

## **NOTICE OF DECISION AND WRITTEN REASONS**

### **THE CORPORATION OF THE TOWN OF OAKVILLE COMPLIANCE AUDIT COMMITTEE**

**established pursuant to Section 88.37 of the *Municipal Elections Act, 1996***

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**IN THE MATTER OF** an application for a compliance audit made pursuant to subsection 88.33(1) of the *Municipal Elections Act, 1996*;

**AND IN THE MATTER OF** a Meeting of the Election Compliance Audit Committee (the "Committee"), held Wednesday, September 27, 2023.

#### **PURPOSE**

The Committee held a meeting on Wednesday, September 27, 2023 at 4:00 p.m. to consider an Application for a Compliance Audit (the "Application"), submitted by Scott Barber (the "Applicant") with respect to the 2022 Town of Oakville Municipal Election and the campaign finances of Julia Hanna, Mayoral Candidate (the "Candidate").

#### **DECISION**

On reviewing the documents and materials submitted by the Applicant and the Candidate, including the Candidate's Form 4 Financial Statement and accompanying Auditor's Report, filed May 1, 2023, and on hearing the oral submissions of the agent for the Candidate, and on considering the provisions of the *Municipal Elections Act, 1996*, it is the decision of the Committee to reject the Application in accordance with subsection 88.33(7) of the *Municipal Elections Act, 1996*.

#### **REASONS**

The reasons for the decision are as follows:

1. The Applicant applied for a compliance audit of the election campaign finances of the Candidate in connection with her election campaign for the office of Mayor in the 2022 Municipal Election.
2. Despite being provided notice of the Committee's meeting, the Applicant did not attend the meeting to make oral submissions, nor did an agent appear on his behalf. The Applicant also did not file any additional written materials in support of his Application.
3. The Committee heard from the agent for the Candidate, Mr. Mastrangelo, who explained the legal test for granting an application for a compliance audit and responded to the issues raised in the Application.

4. The Committee finds that the Applicant has failed to present reasonable grounds to believe that the Candidate has contravened the campaign finance rules set out in the *Municipal Elections Act, 1996*, as alleged, for the following reasons:
  - a. **Contribution Limit:** the Applicant appears to have misunderstood that the “Contribution Limit” presented in Box A on the Financial Statement is a total limit, and not the amount of the Candidate and her spouse actually contribution to the Candidate’s election campaign. The Candidate’s spouse’s contribution is properly record in the Financial Statement, and there is no reason to believe this contravened the campaign finance rules.
  - b. **Signage Expenses:** the Applicant failed to present any evidence or information to suggest that the Candidate’s expenses for signage were misreported. Expenditures of other candidates is not relevant in this regard.
  - c. **Office Expenses:** the Applicant has not presented any evidence to suggest the Candidate maintained a full time campaign office at 700 Kerr Street. The Committee accepts the Candidate’s explanation that she did not maintain a campaign office at this location, and only used the space on occasion.
  - d. **Phone and Internet Expenses:** the Applicant failed to present any evidence that the Candidate failed to properly report phone and internet charges. The Committee accepts the Candidate’s explanation that she properly reported the cost of her social media campaign and robocalls as a separate line item for “Data & Software” expenses.
  - e. **Bank Charges:** the Applicant failed to present any evidence that the Candidate failed to properly report bank charges associated with her campaign. The Committee accepts the Candidate’s explanation that her expenses for bank charges, which included fees for the Nationbuilder donation platform, are accurate.
  - f. **Contributions from Individual Donors:** the Applicant failed to provide any evidence that any donations to the Candidate’s campaign contravened the *Municipal Elections Act, 1996*. The Candidate’s Financial Statement indicates that these contributions were all made in the contributors’ personal capacity.
5. The Committee finds that the grounds as set out in the Application amount to speculation and conjecture. This fails to satisfy the threshold for whether there are reasonable grounds to believe a candidate has violated the campaign finance rules.
6. On that basis, the Committee has decided to reject the Application.

Dated at the Town of Oakville this 27<sup>th</sup> day of September, 2023 and approved by the following Members of the Committee:

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Evan Read, Chair\*  
*Conflict of Interest Declared*

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Ryan Chen, Member

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Melissa Coulson, Member

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Camille Glover, Member

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Karen Landry, Member

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Amrita Sidhu, Member

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Zachary Spicer, Member