a company also hired by the Candidate to assist in the Candidates’ campaign, and questioned whether these were indeed campaign expenditures on behalf of the Candidate. The expenditures and the website apparently resulting therefrom have received extensive media coverage; however, the Candidate in his written and oral submissions denied authorizing the activity or expense and stated that while Mr. Phillips was a neighbour and campaign worker, the Candidate was not aware of Mr. Phillips’s involvement with Blackbridge Strategy until well after the election. Mr. Phillips in a written filing to the Committee, confirmed that “this was done completely outside the Paul Van Meerbergen campaign” and “Paul Van Meerbergen had no knowledge of the creation of this website”. The Candidate confirmed that his campaign incurred no expenses related to Mr. Phillips’s relationship with Blackbridge.

7. It is the role of the Committee under s. 88.33(7) of the Act to determine whether reasonable grounds have been established that the Candidate has contravened a provision of the Act relating to election campaign financing. While the Applicant has expressed concern with the activities of Mr. Phillips, the Committee did not receive any evidence that these activities were conducted with the Candidate’s knowledge or involvement. Therefore, based on the submissions in writing and at the hearing, the Committee concludes that the Candidate complied with the Act as it relates to election campaign financing and it is not in the public interest to order a compliance audit.

8. The Committee therefore rejects the Application and does not order a compliance audit in accordance with the Municipal Elections Act, 1996.

ISSUED by The Corporation of the City of London Compliance Audit Committee at London, Ontario, on July 11, 2019.

Compliance Audit Committee

[Signature]
Dan Ross, Member (Acting Chair)

[Signature]
Christene Scrimgeour, Member