



AGENDA - MUSKOKA COMPLIANCE AUDIT COMMITTEE MEETING Wednesday, July 31, 2019

A Muskoka Compliance Audit Committee meeting will be held on Wednesday, July 31, 2019, at 9:00 a.m., in the Council Chambers, Municipal Offices, Port Carling, Ontario.

	Page
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST	
3. CONSIDERATION OF CLERK'S REPORTS	
4. COMMITTEE DELIBERATIONS	
Committee to deliberate in private in accordance with Section 88.33 (5.1) of the Municipal Elections Act, 1996 - (Resolutions of Committee) following the Call to Order at 9:00 a.m.	
5. CONSIDERATION OF APPLICATIONS FOR A COMPLIANCE AUDIT	
a. REVIEW COMMITTEE MANDATE	
1. Muskoka Compliance Audit Committee Administrative Practices and Procedures	3 - 18
MCAC - Admin Practices and Procedures 2018-2022	
b. COMPLIANCE AUDIT APPLICATIONS	
1. Committee to consider Applications - resolutions of Committee.	
2. Committee to consider appointment of auditor, if required - resolutions of Committee.	
The following Applications were received:	
1. Application #CA-001 - Registered Third Party – Friends of Muskoka – Applicant Don Furniss.	19 - 84
Application CA-001	
Financial Statement CA-001	
Applicant Presentation CA-001	
Registered Third Party Presentation CA-001	
2. Application #CA-002 - Registered Third Party – Muskoka Lakes Association – Applicant Don Furniss.	85 - 148
Application CA-002	
Financial Statement CA-002	
Applicant Presentation CA-002	
Registered Third Party Presentation CA-002	
3. Application #CA-003 - Candidate - Phil Harding – Office of Mayor – Applicant Don Furniss.	149 -
Application CA-003	
Financial Statement CA-003	
	179

[Applicant Presentation CA-003](#)

[Candidate Presentation CA-003](#)

4. Application #CA-004 - Candidate – Frank Jaglowitz – Office of District and Township Councillor (Ward C/3) – Applicant Heather Bonett. 180 - 220

[Application CA-004](#)

[Financial Statement CA-004](#)

[Candidate Presentation CA-004](#)

6. CONSIDERATION OF AUDITOR/LEGAL REPORTS

7. ADJOURNMENT



Muskoka Compliance Audit Committee

Administrative Practices and Procedures

2018-2022 Term of Council

Version: 1

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MUSKOKA COMPLIANCE AUDIT COMMITTEE
ADMINISTRATIVE PRACTICES AND PROCEDURES- APRIL 1, 2019 V1

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1. Purpose and Application

The Muskoka Compliance Audit Committee was established in accordance with Section 88.37(1) of the *Municipal Elections Act, 1996* (hereinafter referred to as the “Act”), by the Member Municipalities. Pursuant to Section 88.37(6) of the Act, the Clerk shall establish administrative practices and procedures for the Compliance Audit Committee. Accordingly, the following sections provide for the practices and procedures to be followed by the Muskoka Compliance Audit Committee in carrying out its Mandate for the Member municipalities.

2. Definitions

In this procedure, the following definitions apply;

- a. “Act” means the *Municipal Elections Act, 1996*, S.O. 1996, Chapter 32, as amended.
- b. “Alternate Member” means an Alternate person appointed to the Muskoka Compliance Audit Committee.
- c. “Applicant” means a person who is entitled to submit an Application under the Act requesting a Compliance Audit.
- d. “Application” means an Application for a Compliance Audit made to the Clerk, in writing, setting out the reasons for the request, and accepted by the Clerk pursuant to Section 88.33 or 88.35 of the Act. See attached Forms for this purpose.
- e. “Auditor” means a person appointed by the Committee to conduct a Compliance Audit of a Candidate’s or of a Registered Third Party’s election campaign finances pursuant to Section 88.33 or 88.35 of the Act.
- f. “Auditor’s Report” means a Report prepared for the Committee pursuant to Section 88.33 or 88.35 of the Act.
- g. “Candidate” means the Candidate whose municipal election campaign finances are the subject of an Application for a Compliance Audit or are the subject of a Clerk’s Report.
- h. “Chair” means the Chair of the Muskoka Compliance Audit Committee.
- i. “Clerk” means the Clerk of the Member Municipality or designate.
- j. “Clerk’s Report” means a report prepared by the Clerk of the Member Municipality or designate with respect to contribution limits pursuant to Section 88.34 or 88.36 of the Act.
- k. “Committee” means the Muskoka Compliance Audit Committee established pursuant to Section 88.37(1) of the Act.
- l. “Compliance Audit” (“Audit”) means an audit of a Candidate’s election campaign finances or of the campaign finances of a Registered Third Party conducted by an Auditor appointed by the Committee.
- m. “Conduct” means the way one acts or personal behaviour.
- n. “Contributor” means a Contributor who is subject to a Clerk’s Report.
- o. “Council” means the Council of the Member Municipality.
- p. “Mandate” means the Muskoka Compliance Audit Committee’s duties and responsibilities as set out in Section 3.
- q. “Member” means a person appointed to the Muskoka Compliance Audit Committee.
- r. “Member Municipality” means any one of the following municipalities:

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- District of Muskoka
 - Town of Bracebridge
 - Town of Gravenhurst
 - Town of Huntsville
 - Township of Georgian Bay
 - Township of Lake of Bays
 - Township of Muskoka Lakes
- s. “Point of Order” means when a Member believes that the rules of procedure are being violated and calls upon the Chair for a ruling and an enforcement of the regular rules.
- t. “Point of Privilege” means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or employee has been impugned or questioned by a Member.
- u. “Quorum” means the minimum number of Members that must be present at a meeting to make the proceedings of that meeting valid. For the purposes of the Committee, the minimum number of Members that must be present is two (2) Members.
- v. “Reasonable Notice” means a minimum of 14 days.
- w. “Registered Third Party” means the Registered Third Party whose municipal election campaign finances are the subject of an Application for a Compliance Audit or are the subject of a Clerk’s Report.
- x. “Vice Chair” means the Vice Chair of the Muskoka Compliance Audit Committee.

3. Committee Mandate

The Committee for the 2018-2022 Term of Council has full delegation of the authority under sections 88.33, 88.34, 88.35, 88.36 and 88.37 of the Act, to receive and make decisions on Applications for Compliance Audits of a Candidate’s or a Registered Third Party’s 2018 municipal election campaign finances and any by-election campaign finances during the 2018 to 2022 Council term.

The Committee is also responsible for reviewing reports submitted to the Committee by the Clerk with respect to any Contributor who appears to have contravened any of the contribution limits to a Candidate’s or a Registered Third Party’s election campaign.

The Committee term is for four (4) years commencing December 1, 2018 to November 14, 2022. If an audit goes beyond the Committee term, the appointment may require an extension.

4. Scope of Responsibilities

The powers and functions of the Committee are set out in sections 88.33 to 88.37 of the Act and are generally described as follows:

- a. Within 30 days of receipt of an Application requesting a Compliance Audit, the Committee shall consider the Compliance Audit Application and decide whether it should be granted or rejected, with brief written reasons for the decision;
- b. If the Application is granted, the Committee shall appoint an Auditor to conduct a Compliance Audit of the Candidate’s election campaign finances or the campaign finances of the Registered Third Party;

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- c. The Committee will review the Auditor's report within 30 days of receipt and shall decide whether legal proceedings should be commenced, with brief written reasons for the decision; and
- d. Within 30 days after receipt of a report from any Member Municipality Clerk of any apparent contribution in excess of the contribution limits to a Candidate or Registered Third Party, the Committee shall consider the Clerk's Report and decide whether legal proceedings should be commenced, with brief written reasons for the decision.
- e. The Committee is responsible for addressing any Candidate's or Registered Third Party's Compliance Audit Applications or any Candidate's or Registered Third Party's contribution limit reports originating from any of the Member municipalities during the 2018 to 2022 Council term.

5. Committee Structure

a. Structure

- 1. The Committee shall be comprised of three (3) voting Members of the public, with the provision for two (2) additional Alternate Members, all of who are qualified individuals. Committee Members will be appointed by each municipal Member Council in accordance with each Member Municipality's established procedures. At its first meeting, the Committee shall select and appoint one (1) of its Members to act as a Chair and one (1) of its Members to act as a Vice Chair for the duration of the Committee's term.
- 2. Alternate Members will be called upon in the event that one of the three (3) voting Members is unable to serve and/or attend meetings during the period of appointment, or if a Member resigns from the Committee or is disqualified. Alternate Members assume all of the rights and privileges of a voting Member, if called upon.
- 3. The Clerk, or their designate, of the respective Member Municipality will act as recording secretary and provide administrative support to the Committee.
- 4. The Clerks of the Member Municipalities shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the decisions of the Committee.

b. Vacancy

- 1. If there is a Committee vacancy resulting from disqualification or otherwise, individuals qualified and interested in appointment shall be sought by using one or more of the following methods; inviting applications by posting a notice, contacting previous Committee Members, or reviewing previous Committee applications received. This will be determined by the Clerks of the Member Municipalities.
- 2. Once a qualified applicant has been determined, each of the Member Municipalities shall report to their respective Council's and present an amending By-law to fill the vacancy.

6. Procedures - Application for a Compliance Audit – Candidate or Registered Third Party

a. Application by Elector

- 1. Candidate - An elector who is entitled to vote in an election and believes on reasonable grounds that a Candidate has contravened a provision of the Act relating to election campaign finances may apply for a Compliance Audit of the Candidate's election campaign finances, even if the Candidate has not filed a financial statement under section 88.25 of the Act.

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2. Registered Third Party - An elector who is entitled to vote in an election 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 the 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 of the Act.

b. Application Requirements

An Application for a Compliance Audit shall be made to the Clerk of the Member Municipality for which the Candidate was nominated for office or in which the Registered Third Party was registered, and it shall be in writing and shall set out the reasons for the elector's belief.

Form – Application for a Compliance Audit - Candidate's Election Campaign Finances

Form – Application for a Compliance Audit - Registered Third Party's Election Campaign Finances

c. Deadline for Applications

The Application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30 of the Act. - **June 27, 2019** would be the last day to file a Compliance Audit request for the December 31, 2018 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 29, 2019).
2. The date the Candidate or Registered Third Party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 of the Act. – **July 29, 2019** would be the last day to file a Compliance Audit request for the December 31, 2018 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 29, 2019).
3. The Candidate's supplementary filing date or the supplementary filing date for the Registered Third Party, if any, under section 88.30 of the Act. - **December 27, 2019** would be the last day to file a Compliance Audit request for the June 30, 2019 supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 27, 2019).
4. The date on which the Candidate's or Registered Third Party's extension, if any, under subsections 88.23 (6) or 88.27 (3) of the Act expires – court granted extension.

d. Committee

Within 10 days after receiving the Application, the Clerk of the Member Municipality shall forward the Application to the Committee.

e. Notice of Meetings

Reasonable Notice of the meetings of the Committee under this section shall be given to the Candidate or Registered Third Party, the Applicant and the public.

f. Open Meetings

The meetings of the Committee under this section shall be open to the public, but the Committee may deliberate in private.

g. Decision of Committee

1. Within 30 days after the Committee has received the Application, the Committee shall consider the Application and decide whether it should be granted or rejected.
2. The decision of the Committee to grant or reject the Application, and brief written reasons for the decision, shall be given to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Member Municipality in which the Registered Third Party is registered, and the Applicant.

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h. Appeal

The decision of the Committee under subsection 6.g. above may be appealed to the Superior Court of Justice within 15 days after the decision is made, and the court may make any decision the Committee could have made.

i. Appointment of Auditor

1. If the Committee decides under subsection 6.g. above to grant the Application, it shall appoint an Auditor to conduct a Compliance Audit of the Candidate's election campaign finances or the campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality.
2. Only Auditors licensed under the *Public Accounting Act, 2004* or prescribed persons are eligible to be appointed under subsection 6.i.1. above.

j. Duty of Auditor

The Auditor shall promptly conduct an audit of the Candidate's election campaign finances or the campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality, to determine whether he or she has complied with the provisions of the Act relating to election campaign finances or to campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality and shall prepare a report outlining any apparent contravention by the Candidate or by the Registered Third Party.

k. Who Receives Auditor's Report

The Auditor shall submit the report to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Member Municipality in which the Registered Third Party is registered, and the Applicant.

l. Auditor's Report to be Forwarded to Committee

Within 10 days after receiving the report, the Clerk of the Member Municipality shall forward the report to the Compliance Audit Committee.

m. Powers of Auditor

For the purpose of the audit, the Auditor,

1. is entitled to have access, at all reasonable hours, to all relevant books, papers, documents or things of the Candidate or the Registered Third Party and of the Municipality; and
2. has the powers set out in section 33 of the *Public Inquiries Act, 2009* and section 33 applies to the audit.

n. Costs

The Member Municipality shall pay the Auditor's costs of performing the audit.

o. Decision

The Committee shall consider the report within 30 days after receiving it and, if the report concludes that the Candidate or the Registered Third Party appears to have contravened a provision of the Act relating to election campaign finances or campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality, the Committee shall decide whether to commence a legal proceeding against the Candidate or the Registered Third Party for the apparent contravention.

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p. Notice of Decision, Reasons

The decision of the Committee under subsection 6.o. above, and brief written reasons for the decision, shall be given to the Candidate or Registered Third Party, the Clerk with whom the Candidate filed his or her nomination or the Clerk of the Municipality in which the Registered Third Party is registered, and the Applicant.

q. Immunity

No action or other proceeding for damages shall be instituted against an Auditor appointed under subsection 6.i.1. above, for any act done in good faith in the execution or intended execution of the audit or for any alleged neglect or default in its execution in good faith.

r. Saving Provision

This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of the Act relating to election campaign finances or relating to campaign finances of the Registered Third Party in relation to third party advertisements that appear during an election in the Municipality.

7. Procedures - Review of Contributions to Candidate or Registered Third Party

a. Review of Contributions

The Clerk shall review the contributions reported on the financial statements submitted by;

1. a Candidate under section 88.25 of the Act to determine whether any Contributor appears to have exceeded any of the contribution limits under section 88.9 of the Act.
2. a Registered Third Party under section 88.29 of the Act to determine whether any Contributor appears to have exceeded any of the contribution limits under section 88.13 of the Act.

b. Clerk's Report, Contributions to Candidate or Registered Third Party

As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, for a Candidate or a Registered Third Party, the Clerk shall prepare a report identifying each Contributor to a Candidate for office on a Council or to the Registered Third Party who appears to have contravened any of the contribution limits under section 88.9 or section 88.13 of the Act, which ever is applicable, and,

1. if the Contributor's total contributions to a Candidate for office on a Council appear to exceed the limit under section 88.9 of the Act, the report shall set out the contributions made by that Contributor to the Candidate;
2. if the Contributor's total contributions to two or more Candidates for office on the same Council appear to exceed the limit under section 88.9 of the Act, the report shall set out the contributions made by that Contributor to all Candidates for office on the same Council;
3. if the Contributor's total contributions to a Registered Third Party that is registered in the Municipality appear to exceed the limit under section 88.13 of the Act, the report shall set out the contributions made by that Contributor to the Registered Third Party in relation to third party advertisements; and
4. if the Contributor's total contributions to two or more registered third parties that are registered in the Municipality appear to exceed the limit under section 88.13 of the Act, the report shall set out the contributions made by that Contributor to all registered third parties in the Municipality in relation to third party advertisements.

c. Clerk's Report, Separate

The Clerk shall prepare a separate report under subsection 7.b. above in respect of each Contributor who appears to have contravened any of the contribution limits under section 88.9 or section 88.13 of the Act, which ever is applicable.

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d. Clerk's Report to be Forwarded to Committee

The Clerk shall forward each report prepared under subsection 7.b. above to the Committee.

e. Decision of Committee

Within 30 days after receiving a report under subsection 7.d. above, the Committee shall consider it and decide whether to commence a legal proceeding against a Contributor for an apparent contravention.

f. Notice of Meetings

Reasonable Notice of the meetings of the Committee under subsection 7.e. above shall be given to the Contributor, the applicable Candidate or the Registered Third Party and the public.

g. Open Meetings

The meetings of the Committee under subsection 7.e. above shall be open to the public, but the Committee may deliberate in private.

h. Notice of Decision, Reasons

The decision of the Committee under subsection 7.e. above, and brief written reasons for the decision, shall be given to the Contributor and to the Clerk of the Member Municipality.

i. Saving Provision

This section does not prevent a person from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of the Act relating to contribution limits.

8. Duties of the Clerk

- a. The Clerk of the Member Municipality shall establish administrative practices and procedures for the Committee and shall carry out any other duties required under the Act to implement the Committee's decisions.
- b. The Clerk of the Member Municipality shall approve and sign the Committee minutes.

9. Duties of the Chair

The duties of the Chair are as follows:

- a. Liaise with the Clerk and review meeting agendas.
- b. Call Committee meetings to order when there is a Quorum, preside over Committee discussions, facilitate Committee business, follow the procedures as set out herein, identify the order of proceedings and speakers, and rule on Points of Order and Privilege, as may be necessary.
- c. Participate as an active Member, encouraging participation by all Members.
- d. The Chair is permitted to provide brief comments during discussion, make motions and vote on all matters.
- e. If the Chair is not present within the first fifteen (15) minutes of a Committee meeting or is absent through illness or otherwise, and Quorum cannot be obtained, the Clerk shall note the attendees, and then adjourn the meeting until such time as Quorum can be obtained.
- f. If the appointed Chair is unable to participate, the Vice Chair shall take the Chair. While so presiding, they shall have all the powers and duties of the Chair.

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10. Duties of the Members

The duties of Members are as follows:

- a. Attend all Committee meetings, or notify the Clerk as soon as possible in the event that the Member cannot attend.
- b. Understand their role, the Committee's Mandate and meeting procedures.
- c. Disclose any pecuniary interest in any matter prior to consideration by the Committee and leave the meeting, refrain from discussion and voting on the matter in accordance with Section 5 of the *Municipal Conflict of Interest Act*.
- d. Where the pecuniary interest of a Member has not been disclosed by reason of the Member's absence from the meeting, the Member shall disclose the pecuniary interest and otherwise comply with subsection 10.c. at the first meeting of the Committee attended by the Member after the meeting referred to in subsection 10.c.
- e. Participate as an active voting Member, asking questions, and seeking clarification through the Chair.
- f. Develop and maintain a climate of mutual support, trust, courtesy, integrity and respect.
- g. Work together to utilize the knowledge, expertise and talents of all Members.
- h. Respect the decisions of the Committee and that such decisions reflect the majority view.
- i. Abide by the respective Member Municipality's Code of Conduct for Council and Local Boards.
- j. Participate in an orientation training session hosted by the Member Municipalities.

11. Staff Support

The Member Municipality shall provide the following support to the Committee:

- a. The Clerk shall call the first regular meeting of the Committee to order and conduct the selection of the Chair and Vice Chair by resolution of Members.
- b. Prepare agendas for review by the Clerk of the Member Municipality and the Chair.
- c. Reasonable Notice of meetings of the Committee shall be given to the Members, the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, as determined by the Clerk of the Member Municipality. The meeting agendas will be posted a minimum of three (3) days prior to the date of each meeting. The Member Municipality website will be utilized to communicate the meeting notices and agendas.
- d. If it is determined that an emergency Committee meeting is required or a meeting requires rescheduling, in order to meet the legislative timelines of the Act, and when time does not permit for the minimum Reasonable Notice, notice shall be provided, as soon as possible to the Members, the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, as determined by the Clerk of the Member Municipality.
- e. Where an Application or a Clerk's Report will be considered at a meeting, Reasonable Notice to the Applicant, the Candidate, the Registered Third Party, the Contributor and the public, whichever is applicable, will be given, of the time, place and purpose of the meeting and of the fact that if the party fails to attend the meeting, the Committee may proceed in the party's absence and the party will not be entitled to further notice in relation to the meeting or subsequent meetings at which the Application or Clerk's Report is considered.

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- f. Arrange for or set up meeting areas, giving consideration to the nature of the matters to be discussed, any audio-visual requirements, attendance by the public and ensuring accessibility needs identified have been met.
- g. Arrange for attendance of deputations in conjunction with the Chair.
- h. Attend Committee meetings, record attendance, confirm Quorum and record when the meeting is called to order, and adjourns.
- i. Provide procedural advice to the Chair and Committee, as required.
- j. Take minutes, record a summary of the discussion for each agenda item, record all Committee motions and resolutions, including the name of the mover and seconder.
- k. Record any disclosures of pecuniary interest, including the general nature thereof.
- l. Review and correct any errors in the minutes of previous meetings.
- m. Prepare the Committee minutes.
- n. Electronically distribute minutes to all Committee Members and post on the Member Municipality website, as soon as possible following the approval by the Clerk of the Member Municipality.
- o. Facilitate and complete any additional work to be undertaken on behalf of the Committee.
- p. Maintain Committee agendas, minutes, correspondence, Auditor's Reports and Clerk's Reports in accordance with Section 88 of the Act and the Member Municipality's most current Record Retention Schedule.

12. Meeting Procedures

a. Calling of Committee Meetings

- 1. The Clerk of the Member Municipality will summon a meeting of the Committee when one or more Applications are received or when one or more Clerk's Reports are prepared.
- 2. Meetings shall be held at such date, time and location as the Clerk deems appropriate.
- 3. Subsequent meetings of the same Application or Clerk's Report will be held at the call of the Chair.

b. Agendas

The following components shall be included in Committee agendas. Specific subject items are included under each component:

- 1. Call to order
- 2. Disclosure of Pecuniary Interest
- 3. Consideration of Clerk's Reports
- 4. Consideration of Applications for a Compliance Audit
- 5. Consideration of Auditor's Reports / Legal Reports
- 6. Committee in Closed Session
- 7. Adjournment

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c. Quorum

A majority of the Members of the Committee is necessary to form a Quorum. If no Quorum is present fifteen minutes after the time fixed for a meeting, or the resumption of a meeting after a recess, or should a Quorum at a meeting be lost for a period of fifteen (15) consecutive minutes, the Clerk or designate will record the names of the Members present and the meeting will stand adjourned until the next meeting scheduled by the Clerk or at the call of the Chair or until such time as Quorum can be obtained.

Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, are disabled from participating in a meeting is such that at that meeting the remaining Members are not of sufficient number to constitute a Quorum, then, despite any other general or special Act, the remaining number of Members shall be deemed to constitute a Quorum, provided such number is not less than two, in accordance with Section 7 of the *Municipal Conflict of Interest Act*.

d. Conduct of Committee Business

1. Pursuant to the Act, the meetings of the Committee shall be open to the public, but the Committee may deliberate in private. As such, Committee may adjourn to Closed Session similar to that of section 239 of the *Municipal Act, S.O. 2001*.
2. The business of each meeting shall be taken up in the order in which it stands upon the agenda, unless otherwise determined by the Committee.
3. Where the agenda includes consideration of more than one Application or Clerk's Report, Applications may be dealt with by the Committee either individually or collectively, based upon the direction of the Committee.
4. The Chair will request that the Applicant or his or her agent and Candidate, Registered Third Party, Contributor or their agent identify themselves.
5. Applicant's Deputation
 - i. The Applicant or the Applicant's agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.
 - ii. Members may ask questions of the Applicant or Applicant's agent through the Chair.
 - iii. Questions of the Applicant or the Applicant's agent by the Candidate, Registered Third Party or their agent *are not permitted*.
 - iv. All materials presented to the Committee in open session are deemed to be public documents.
6. Candidate's, Registered Third Party's, Contributor's Deputation
 - i. The Candidate, Registered Third Party, Contributor or their agent may address the Committee for a maximum of 5 minutes unless granted leave by the Chair.
 - ii. The Candidate, Registered Third Party, Contributor or their agent may respond to the content of the Application or Clerk's Report and the Applicant's or the Applicant's Agent's address to the Committee.
 - iii. Members may ask questions of the Candidate, Registered Third Party, Contributor or their agent, through the Chair.
 - iv. Questions of the Candidate, Registered Third Party, or their agent by the Applicant or the Applicant's agent *are not permitted*.
 - v. All materials presented to the Committee in open session are deemed to be public documents.

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7. Where the agenda includes consideration of more than one Auditor's Report or Clerk's Report, the Reports may be dealt with by the Committee either individually or collectively dependant upon the direction of the Committee.
8. Auditor's Report / Clerk's Report
 - i. The Auditor shall address the Committee and provide a summary of his or her Auditor's Report and its conclusions.
 - ii. Members may ask questions of the Auditor through the Chair.
 - iii. Members may ask questions of any person present at the meeting, such questions to be through the Chair and at the sole discretion of the Chair.
 - iv. The Candidate, Registered Third Party, Contributor, Applicant, their agents or any person present at the meeting *may not* ask questions of the Auditor, Clerk or the Committee.
9. Decisions of the Committee shall be by resolution. A simple majority vote of the Committee Members present is required to pass a resolution. Generally, the Committee will render its decision at each meeting. Subject to deadlines imposed by the Act, the Committee may reserve its decision if further deliberation or legal advice is required.
10. The Chair shall preside over the Conduct of the meeting, including the preservation of order and decorum, ruling on Points of Order and Privilege and deciding all questions relating to the orderly procedure of the meetings, subject to an appeal by any Member to the Committee from any ruling of the Chair.
11. Every Member, previous to speaking to any motion, shall be recognized by the Chair and shall respectfully address the Chair.
12. When two or more Members wish to speak, the Chair shall name the Member who first raised his or her hand.
13. A Member shall not:
 - i. speak disrespectfully to or about another Member;
 - ii. use offensive words or unparliamentarily language during meetings;
 - iii. disobey the procedures of the Committee, or decision of the Chair or the Committee on questions of procedure; or
 - iv. leave his/her seat or make any noise or disturbance while a vote is being taken and until the result is declared.
14. In case any Member persists in a breach of the foregoing section after having been called to order by the Chair, he or she may be ordered by the Chair to leave his/her seat for that meeting, but in case of ample apology being made by the offender he or she may, by vote of the Committee, be permitted forthwith to resume his or her seat.
15. When a Member desires to address the Committee upon a matter that concerns the rights or Privileges of the Committee collectively or individually, he or she shall be permitted to raise a Point of Privilege, and a matter of Privilege shall take precedence over other matters.
16. When a Member desires to call attention to a violation of the rules of procedure, she or he shall ask leave of the Chair to raise a Point of Order and after leave is granted:
 - i. state the Point of Order with a concise explanation and resume his or her seat until the Chair has decided the Point of Order,
 - ii. unless a Member immediately appeals to the Committee, the decision of the Chair shall be final,

MUSKOKA COMPLIANCE AUDIT COMMITTEE
ADMINISTRATIVE PRACTICES AND PROCEDURES- APRIL 1, 2019 V1

- iii. if the decision is appealed, the Committee shall decide the question without debate and its decision shall be final.

17. When the Chair calls a Member to order, the Member shall immediately sit down until the Point of Order is dealt with and the Member shall not speak again without permission of the Chair unless to appeal the ruling of the Chair.

e. Motions

The following rules shall apply to motions:

1. All motions must be introduced by a mover and a seconder before the Chair can put the motion on the floor for consideration.
2. After a motion is properly moved and seconded, it shall be deemed to be in the possession of the Committee, but may be withdrawn by the mover and seconder at any time before a vote with the consent of the Committee.
3. The number of times a Member may speak on a motion shall not be limited.
4. A Member shall not be restricted to asking questions only of the previous speaker but the question must relate directly to the matter under discussion.
5. A motion to move a previous motion shall not be allowed.
6. Any Member may require the motion under discussion to be read at any time, but not so as to interrupt a Member while speaking.
7. When a motion is under consideration, no motion shall be received other than a motion to:
 - i. Adjourn, which motion is neither amendable nor debatable;
 - ii. Table, which motion is not debatable;
 - iii. Defer action;
 - iv. Refer, which motion is debatable as to its merits only;
 - v. Amend.
8. A motion to refer shall take precedence over any other amendment.
9. Only one amendment at a time can be presented to the main motion. Only one amendment can be presented to an amendment, but when the amendment to the amendment has been disposed of, another amendment may be introduced, and when that amendment has been decided, another may be introduced.
10. The amendment to the amendment, if any, shall be voted on first, then if no other amendment is presented, the amendment shall be voted on next, then if no other amendment is introduced, the main motion, or if any amendment has carried, the main motion as amended, shall be put to a vote.
11. Nothing in this section shall prevent other proposed amendments being read for the information of the Members.
12. When the motion under consideration contains distinct propositions, upon the request of any Member, the vote upon each proposition shall be taken separately.
13. After the Chair commences to take a vote, no Member shall speak to or present another motion until the vote has been taken on such motion, amendment or sub-amendment.

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14. Every Member present at a meeting when a vote is taken on a matter shall vote unless prohibited by statute, in which case the fact of the prohibition will be recorded in the minutes. If any Member present persists in refusing to vote, she or he shall be deemed as voting in the negative. Any motion on which there is a tie vote shall be deemed to be defeated. Recorded votes *are not permitted*.
15. After any matter has been decided by the Committee any Member may move for reconsideration at the same meeting, but no discussion of the motion that has been decided shall be allowed until the motion for reconsideration has carried.
16. All motions not disposed of, shall be placed on the agenda for the next meeting of the Committee, subject to any deadlines imposed by the Act.
17. All motions shall be written and signed by the mover and seconder.

13. Minutes

Minutes shall briefly outline the substance of items listed on the agenda, including deputations, Reports, motions, resolutions and other actions taken.

14. Media Relations and Communications

All media contact shall be made through the Clerk of the Member Municipality.

15. Conflict of Interest

Legislated requirements as set out in the *Municipal Conflict of Interest Act* shall apply to all Committee Members. It is the responsibility of each Member to disclose any pecuniary interest prior to discussion of a particular matter. Once declared, the Member shall absent themselves from the meeting for the duration of the discussion and voting (if any) with respect to the matter. If the declaration relates to a matter being discussed during a closed portion of the meeting, the Member must leave the meeting during all discussion on the matter. Members are encouraged to seek advice from the Member Municipality's appointed Integrity Commissioner if they are unsure of whether or not they have a pecuniary interest in a matter. Member Municipality staff do not provide advice or interpretation related to declarations.

16. Matters Not Dealt With in These Procedures

If the practices and procedures set out herein do not provide for a procedural matter, the practice or procedure shall be determined by the Clerk or designate in conjunction with the Chair. Where the matter arises during a meeting and cannot be dealt with to the satisfaction of the Chair and Clerk or designate, the matter shall be deferred to the next meeting of the Committee.

17. Costs

In accordance with the Act, the Council shall pay all costs in relation to the Committee's operation and activities.

The Member Municipality from where the Compliance Audit Application or Clerk's Report originates shall pay all costs in relation to the Committee's operation and activities regarding that specific request or report, including but not limited to general costs associated with the Committee, costs of any audit that takes place and costs of legal counsel for the Committee.

MUSKOKA COMPLIANCE AUDIT COMMITTEE
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Costs for Member participation in an orientation training session shall be equally shared between the Member Municipalities.

18. Grant Exemptions from Procedures

The Committee may waive any rule of procedure contained herein, as it considers appropriate, to ensure that the real matters at issue are determined in a just manner.

19. Appendix A and B

The following is a list of forms to be used for the Committee Administrative Practices and Procedures;

Appendix A - Form – Application for a Compliance Audit - Candidate’s Election Campaign Finances

Appendix B - Form – Application for a Compliance Audit - Registered Third Party’s Election Campaign Finances



**2018 MUNICIPAL ELECTION
APPLICATION FOR A COMPLIANCE AUDIT OF A
REGISTERED THIRD PARTY'S ELECTION CAMPAIGN FINANCES**

to be heard by the **Muskoka Compliance Audit Committee** for a Member Municipality, being the District Municipality of Muskoka, the Town of Bracebridge, the Town of Gravenhurst, the Town of Huntsville, the Township of Georgian Bay, the Township of Lake of Bays, and the Township of Muskoka Lakes.

Contact Information of Applicant

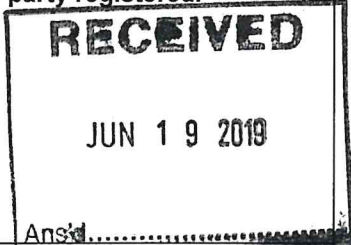
Name:	<i>Don Furniss</i>
Address:	[REDACTED]
Telephone number:	[REDACTED]
Email address:	[REDACTED]

Registered Third Party (RTP) Information

Name of RTP:	<i>FRIENDS OF MUSKOKA</i>
--------------	---------------------------

Application must be submitted to the Member Municipality where the third party registered.

- | | |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> District Municipality of Muskoka | <input type="checkbox"/> Township of Georgian Bay |
| <input type="checkbox"/> Town of Bracebridge | <input type="checkbox"/> Township of Lake of Bays |
| <input type="checkbox"/> Town of Gravenhurst | <input checked="" type="checkbox"/> Township of Muskoka Lakes |
| <input type="checkbox"/> Town of Huntsville | |



Please note that a request for a Compliance Audit for a School Board Trustee must be directed to the Secretary of the applicable School Board.

Application by elector

Subsection 88.35 (1) of the Municipal Elections Act, 1996, (Act) 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.

Reasons for requesting Compliance Audit (attach additional documentation, if applicable)

SEE ATTACHED Pg 3



Deadline for filing Application

Subsection 88.35 (3) of the Municipal Elections Act, 1996, (Act) provides that the Application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30 - **June 27, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 29, 2019).
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 – **July 29, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 29, 2019).
3. The supplementary filing date, if any, for the registered third party under section 88.30 - **December 27, 2019** would be the last day to file a compliance audit request for the June 30, 2019 supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 27, 2019).
4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires – court granted extension.

For more information please contact:

The Clerk in the Member Municipality in which the Compliance Audit is being requested.

Distribution of this Application

Distribution of this Application will be shared with the Clerk of the Member Municipality, the Muskoka Compliance Audit Committee, the Auditor chosen to investigate this Application (if applicable), the Registered Third Party, and the public by way of an open Muskoka Compliance Audit Committee meeting agenda published on the website of the Member Municipality.

Applicant Declaration

I, the undersigned, make Application for a Compliance Audit, and do hereby declare that the information provided in this Application is complete and accurate to the best of my knowledge, that I have read the Application in full, and that I am an elector who is entitled under the *Municipal Elections Act, 1996* to vote in a municipal election (at least 18 years old, a Canadian citizen, and a resident, owner or tenant of land or spouse of owner or tenant).

Signature of Applicant

15/06/2019
Date (dd/mm/yyyy)

Municipal Use

Application for a Compliance Audit received by the Clerk for the Township of Muskoka Lakes.

Signature of Clerk or Designate

15/06/19
Date (dd/mm/yyyy)

Personal Information included in this Application is collected under the authority of the Municipal Elections Act, 1996, and will be utilized for the processing of the request for a Compliance Audit of a registered third party's election campaign finances. Any questions regarding the collection of this information should be directed to the Clerk of the member municipality.

Alternate formats of this document are available upon request.

**REASONS FOR APPLICATION OF AUDIT EXPENSES FOR “FRIENDS OF MUSKOKA”
A REGISTERED THIRD PARTY ADVERTISER**

1. Is Friends of Muskoka (FOM) eligible for registered third party status?
While the organization may be incorporated for tax and liability issues, it does not sell goods and services to the general public. It is in fact an association of Muskoka Cottagers opposed to resort developments in Muskoka. It relies on membership fees and donations to fund its objectives. Associations are specifically prohibited from registering as third party advertisers according to Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA).
2. FOM lists \$4,974 in expenditures plus bank charges, but details on income total \$1,439 of a \$5,034.
 - a.) What are the sources of the additional variance income?
 - b.) Are all the sources and uses of funds recorded in the bank statements and was a separate bank account opened specifically for third party advertising?
3. Section 88.5 (2) 2 of the OMEA requires the name, business address and phone numbers on all advertising materials of registered third parties. This was absent from several signs jointly posted with the Muskoka Lakes Association. I believe the OMEA was also violated on other advertising and robo phone calls.
4. No declaration was made for signage expenses. In fact signs and signage hardware was widely placed throughout the Township of Muskoka Lakes

Instructions:

All registrants must complete Boxes A, B, C and D and Schedule 1. All registrants must complete Schedule 2 as appropriate. Registrants who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the registrant or, if the registrant is an individual, their spouse) shall be paid immediately over to the clerk who was responsible for the conduct of the election.

For the campaign period from

YYYY	MM	DD
2 0 1 8	0 7	2 4

 to

YYYY	MM	DD
2 0 1 8	1 2	3 1

 Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

 Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Registrant

Name of Registrant (individual, trade union or corporation)

Friends of Muskoka

Official Representative (name of person signing on behalf of trade union or corporation)

Last Name or Single Name

Griffin EPLETT

Given Name(s)

Janet Catherine SUSAN ELIZABETH

Municipality

Township of Muskoka Lakes

Spending Limit - General

\$ 5,837.60


Spending Limit - Parties and Other Expressions of Appreciation

\$ 0.00

Box B: Declaration

 I, Janet C. Griffin, a registrant (or official representative)

declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.


 Signature of Registrant (or Official Representative)

2019/03/05 2019/03/19

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)

2019/03/19

Time Filed

12:33pm

Initial of Registrant, Official Representative or Agent (if filed in person)

SE

Signature of Clerk or Designate



Box C: Statement of Campaign Income and Expenses

LOAN

Name of bank or recognized lending institution N/A

Amount borrowed \$ _____

INCOME

Total amount of all contributions (From line 1A in Schedule 1) + \$ 5,033.81

Revenue from items \$25 or less + \$ _____

Sign deposit refund + \$ _____

Revenue from fund-raising events not deemed a contribution (From Part III of Schedule 2) + \$ _____

Interest earned by campaign bank account + \$ _____

Other (provide full details) _____ + \$ _____

1. _____ + \$ _____

2. _____ + \$ _____

3. _____ + \$ _____

4. _____ + \$ _____

5. _____ + \$ _____

Total Campaign Income (Do not include loan) = \$ 5,033.81 C1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses subject to general spending limit

Advertising + \$ 746.08

Brochures/flyers + \$ 354.82

Signs (including sign deposit) + \$ _____

Meetings hosted + \$ _____

Office expenses incurred until voting day + \$ _____

Phone and/or internet expenses incurred until voting day + \$ 1,202.88

Salaries, benefits, honoraria, professional fees incurred until voting day + \$ 2,500.00

Bank charges incurred until voting day + \$ 170.03

Interest charged on loan until voting day + \$ _____

Other (provide full details) _____ + \$ _____

1. _____ + \$ _____

2. _____ + \$ _____

3. _____ + \$ _____

4. _____ + \$ _____

5. _____ + \$ _____

Total Expenses subject to general spending limit = \$ 4,973.81 C2

EXPENSES

Expenses subject to spending limit for parties and other expressions of appreciation

1. _____ + \$ _____

2. _____ + \$ _____

3. _____ + \$ _____

4. _____ + \$ _____

5. _____ + \$ _____

Total Expenses subject to spending limit for parties and other expressions of appreciation = \$ _____ C3

Feb

Expenses not subject to spending limit

Accounting and audit	+ \$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	
Office expenses incurred after voting day	+ \$	
Phone and/or internet expenses incurred after voting day	+ \$	
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	
Bank charges incurred after voting day	+ \$	60.00
Interest charged on loan after voting day	+ \$	
Expenses related to recount	+ \$	
Expenses related to controverted election	+ \$	
Expenses related to compliance audit	+ \$	
Expenses related to a registrant's disability (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Other (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Total Expenses not subject to spending limits	= \$	60.00 C4

Total Campaign Expenses (C2 + C3 + C4) = \$ 5,033.81 C5

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 – C5)	+ \$	0.00 D1
If there is a surplus, deduct any refund of registrant's or spouse's contributions to the campaign	- \$	
Surplus (or deficit) for the campaign	= \$	D2

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

Job

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from registrant and (if individual) spouse	+ \$ <u>4,100.00</u>
Contribution in goods and services from registrant and (if individual) spouse	+ \$ <u> </u>
Total value of contributions not exceeding \$100 per contributor	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from registrant or spouse).	+ \$ <u>1,200.00</u>
Total value of contributions exceeding \$100 per contributor (from line 1B; list on page 6; details in Tables 1 – 4)	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from registrant or spouse).	+ \$ <u>238.66</u>
Less: Contributions returned or payable to the contributor	– \$ <u>504.85</u>
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	– \$ <u> </u>
Total Amount of Contributions (record under Income in Box C)	= \$ <u>5,033.81</u> 1A

Part II – Contributions totalling more than \$100 – individuals other than registrant or spouse

Table 1: Monetary contributions from individuals other than registrant or spouse

Name	Full Address	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
Susan Eplett	50 Weybourne Crescent Toronto, Ontario, M4N 2R5	2018/11/29	1,200.00	
Total			1,200.00	

Additional information is listed on separate supplementary attachment

Jus

Table 2: Monetary contributions from corporations or trade unions

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
N/A						
					Total	<i>0</i>

Additional information is listed on separate supplementary attachment

Table 3: Contributions in goods or services from individuals other than registrant or spouse
 (Note: must also be recorded as expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
Lisa Grogan Green	133 Mildenhall Road Toronto Ontario M4N 3H4	Bags		238.66	

JES

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment				Total	238.66

Table 4: Contributions in goods or services from corporations or trade unions
 (Note: must also be recorded as expenses in Box C)

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
N/A							
<input type="checkbox"/> Additional information is listed on separate supplementary attachment						Total	0

Total Part II Contributions (Add Totals from Tables 1-4)
 (Record in Part I – Summary of Contributions)

\$ 1,438.66 1B

Part III – Contributions from registrant or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
N/A		

JB

Additional information is listed on separate supplementary attachment

Total Ø

Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity Not applicable

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket Revenue

Admission charge (per person)
(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold	X	\$ _____	2A	
			2B	
Total Part I (2A X 2B) (include in Part 1 of Schedule 1)				= \$ _____

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

1. _____	+	\$ _____	
2. _____	+	\$ _____	
3. _____	+	\$ _____	
4. _____	+	\$ _____	
5. _____	+	\$ _____	
Total Part II (include in Part 1 of Schedule 1)			= \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contributions of \$25 or less; market value of goods or services sold)

Provide details

1. _____	+	\$ _____	
2. _____	+	\$ _____	
3. _____	+	\$ _____	
4. _____	+	\$ _____	
5. _____	+	\$ _____	
Total Part III (include under Income in Box C)			= \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1. _____	+	\$ _____	
2. _____	+	\$ _____	
3. _____	+	\$ _____	
4. _____	+	\$ _____	
5. _____	+	\$ _____	
6. _____	+	\$ _____	
7. _____	+	\$ _____	
8. _____	+	\$ _____	
Total Part IV (include under Expenses in Box C)			= \$ _____

Auditor's Report*Municipal Elections Act, 1996 (Section 88.25)*

A registrant who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality	Date (yyyy/mm/dd)
--------------	-------------------

Contact Information

Last Name or Single Name	Given Name(s)	Licence Number
--------------------------	---------------	----------------

Address		
Suite/Unit No.	Street No.	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Telephone No. (including area code)	Email Address
-------------------------------------	---------------

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

 Report is attached*Not Applicable*

Personal information, if any, collected on this form is obtained under the authority of sections 88.29 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

COMMENTS TO THE 2018 ELECTION AUDIT COMMITTEE FOR TML

I would like to thank the committee for giving me the opportunity to address you today and to request a review and audit of election expenses for one candidate and two registered third party advertisers.

We are indeed fortunate in Canada to have election processes and legislation that provides for reasonably unbiased, fair and open elections. Our public places their trust in a process that respects these basic principles. Without these elements of trust and respect in the electoral process, by the public, we gravitate towards a Venezuelan model for electoral governance.

In the interests of full disclosure, I Don Furniss was an unsuccessful candidate for TML Mayor in the 2018 election. I don't like wasting my time or TML \$ to request an independent audit, but in the interest of good governance, respect for our electorate and respect for the electoral process, I believe it is necessary to appear before you today.

I am going to lump my comments on the Registered Third Party Advertisers : Muskoka Lakes Association (MLA) and Friend of Muskoka (FOM) together, because their efforts were totally integrated, rather than repeat my concerns for each of these associations.

These two associations formed a collaborative joint campaign to formally endorse 10 candidates in Muskoka Lakes, one for each elected position. Based on their joint campaign they were 100% successful in having everyone of their candidates elected, and elected by huge margins. Their perspectives and actions on resort redevelopment projects, official plans, the planning process and OMB/LPAT litigation was developed by a select group of their Directors and conveyed to their membership and the electorate via their promotions, advertising, newsletters, website content, meetings and telephone calls. Without question the MLA and FOM directly influenced the outcome of the Oct 22, 2018 election.

My first concern is: Was the MLA and FOM participation as Registered Third Party Advertisers even legal under Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA). While both of these associations might be incorporated for tax and liability issues, they do not sell goods and/or services to the general public and

should not be considered corporations under the OMEA. They in fact are truly associations, Muskoka cottager associations to be specific. Their primary source of revenue is from the sale of annual memberships to their members or from donations from the same groups. In return the MLA and FOM provide certain services to their membership related to controlling development and maintaining the environment, where their cottages are located – that being Muskoka.

I would also like to submit to the committee a legal opinion from the website of Aird Berlis, a very respected Ontario Law Firm with intimate knowledge in Ontario Municipal matters: I will call it Exhibit #1 and the kosher portions are high lited, “Cottager’s associations and taxpayer associations CANNOT register to be registered third parties, but their members can if they are normally resident in Ontario”. There were no individuals registered as third parties in TML.

My second concern on the filings for the MLA is that there is no income noted only expenses. While both FOM and the MLA list bank charges, are these allocated expenses or did both associations open individual bank accounts for registered third party advertising? Where did the money come from to pay the expenses. The MLA should also have another separate bank account as a registered third party advertiser in Gravenhurst as well. What amounts were contributed by whom, into the respective accounts is unknown and how joint expenses were allocated between both FOM and the MLA is also unknown.

My Third concern is the violation of Sec 88.5 (2) 2 of the OMEA, concerning the declaration of the name, business address and phone number on all advertising material and signage – also see page 6 of the 2018 Guide for third party advertisers. Several joint signs were posted through out the TML with only the logo of these organization. They displayed no addresses, phone numbers or contacts. I submit to you what I call Exhibit 2, as a representative example of an advertisement with no address, telephone number or contact names.

My fourth concern is the amounts declared for expenses:

Neither association made any declaration for signage and in fact joint signage for “No Waterfront Subdivisions” was widely placed through out the TML. Six were placed on a half km stretch of road near my home in advance of the permitted date for signage.

It is also believed that these associations organized multiple robo calls to all the electorate in the 2 or 3 weeks before the election promoting their slate of candidates. One of these calls used the voice of a famous Canadian Actor. I do not see this significant market value expense reflected in Form 8 declarations.

A fifth area of concern is the collaborative or perhaps coerced co operation of other associations. I will elaborate on one only – Safe Quiet Lakes, whose Mission Statement is: “ To make Muskoka Lakes safer and quieter to ensure sustainable enjoyment of a treasured shared resource” . Their Fall Newsletter was issued to their thousands of readers, on Oct 8th, a few days before voting started. A statement saying SQL does not endorse specific candidates, but is urging their members to vote for candidates recommended by the MLA & FOM, because they are aligned with SQL Values. I don’t have to read between the lines to understand which candidates SQL has endorsed. I look at the photo in the SQL newsletter, which I submit to the committee as Exhibit 3, where the MLA and FOM organize and endorse the mass conversion of several hundred boats at a single location in Wallace Bay at a set time with music blaring, horns honking, air horns blasting and loud hailers screaming. This is exactly the type of behaviour SQL **does not** ,does not endorse in their mission statement. What Gives? The same photo appears on a FOM website and newsletter. Was there coercive pressure exerted by selective Directors of FOM and MLA on the SQL Executive? Was the continuation of a \$5,000 Platinum Sponsorship at risk? Did the MLA of FOM provide additional funds to SQL for this endorsement? Did the MLA provide a Platinum Sponsorship contribution for 2019? This Audit Committee needs to ensure the public has confidence in the efficacy of the process and that laws were not violated.

The OMEA is also very clear that expenses need to be declared at fair market value and that value needs to be declared as an arms length transaction. I believe that some of these expenditures i.e. buttons, hand delivery of flyers in the GTA , use of SQL Newsletters (see Exhibit 3) etc. have not been declared, or not declared at market value or are off the book donations from individuals or organizations.

It is also my belief that the fair market value of the goods and services purchased by, or donated to both of these organizations are significantly above the \$11,800

collectively permitted under the OMEA. The FOM and MLA are well funded, well organized organizations. Their activities and actions greatly influenced the outcome of the 2018 election in Muskoka Lakes. Their strategies were under the control of a group of Directors and select group of key supporters. These individuals are skilled professionals with legal business and planning expertise not a group of inexperienced unorganized citizens. They knew how the process worked and the rules and laws that were applicable.

The previous audit committee recommended that a financial audit be conducted on 6 candidates who ran as a slate in the 2014 election, I believe Chair Panizza and member Pajunen will recollect that one candidate had purchased a website domain name and totally funded the development and maintenance of a website and also controlled all content that was posted. That candidate declared 100% of all costs on his filing. However, because other candidates associated with a slate of candidates were mentioned and their biographies included on this website, the committee deemed it to be a shared expense. I believe the same logic should apply with these registered third party advertisers and supporting organizations. If it is determined that the MLA and FOM are not eligible as third party advertisers; using the logic of the last Audit Committee an audit should be conducted and all expenses divided into 12 tranches. Each elected and endorsed councillor should have one tranche added to their election expenses and the mayor who ran in all 3 wards should expense 3 tranches as part of his election expenses.

I want to strongly stress the importance of declaring all expenses on the basis of true third party arms length transactions. It was noted after the 2014 Audit Committee Review of one mayoral candidates expenses in TML, where an audit was not deemed necessary, that many signage and advertising costs were paid to a third party marketing company not the actual supplier. This company was a single employee sole proprietorship owned by the spouse of a future councillor closely allied with that mayoral candidate who came before the 2014 Audit Committee. I believe this provides a great potential for the massaging and laundering of expenses via fictitious invoicing. Let's respect the process and ensure all transactions are on the up and up.

I have one final request. Should this committee decide that audits are required and a judicial review necessary. I would respectfully request that it be done outside of Muskoka where expertise and experience in municipal election law might prove significantly stronger.

Thank you

Candidate Harding.

I want to repeat my concerns that all expenses and the value of goods and services received by any candidate for elected office must be declared at the full value of a third party arms length transaction. In other words every person in this room should be paying the same price, just as we would if we buy a litre of gasoline from the same service station at the same time. OMEA is very prescriptive and descriptive on this point, to ensure that there is a level playing field for all candidates and that special off the book deals or discounts do not distort the value of any candidates expenditures. I also want to ensure that all goods and services are bon a fide actual expenses, not freebies or costs laundered via intermediate entities.

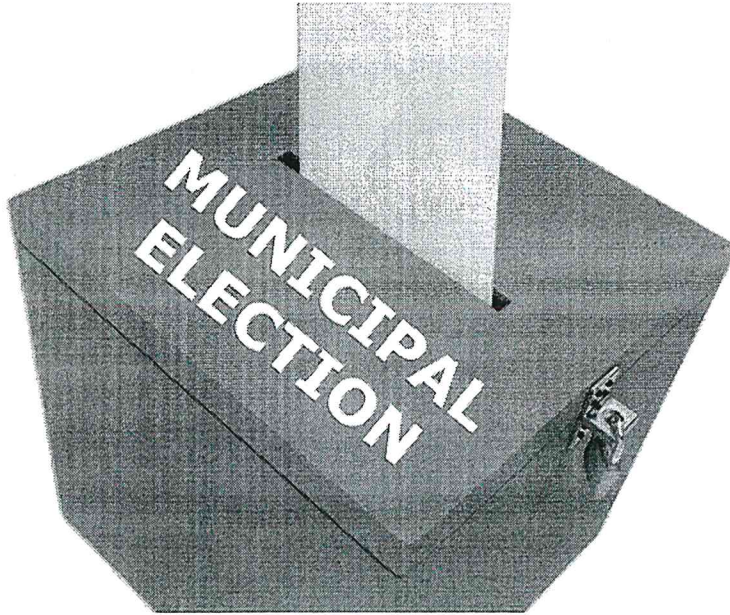
My concerns with the filing of Candidate Harding are as follows:

1. The candidate used a large electronic signboard located on Hwy 400 to advertise his campaign on 2 summer weekends in 2018. The display of any election signage on or adjacent to any Category 1 Hwy in the Province of Ontario is prohibited by the MOT. See Exhibit 1. The signage was also located outside the municipal boundaries of the Township of Muskoka Lakes. However, I believe the value declared seems to be reasonable
2. While I personally did not see it, I have been told by other individuals that an aerial advertising banner “Elect Phil Harding for Mayor” or some similar wording was seen around Lake Rosseau during the summer of 2018 . The going arms length fair market value for such advertising is \$2000 for 15 minutes and \$5,000 for 3 hours (from take off to landing). I did not see this in the Candidates expenditures or as contributions from individuals.

3. The candidate used steel T profile fence posts to support almost all free standing non billboard election signs of various sizes. I see no indication that the fair market arms length value of this hardware was recorded in the candidates election expenses. Based on a verbal quotation for an 8 foot steel T profile post in quantities of 100. The discounted fair market value is about \$7 per stake. Based on a very conservative minimum of 200 signs at 2 stakes per sign this represents a value of at least \$2800 plus HST. If these items alone are included in fair market value expenses, I believe candidate Harding would be significantly above the maximum allowable expenditure for a mayoral candidate in the Township of Muskoka Lakes.
4. While not a concern specific to Candidate Harding. I note that at least 2 candidates for elected office in TML declared significant travel expenses at the official CRA mileage allowance rates of \$0.49 per kilometer. My question for the Committee is: Should travel expenses be included in the election expenses of candidates and if so, is the CRA rate appropriate?

Thank you

Important Changes to the Municipal Elections Act, 1996



Publications | Article

Divisional Court Confirms Expropriation Claimants Not Liable for Interest and Costs Consequent to Litigation

By Ajay Gajaria, David P. Neilson and Robert Hines

May 16, 2019

[Read More](#)

Publications | Article

M&A and Cannabis-Related Matters

By Martin L. Lemay

May 16, 2019

[Read More](#)

All across Ontario, municipal elections are just over six months away. On April 1, the most recent amendments that will impact the *Municipal Elections Act, 1996* came into force.

There are a **lot of changes to the rules** for this election, but below are some of the most important ones to note.

Important Dates

Nominations open May 1, 2018 and are open until July 27, 2018 at 2:00 p.m. Twenty-five signatures are required with nominations (signatures are not required for those running in municipalities with less than 4,000 electors or for those running for school board trustee). Election Day is October 22, 2018.

Contribution Rules

This is one of the most important changes to note! Only individuals who are normally resident in Ontario can contribute to a candidate, as can the candidate and the candidate's spouse. **Absolutely no corporate or union donations can be made to a candidate.**

Registered Third Party and Advertising

There is a new provision for a "Registered Third Party" which can register to advertise in support or opposition to a candidate or a question that will be on the ballot. An individual normally resident in Ontario, a corporation that normally carries on business in Ontario and a trade union that holds bargaining rights for employees in Ontario can make such registration. And only those persons/entities and the spouse of an individual third party registrant can contribute to a registered third party. **Cottagers' associations and taxpayers' associations CANNOT register to be registered third parties, but their individual members can (if they are normally resident in Ontario).**

There are also strict rules about the advertising and broadcasting that can take place through registered third parties. These registered third parties will have to file financial statements and are subject to requests for compliance audits, just like candidates. Municipal clerks will also have to review financial statements (once they are filed after the election) to determine if individual contributors (to candidates and registered third parties) appear to have violated the contribution rules. Municipal clerks will also have to submit reports of those apparent violations to the compliance audit committee and the committee will decide whether or not to commence legal proceedings against the candidate.

Role of Compliance Audit Committees

There are significant changes as well to the role of compliance audit committees and how they will do their work (i.e. they will be able to deliberate in private and they will have to give brief written reasons for their decisions). Many municipalities are currently in the process of recruiting members for the committees for the next term.

Make Sure You Are Compliant!

If you would like clarification on any of the new rules surrounding municipal elections, please don't hesitate to contact Aird & Berlis LLP.

Publications | Article

Bill 108: The Province Introduces Ministerial Oversight in Advanced School Board Expropriation Approvals

By Ajay Galaria

May 10, 2019

[Read More](#)

Areas of Expertise

Municipal & Land Use Planning

Stop Residential Subdivisions on the Waterfront

Developers are trying to build single home and multilevel residential subdivisions at multiple waterfront locations across Muskoka.

Over 100 commercial properties in Muskoka could be turned into residential subdivisions.

Our elected officials must ensure resorts are legitimately commercial and fit with the natural beauty of Muskoka.

Vote for the TML candidates who know the issues and who will fight to preserve the character of Muskoka.

Why vote?

- To protect this unique environment
- To stop residential subdivisions on the waterfront
- To preserve Muskoka's natural character for future generations
- To ensure responsible and sustainable development and economic growth

Who can vote?

- A Muskoka property owner AND their spouse
- A person who rents property in Muskoka on Election Day and their spouse
- You can vote in each municipality in Ontario where you own/rent property
- Only Canadian citizens, 18+ years old

How to vote

Voting this year is by telephone or online only. Help is available at your municipal office.

You should have received your Voter Letter. If not, call the Township Office

1 705 765-3156

or send an email to **vote@muskokalakes.ca**

You can vote from **Oct. 12 to 22**

Mayor
Phil Harding



Ward A Councillors
Donelda Hayes
Glenn Zavitz



Ward A District Councillor
Ruth Nishikawa



Ward B Councillors
Susan Mazan
Gord Roberts



Ward B District Councillor
Allen Edwards



Ward C Councillors
Peter Kelley
Barb Bridgeman



Ward C District Councillor
Frank Jaglowitz



savemuskoka.ca



Friends of Muskoka
Protecting our lakes from harm.



Friends of Muskoka (fo@muskokalakes.ca) and the Muskoka Lakes Association (fo@mia.on.ca) are registered third party advertisers in the Township of Muskoka Lakes

OUR MISSION: Make the Muskoka lakes safer and quieter to ensure the sustainable enjoyment of a treasured shared resource



Fall 2018 - Newsletter

Getting the Word Out

Chair's Message

One of the pressing issues across our region is resort and subdivision development pressures on our lakefronts. Safe Quiet Lakes encourages all eligible voters to participate in this very important election and vote to ensure that we have elected officials in municipal government who will protect our waterfronts, lakes and the environment.

Our "Your Lakes Your Views" survey report published by ERIN Research last summer found that for Muskoka lake users, "Boat traffic has an impressively direct impact on perceived quality of experience." More than half of the respondents feel that the Muskoka lakes and waterways are busier and noisier than four years ago and that the impact of wakes has become more of an issue.

Safe Quiet Lakes is very active presenting these survey results to governments, policy makers and thought leaders. We are committed to working with the lake community to achieve positive change.

Our activities are not possible without financial support from individuals, lake associations, municipalities and our sponsors. Please support our efforts. For more information and to make your gift online please click safequiet.ca/donate.

As always, we are very interested in your comments and feedback. Your interest, support and participation are so very important to us. I can be reached at chair@safequiet.ca.

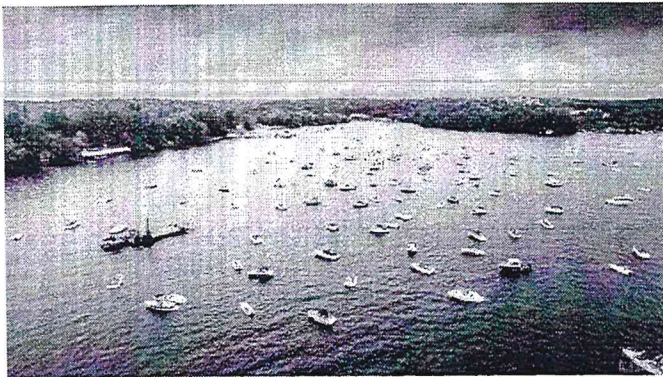
Frances Carmichael
Chair, Safe Quiet Lakes

Municipal election day is October 22 - Vote for candidates who endorse sustainable development of our lakes.

Election day is Monday, October 22, 2018. Voting will be done by internet or telephone and, depending on your municipality, can be done over the 10 to 12 days preceding Election Day. Please be sure that you are on the voters list. You will find more information on how to vote on your municipal website .

Carefully considered sustainable development policies are required to ensure long-term, safe, enjoyable use of our lakes. Safe Quiet Lakes believes that Recreational Carrying Capacity (RCC) and Boating Impact Studies (BIS) are effective planning tools to objectively quantify sustainable development and act as a brake on potential over development. We believe that candidates should support the adoption of these tools as one element of policy making and these tools should be embedded in official plans. Ask your candidates for their position on this important issue and let them know how you feel about sustainable development of our lakes.

The promotion of Recreational Carrying Capacity as a planning tool is gaining traction as shown in this recent article in **Metroland Media**.



These issues are very real in Minett and Wallace Bay where boat traffic has already been shown to be over capacity on some days. Here's a photo of the Sound the Alarm boat rally in August. More coverage is on the Friends of Muskoka Website .

Links to more information about the Candidates

During this fall's municipal elections, Safe Quiet Lakes will encourage debate on sustainable development policies that sustain safe and responsible boating. However we will not be endorsing specific candidates.

Safe Quiet Lakes is urging you to vote for candidates that support sustainable development. The local lake associations including the MLA and the Friends of Muskoka have recommended candidates that are aligned with their and our values. Some other associations such as the LRNA and the MRA have

posted answers from candidates on specific questions. Many of the candidates have their own websites where they outline their policies and platforms. Here's a selection of links to local association websites. We hope you find it helpful.

- Friends of Muskoka
- Muskoka Lakes Association
- Muskoka Ratepayers Association
- Georgian Bay Association
- Lake Of Bays
- Lake Joseph North Association
- Lake Rosseau North Association

Expanding our Reach

Over the past seven years Safe Quiet Lakes has been building support from individuals and organizations such as yourself across our community.

Many thanks to the many lake associations, marinas and townships who are using our tools to reach their community: posting the boaters' code at docks, in their newsletters and on their website. Working together, we can effect change.

Thanks also to the many people who stopped by at our booth at the boat shows around the region. Congratulations to the winner of our Summer Draw. Thank you to **CatalystGolf.com** for sponsoring the prize.

Let's keep the conversation going. Please share this newsletter with your friends and neighbours and encourage them to **signup** for our list.



About Safe Quiet Lakes

Safe Quiet Lakes is a not-for-profit community group of boaters that promotes:

- Safe, respectful boating and the adoption of the SQL boaters' code – Boaters Always Care.
- The preservation of the community culture in the Muskoka region through respectful and safe use of our shared waterways.



For more information, to make a donation or to get involved, please visit safequiet.ca.

Platinum Sponsors:



Jayne's
COTTAGES

GORDON BAY
MARINE



Seguin
Township

[ABOUT US](#) [YOUR ROLE](#) [INFORMATION & RESOURCES](#) [DONATE](#) [CONTACT US](#)



MINISTRY OF TRANSPORTATION **Corridor Signing Policy**

7. Temporary Signs

In this chapter:

1. Temporary Signs Subject To Approval Of The Ministry
2. Types Of Temporary Signs
3. Requirements Regarding Temporary Signs
4. Maximum Of Two Temporary Signs On One Property
5. Temporary Signs Shall Face Traffic
6. Separate Approval Required In Each MTO Area Office
7. Certain Signs Prohibited If Event Advertised Operated For Private Profit
8. Letter Of Approval May Be Withdrawn If Sign Placed In Contravention Of Instructions
9. If Event Advertised Is Postponed Expiry Date May Be Extended
10. Election Signs
11. Canadian Forces Convoy Route Markers
12. Snowmobile Crossing Sign
13. Development/Real Estate/Construction Signs
14. Portable Signs (Mobile)

10. Election Signs

An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.

Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.

Signs up to 0.7 m² (8 ft²) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.

An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the Ministry for portable read-o-graph signing.

Permits or Letters of Approval for any election signs erected under this policy are not required.

Candidate committees, or workers shall be allowed three (3) working days after election day in order to

Friends of Muskoka
Compliance Audit Committee Presentation

July 19, 2019

My name is Susan Eplett. I am a Director of Friends of Muskoka and appreciate this opportunity to respond to the questions raised in Mr. Furniss' Application for a Compliance Audit of our third party advertising expenses in last fall's election.

Mr. Furniss is bringing this Application under section 88.35(1) of the Municipal Elections Act, which permits him to request an audit of our campaign finances if he has reasonable grounds to believe we contravened a section of the Act relating to campaign finances. This section of the Act appears on the first page of the Application form, under the heading 'Application by elector', which we have included at Tab 1.

Although Mr. Furniss' reasons in the first and third paragraphs of his Application do not actually relate to our campaign finances, we are happy to address them as well.

1. The first reason for Mr. Furniss' Application relates to whether Friends of Muskoka is eligible to be registered as a third party advertiser.

As you can see from our Form 7 at Tab 2, our registration as a third party advertiser in the Township of Muskoka Lakes was certified by the municipal clerk, Ms Cheryl Mortimer, on July 23, 2018 and according to the Municipal Elections Act section 88.6(14), the Clerk's decision is final. We've included this section of the Act at Tab 3, for your information.

However, if the Committee were to reconsider our registration, both the Municipal Elections Act (section 88.6(4)2) and Ontario's Guide for Third Party Advertisers (page 4) state that a corporation carrying on business in Ontario is eligible to register as a third party advertiser. We've also included these sections at Tab 3.

Friends of Muskoka is a corporation, as you can see from our Articles of Incorporation at Tab 4. All of our operations and activities are in Ontario, including our head office and bank accounts, and we hold meetings of our directors and members in Ontario. So Friends is clearly eligible to be a third party advertiser.

The Application claims that associations are specifically prohibited from registering as a third party advertiser. The Municipal Elections Act does not include this prohibition, and Ontario's Guide to the third party advertising rules says associations that are not corporations are prohibited from registering. We've included this language from the Guide (page 4) in Tab 3. Since Friends of Muskoka is a corporation, this prohibition does not apply to it.

2. The second reason for the Application relates to the source and use of our third party advertising funds, and our bank accounts.

a) I'll begin with the source and use of our funds

Friends of Muskoka fully disclosed all sources of our third party advertising funds in our Form 8. We've included a copy of our Form 8 at Tab 5, and you will see the sources of funds on page 4 under the heading Contributions.

Friends of Muskoka contributed its own funds, and received one cash donation and one in-kind donation. Friends did not take out any loans, and did not do any fundraising.

Friends of Muskoka fully disclosed all of our third party advertising expenditures on pages 2 and 3 of our Form 8 under the Expenses heading.

b) As for our bank account, Friends opened a separate bank account exclusively for our third party advertising. All contributions were deposited into this bank account, and all of our third party advertising expenses were paid from this bank account, in compliance with the third party advertising rules. We have included at Tab 6 a copy of a cancelled cheque showing the account information for this bank account which we opened under the name Friends of Muskoka 3PA Funds (3PA is our abbreviation for third party advertising).

3. The third and fourth paragraphs of the Application relate to the signs that were put up by Friends of Muskoka and the MLA.

We've included at Tab 7 a copy of both sides of this sign.

According to the Municipal Elections Act section 88.5(1), which we've included at Tab 3 for your information, we were required to include 3 pieces of information on each of our third party advertisements: our name; the municipality where we were registered as a third party advertiser; and either our telephone number, mailing address or email address.

The Application states that the required information was absent from our signs. However, our signs said 'Vote to Stop Waterfront Subdivision'. They were not third party advertisements under the Municipal Elections Act, because they did not "promote, support or oppose a candidate or an issue on a ballot". We've included a copy of the definition of third party advertisement at Tab 3. Because our signs were not third party advertisements, they did not require the 3 pieces of information.

There is no prohibition on a registered third party advertiser putting up signs. We were required to comply with municipal sign bylaws for all signs we put up, which we did. In addition, if our signs had been a third party advertisement, they would have needed to have the 3 pieces of information required by the Municipal Elections Act.

The Township's bylaw enforcement officer, Jon Popple, confirmed that our signs were not third party advertisements in his letter to us on September 11, 2018. He was writing to tell us we needed to remove the signs until we obtained a permit and paid a fee for each sign. We complied with his request by removing the signs, and then obtained a permit from the District that allowed us to put them back up along District roads outside of Port Carling and Bala. We've included a copy of Mr. Popple's letter and our sign permit at Tab 8.

The Application asks in paragraph 4 why we did not declare the cost of our signs in our Form 8. The reason is that the signs were not third party advertisements, so we were not required to include their cost in our Form 8.

4. Finally, the Application asks in paragraph 3 about whether we put the required disclosure in our third party advertisements.

This question does not relate to our campaign finances, but I'm happy to answer it if you'd like.

Friends of Muskoka produced a flyer that was a third party advertisement, and it includes the 3 pieces of information required by the Municipal Elections Act. We've provided a copy of the flyer at Tab 9.

Friends of Muskoka also did third party advertising through three automated voter contacts, one for each of the three wards in the Township of Muskoka Lakes. We included the required pieces of information in all of these contacts. A copy of our text is at Tab 10.

Friends of Muskoka also made some Facebook posts that mentioned candidates, and that linked back to our website that contained the required information.

As a final comment, I'd like to mention that these third party advertising rules were new in this election, and Friends of Muskoka worked very hard to comply with them, including making a number of calls to the Township clerk and the Province to clarify what our responsibilities were and ensure we were complying. Our Form 8 discloses all of our campaign finances, and we have receipts and invoices for all of them should the Committee decide to proceed with an audit.

I would be happy to answer any questions you may have. Our Treasurer, Janet Griffin, is also here today to help answer questions of a financial nature.

Friends of Muskoka
Compliance Audit Committee Presentation
July 19, 2019

List of Tabs

- Tab 1: Don Furniss' Application for a Compliance Audit
- Tab 2: Form 7 – Notice of Third Party Registration
- Tab 3: Excerpts from Ontario's Municipal Elections Act and Ontario's 2018 Guide for Third Party Advertisers
- Tab 4: Articles of Incorporation
- Tab 5: Form 8 - Financial Statements Auditors' Report Third Party
- Tab 6: Cancelled Cheque
- Tab 7: Two sides of sign
- Tab 8: John Popple's letter and Sign Permit
- Tab 9: Two sides of third party advertising flyer
- Tab 10: Text of 3 automated voter contacts



**2018 MUNICIPAL ELECTION
APPLICATION FOR A COMPLIANCE AUDIT OF A
REGISTERED THIRD PARTY'S ELECTION CAMPAIGN FINANCES**

to be heard by the **Muskoka Compliance Audit Committee** for a Member Municipality, being the District Municipality of Muskoka, the Town of Bracebridge, the Town of Gravenhurst, the Town of Huntsville, the Township of Georgian Bay, the Township of Lake of Bays, and the Township of Muskoka Lakes.

Contact Information of Applicant

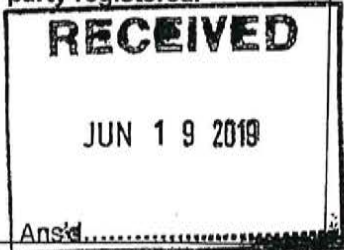
Name:	<i>DON FURNISS</i>
Address:	[REDACTED]
Telephone number:	[REDACTED]
Email address:	[REDACTED]

Registered Third Party (RTP) Information

Name of RTP:	<i>FRIENDS OF MUSKOKA</i>
--------------	---------------------------

Application must be submitted to the Member Municipality where the third party registered.

- | | |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> District Municipality of Muskoka | <input type="checkbox"/> Township of Georgian Bay |
| <input type="checkbox"/> Town of Bracebridge | <input type="checkbox"/> Township of Lake of Bays |
| <input type="checkbox"/> Town of Gravenhurst | <input checked="" type="checkbox"/> Township of Muskoka Lakes |
| <input type="checkbox"/> Town of Huntsville | |



Please note that a request for a Compliance Audit for a School Board Trustee must be directed to the Secretary of the applicable School Board.

Application by elector

Subsection 88.35 (1) of the Municipal Elections Act, 1996, (Act) 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.

Reasons for requesting Compliance Audit (attach additional documentation, if applicable)

SEE ATTACHED PG 3



Deadline for filing Application

Subsection 88.35 (3) of the Municipal Elections Act, 1996, (Act) provides that the Application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30 - **June 27, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 29, 2019).
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 - **July 29, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 29, 2019).
3. The supplementary filing date, if any, for the registered third party under section 88.30 - **December 27, 2019** would be the last day to file a compliance audit request for the June 30, 2019 supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 27, 2019).
4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires - court granted extension.

For more information please contact:

The Clerk in the Member Municipality in which the Compliance Audit is being requested.

Distribution of this Application

Distribution of this Application will be shared with the Clerk of the Member Municipality, the Muskoka Compliance Audit Committee, the Auditor chosen to investigate this Application (if applicable), the Registered Third Party, and the public by way of an open Muskoka Compliance Audit Committee meeting agenda published on the website of the Member Municipality.

Applicant Declaration

I, the undersigned, make Application for a Compliance Audit, and do hereby declare that the information provided in this Application is complete and accurate to the best of my knowledge, that I have read the Application in full, and that I am an elector who is entitled under the *Municipal Elections Act, 1996* to vote in a municipal election (at least 18 years old, a Canadian citizen, and a resident, owner or tenant of land or spouse of owner or tenant).


Signature of Applicant

15/06/2019
Date (dd/mm/yyyy)

Application for a Compliance Audit received by the Clerk for the Township of Muskoka Lakes.


Signature of Clerk or Designate

15/06/19
Date (dd/mm/yyyy)

Personal Information included in this Application is collected under the authority of the Municipal Elections Act, 1996, and will be utilized for the processing of the request for a Compliance Audit of a registered third party's election campaign finances. Any questions regarding the collection of this information should be directed to the Clerk of the member municipality.

Alternate formats of this document are available upon request.

**REASONS FOR APPLICATION OF AUDIT EXPENSES FOR “FRIENDS OF MUSKOKA”
A REGISTERED THIRD PARTY ADVERTISER**

1. Is Friends of Muskoka (FOM) eligible for registered third party status?
While the organization may be incorporated for tax and liability issues, it does not sell goods and services to the general public. It is in fact an association of Muskoka Cottagers opposed to resort developments in Muskoka. It relies on membership fees and donations to fund its objectives. Associations are specifically prohibited from registering as third party advertisers according to Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA).
2. FOM lists \$4,974 in expenditures plus bank charges, but details on income total \$1,439 of a \$5,034.
 - a.) What are the sources of the additional variance income?
 - b.) Are all the sources and uses of funds recorded in the bank statements and was a separate bank account opened specifically for third party advertising?
3. Section 88.5 (2) 2 of the OMEA requires the name, business address and phone numbers on all advertising materials of registered third parties. This was absent from several signs jointly posted with the Muskoka Lakes Association. I believe the OMEA was also violated on other advertising and robo phone calls.
4. No declaration was made for signage expenses. In fact signs and signage hardware was widely placed throughout the Township of Muskoka Lakes



Notice of Registration - Third Party - Form 7
Municipal Elections Act, 1996 (Section 88.6)

Instruction

This form may only be filed in person or by an agent; it may not be faxed or emailed. It is the responsibility of the person incurring expenses to file a complete and accurate notice. Please print or type information (except signatures).

Box A: Notice of Registration (individuals, corporations and trade unions)

Registration for an individual, corporation or trade union in the following municipality
Township of Muskoka Lakes

Name of individual, corporation or trade union (Registrant)
Friends of Muskoka

Mailing Address (Registrant)

Suite/Unit No. Ste 4400
Street No. 181
Street Name Bay Street

Municipality Toronto
Province ON
Postal Code M5J 2T3

Email Address info@friendsofmuskoka.ca
Telephone No. (including area code)
Telephone No.2 (including area code)

Box B: Designation of an Official Representative (corporations and trade unions)

Name of person signing (Official Representative)

Last Name or Single Name EPLETT
Given Name(s) SUSAN

Mailing Address (Official Representative)

Suite/Unit No.
Street No. 50
Street Name WEYBOURNE CRES

Municipality TORONTO
Province ON
Postal Code M4N 2R5

Email Address susaneplett@rogers.com
Telephone No. (including area code) 416-843-3910
Telephone No.2 (including area code)

Box C: Additional Information (corporations)

Business Name
Friends of Muskoka

Ontario Corporation Number
1059777-5

Names of Principal Officers

Donald Lang, Chairperson of the Board

Laurie Thomson, President

James Paul Richards, Vice-President

Susan Eplett, Secretary

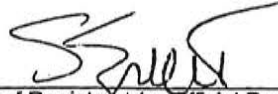
Janet Griffin, Treasurer

Additional names are listed on separate supplementary attachment

Box D: Declaration of Qualification

I, SUSAN EPLETT, the Registrant (or Official Representative of the Registrant), referred to in this notice, do hereby declare that:

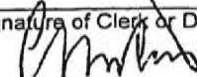
- (1) The information in this notice of registration is, to the best of knowledge and belief, true;
- (2) The Registrant is qualified to be registered as a third party advertiser; and
- (3) I am authorized to sign on behalf of the Registrant (applies only in the case the Registrant is a corporation or trade union)



Signature of Registrant (or Official Representative)

2018/07/23

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Registrant (or Official Representative)	Signature of Clerk or Designate
2018/07/23	10:30 AM	SE	

Certification by Clerk or Designate

I, the undersigned clerk of this municipality, do hereby certify that I have examined the notice of registration of the aforesaid registrant filed with me and am satisfied that the registrant is qualified to incur expenses and that the notice of registration complies with the Act.

Signature of Clerk or Designate



Date Certified (yyyy/mm/dd)

2018/07/23

Municipal Elections Act

Clerk's Decision is Final - Section 88.6 (14)

(14) The clerk's decision to certify or reject a notice of registration is final.

Eligibility for Registration as a Third Party Advertiser - Section 88.6 (4) 2

(4) Only the following persons and entities are eligible to file a notice of registration:

1. An individual who is normally resident in Ontario.
2. A corporation that carries on business in Ontario.
3. A trade union that holds bargaining rights for employees in Ontario.

Mandatory information in third party advertisements – Section 88.5(1)

88.5 (1) No registered third party shall cause a third party advertisement to appear during the restricted period unless the advertisement contains the following information:

1. The name of the registered third party.
2. The municipality where the registered third party is registered.
3. A telephone number, mailing address or email address at which the registered third party may be contacted regarding the advertisement.

Meaning of “third party advertisement” – Sections 1(1) and 88.4 (1)

1(1) “third party advertisement” 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),

88.4 (1) No individual, corporation or trade union shall incur expenses for a third party advertisement that appears during the restricted period for third party advertisements unless the individual, corporation or trade union is a registered third party under section 88.6 when the expenses are incurred and when the advertisement appears.

Ontario's 2018 Guide for Third Party Advertisers

Who can be a third party advertiser (p. 3-4)

Only those who have registered can spend money on third party advertising. The following are eligible to register as a third party advertiser:

- any person who is a resident in Ontario 2018 Guide for third party advertisers
- a corporation carrying on business in Ontario
- a trade union that holds bargaining rights for employees in Ontario.

Who cannot be a third party advertiser (p. 4)

Groups, associations or businesses that are not corporations are not eligible to register and may not spend money on third party advertising in municipal elections.

What is not a third party advertisement? (p. 3)

Activities that do not involve spending money, such as discussions or expressing an opinion about a candidate (or an answer to a question on the ballot) are not considered to be third party advertising. Examples include:

- speaking to friends and neighbours
- posting on social media, such as Twitter, Facebook or Instagram
- sending an email to a group or mailing list.

Advertising about an issue, rather than a candidate or a “yes” or “no” answer to a question on the ballot is not considered third party advertising. For example, signs saying “Support local businesses” or “Keep the waterfront green” would not be third party advertising, even if a candidate has made those issues part of their campaign.

Contribution limits (p. 11)

There is no limit on how much a registered third party (and, if the third party is an individual, their spouse) can contribute to their own advertising campaign.



Certificate of Incorporation

Canada Not-for-profit Corporations Act

Certificat de constitution

*Loi canadienne sur les organisations à but non
lucratif*

Friends of Muskoka

Corporate name / Dénomination de l'organisation

1059777-5

Corporation number / Numéro de
l'organisation

I HEREBY CERTIFY that the above-named
corporation, the articles of incorporation of which
are attached, is incorporated under the *Canada
Not-for-profit Corporations Act*.

JE CERTIFIE que l'organisation susmentionnée,
dont les statuts constitutifs sont joints, est
constituée en vertu de la *Loi canadienne sur les
organisations à but non lucratif*.

Virginie Ethier

Director / Directeur

2018-01-24

Date of Incorporation (YYYY-MM-DD)
Date de constitution (AAAA-MM-JJ)

Canada



Form 4001
Articles of Incorporation
Canada Not-for-profit Corporations Act (NFP Act)

Formulaire 4001
Statuts constitutifs
Loi canadienne sur les organisations à but non lucratif (Loi BNL)

- 1 Corporate name
Dénomination de l'organisation
Friends of Muskoka
- 2 The province or territory in Canada where the registered office is situated
La province ou le territoire au Canada où est maintenu le siège
ON
- 3 Minimum and maximum number of directors
Nombres minimal et maximal d'administrateurs
Min. 3 Max. 15
- 4 Statement of the purpose of the corporation
Déclaration d'intention de l'organisation
See attached schedule / Voir l'annexe ci-jointe
- 5 Restrictions on the activities that the corporation may carry on, if any
Limites imposées aux activités de l'organisation, le cas échéant
None
- 6 The classes, or regional or other groups, of members that the corporation is authorized to establish
Les catégories, groupes régionaux ou autres groupes de membres que l'organisation est autorisée à établir
See attached schedule / Voir l'annexe ci-jointe
- 7 Statement regarding the distribution of property remaining on liquidation
Déclaration relative à la répartition du reliquat des biens lors de la liquidation
See attached schedule / Voir l'annexe ci-jointe
- 8 Additional provisions, if any
Dispositions supplémentaires, le cas échéant
See attached schedule / Voir l'annexe ci-jointe
- 9 **Declaration:** I hereby certify that I am an incorporator of the corporation.
Déclaration : J'atteste que je suis un fondateur de l'organisation.

Name(s) - Nom(s)

Original Signed by - Original signé par

Laurie Thomson

Laurie Thomson

Laurie Thomson

A person who makes, or assists in making, a false or misleading statement is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months or to both (subsection 262(2) of the NFP Act).

La personne qui fait une déclaration fautive ou trompeuse, ou qui aide une personne à faire une telle déclaration, commet une infraction et encourt, sur déclaration de culpabilité par procédure sommaire, une amende maximale de 5 000 \$ et un emprisonnement maximal de six mois ou l'une de ces peines (paragraphe 262(2) de la Loi BNL).

You are providing information required by the NFP Act. Note that both the NFP Act and the Privacy Act allow this information to be disclosed to the public. It will be stored in personal information bank number IC/PPU-049.

Vous fournissez des renseignements exigés par la Loi BNL. Il est à noter que la Loi BNL et la Loi sur l'accès à l'information permettent que de tels renseignements soient divulgués au public. Ils seront stockés dans la banque de renseignements personnels numéro IC/PPU-049.

Schedule / Annexe
Purpose Of Corporation / Déclaration d'intention de l'organisation

Statement of the purpose of the Corporation:

- (a) to preserve the natural environment and unique character of Muskoka by promoting responsible use and development of its land and lakes; and
- (b) to engage in such other incidental or ancillary activities as may be determined by the board of directors from time to time.

Schedule / Annexe
Classes of Members / Catégories de membres

The Corporation is authorized to establish two classes of members, to be known as "Principal members" and "Supporting members" as follows:

(a) The Principal members shall be entitled to receive notice of and to attend all meetings of the members of the Corporation and each Principal member shall have one (1) vote at each such meeting, except for meetings at which only members of another class are entitled to vote separately as a class.

(b) Except as otherwise provided by the Canada Not-for-profit Corporations Act, as amended from time to time or any successor legislation, the Supporting members shall not be entitled to receive notice of, attend or vote at meetings of the members of the Corporation.

Schedule / Annexe
Directors of the corporation / Administrateurs de l'organisation

Donald Lang 105 Gordon Baker Road, Suite 500, Toronto
ON
M2H 3P8, Canada

Susan Eplett 50 Weybourne Crescent, Toronto ON
M4N 2R5, Canada

Laurie Thomson 89 Binscarth Road, Toronto ON
M4W 1Y3, Canada

Jonas Prince 77 Bloor Street West, Suite 2000, Toronto
ON
M5S 1M2, Canada

V. Frank Pottow 8 Grahampton Lane, Greenwich CT
06930, United States

James Paul Richards 1 Heathbridge Park, Toronto ON
M4G 2Y6, Canada

Jordan Richards 21 Dunlace Drive, Toronto ON
M3A 1A3, Canada

Janet Griffin 63 St. Edmund's Drive, Toronto ON
M4N 2P8, Canada

Schedule / Annexe
Additional Provisions / Dispositions supplémentaires

(a) The Corporation shall carry on its activities without the purpose of pecuniary gain to its members, and any profits or other accretions to the Corporation shall be used in furtherance of its purposes.

(b) The Supporting members of the Corporation are not entitled to vote separately as a class upon a proposal to amend the articles to:

(i) effect an exchange, reclassification or cancellation of all or part of the memberships of the class; or

(ii) create a new class of members having rights equal or superior to those of the class.

(c) The directors may appoint one or more additional directors, who shall hold office for a term expiring not later than the close of the next annual general meeting of members, but the total number of directors so appointed may not exceed one-third of the number of directors elected at the previous annual general meeting of members.

Schedule / Annexe

Distribution of Property on Liquidation / Répartition du reliquat des biens lors de la liquidation

Any property remaining on liquidation of the Corporation, after the discharge of any liabilities of the Corporation, shall be distributed to the members of the Corporation in the discretion of and in the manner determined by the board of directors of the Corporation.

Instructions:

All registrants must complete Boxes A, B, C and D and Schedule 1. All registrants must complete Schedule 2 as appropriate. Registrants who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the registrant or, if the registrant is an individual, their spouse) shall be paid immediately over to the clerk who was responsible for the conduct of the election.

For the campaign period from

YYYY	MM	DD
2 0 1 8	0 7	2 4

 to

YYYY	MM	DD
2 0 1 8	1 2	3 1

Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Registrant

Name of Registrant (individual, trade union or corporation)

Friends of Muskoka

Official Representative (name of person signing on behalf of trade union or corporation)

Last Name or Single Name

Griffin EPLETT

Given Name(s)

Janet Catherine SUSAN ELIZABETH

Municipality

Township of Muskoka Lakes

Spending Limit - General

\$ 5,837.60

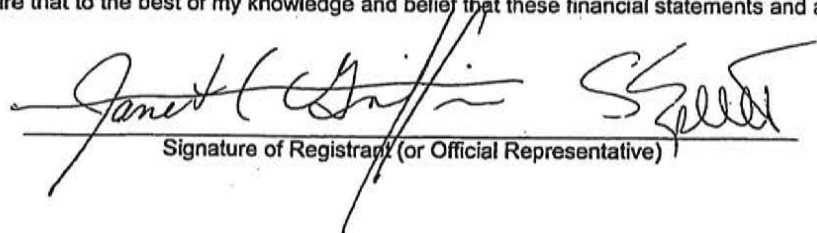
Spending Limit - Parties and Other Expressions of Appreciation

\$ 0.00

Box B: Declaration

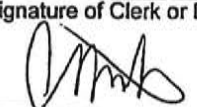
I, Janet C. Griffin, a registrant (or official representative)

declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.


Signature of Registrant (or Official Representative)

2019/03/05 2019/03/19

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Registrant, Official Representative or Agent (if filed in person)	Signature of Clerk or Designate
2019/03/19	12:33pm	SE	

Box C: Statement of Campaign Income and Expenses

LOAN

Name of bank or recognized lending institution N/A

Amount borrowed \$ _____

INCOME

Total amount of all contributions (From line 1A in Schedule 1)	+ \$	<u>5,033.81</u>
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fund-raising events not deemed a contribution (From Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	_____
Other (provide full details)		_____
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Campaign Income (Do not include loan)	= \$	<u>5,033.81</u> C1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses subject to general spending limit

Advertising	+ \$	<u>746.08</u>
Brochures/flyers	+ \$	<u>354.82</u>
Signs (including sign deposit)	+ \$	_____
Meetings hosted	+ \$	_____
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	<u>1,202.88</u>
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	<u>2,500.00</u>
Bank charges incurred until voting day	+ \$	<u>170.03</u>
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		_____
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to general spending limit	= \$	<u>4,973.81</u> C2

EXPENSES

Expenses subject to spending limit for parties and other expressions of appreciation

1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to spending limit for parties and other expressions of appreciation	= \$	_____ C3

408

Expenses not subject to spending limit

Accounting and audit	+ \$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	
Office expenses incurred after voting day	+ \$	
Phone and/or internet expenses incurred after voting day	+ \$	
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	
Bank charges incurred after voting day	+ \$	60.00
Interest charged on loan after voting day	+ \$	
Expenses related to recount	+ \$	
Expenses related to controverted election	+ \$	
Expenses related to compliance audit	+ \$	
Expenses related to a registrant's disability (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Other (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Total Expenses not subject to spending limits	= \$	60.00 C4
Total Campaign Expenses (C2 + C3 + C4)		= \$ 5,033.81 C5

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 - C5)	+ \$	0.00 D1
If there is a surplus, deduct any refund of registrant's or spouse's contributions to the campaign	- \$	
Surplus (or deficit) for the campaign	= \$	D2

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

JLB

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from registrant and (if individual) spouse	+ \$ 4,100.00
Contribution in goods and services from registrant and (if individual) spouse	+ \$ _____
Total value of contributions not exceeding \$100 per contributor	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from registrant or spouse).	+ \$ 1,200.00
Total value of contributions exceeding \$100 per contributor (from line 1B; list on page 6; details in Tables 1 – 4)	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from registrant or spouse).	+ \$ 238.66
Less: Contributions returned or payable to the contributor	- \$ 504.85
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	- \$ _____
Total Amount of Contributions (record under Income in Box C)	= \$ 5,033.81 1A

Part II – Contributions totalling more than \$100 – individuals other than registrant or spouse

Table 1: Monetary contributions from individuals other than registrant or spouse

Name	Full Address	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
Susan Eplett	50 Weybourne Crescent Toronto, Ontario, M4N 2R5	2018/11/29	1,200.00	
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	1,200.00

Table 2: Monetary contributions from corporations or trade unions

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
N/A						
					Total	<i>0</i>

Additional information is listed on separate supplementary attachment

Table 3: Contributions in goods or services from individuals other than registrant or spouse
 (Note: must also be recorded as expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
Lisa Grogan Green	133 Mildenhall Road Toronto Ontario M4N 3H4	Bags		238.66	

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk

Additional information is listed on separate supplementary attachment Total 238.66

Table 4: Contributions in goods or services from corporations or trade unions
(Note: must also be recorded as expenses in Box C)

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
N/A							

Additional information is listed on separate supplementary attachment Total 0

Total Part II Contributions (Add Totals from Tables 1-4)
(Record in Part I - Summary of Contributions) \$ 1,438.66^{1B}

Part III - Contributions from registrant or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
N/A		

JS

Additional information is listed on separate supplementary attachment

Total

Ø



Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity Not applicable

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket Revenue

Admission charge (per person)

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold

\$ _____ 2A
X _____ 2B

Total Part I (2A X 2B) (include in Part 1 of Schedule 1)

= \$ _____

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

1. _____	+	\$ _____
2. _____	+	\$ _____
3. _____	+	\$ _____
4. _____	+	\$ _____
5. _____	+	\$ _____

Total Part II (include in Part 1 of Schedule 1)

= \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contributions of \$25 or less; market value of goods or services sold)

Provide details

1. _____	+	\$ _____
2. _____	+	\$ _____
3. _____	+	\$ _____
4. _____	+	\$ _____
5. _____	+	\$ _____

Total Part III (include under Income in Box C)

= \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1. _____	+	\$ _____
2. _____	+	\$ _____
3. _____	+	\$ _____
4. _____	+	\$ _____
5. _____	+	\$ _____
6. _____	+	\$ _____
7. _____	+	\$ _____
8. _____	+	\$ _____

Total Part IV (include under Expenses in Box C)

= \$ _____

Auditor's Report

Municipal Elections Act, 1996 (Section 88.25)

A registrant who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality

Date (yyyy/mm/dd)

Contact Information

Last Name or Single Name

Given Name(s)

Licence Number

Address

Suite/Unit No.

Street No.

Street Name

Municipality

Province

Postal Code

Telephone No. (including area code)

Email Address

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Report is attached

Not Applicable

Personal information, if any, collected on this form is obtained under the authority of sections 88.29 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

Jeb


FRIENDS OF MUSKOKA 3PA FUNDS

CARE OF LAURIE THOMSON
181 BAY ST SUITE 400
TORONTO, ON M5J 2T3

000005

DATE 2 0 - -
Y Y Y Y M M D D

PAY to _____ \$
order of _____

100 DOLLARS 

TD CANADA TRUST
321 MIDGEE AVE. NR. BAYVIEW AVE.
TORONTO, ONT. M4G 3T6

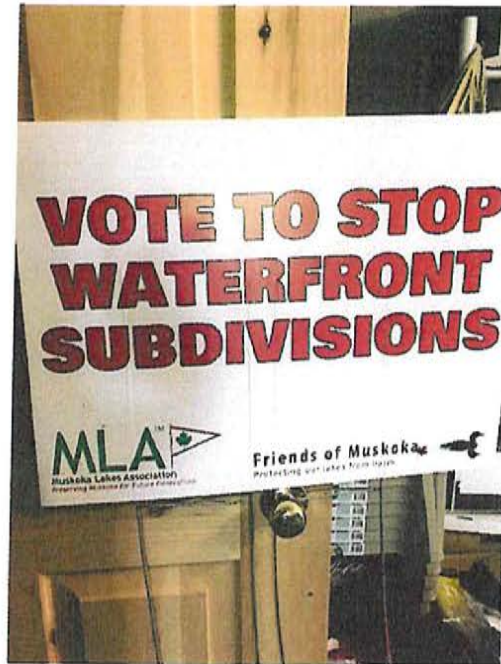
FRIENDS OF MUSKOKA 3PA FUNDS

VOID

RF _____

REC _____

⑈000005⑈ ⑆15952⑈004⑆ 0225⑈5225115⑈





P.O. Box 129, 1 Bailey Street, Port Carling, Ontario, P0B 1J0
tel: 705-765-3156 fax: 705-765-6755 web: www.muskokalakes.ca

September 11, 2018

Muskoka Lakes Association
65 Joseph Street
Port Carling, ON P0B 1J0

Friends of Muskoka
181 Bay Street, Suite 4400
Toronto, ON M5J 2T3

Re: Registered Third Parties Election Signs
Municipal Elections Act, 1996
Township of Muskoka Lakes Election Sign By-law 2018-039 & Sign By-law 2018-30

To whom it may concern,

A complaint has been received by the Township of Muskoka Lakes under the legislation noted above, that signs posted by your organisations do not qualify as "third party advertisement", as they do not promote, support or oppose a candidate, or a "yes" or "no" answer to a question on the ballot".

The Muskoka Lakes Association and the Friends of Muskoka have placed signs saying *Vote to Stop Waterfront Subdivisions* throughout the Township. Both the Muskoka Lakes Association and Friends of Muskoka are registered third parties. These Signs do not promote, support or oppose a candidate, or a question on the ballot.

The *Municipal Elections Act, 1996*, defines "third party advertisement" to mean:

"third party advertisement" 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 described in subsection (2) or (2.1):

Accordingly, the Signs do not constitute third party advertising, under the *Municipal Elections Act, 1996*.

In addition, the Township's By-law Number 2018-039 regulates election signs in municipal, provincial and federal elections and defines an "Election Sign" to mean: *any temporary notice, device or sign outside of any building that advertises or promotes a candidate in a federal, provincial or municipal election including an election of a local board of commission intended to influence persons to vote for or against any candidate or any question or By-law submitted to the electors under section 8 of the Municipal Elections Act, 1996.*

The *Election Sign By-law* defines a *Third Party Advertisement* to mean a *third party sign* and a *Third Party Sign* to mean an *election sign not installed or erected directly or indirectly by a candidate*. Accordingly, the signs are not *elections signs, third party advertisements, or third party signs*, under the *Election Sign By-law*.

Falling outside of the provisions of the *Election Sign By-law*, the Signs are subject to By-law No. 2018-30, a by-law to prohibit and regulate signs and other advertising devices within the Township. By virtue of section C. 13.1 of the *Sign By-law*, *no person shall erect, locate, display or retain any sign on private or public lands without having obtained a sign permit in accordance with the provisions of this by-law*.

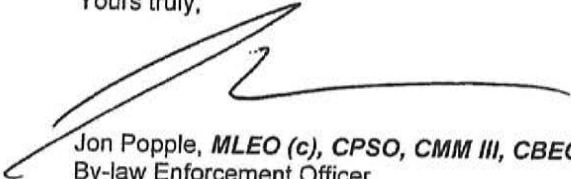
Therefore, I would respectfully request the following action take place:

- 1- All signs placed by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* be removed from all municipal and private property by Wednesday September 12, 2018;
- 2- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the Township's Public Works Department (application attached hereto), for signs located on private property adjacent to all roads under the jurisdiction of the township;
- 3- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the District of Muskoka for signs located on private property adjacent to all roads under the jurisdiction of the District of Muskoka;
- 4- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the Ontario Ministry of Transportation for signs located on private property adjacent to Highway 141.

- 5- That signs saying *Vote to Stop Waterfront Subdivisions* and all other signs not meeting the definition of third party advertising under the *Municipal Elections Act, 1996*, and the Elections Sign by-law are not permitted to be posted on municipal property, including any portion of the boulevard or road allowance within the Township of Muskoka Lakes at any time.

Thank you in advance for your anticipated cooperation with this matter. If you have any additional questions, please contact the undersigned.

Yours truly,



Jon Pople, *MLEO (c), CPSO, CMM III, CBEO*
By-law Enforcement Officer
Ext. 280
jpopple@muskokalakes.ca



Cheryl Mortimer
Clerk
Ext. 211
cmortimer@muskokalakes.ca

- C.c.
- Muskoka Lakes Association (via email info@mfa.on.ca)
 - Friends of Muskoka (via e-mail info@friendsofmuskoka.ca)
 - Roger Young, Director of Public Works
 - Mac Wilson, District of Muskoka

Attach: - Township of Muskoka Lakes Sign Permit Application



THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

P.O. Box 129, Port Carling, Ontario P0B 1J0
 Website: www.township.muskokalakes.on.ca

Phone: 705-765-3156
 Fax: 705-765-6755

**SCHEDULE "B" BY-LAW NUMBER 99-100
 APPLICATION OF SIGN PERMIT**

PART A: APPLICANT TO COMPLETE:

Name:	Telephone Number:	Residence:	
Address:		Business:	
Roll Number:	Date:		

LOCATION DESCRIPTION:

Municipal Road:	
Lot:	
Concession:	
Ward:	

NATURE OF APPLICATION:

Check One:	Commercial Sign	()
	Advertising Sign	()
	Advertising Device	()
	Private Road Sign	()

**GENERAL DESCRIPTION OF INSTALLATION LOCATION:
 (ATTACH SKETCH IS NECESSARY)**

GENERAL DESCRIPTION OF INSTALLATION:

Size or Area:	Primary Colour:
Method of Support:	
Message Displayed	

SURVEY FOR NAMING A PRIVATE ROAD ATTACHED Yes () No ()

Note: The Municipality is not responsible for maintenance or replacement of approved sign installations should they be removed or fall into disrepair.

SIGNATURE OF APPLICANT: _____

PERMIT

PART B: MUNICIPAL STAFF TO COMPLETE

Permit Issued: ()	Signature: _____
Permit Denied: ()	Title: _____
	Date: _____

INSTRUCTIONS TO APPLICANT: (Conditions of Approval)

Permit Fee: \$	Receipt No.
----------------	-------------

Personal information contained on this form is collected under the authority of the Municipal Act, Section 210 (146)(148)(149), and will be used to determine eligibility of a Sign Permit. Questions about this collection should be directed to the Clerk Administrator, Township of Muskoka Lakes, Box 129, Port Carling, Ontario, P0B 1J0, (Telephone 705-765-3156).



SIGN APPLICATION & PERMIT

TO BE COMPLETED BY APPLICANT

Date: Sept 28, 2018

Name of Applicant: Friends of Muskoka and Muskoka Lakes Association Telephone: (705) 765-5723 (MLA)

Mailing Address: FOM: 181 Bay Street, Suite 4400, Toronto ON; MLA: 65 Joseph Street, 2nd Floor, Box 298 Port Carling ON

Postal Code: FOM:M5J2T3;MLA:P0B1J0 Email: info@friendsofmuskoka.ca; info@mla.on.ca

DIRECTIONAL FINGERBOARDS

Legend: _____ Quantity: _____

Initial Fee \$ _____ Per Sign Annual Fee \$ _____ Per Sign
 (Payable second year) Per Set Per Set

SIGN TYPE

- | | | | |
|---------------------------------------------------|-----------------------------------|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Field Advertising | <input type="checkbox"/> Standard | Text <input type="checkbox"/> Pylon | <input type="checkbox"/> Reader board |
| <input type="checkbox"/> Location | <input type="checkbox"/> Ground | <input type="checkbox"/> Seasonal | <input type="checkbox"/> Electronic |
| <input checked="" type="checkbox"/> Special Event | <input type="checkbox"/> Fascia | <input type="checkbox"/> Real Estate | |

Legend: Vote to Stop Waterfront Subdivisions

Quantity: 120 Size: 18" x 23.5" Initial Fee \$ _____ Per Sign

LOCATION(S)

Muskoka Road # 7, 25, 118, 169, 4, 24, 26, 28, 38

Signature: [Handwritten Signature]

OFFICE USE ONLY

Application Date: Sept 28/18 Fee: N/A HST: _____ Total: _____
 CASH CHEQUE CREDIT CARD DEBIT CARD

Sign Ordered: _____ Sign Erected: _____

Comments: Must be at least 1km apart and not impede driver vision. Install 2 weeks before event and remove no later than 1 week after event.

Print Name: Mac Wilson Signature: [Handwritten Signature]

- Office Copy Area Municipality Applicant (after approved) By-Law Officer

Personal Information on this form is collected by The District Municipality of Muskoka under the authority of The Municipal Act, 2001, S.O. 2001, c.25, as amended and any by-laws passed pursuant to it and for the purpose of a Sign Application & Permit and for no other purpose. Applicants are advised that Muskoka may be required to disclose information in this form under the Municipal Freedom of Information and Protection of Privacy Act. Questions should be directed to the Freedom of Information Coordinator, 70 Pine Street, Bracebridge, ON, P1L 1N3 Fees as per current user fee by-law



**TOMORROW THIS MAY
BE CHANGED FOREVER**
4,000 NEW HOMES WILL DO THAT.

**Unsustainable development is planned for
Muskoka. It doesn't have to be this way.**

VOTE TO SAVE MUSKOKA

Stop Residential Subdivisions on the Waterfront

Developers are trying to build single home and multilevel residential subdivisions at multiple waterfront locations across Muskoka.

Over 100 commercial properties in Muskoka could be turned into residential subdivisions.

Our elected officials must ensure resorts are legitimately commercial and fit with the natural beauty of Muskoka.

Why vote?

- To protect this unique environment
- To stop residential subdivisions on the waterfront
- To preserve Muskoka's natural character for future generations
- To ensure responsible and sustainable development and economic growth

Who can vote?

- A Muskoka property owner AND their spouse
- A person who rents property in Muskoka on Election Day and their spouse
- You can vote in each municipality in Ontario where you own/rent property
- Only Canadian citizens, 18+ years old

How to vote

Voting this year is by telephone or online only. Help is available at your municipal office.

You must be registered on the Voters' List.

Call 1 705 765-3156
vote@muskokalakes.ca

You can vote from
Oct. 12 to 22

Vote for the TML candidates who know the issues and who will fight to preserve the character of Muskoka.

Mayor
 Phil Harding



Ward A Councillors
 Donelda Hayes
 Glenn Zavitz



Ward A District Councillor
 Ruth Nishikawa



Ward B Councillors
 Susan Mazan
 Gord Roberts



Ward B District Councillor
 Allen Edwards



Ward C Councillors
 Peter Kelley
 Barb Bridgeman



Ward C District Councillor
 Frank Jaglowitz



savemuskoka.ca



Friends of Muskoka
 Protecting our lakes from harm.



Friends of Muskoka () and the Muskoka Lakes Association () are registered third party advertisers in the Township of Muskoka Lakes

Automated Voter Contact Script for Ward A

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mfa.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Ruth Nishikawa for District Council
Donelda Hayes and Glenn Zavitz for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was

mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of

Muskoka Lakes. Thank you for listening."

Automated Voter Contact Script for Ward B

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mmla.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Allen Edwards for District Council
Susan Mazan and Gord Roberts for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was

mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of

Muskoka Lakes. Thank you for listening."

Automated Voter Contact Script for TML Ward C

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mlla.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Frank Jaglowitz for District Council
Barb Bridgeman and Peter Kelley for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was

mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of

Muskoka Lakes. Thank you for listening."



**2018 MUNICIPAL ELECTION
APPLICATION FOR A COMPLIANCE AUDIT OF A
REGISTERED THIRD PARTY'S ELECTION CAMPAIGN FINANCES**

to be heard by the **Muskoka Compliance Audit Committee** for a Member Municipality, being the District Municipality of Muskoka, the Town of Bracebridge, the Town of Gravenhurst, the Town of Huntsville, the Township of Georgian Bay, the Township of Lake of Bays, and the Township of Muskoka Lakes.

Contact Information of Applicant

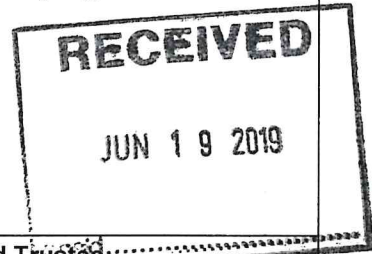
Name:	<i>DON FURNISS</i>
Address:	[REDACTED]
Telephone number:	[REDACTED]
Email address:	[REDACTED]

Registered Third Party (RTP) Information

Name of RTP:	<i>MUSKOKA LAKES ASSOCIATION</i>
--------------	----------------------------------

Application must be submitted to the Member Municipality where the third party registered.

- | | |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> District Municipality of Muskoka | <input type="checkbox"/> Township of Georgian Bay |
| <input type="checkbox"/> Town of Bracebridge | <input type="checkbox"/> Township of Lake of Bays |
| <input type="checkbox"/> Town of Gravenhurst | <input checked="" type="checkbox"/> Township of Muskoka Lakes |
| <input type="checkbox"/> Town of Huntsville | |



Please note that a request for a Compliance Audit for a School Board Trustee must be directed to the Secretary of the applicable School Board.

Application by elector

Subsection 88.35 (1) of the Municipal Elections Act, 1996, (Act) 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.

Reasons for requesting Compliance Audit (attach additional documentation, if applicable)

SEE Pg 3 ATTACHED



Deadline for filing Application

Subsection 88.35 (3) of the Municipal Elections Act, 1996, (Act) provides that the Application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30 - **June 27, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 29, 2019).
2. The date the registered third party filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 - **July 29, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 29, 2019).
3. The supplementary filing date, if any, for the registered third party under section 88.30 - **December 27, 2019** would be the last day to file a compliance audit request for the June 30, 2019 supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 27, 2019).
4. The date on which the registered third party's extension, if any, under subsection 88.27 (3) expires - court granted extension.

For more information please contact:

The Clerk in the Member Municipality in which the Compliance Audit is being requested.

Distribution of this Application

Distribution of this Application will be shared with the Clerk of the Member Municipality, the Muskoka Compliance Audit Committee, the Auditor chosen to investigate this Application (if applicable), the Registered Third Party, and the public by way of an open Muskoka Compliance Audit Committee meeting agenda published on the website of the Member Municipality.

Applicant Declaration

I, the undersigned, make Application for a Compliance Audit, and do hereby declare that the information provided in this Application is complete and accurate to the best of my knowledge, that I have read the Application in full, and that I am an elector who is entitled under the *Municipal Elections Act, 1996* to vote in a municipal election (at least 18 years old, a Canadian citizen, and a resident, owner or tenant of land or spouse of owner or tenant).


Signature of Applicant

15/06/2019
Date (dd/mm/yyyy)

Municipal Use

Application for a Compliance Audit received by the Clerk for the Township of Muskoka Lakes


Signature of Clerk or Designate

19/06/19
Date (dd/mm/yyyy)

Personal Information included in this Application is collected under the authority of the Municipal Elections Act, 1996, and will be utilized for the processing of the request for a Compliance Audit of a registered third party's election campaign finances. Any questions regarding the collection of this information should be directed to the Clerk of the member municipality.

Alternate formats of this document are available upon request.

REASONS FOR APPLICATION OF AUDIT EXPENSES FOR “MUSKOKA LAKES ASSOCIATION” A REGISTERED THIRD PARTY ADVERTISER

1. Is the Muskoka Lakes Association (MLA) eligible for registered third party status? While the organization may be incorporated for tax and liability issues, it does not sell goods and services to the general public. It is in fact an association of Muskoka Cottagers opposed to resort developments and for the preservation of the environment in Muskoka. It relies on membership fees and donations to fund its objectives. Associations are specifically prohibited from registering as third party advertisers according to Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA).
2. MLA lists \$5,080 in expenditures, but there is no income recorded.
 - a.) What are the sources of the funds used for expenses?
 - b.) Are all the sources and uses of funds recorded? Who donated what amount? Are these identified in the bank statements and was a separate bank account opened specifically for third party advertising in Muskoka Lakes for the MLA ?
 - c.) Was a separate bank account opened in Gravenhurst for similar activities in that municipality or were expenses and income comingled?
3. Section 88.5 (2) 2 of the OMEA requires the name, business address and phone numbers on all advertising materials of registered third parties. This was absent from several signs jointly posted with the Friends of Muskoka. I believe the OMEA was also violated on other advertising and robo phone calls as well.
4. No declaration was made for signage expenses. In fact signs and signage hardware was widely placed throughout the Township of Muskoka Lakes.

Instructions:

All registrants must complete Boxes A, B, C and D and Schedule 1. All registrants must complete Schedule 2 as appropriate. Registrants who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the registrant or, if the registrant is an individual, their spouse) shall be paid immediately over to the clerk who was responsible for the conduct of the election.

For the campaign period from

YYYY	MM	DD
2018	01	01

 to

YYYY	MM	DD
2018	12	31

 Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

 Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Registrant

Name of Registrant (individual, trade union or corporation)

MUSKOKA LAKES ASSOCIATION

Official Representative (name of person signing on behalf of trade union or corporation)

Last Name or Single Name

OSLER

Given Name(s)

LAWTON

Municipality

TOWNSHIP OF MUSKOKA LAKES

Spending Limit - General

\$ 5837.45

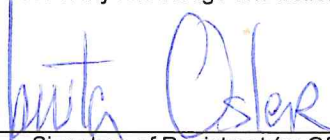
Spending Limit - Parties and Other Expressions of Appreciation

\$

Box B: Declaration

 I, LAWTON OSLER, a registrant (or official representative)

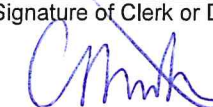
declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.



Signature of Registrant (or Official Representative)

2019/02/21

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Registrant, Official Representative or Agent (if filed in person)	Signature of Clerk or Designate
2019/03/06	2:22 pm	Lawton	

Box C: Statement of Campaign Income and Expenses

LOAN

Name of bank or recognized lending institution _____
Amount borrowed \$ _____

INCOME

Total amount of all contributions (From line 1A in Schedule 1)	+ \$	_____
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fund-raising events not deemed a contribution (From Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Campaign Income (Do not include loan)	= \$	_____ C1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses subject to general spending limit

Advertising	+ \$	507.43
Brochures/flyers	+ \$	354.87
Signs (including sign deposit)	+ \$	_____
Meetings hosted	+ \$	_____
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	1202.88
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	2982.50
Bank charges incurred until voting day	+ \$	32.50
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to general spending limit	= \$	5,080.13 C2

EXPENSES

Expenses subject to spending limit for parties and other expressions of appreciation

1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to spending limit for parties and other expressions of appreciation	= \$	_____ C3

Expenses not subject to spending limit

Accounting and audit	+ \$	_____
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	_____
Office expenses incurred after voting day	+ \$	_____
Phone and/or internet expenses incurred after voting day	+ \$	_____
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	_____
Bank charges incurred after voting day	+ \$	_____
Interest charged on loan after voting day	+ \$	_____
Expenses related to recount	+ \$	_____
Expenses related to controverted election	+ \$	_____
Expenses related to compliance audit	+ \$	_____
Expenses related to a registrant's disability (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses not subject to spending limits	= \$	_____ C4

Total Campaign Expenses (C2 + C3 + C4) = \$ 5,080.13 C5

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 - C5)	+ \$	_____ D1
If there is a surplus, deduct any refund of registrant's or spouse's contributions to the campaign	- \$	_____
Surplus (or deficit) for the campaign	= \$	<u>(5,080.13)</u> D2

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from registrant and (if individual) spouse	+ \$ _____
Contribution in goods and services from registrant and (if individual) spouse	+ \$ _____
Total value of contributions not exceeding \$100 per contributor	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from registrant or spouse).	+ \$ _____
Total value of contributions exceeding \$100 per contributor (from line 1B; list on page 6; details in Tables 1 – 4)	
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from registrant or spouse).	+ \$ _____
Less: Contributions returned or payable to the contributor	- \$ _____
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	- \$ _____
Total Amount of Contributions (record under Income in Box C)	= \$ _____ 1A

Part II – Contributions totalling more than \$100 – individuals other than registrant or spouse

Table 1: Monetary contributions from individuals other than registrant or spouse

Name	Full Address	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	

Table 2: Monetary contributions from corporations or trade unions

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment					Total	

Table 3: Contributions in goods or services from individuals other than registrant or spouse
 (Note: must also be recorded as expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk	
<input type="checkbox"/> Additional information is listed on separate supplementary attachment					Total	

mca
Page 5 of 8

Table 4: Contributions in goods or services from corporations or trade unions
 (Note: must also be recorded as expenses in Box C)

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk

Additional information is listed on separate supplementary attachment **Total**

Total Part II Contributions (Add Totals from Tables 1-4)
 (Record in Part I – Summary of Contributions) \$ 1B

Part III – Contributions from registrant or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$

Additional information is listed on separate supplementary attachment **Total**

Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket Revenue

Admission charge (per person)
(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold

\$ _____ 2A
X _____ 2B

Total Part I (2A X 2B) (include in Part 1 of Schedule 1) = \$ _____

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____

Total Part II (include in Part 1 of Schedule 1) = \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contributions of \$25 or less; market value of goods or services sold)

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____

Total Part III (include under Income in Box C) = \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____
6. _____ + \$ _____
7. _____ + \$ _____
8. _____ + \$ _____

Total Part IV (include under Expenses in Box C) = \$ _____

Auditor's Report*Municipal Elections Act, 1996 (Section 88.25)*

A registrant who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality	Date (yyyy/mm/dd)
--------------	-------------------

Contact Information

Last Name or Single Name	Given Name(s)	Licence Number
--------------------------	---------------	----------------

Address		
Suite/Unit No.	Street No.	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Telephone No. (including area code)	Email Address
-------------------------------------	---------------

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

 Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.29 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

COMMENTS TO THE 2018 ELECTION AUDIT COMMITTEE FOR TML

I would like to thank the committee for giving me the opportunity to address you today and to request a review and audit of election expenses for one candidate and two registered third party advertisers.

We are indeed fortunate in Canada to have election processes and legislation that provides for reasonably unbiased, fair and open elections. Our public places their trust in a process that respects these basic principles. Without these elements of trust and respect in the electoral process, by the public, we gravitate towards a Venezuelan model for electoral governance.

In the interests of full disclosure, I Don Furniss was an unsuccessful candidate for TML Mayor in the 2018 election. I don't like wasting my time or TML \$ to request an independent audit, but in the interest of good governance, respect for our electorate and respect for the electoral process, I believe it is necessary to appear before you today.

I am going to lump my comments on the Registered Third Party Advertisers : Muskoka Lakes Association (MLA) and Friend of Muskoka (FOM) together, because their efforts were totally integrated, rather than repeat my concerns for each of these associations.

These two associations formed a collaborative joint campaign to formally endorse 10 candidates in Muskoka Lakes, one for each elected position. Based on their joint campaign they were 100% successful in having everyone of their candidates elected, and elected by huge margins. Their perspectives and actions on resort redevelopment projects, official plans, the planning process and OMB/LPAT litigation was developed by a select group of their Directors and conveyed to their membership and the electorate via their promotions, advertising, newsletters, website content, meetings and telephone calls. Without question the MLA and FOM directly influenced the outcome of the Oct 22, 2018 election.

My first concern is: Was the MLA and FOM participation as Registered Third Party Advertisers even legal under Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA). While both of these associations might be incorporated for tax and liability issues, they do not sell goods and/or services to the general public and

should not be considered corporations under the OMEA. They in fact are truly associations, Muskoka cottager associations to be specific. Their primary source of revenue is from the sale of annual memberships to their members or from donations from the same groups. In return the MLA and FOM provide certain services to their membership related to controlling development and maintaining the environment, where their cottages are located – that being Muskoka.

I would also like to submit to the committee a legal opinion from the website of Aird Berlis, a very respected Ontario Law Firm with intimate knowledge in Ontario Municipal matters: I will call it Exhibit #1 and the kosher portions are high lited, “Cottager’s associations and taxpayer associations CANNOT register to be registered third parties, but their members can if they are normally resident in Ontario”. There were no individuals registered as third parties in TML.

My second concern on the filings for the MLA is that there is no income noted only expenses. While both FOM and the MLA list bank charges, are these allocated expenses or did both associations open individual bank accounts for registered third party advertising? Where did the money come from to pay the expenses. The MLA should also have another separate bank account as a registered third party advertiser in Gravenhurst as well. What amounts were contributed by whom, into the respective accounts is unknown and how joint expenses were allocated between both FOM and the MLA is also unknown.

My Third concern is the violation of Sec 88.5 (2) 2 of the OMEA, concerning the declaration of the name, business address and phone number on all advertising material and signage – also see page 6 of the 2018 Guide for third party advertisers. Several joint signs were posted through out the TML with only the logo of these organization. They displayed no addresses, phone numbers or contacts. I submit to you what I call Exhibit 2, as a representative example of an advertisement with no address, telephone number or contact names.

My fourth concern is the amounts declared for expenses:

Neither association made any declaration for signage and in fact joint signage for “No Waterfront Subdivisions” was widely placed through out the TML. Six were placed on a half km stretch of road near my home in advance of the permitted date for signage.

It is also believed that these associations organized multiple robo calls to all the electorate in the 2 or 3 weeks before the election promoting their slate of candidates. One of these calls used the voice of a famous Canadian Actor. I do not see this significant market value expense reflected in Form 8 declarations.

A fifth area of concern is the collaborative or perhaps coerced co operation of other associations. I will elaborate on one only – Safe Quiet Lakes, whose Mission Statement is: “ To make Muskoka Lakes safer and quieter to ensure sustainable enjoyment of a treasured shared resource” . Their Fall Newsletter was issued to their thousands of readers, on Oct 8th, a few days before voting started. A statement saying SQL does not endorse specific candidates, but is urging their members to vote for candidates recommended by the MLA & FOM, because they are aligned with SQL Values. I don’t have to read between the lines to understand which candidates SQL has endorsed. I look at the photo in the SQL newsletter, which I submit to the committee as Exhibit 3, where the MLA and FOM organize and endorse the mass conversion of several hundred boats at a single location in Wallace Bay at a set time with music blaring, horns honking, air horns blasting and loud hailers screaming. This is exactly the type of behaviour SQL **does not** ,does not endorse in their mission statement. What Gives? The same photo appears on a FOM website and newsletter. Was there coercive pressure exerted by selective Directors of FOM and MLA on the SQL Executive? Was the continuation of a \$5,000 Platinum Sponsorship at risk? Did the MLA of FOM provide additional funds to SQL for this endorsement? Did the MLA provide a Platinum Sponsorship contribution for 2019? This Audit Committee needs to ensure the public has confidence in the efficacy of the process and that laws were not violated.

The OMEA is also very clear that expenses need to be declared at fair market value and that value needs to be declared as an arms length transaction. I believe that some of these expenditures i.e. buttons, hand delivery of flyers in the GTA , use of SQL Newsletters (see Exhibit 3) etc. have not been declared, or not declared at market value or are off the book donations from individuals or organizations.

It is also my belief that the fair market value of the goods and services purchased by, or donated to both of these organizations are significantly above the \$11,800

collectively permitted under the OMEA. The FOM and MLA are well funded, well organized organizations. Their activities and actions greatly influenced the outcome of the 2018 election in Muskoka Lakes. Their strategies were under the control of a group of Directors and select group of key supporters. These individuals are skilled professionals with legal business and planning expertise not a group of inexperienced unorganized citizens. They knew how the process worked and the rules and laws that were applicable.

The previous audit committee recommended that a financial audit be conducted on 6 candidates who ran as a slate in the 2014 election, I believe Chair Panizza and member Pajunen will recollect that one candidate had purchased a website domain name and totally funded the development and maintenance of a website and also controlled all content that was posted. That candidate declared 100% of all costs on his filing. However, because other candidates associated with a slate of candidates were mentioned and their biographies included on this website, the committee deemed it to be a shared expense. I believe the same logic should apply with these registered third party advertisers and supporting organizations. If it is determined that the MLA and FOM are not eligible as third party advertisers; using the logic of the last Audit Committee an audit should be conducted and all expenses divided into 12 tranches. Each elected and endorsed councillor should have one tranche added to their election expenses and the mayor who ran in all 3 wards should expense 3 tranches as part of his election expenses.

I want to strongly stress the importance of declaring all expenses on the basis of true third party arms length transactions. It was noted after the 2014 Audit Committee Review of one mayoral candidates expenses in TML, where an audit was not deemed necessary, that many signage and advertising costs were paid to a third party marketing company not the actual supplier. This company was a single employee sole proprietorship owned by the spouse of a future councillor closely allied with that mayoral candidate who came before the 2014 Audit Committee. I believe this provides a great potential for the massaging and laundering of expenses via fictitious invoicing. Let's respect the process and ensure all transactions are on the up and up.

I have one final request. Should this committee decide that audits are required and a judicial review necessary. I would respectfully request that it be done outside of Muskoka where expertise and experience in municipal election law might prove significantly stronger.

Thank you

Candidate Harding.

I want to repeat my concerns that all expenses and the value of goods and services received by any candidate for elected office must be declared at the full value of a third party arms length transaction. In other words every person in this room should be paying the same price, just as we would if we buy a litre of gasoline from the same service station at the same time. OMEA is very prescriptive and descriptive on this point, to ensure that there is a level playing field for all candidates and that special off the book deals or discounts do not distort the value of any candidates expenditures. I also want to ensure that all goods and services are bon a fide actual expenses, not freebies or costs laundered via intermediate entities.

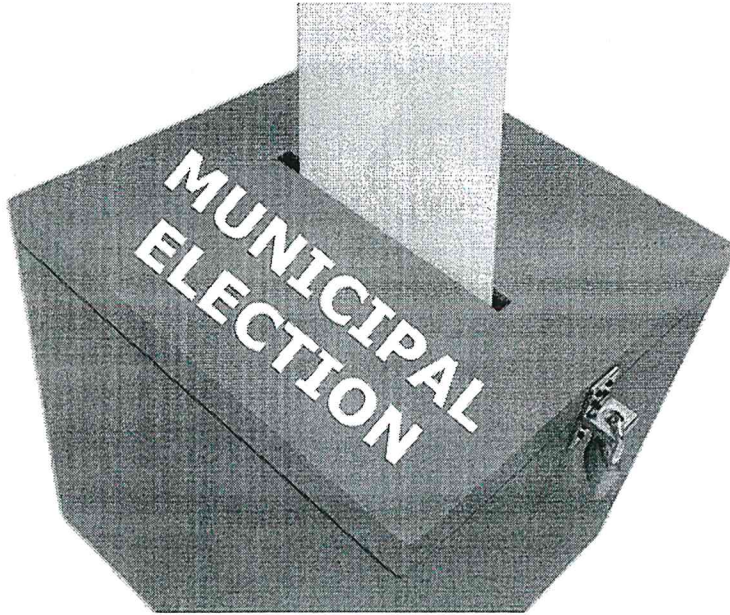
My concerns with the filing of Candidate Harding are as follows:

1. The candidate used a large electronic signboard located on Hwy 400 to advertise his campaign on 2 summer weekends in 2018. The display of any election signage on or adjacent to any Category 1 Hwy in the Province of Ontario is prohibited by the MOT. See Exhibit 1. The signage was also located outside the municipal boundaries of the Township of Muskoka Lakes. However, I believe the value declared seems to be reasonable
2. While I personally did not see it, I have been told by other individuals that an aerial advertising banner “Elect Phil Harding for Mayor” or some similar wording was seen around Lake Rosseau during the summer of 2018 . The going arms length fair market value for such advertising is \$2000 for 15 minutes and \$5,000 for 3 hours (from take off to landing). I did not see this in the Candidates expenditures or as contributions from individuals.

3. The candidate used steel T profile fence posts to support almost all free standing non billboard election signs of various sizes. I see no indication that the fair market arms length value of this hardware was recorded in the candidates election expenses. Based on a verbal quotation for an 8 foot steel T profile post in quantities of 100. The discounted fair market value is about \$7 per stake. Based on a very conservative minimum of 200 signs at 2 stakes per sign this represents a value of at least \$2800 plus HST. If these items alone are included in fair market value expenses, I believe candidate Harding would be significantly above the maximum allowable expenditure for a mayoral candidate in the Township of Muskoka Lakes.
4. While not a concern specific to Candidate Harding. I note that at least 2 candidates for elected office in TML declared significant travel expenses at the official CRA mileage allowance rates of \$0.49 per kilometer. My question for the Committee is: Should travel expenses be included in the election expenses of candidates and if so, is the CRA rate appropriate?

Thank you

Important Changes to the Municipal Elections Act, 1996



Publications | Article

Divisional Court Confirms Expropriation Claimants Not Liable for Interest and Costs Consequent to Litigation

By Ajay Gajaria, David P. Neilson and Robert Hines

May 16, 2019

[Read More](#)

Publications | Article

M&A and Cannabis-Related Matters

By Martin L. Lemaitre

May 16, 2019

[Read More](#)

All across Ontario, municipal elections are just over six months away. On April 1, the most recent amendments that will impact the *Municipal Elections Act, 1996* came into force.

There are a **lot of changes to the rules** for this election, but below are some of the most important ones to note.

Important Dates

Nominations open May 1, 2018 and are open until July 27, 2018 at 2:00 p.m. Twenty-five signatures are required with nominations (signatures are not required for those running in municipalities with less than 4,000 electors or for those running for school board trustee). Election Day is October 22, 2018.

Contribution Rules

This is one of the most important changes to note! Only individuals who are normally resident in Ontario can contribute to a candidate, as can the candidate and the candidate's spouse. **Absolutely no corporate or union donations can be made to a candidate.**

Registered Third Party and Advertising

There is a new provision for a "Registered Third Party" which can register to advertise in support or opposition to a candidate or a question that will be on the ballot. An individual normally resident in Ontario, a corporation that normally carries on business in Ontario and a trade union that holds bargaining rights for employees in Ontario can make such registration. And only those persons/entities and the spouse of an individual third party registrant can contribute to a registered third party. **Cottagers' associations and taxpayers' associations CANNOT register to be registered third parties, but their individual members can (if they are normally resident in Ontario).**

There are also strict rules about the advertising and broadcasting that can take place through registered third parties. These registered third parties will have to file financial statements and are subject to requests for compliance audits, just like candidates. Municipal clerks will also have to review financial statements (once they are filed after the election) to determine if individual contributors (to candidates and registered third parties) appear to have violated the contribution rules. Municipal clerks will also have to submit reports of those apparent violations to the compliance audit committee and the committee will decide whether or not to commence legal proceedings against the candidate.

Role of Compliance Audit Committees

There are significant changes as well to the role of compliance audit committees and how they will do their work (i.e. they will be able to deliberate in private and they will have to give brief written reasons for their decisions). Many municipalities are currently in the process of recruiting members for the committees for the next term.

Make Sure You Are Compliant!

If you would like clarification on any of the new rules surrounding municipal elections, please don't hesitate to contact Aird & Berlis LLP.

Publications | Article

Bill 108: The Province Introduces Ministerial Oversight in Advanced School Board Expropriation Approvals

By Ajay Galaria

May 10, 2019

[Read More](#)

Areas of Expertise

Municipal & Land Use Planning

Stop Residential Subdivisions on the Waterfront

Developers are trying to build single home and multilevel residential subdivisions at multiple waterfront locations across Muskoka.

Over 100 commercial properties in Muskoka could be turned into residential subdivisions.

Our elected officials must ensure resorts are legitimately commercial and fit with the natural beauty of Muskoka.

Vote for the TML candidates who know the issues and who will fight to preserve the character of Muskoka.

Why vote?

- To protect this unique environment
- To stop residential subdivisions on the waterfront
- To preserve Muskoka's natural character for future generations
- To ensure responsible and sustainable development and economic growth

Who can vote?

- A Muskoka property owner AND their spouse
- A person who rents property in Muskoka on Election Day and their spouse
- You can vote in each municipality in Ontario where you own/rent property
- Only Canadian citizens, 18+ years old

How to vote

Voting this year is by telephone or online only. Help is available at your municipal office.

You should have received your Voter Letter. If not, call the Township Office

1 705 765-3156

or send an email to **vote@muskokalakes.ca**

You can vote from **Oct. 12 to 22**

Mayor
Phil Harding



Ward A Councillors
Donelda Hayes
Glenn Zavitz



Ward A District Councillor
Ruth Nishikawa



Ward B Councillors
Susan Mazan
Gord Roberts



Ward B District Councillor
Allen Edwards



Ward C Councillors
Peter Kelley
Barb Bridgeman



Ward C District Councillor
Frank Jaglowitz



savemuskoka.ca



Friends of Muskoka
Protecting our lakes from harm.



MLA
Muskoka Lakes Association
Protecting the Beauty of Your Community

Friends of Muskoka (fo@muskokalakes.ca) and the Muskoka Lakes Association (fo@mia.on.ca) are registered third party advertisers in the Township of Muskoka Lakes

OUR MISSION: Make the Muskoka lakes safer and quieter to ensure the sustainable enjoyment of a treasured shared resource



Fall 2018 - Newsletter

Getting the Word Out

Chair's Message

One of the pressing issues across our region is resort and subdivision development pressures on our lakefronts. Safe Quiet Lakes encourages all eligible voters to participate in this very important election and vote to ensure that we have elected officials in municipal government who will protect our waterfronts, lakes and the environment.

Our "Your Lakes Your Views" survey report published by ERIN Research last summer found that for Muskoka lake users, "Boat traffic has an impressively direct impact on perceived quality of experience." More than half of the respondents feel that the Muskoka lakes and waterways are busier and noisier than four years ago and that the impact of wakes has become more of an issue.

Safe Quiet Lakes is very active presenting these survey results to governments, policy makers and thought leaders. We are committed to working with the lake community to achieve positive change.

Our activities are not possible without financial support from individuals, lake associations, municipalities and our sponsors. Please support our efforts. For more information and to make your gift online please click safequiet.ca/donate.

As always, we are very interested in your comments and feedback. Your interest, support and participation are so very important to us. I can be reached at chair@safequiet.ca.

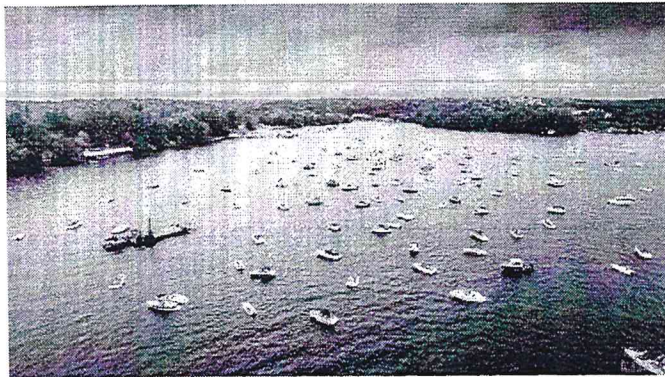
Frances Carmichael
Chair, Safe Quiet Lakes

Municipal election day is October 22 - Vote for candidates who endorse sustainable development of our lakes.

Election day is Monday, October 22, 2018. Voting will be done by internet or telephone and, depending on your municipality, can be done over the 10 to 12 days preceding Election Day. Please be sure that you are on the voters list. You will find more information on how to vote on your municipal website .

Carefully considered sustainable development policies are required to ensure long-term, safe, enjoyable use of our lakes. Safe Quiet Lakes believes that Recreational Carrying Capacity (RCC) and Boating Impact Studies (BIS) are effective planning tools to objectively quantify sustainable development and act as a brake on potential over development. We believe that candidates should support the adoption of these tools as one element of policy making and these tools should be embedded in official plans. Ask your candidates for their position on this important issue and let them know how you feel about sustainable development of our lakes.

The promotion of Recreational Carrying Capacity as a planning tool is gaining traction as shown in this recent article in **Metroland Media**.



These issues are very real in Minett and Wallace Bay where boat traffic has already been shown to be over capacity on some days. Here's a photo of the Sound the Alarm boat rally in August. More coverage is on the Friends of Muskoka Website .

Links to more information about the Candidates

During this fall's municipal elections, Safe Quiet Lakes will encourage debate on sustainable development policies that sustain safe and responsible boating. However we will not be endorsing specific candidates.

Safe Quiet Lakes is urging you to vote for candidates that support sustainable development. The local lake associations including the MLA and the Friends of Muskoka have recommended candidates that are aligned with their and our values. Some other associations such as the LRNA and the MRA have

posted answers from candidates on specific questions. Many of the candidates have their own websites where they outline their policies and platforms. Here's a selection of links to local association websites. We hope you find it helpful.

- Friends of Muskoka
- Muskoka Lakes Association
- Muskoka Ratepayers Association
- Georgian Bay Association
- Lake Of Bays
- Lake Joseph North Association
- Lake Rosseau North Association

Expanding our Reach

Over the past seven years Safe Quiet Lakes has been building support from individuals and organizations such as yourself across our community.

Many thanks to the many lake associations, marinas and townships who are using our tools to reach their community: posting the boaters' code at docks, in their newsletters and on their website. Working together, we can effect change.

Thanks also to the many people who stopped by at our booth at the boat shows around the region. Congratulations to the winner of our Summer Draw. Thank you to **CatalystGolf.com** for sponsoring the prize.

Let's keep the conversation going. Please share this newsletter with your friends and neighbours and encourage them to **signup** for our list.



About Safe Quiet Lakes

Safe Quiet Lakes is a not-for-profit community group of boaters that promotes:

- Safe, respectful boating and the adoption of the SQL boaters' code – Boaters Always Care.
- The preservation of the community culture in the Muskoka region through respectful and safe use of our shared waterways.



For more information, to make a donation or to get involved, please visit safequiet.ca.

Platinum Sponsors:



[ABOUT US](#) [YOUR ROLE](#) [INFORMATION & RESOURCES](#) [DONATE](#) [CONTACT US](#)



MINISTRY OF TRANSPORTATION **Corridor Signing Policy**

7. Temporary Signs

In this chapter:

1. Temporary Signs Subject To Approval Of The Ministry
2. Types Of Temporary Signs
3. Requirements Regarding Temporary Signs
4. Maximum Of Two Temporary Signs On One Property
5. Temporary Signs Shall Face Traffic
6. Separate Approval Required In Each MTO Area Office
7. Certain Signs Prohibited If Event Advertised Operated For Private Profit
8. Letter Of Approval May Be Withdrawn If Sign Placed In Contravention Of Instructions
9. If Event Advertised Is Postponed Expiry Date May Be Extended
10. Election Signs
11. Canadian Forces Convoy Route Markers
12. Snowmobile Crossing Sign
13. Development/Real Estate/Construction Signs
14. Portable Signs (Mobile)

10. Election Signs

An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.

Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.

Signs up to 0.7 m² (8 ft²) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.

An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the Ministry for portable read-o-graph signing.

Permits or Letters of Approval for any election signs erected under this policy are not required.

Candidate committees, or workers shall be allowed three (3) working days after election day in order to



Thank-you Mr. Chairman for this opportunity to speak.

My name is Larry Johns and I represent the MUSKOKA LAKES ASSOCIATION that has been proudly promoting the preservation of the Muskoka environment and has been part of the fabric of Muskoka for over 125 years.

Although the Municipal Elections Act only refers to this Committee doing a review of our election campaign finances which Mr. Furniss questioned in paragraphs 2 and 4 of his Application, we are happy to address the non-financial questions he asked in paragraphs 1 and 3. Speaking specifically to each of the alleged reasons for audit outlined in the application;

1. The Application asks whether the MLA is eligible to be registered as a third party advertiser.

The Clerk of the Township of Muskoka Lakes, certified our notice of registration as a third party advertiser on Jul 20, 2018. A copy is at **Tab 1**

The Municipal Elections Act section 88.6(14) provides that the Clerk's decision is final, so it is not necessary for this Committee to consider this question any further.

However, if the Committee were to consider this, both the Municipal Elections Act (section 88.6(4)2) and Ontario's Guide for Third Party Advertisers (Guide) provide that a corporation carrying on business in Ontario is eligible to register as a third party advertiser.

The MLA is a corporation. I refer you now to **Tab 2**. All of its activities are in Ontario, including its head office and bank accounts, and it holds meetings of its directors and members in Ontario. So the MLA is clearly entitled to be a third party advertiser.

The Application claims that section 88.6(4)2 of the Municipal Elections Act prohibits an association from registering as a third party advertiser. On the contrary, this section clearly authorizes a corporation such as the MLA to register. Ontario's Guide also makes it clear that only associations that are not corporations are prohibited from being third party advertisers. Since the MLA is a corporation, this prohibition does not apply to it.

2. The Application asks about the source of our third party advertising funds, and our bank accounts.

I'll speak to each of these.

a) Source of Funds

The MLA did not do any fundraising to pay for our third party advertising expenditures. The MLA used its own funds, and fully disclosed the amount in our Form 8. Our FORM 8 is at **Tab 3**.

Ontario's Guide for Third Party Advertisers clearly states that 'there is no limit on how much a registered third party can contribute to their own advertising campaign'.

b) Uses of Funds

All uses of these funds are recorded in page 2 of our Form 8 under the Expenses heading. I refer you again to Tab 3, page 2 and 3.

c) Separate Bank Accounts

The MLA opened and used separate bank accounts exclusively for our third party advertising in each municipality where we were registered as a third party advertiser. The MLA's contribution was deposited into this bank account, and all of our third party advertising expenses were paid from this bank account, as we were required to do under the third party advertising rules. Please see **Tab 4**.

3. The Application asks about the required disclosure on the signs that the MLA and Friends of Muskoka placed in the Township of Muskoka Lakes.

These signs were not third party advertisements, because they did not "promote or oppose a candidate or an issue on a ballot". They said "Vote to Stop Waterfront Subdivisions", as you can see at **Tab 5**.

In fact, the Township's bylaw enforcement officer, Jon Popple, sent us a letter on September 11, 2018 stating that our signs were not third party advertisements. He told us we needed to remove the signs until we obtained a permit and paid a fee for each sign. We removed the signs. We then obtained a permit from the District that allowed us to place our signs along District roads outside of Port Carling and Bala. A copy of Mr. Popple's letter and our permit are at **Tab 6** for your reference.

4. Paragraph 4 of the Application asks why we did not declare the cost of the signs. The reason is that the signs were not third party advertisements, so the cost of the signs was not required to be included in our Form 8.

5. In paragraph 3 of the Application, Mr. Furniss asks about the disclosure on our third party advertisements.

This is one of the questions I'm happy to answer, even though it does not relate to our campaign finances.

Disclosure Required on Third Party Advertising

The Municipal Elections Act section 88.5(1) requires our third party advertisements to include our name, the municipalities where we are registered as a third party advertiser, and either our telephone number, mailing address or email address.

Disclosure on our Third Party Advertisements

The MLA did third party advertising through a flyer entitled 'Tomorrow This May Be Changed Forever' that I have included at **Tab 7**. The required disclosure is on the second side of this flyer.

The MLA also did third party advertising through automated voter contacts in the Township of Muskoka Lakes. All of the required information was included in these contacts. For your reference, I have included the text of these contacts at **Tab 8**.

Friends of Muskoka also made some Facebook posts that mentioned candidates, and these posts linked back to their website that contained the required information.

Thank-you Mr. Chairman – I'll be happy to answer any questions.

**Notice of Registration -
Third Party - Form 7**
Municipal Elections Act, 1996 (Section 88.6)
Instruction

This form may only be filed in person or by an agent; it may not be faxed or emailed. It is the responsibility of the person incurring expenses to file a complete and accurate notice. Please print or type information (except signatures).

Box A: Notice of Registration (individuals, corporations and trade unions)

Registration for an individual, corporation or trade union in the following municipality

Township of Muskoka Lakes

Name of individual, corporation or trade union (Registrant)

Muskoka Lakes Association

Mailing Address (Registrant)

Suite/Unit No. Upper	Street No. 65	Street Name Joseph Street
-------------------------	------------------	------------------------------

Municipality Port Carling	Province ON	Postal Code P0B 1J0
------------------------------	----------------	------------------------

Email Address info@m1a.on.ca	Telephone No. (including area code) 705 765-5723	Telephone No.2 (including area code)
---------------------------------	-----------------------------------------------------	--------------------------------------

Box B: Designation of an Official Representative (corporations and trade unions)

Name of person signing (Official Representative)

Last Name or Single Name Osler	Given Name(s) Lawton
-----------------------------------	-------------------------

Mailing Address (Official Representative)

Suite/Unit No. Upper	Street No. 65	Street Name Joseph Street
-------------------------	------------------	------------------------------

Municipality Port Carling	Province ON	Postal Code P0B 1J0
------------------------------	----------------	------------------------

Email Address info@m1a.on.ca	Telephone No. (including area code) 705 765-5723	Telephone No.2 (including area code) 416 562-5910
---------------------------------	-----------------------------------------------------	------------------------------------------------------

Box C: Additional Information (corporations)

Business Name

Muskoka Lakes Association

Ontario Corporation Number

000448257

Names of Principal Officers

Robert Ensor, President

Lawton Osler, Vice President

Deborah Martin-Downs, 2nd Vce-President

Robert Hindson, Treasurer

Peter Hand, Secretary

Michael Hart, Past President

 Additional names are listed on separate supplementary attachment

Box D: Declaration of Qualification

I, Lawton Osler, the Registrant (or Official Representative of the Registrant), referred to in this notice, do hereby declare that:

- (1) The information in this notice of registration is, to the best of knowledge and belief, true;
- (2) The Registrant is qualified to be registered as a third party advertiser; and
- (3) I am authorized to sign on behalf of the Registrant (applies only in the case the Registrant is a corporation or trade union)

Lawton Osler

Signature of Registrant (or Official Representative)

2018/07/16

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Registrant (or Official Representative)	Signature of Clerk or Designate
2018/07/16	3:31 PM	LO	<u>[Signature]</u>

Certification by Clerk or Designate

I, the undersigned clerk of this municipality, do hereby certify that I have examined the notice of registration of the aforesaid registrant filed with me and am satisfied that the registrant is qualified to incur expenses and that the notice of registration complies with the Act.

Signature of Clerk or Designate

[Signature]

Date Certified (yyyy/mm/dd)

2018/07/20

Request ID: 017025441
Transaction ID: 55921481
Category ID: UN/E

Province of Ontario
Ministry of Government Services

Date Report Produced: 2014/11/10
Time Report Produced: 11:37:18
Page: 1

CORPORATION PROFILE REPORT

Ontario Corp Number	Corporation Name	Incorporation Date
448257	MUSKOKA LAKES ASSOCIATION	1980/06/19
		Jurisdiction
		ONTARIO
Corporation Type	Corporation Status	Former Jurisdiction
ONTARIO CORP NON-SHARE	ACTIVE	NOT APPLICABLE
Head Office Address	Date Amalgamated	Amalgamation Ind.
65 JOSEPH STREET BOX 298	NOT APPLICABLE	NOT APPLICABLE
PORT CARLING ONTARIO CANADA POB 1J0	New Amal. Number	Notice Date
	NOT APPLICABLE	NOT APPLICABLE
Mailing Address		Letter Date
BOX 298		NOT APPLICABLE
PORT CARLING ONTARIO CANADA POB 1J0	Revival Date	Continuation Date
	NOT APPLICABLE	NOT APPLICABLE
	Transferred Out Date	Cancel/Inactive Date
	NOT APPLICABLE	NOT APPLICABLE
	EP Licence Eff.Date	EP Licence Term.Date
	NOT APPLICABLE	NOT APPLICABLE
Activity Classification	Date Commenced in Ontario	Date Ceased in Ontario
NOT AVAILABLE	NOT APPLICABLE	NOT APPLICABLE



Ministry of
Consumer and
Commercial
Relations

Ontario Corporation
Number

448257

Letters Patent

WHEREAS an application has been filed to incorporate a corporation without share capital under the name

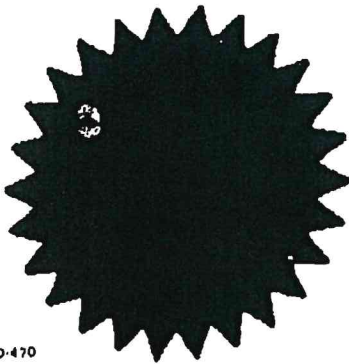
MUSKOKA LAKES ASSOCIATION

AND WHEREAS the Minister of Consumer and Commercial Relations is the member of the Executive Council to whom the administration of The Corporations Act is assigned,

THEREFORE I, by virtue of the aforesaid powers vested in me, do by these Letters Patent issue a charter constituting the applicants named in the application which is attached hereto and which forms part of these Letters Patent, and any other persons who become members of the corporation hereby created, a corporation without share capital in accordance with the provisions of the said Act.

AND IT IS HEREBY ORDAINED AND DECLARED that the Letters Patent shall also contain and be subject to the following terms, conditions and provisions:

- (a) The corporation shall be carried on without the purpose of gain for its members and any profits or other accretions to the corporation shall be used in promoting its objects.



Given under my hand and seal of office at the City of
Toronto in the said Province of Ontario this 19th day
of June 19 80 A.D.

Frank Shea
Minister

CO-470

07234(7-7)



Financial Statement - Auditor's Report
Third Party - Form 8

Municipal Elections Act, 1996 (Section 88.29)

Instructions:

All registrants must complete Boxes A, B, C and D and Schedule 1. All registrants must complete Schedule 2 as appropriate. Registrants who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the registrant or, if the registrant is an individual, their spouse) shall be paid immediately over to the clerk who was responsible for the conduct of the election.

For the campaign period from

YYYY	MM	DD
2018	01	01

 to

YYYY	MM	DD
2018	12	31

Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Registrant

Name of Registrant (individual, trade union or corporation)

MUSKOKA LAKES ASSOCIATION

Official Representative (name of person signing on behalf of trade union or corporation)

Last Name or Single Name

OSLER

Given Name(s)

LAWTON

Municipality

TOWNSHIP OF MUSKOKA LAKES

Spending Limit - General

\$ 5837.45

Spending Limit - Parties and Other Expressions of Appreciation

\$

Box B: Declaration

I, LAWTON OSLER, a registrant (or official representative)

declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.

Lawton Osler

Signature of Registrant (or Official Representative)

2019/02/21

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Registrant, Official Representative or Agent (if filed in person)	Signature of Clerk or Designate

Box C: Statement of Campaign Income and Expenses

LOAN

Name of bank or recognized lending institution _____

Amount borrowed \$ _____

INCOME

Total amount of all contributions (From line 1A in Schedule 1)	+ \$	_____
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fund-raising events not deemed a contribution (From Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Campaign Income (Do not include loan)	= \$	_____ C1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses subject to general spending limit

Advertising	+ \$	507.43
Brochures/flyers	+ \$	354.82
Signs (including sign deposit)	+ \$	_____
Meetings hosted	+ \$	_____
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	1202.88
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	2982.50
Bank charges incurred until voting day	+ \$	32.50
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to general spending limit	= \$	5,080.13 C2

EXPENSES

Expenses subject to spending limit for parties and other expressions of appreciation

1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to spending limit for parties and other expressions of appreciation	= \$	_____ C3

Expenses not subject to spending limit

Accounting and audit	+ \$	_____
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	_____
Office expenses incurred after voting day	+ \$	_____
Phone and/or internet expenses incurred after voting day	+ \$	_____
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	_____
Bank charges incurred after voting day	+ \$	_____
Interest charged on loan after voting day	+ \$	_____
Expenses related to recount	+ \$	_____
Expenses related to controverted election	+ \$	_____
Expenses related to compliance audit	+ \$	_____
Expenses related to a registrant's disability (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses not subject to spending limits	= \$	_____ C4

Total Campaign Expenses (C2 + C3 + C4) = \$ 5,080.13 C5

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 - C5)	+ \$	_____ D1
If there is a surplus, deduct any refund of registrant's or spouse's contributions to the campaign	- \$	_____
Surplus (or deficit) for the campaign	= \$	<u>(5,080.13)</u> D2

If line D2 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who was responsible for the conduct of the election.

Schedule 1 – Contributions

Part I – Summary of Contributions

Contributions in money from registrant and (if individual) spouse	+ \$	
Contribution in goods and services from registrant and (if individual) spouse	+ \$	
Total value of contributions not exceeding \$100 per contributor		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from registrant or spouse).	+ \$	
Total value of contributions exceeding \$100 per contributor (from line 1B; list on page 6; details in Tables 1 – 4)		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from registrant or spouse).	+ \$	
Less: Contributions returned or payable to the contributor	– \$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	– \$	
Total Amount of Contributions (record under Income in Box C)	= \$	1A

Part II – Contributions totalling more than \$100 – individuals other than registrant or spouse

Table 1: Monetary contributions from individuals other than registrant or spouse

Name	Full Address	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	

Table 2: Monetary contributions from corporations or trade unions

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Date Received	Amount \$ Received	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment					Total	

Table 3: Contributions in goods or services from individuals other than registrant or spouse
 (Note: must also be recorded as expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk
<input type="checkbox"/> Additional information is listed on separate supplementary attachment				Total	

Table 4: Contributions in goods or services from corporations or trade unions
 (Note: must also be recorded as expenses in Box C)

Name (legal and carrying on business as)	Full Address	President or Business Manager	Authorized Representative	Description of Goods or Services	Date Received	Value \$	Amount \$ Returned to Contributor or Paid to Clerk

Additional information is listed on separate supplementary attachment **Total**

Total Part II Contributions (Add Totals from Tables 1-4)
 (Record in Part I - Summary of Contributions) \$ 1B

Part III - Contributions from registrant or spouse

Table 1: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$

Additional information is listed on separate supplementary attachment **Total**

Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket Revenue

Admission charge (per person)

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold

\$ _____	2A	
X _____	2B	
		= \$ _____

Total Part I (2A X 2B) (include in Part 1 of Schedule 1)

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

- 1. _____ + \$ _____
- 2. _____ + \$ _____
- 3. _____ + \$ _____
- 4. _____ + \$ _____
- 5. _____ + \$ _____

Total Part II (include in Part 1 of Schedule 1) = \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contributions of \$25 or less; market value of goods or services sold)

Provide details

- 1. _____ + \$ _____
- 2. _____ + \$ _____
- 3. _____ + \$ _____
- 4. _____ + \$ _____
- 5. _____ + \$ _____

Total Part III (include under income in Box C) = \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

- 1. _____ + \$ _____
- 2. _____ + \$ _____
- 3. _____ + \$ _____
- 4. _____ + \$ _____
- 5. _____ + \$ _____
- 6. _____ + \$ _____
- 7. _____ + \$ _____
- 8. _____ + \$ _____

Total Part IV (include under Expenses in Box C) = \$ _____

Auditor's Report

Municipal Elections Act, 1996 (Section 88.25)

A registrant who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality

Date (yyyy/mm/dd)

Contact Information

Last Name or Single Name

Given Name(s)

Licence Number

Address

Suite/Unit No.

Street No.

Street Name

Municipality

Province

Postal Code

Telephone No. (including area code)

Email Address

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.29 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

MLA Bank Accounts

as Sep 18, 2018

1020 – Operating Account – attached to Bank Account 40832-002-0037613

1025 – Preserve Muskoka – attached to Bank Account 40832-002-0046817

~~X~~ 1031 – Election Expenses – TML

- attached to Bank Account 40832-002-0010618

1032 – Election Expenses – GRAVENHURST

- attached to Bank Account 40832-002-0012912

1033 – Election Expenses – SEQUIN

- attached to Bank Account 40832-002-0013110

1034 – Election Expenses – BRACEBRIDGE

- attached to Bank Account 40832-002-0015113

Scotiabank.

Banking

Account
ELECTIONS - BRACEBRIDGE - *****00*5113
ELECTIONS - GRAVENHURST - *****00*2912
ELECTIONS - SEQUIN - *****00*3110
* ELECTIONS - TML - *****00*0616
OPERATING ACCOUNT - *****00*7613
PRESERVE MUSKOKA - *****00*6817
Total Banking Balance CAD

Additional Assets & Liabilities



Deposits are eligible to be insured under the CDIC Act only if they are in Canadian currency, have a term of 5 years or less

Additional details you may need:

Currency conversion done on this page uses indicative F/X rates that may not match the rates used for statement valuations or all transactions.

Acco:

list of Our accounts
at Scotiabank tied
to QBO accounts

* TML

<https://www.scofiasonline.scofiabank.com/online/views/accounts/summary/summaryStandard.bns?SBL=all>



P.O. BOX 58
PORT CARLING ON P0B 1J0

40832 31

765-6881

1ST CLASS MAIL

TML

MUSKOKA LAKES ASSOCIATION
65 JOSEPH STREET
PO BOX 298
PORT CARLING ON
P0B 1J0



ACCOUNT NUMBER
40832 00106 18

STATEMENT OF
SERVICE CHARGE

FROM
AUG 28 2018

TO
AUG 31 2018

PAGE
2

DESCRIPTION	WITHDRAWALS/DEBITS	DEPOSITS/CREDITS	DATE M D	BALANCE	
ITEM	VOLUME	RATE		CHARGE	
SBAP MONTHLY FEE - FULL	10			2.50	
STATEMENT PREPARATION	1	4.00		4.00	
TOTAL SERVICE CHARGES				6.50	
YOUR ACCOUNT 40832 00106 18 WILL BE CHARGED				\$6.50	
NO. OF DEBITS	TOTAL AMOUNT - DEBITS	NO. OF CREDITS	TOTAL AMOUNT - CREDITS	NO. OF ENCLOSURES	MORE ITEMS ON PAGE

065578

SEDDA10000_4708987_004 0076705

GST REGISTRATION NO. R105195598

Registered trademark of The Bank of Nova Scotia



P.O. BOX 58
PORT CARLING ON P0B 1J0

40832 31

765-6881

1ST CLASS MAIL

GRAVENHORST

MUSKOKA LAKES ASSOCIATION
65 JOSEPH STREET
PO BOX 298
PORT CARLING ON
P0B 1J0

ACCOUNT NUMBER
40832 00129 12

STATEMENT OF SERVICE CHARGE		FROM	TO	PAGE	
		AUG 28 2018	AUG 31 2018	2	
DESCRIPTION	WITHDRAWALS/DEBITS	DEPOSITS/CREDITS	DATE M D	BALANCE	
ITEM	VOLUME	RATE		CHARGE	
SBAP MONTHLY FEE - FULL	10			2.50	
STATEMENT PREPARATION	1	4.00		4.00	
TOTAL SERVICE CHARGES				6.50	
YOUR ACCOUNT 40832 00129 12 WILL BE CHARGED				\$6.50	
NO. OF DEBITS	TOTAL AMOUNT - DEBITS	NO. OF CREDITS	TOTAL AMOUNT - CREDITS	NO. OF ENCLOSURES	MORE ITEMS ON PAGE

065704

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GST REGISTRATION NO. R105195598

Registered trademark of The Bank of Nova Scotia



P.O. BOX 58
PORT CARLING ON P0B 1J0

40832 31

765-6881

1ST CLASS MAIL

BRACEBRIDGE

MUSKOKA LAKES ASSOCIATION
65 JOSEPH STREET
PO BOX 298
PORT CARLING ON
P0B 1J0

ACCOUNT NUMBER
40832 00151 13

STATEMENT OF
SERVICE CHARGE

FROM
AUG 28 2018

TO
AUG 31 2018

PAGE
2

DESCRIPTION	WITHDRAWALS/DEBITS	DEPOSITS/CREDITS	DATE M D	BALANCE	
ITEM	VOLUME	RATE		CHARGE	
SBAP MONTHLY FEE - FULL	10			2.50	
STATEMENT PREPARATION	1	4.00		4.00	
TOTAL SERVICE CHARGES				6.50	
YOUR ACCOUNT 40832 00151 13 WILL BE CHARGED				\$6.50	
NO. OF DEBITS	TOTAL AMOUNT - DEBITS	NO. OF CREDITS	TOTAL AMOUNT - CREDITS	NO. OF ENCLOSURES	MORE ITEMS ON PAGE

065748

SEDDA-40000_4706597_004 0078723

GST REGISTRATION NO. R105195598

Registered trademark of The Bank of Nova Scotia



P.O. BOX 58 40832
 PORT CARLING ON P0B 1J0
 765-6881

MUSKOKA LAKES ASSOCIATION
 65 JOSEPH STREET
 PO BOX 298
 PORT CARLING ON P0B1J0

Statement Of: Business Account **Account Number:** 40832 00106 18 **From:** Jan 31 2019 **To:** Feb 28 2019

Account Summary for this Period:

No. of Debits 3	Total Amount - Debits \$5,489.50	No. of Credits 2	Total Amount - Credits \$5,482.50
---------------------------	--------------------------------------------	----------------------------	---------------------------------------------

Account Details:

Date	Description	Withdrawals/Debits (\$)	Deposits/Credits (\$)	Balance (\$)
01/31/2019	BALANCE FORWARD			60.50
02/25/2019	TRANSFER FROM 40832 00376 13 96274592 PC-TRANSFER		4,482.50	4,543.00
02/25/2019	TRANSFER FROM 40832 00376 13 96277633 PC-TRANSFER		1,000.00	5,543.00
02/25/2019	TRANSFER TO 40832 00376 13 96276170 PC-TRANSFER	4,482.50		1,060.50
02/25/2019	TRANSFER TO 40832 00376 13 96278718 PC-TRANSFER	1,000.00		60.50
02/28/2019	SERVICE CHARGE	7.00		53.50

Handwritten note: 4,482.50 and 1,000.00 with scribbles and the word "COSTS" written vertically.

No. of Debits 3	Total Amount - Debits \$5,489.50	No. of Credits 2	Total Amount - Credits \$5,482.50
---------------------------	--------------------------------------------	----------------------------	---------------------------------------------

Uncollected fees and/or ODI owing: \$0.00

Please examine this statement promptly.

This is your official account statement generated by us. Report any errors or omissions within 30 days of receipt electronically of this statement. Please see the terms and conditions of the applicable Scotiabank Financial Services Agreement or Business Banking Services Agreement for your account obligations.

All service fees and charges may be subject to any applicable sales taxes (GST/PST/QST/HST) or any tax levied by the government thereafter. These taxes will be payable by the customer.

GST Registration No. R105195598

© Registered trademark of The Bank of Nova Scotia



P.O. BOX 58 40832
PORT CARLING ON POB 1J0
765-6881

Statement Of:
Business Account

Account Number:
40832 00106 18

From:
Jan 31 2019

To:
Feb 28 2019



P.O. BOX 58 40832
PORT CARLING ON P0B 1J0
765-6881

MUSKOKA LAKES ASSOCIATION
65 JOSEPH STREET
PO BOX 298
PORT CARLING ON P0B1J0

Statement Of: Service Charge
Account Number: 40832 00106 18
From: Jan 31 2019
To: Feb 28 2019

Item	Volume	Rate	Charge (\$)
SBAP Monthly Fee - Full	10		3.00
Statement Preparation	1	4.00	4.00
Total Service Charges			\$7.00

Please examine this statement promptly.

This is your official account statement generated by us. Report any errors or omissions within 30 days of receipt electronically of this statement. Please see the terms and conditions of the applicable Scotiabank Financial Services Agreement or Business Banking Services Agreement for your account obligations.

All service fees and charges may be subject to any applicable sales taxes (GST/PST/QST/HST) or any tax levied by the government thereafter. These taxes will be payable by the customer.

GST Registration No. R105195598

© Registered trademark of The Bank of Nova Scotia

Side 1



Side 2





SIGN APPLICATION & PERMIT

TO BE COMPLETED BY APPLICANT

Date: Sept 28, 2018

Name of Applicant: Friends of Muskoka and Muskoka Lakes Association Telephone: (705) 765-5723 (MLA)

Mailing Address: FOM: 181 Bay Street, Suite 4400, Toronto ON; MLA: 65 Joseph Street, 2nd Floor, Box 298 Port Carling ON

Postal Code: FOM:M5J2T3;MLA:P0B1J0 Email: info@friendsofmuskoka.ca; info@mla.on.ca

DIRECTIONAL FINGERBOARDS

Legend: _____ Quantity: _____

Initial Fee \$ _____ Per Sign Annual Fee \$ _____ Per Sign
(Payable second year) Per Set Per Set

SIGN TYPE

- Field Advertising
- Standard
- Location
- Ground
- Special Event
- Fascia
- Pylon
- Seasonal
- Real Estate
- Reader board
- Electronic

Legend: Vote to Stop Waterfront Subdivisions

Quantity: 120 Size: 18" x 23.5" Initial Fee \$ _____ Per Sign

LOCATION(S)

Muskoka Road # 7, 25, 118, 169, 4, 24, 26, 28, 38

Signature: [Handwritten Signature]

OFFICE USE ONLY

Application Date: Sept 28/18 Fee: N/A HST: _____ Total: _____
CASH CHEQUE CREDIT CARD DEBIT CARD

Sign Ordered: _____ Sign Erected: _____

Comments: Must be at least 1km apart and not impede driver vision. Install 2 weeks before event and remove no later than 1 week after event.

Print Name: Mac Wilson Signature: [Handwritten Signature]

- Office Copy
- Area Municipality
- Applicant (after approved)
- By-Law Officer

Personal Information on this form is collected by The District Municipality of Muskoka under the authority of The Municipal Act, 2001, S.O. 2001, c.25, as amended and any by-laws passed pursuant to it and for the purpose of a Sign Application & Permit and for no other purpose. Applicants are advised that Muskoka may be required to disclose information in this form under the Municipal Freedom of Information and Protection of Privacy Act. Questions should be directed to the Freedom of Information Coordinator, 70 Pine Street, Bracebridge, ON, P1L 1N3. Fees as per current user fee by-law.



P.O. Box 129, 1 Bailey Street, Port Carling, Ontario, P0B 1J0
tel: 705-765-3156 fax: 705-765-6755 web: www.muskokalakes.ca

September 11, 2018

Muskoka Lakes Association
65 Joseph Street
Port Carling, ON P0B 1J0

Friends of Muskoka
181 Bay Street, Suite 4400
Toronto, ON M5J 2T3

Re: Registered Third Parties Election Signs
Municipal Elections Act, 1996
Township of Muskoka Lakes Election Sign By-law 2018-039 & Sign By-law 2018-30

To whom it may concern,

A complaint has been received by the Township of Muskoka Lakes under the legislation noted above, that signs posted by your organisations do not qualify as "third party advertisement", as they do not promote, support or oppose a candidate, or a "yes" or "no" answer to a question on the ballot".

The Muskoka Lakes Association and the Friends of Muskoka have placed signs saying *Vote to Stop Waterfront Subdivisions* throughout the Township. Both the Muskoka Lakes Association and Friends of Muskoka are registered third parties. These Signs do not promote, support or oppose a candidate, or a question on the ballot.

The *Municipal Elections Act, 1996*, defines "third party advertisement" to mean:

"third party advertisement" 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 described in subsection (2) or (2.1);

Accordingly, the Signs do not constitute third party advertising, under the *Municipal Elections Act., 1996*.

In addition, the Township's By-law Number 2018-039 regulates election signs in municipal, provincial and federal elections and defines an "Election Sign" to mean: *any temporary notice, device or sign outside of any building that advertises or promotes a candidate in a federal, provincial or municipal election including an election of a local board of commission intended to influence persons to vote for or against any candidate or any question or By-Law submitted to the electors under section 8 of the Municipal Elections Act, 1996.*

The *Election Sign By-law* defines a *Third Party Advertisement* to mean a *third party sign* and a *Third Party Sign* to mean an *election sign not installed or erected directly or indirectly by a candidate*. Accordingly, the signs are not *elections signs, third party advertisements, or third party signs*, under the *Election Sign By-law*.

Falling outside of the provisions of the *Election Sign By-law*, the Signs are subject to By-law No. 2018-30, a by-law to prohibit and regulate signs and other advertising devices within the Township. By virtue of section C. 13.1 of the *Sign By-law*, *no person shall erect, locate, display or retain any sign on private or public lands without having obtained a sign permit in accordance with the provisions of this by-law*.

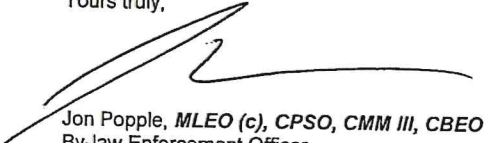
Therefore, I would respectfully request the following action take place:

- 1- All signs placed by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* be removed from all municipal and private property by Wednesday September 12, 2018;
- 2- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the Township's Public Works Department (application attached hereto), for signs located on private property adjacent to all roads under the jurisdiction of the township;
- 3- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the District of Muskoka for signs located on private property adjacent to all roads under the jurisdiction of the District of Muskoka;
- 4- That prior to placing or erecting any signs on private property by the Muskoka Lakes Association and Friends of Muskoka saying *Vote to Stop Waterfront Subdivisions* or any other sign that does not meet the definition of third party advertising under the *Municipal Elections Act, 1996* and *Election Sign By-law 2018-039*, that a permit be obtained and required fee be paid for the installation of each sign on private property from the Ontario Ministry of Transportation for signs located on private property adjacent to Highway 141.


- 5- That signs saying *Vote to Stop Waterfront Subdivisions* and all other signs not meeting the definition of third party advertising under the *Municipal Elections Act, 1996*, and the Elections Sign by-law are not permitted to be posted on municipal property, including any portion of the boulevard or road allowance within the Township of Muskoka Lakes at any time.

Thank you in advance for your anticipated cooperation with this matter. If you have any additional questions, please contact the undersigned.

Yours truly,



Jon Popple, *MLEO (c), CPSO, CMM III, CBEO*
By-law Enforcement Officer
Ext. 280
jpopple@muskokalakes.ca



Cheryl Mortimer
Clerk
Ext. 211
cmortimer@muskokalakes.ca

- C.c. - Muskoka Lakes Association (via email info@mia.on.ca)
- Friends of Muskoka (via e-mail info@friendsofmuskoka.ca)
- Roger Young, Director of Public Works
- Mac Wilson, District of Muskoka

Attach: - Township of Muskoka Lakes Sign Permit Application



THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

P.O. Box 129, Port Carling, Ontario P0B 1J0
 Website: www.township.muskokalakes.on.ca

Phone: 705-765-3156
 Fax: 705-765-6755

**SCHEDULE "B" BY-LAW NUMBER 99-100
 APPLICATION OF SIGN PERMIT**

PART A: APPLICANT TO COMPLETE:

Name:	Telephone Number:	Residence:
Address:		Business:
Roll Number:	Date:	

LOCATION DESCRIPTION:

Municipal Road:	
Lot:	
Concession:	
Ward:	

NATURE OF APPLICATION:

Check One:	Commercial Sign	()
	Advertising Sign	()
	Advertising Device	()
	Private Road Sign	()

**GENERAL DESCRIPTION OF INSTALLATION LOCATION:
 (ATTACH SKETCH IS NECESSARY)**

GENERAL DESCRIPTION OF INSTALLATION:

Size or Area:	Primary Colour:
Method of Support:	
Message Displayed	

SURVEY FOR NAMING A PRIVATE ROAD ATTACHED Yes () No ()

Note: The Municipality is not responsible for maintenance or replacement of approved sign installations should they be removed or fall into disrepair.

SIGNATURE OF APPLICANT: _____

PERMIT

PART B: MUNICIPAL STAFF TO COMPLETE

Permit Issued: () Signature: _____
 Permit Denied: () Title: _____
 Date: _____

INSTRUCTIONS TO APPLICANT: (Conditions of Approval)

Permit Fee: \$	Receipt No.
----------------	-------------

Personal information contained on this form is collected under the authority of the Municipal Act, Section 210 (146)(148)(149), and will be used to determine eligibility of a Sign Permit. Questions about this collection should be directed to the Clerk Administrator, Township of Muskoka Lakes, Box 129, Port Carling, Ontario, P0B 1J0, (Telephone 705-765-3156).



**TOMORROW THIS MAY
BE CHANGED FOREVER**
4,000 NEW HOMES WILL DO THAT.

Unsustainable development is planned for
Muskoka. It doesn't have to be this way.

VOTE TO SAVE MUSKOKA

Stop Residential Subdivisions on the Waterfront

Developers are trying to build single home and multilevel residential subdivisions at multiple waterfront locations across Muskoka.

Over 100 commercial properties in Muskoka could be turned into residential subdivisions.

Our elected officials must ensure resorts are legitimately commercial and fit with the natural beauty of Muskoka.

Why vote?

- To protect this unique environment
- To stop residential subdivisions on the waterfront
- To preserve Muskoka's natural character for future generations
- To ensure responsible and sustainable development and economic growth

Who can vote?

- A Muskoka property owner AND their spouse
- A person who rents property in Muskoka on Election Day and their spouse
- You can vote in each municipality in Ontario where you own/rent property
- Only Canadian citizens, 18+ years old

How to vote

Voting this year is by telephone or online only. Help is available at your municipal office.

You must be registered on the Voters' List.

Call 1 705 765-3156
vote@muskokalakes.ca

You can vote from
Oct. 12 to 22

Vote for the TML candidates who know the issues and who will fight to preserve the character of Muskoka.

Mayor
 Phil Harding



Ward A Councillors
 Donelda Hayes
 Glenn Zavitz



Ward A District Councillor
 Ruth Nishikawa



Ward B Councillors
 Susan Mazan
 Gord Roberts



Ward B District Councillor
 Allen Edwards



Ward C Councillors
 Peter Kelley
 Barb Bridgeman



Ward C District Councillor
 Frank Jaglowitz



Friends of Muskoka
 Protecting our lakes from harm.



Friends of Muskoka () and the Muskoka Lakes Association () are registered third party advertisers in the Township of Muskoka Lakes

Automated Voter Contact Script for Ward A

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mla.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Ruth Nishikawa for District Council
Donelda Hayes and Glenn Zavitz for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of Muskoka Lakes. Thank you for listening."

Automated Voter Contact Script for Ward B

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mla.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Allen Edwards for District Council
Susan Mazan and Gord Roberts for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was

mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of Muskoka Lakes. Thank you for listening."

Automated Voter Contact Script for TML Ward C

"This is Laurie Thomson calling on behalf of the Friends of Muskoka and the Muskoka Lakes Association on 416 901-9117 and info@friendsofmuskoka.ca or info@mla.on.ca

Muskoka's lakes are under threat from overdevelopment and our politicians are allowing it to happen. If you share our concern about Muskoka's environment and the quality of the water in our lakes, and if you care about protecting the natural character of Muskoka from irresponsible waterfront development, then the candidates in your ward who we believe are willing to fight for you are:

Phil Harding for Mayor
Frank Jaglowitz for District Council
Barb Bridgeman and Peter Kelley for Township

Council You can vote for all 4.

Voting is online or by telephone

Voting starts today and continues until October 22nd.

Follow the instructions in your voter letter that was mailed to you. Vote today to save Muskoka's lakes

Visit savemuskoka.ca for information or press 1 if you'd like a member of our team to call you

We are registered third party advertisers in the Township of Muskoka Lakes. Thank you for listening."



**2018 MUNICIPAL ELECTION
APPLICATION FOR A COMPLIANCE AUDIT OF A
CANDIDATE'S ELECTION CAMPAIGN FINANCES**

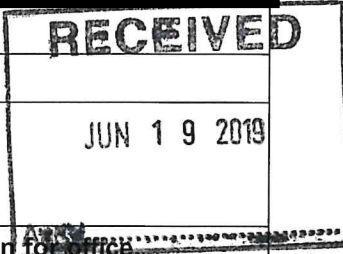
to be heard by the **Muskoka Compliance Audit Committee** for a Member Municipality, being the District Municipality of Muskoka, the Town of Bracebridge, the Town of Gravenhurst, the Town of Huntsville, the Township of Georgian Bay, the Township of Lake of Bays, and the Township of Muskoka Lakes.

Contact Information of Applicant

Name:	<i>Don Furniss</i>
Address:	[REDACTED]
Telephone number:	[REDACTED]
Email address:	[REDACTED]

Candidate Information

Name of Candidate:	<i>Phil Harding</i>
Office of Candidate: (check one)	<input checked="" type="checkbox"/> Mayor <input type="checkbox"/> District Chair <input type="checkbox"/> Ward Councillor <input type="checkbox"/> District Councillor



Application must be submitted to the Member Municipality where the Candidate ran for office.

- | | |
|-----------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> District Municipality of Muskoka | <input type="checkbox"/> Township of Georgian Bay |
| <input type="checkbox"/> Town of Bracebridge | <input type="checkbox"/> Township of Lake of Bays |
| <input type="checkbox"/> Town of Gravenhurst | <input checked="" type="checkbox"/> Township of Muskoka Lakes |
| <input type="checkbox"/> Town of Huntsville | |

Please note that a request for a Compliance Audit for a School Board Trustee must be directed to the Secretary of the applicable School Board.

Application by elector

Subsection 88.33 (1) of the Municipal Elections Act, 1996, (Act) states:
An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement under section 88.25.

Reasons for requesting Compliance Audit (attach additional documentation, if applicable)

SEE ATTACHED PAGES



Deadline for filing Application

Subsection 88.33 (3) of the Municipal Elections Act, 1996, (Act) provides that the Application must be made within 90 days after the latest of the following dates:

1. The filing date under section 88.30 - **June 27, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period filing deadline is 2:00 p.m. on March 29, 2019).
2. The date the candidate filed a financial statement, if the statement was filed within 30 days after the applicable filing date under section 88.30 – **July 29, 2019** would be the last day to file a compliance audit request for the December 31, 2018 reporting period (regular campaign period late filing deadline is 2:00 p.m. on April 29, 2019).
3. The candidate's supplementary filing date, if any, under section 88.30 - **December 27, 2019** would be the last day to file a compliance audit request for the June 30, 2019 supplementary reporting period (supplementary campaign period filing deadline is 2:00 p.m. on September 27, 2019).
4. The date on which the candidate's extension, if any, under subsection 88.23 (6) expires – court granted extension.

For more information please contact:


The Clerk in the Member Municipality in which the Compliance Audit is being requested.

Distribution of this Application

Distribution of this Application will be shared with the Clerk of the Member Municipality, the Muskoka Compliance Audit Committee, the Auditor chosen to investigate this Application (if applicable), the Candidate, and the public by way of an open Muskoka Compliance Audit Committee meeting agenda published on the website of the Member Municipality.

Applicant Declaration

I, the undersigned, make Application for a Compliance Audit, and do hereby declare that the information provided in this Application is complete and accurate to the best of my knowledge, that I have read the Application in full, and that I am an elector who is entitled under the *Municipal Elections Act, 1996* to vote in a municipal election (at least 18 years old, a Canadian citizen, and a resident, owner or tenant of land or spouse of owner or tenant).


Signature of Applicant

15/06/2019
Date (dd/mm/yyyy)

Municipal Use

Application for a Compliance Audit received by the Clerk for the Tomshyp of Muskoka Lakes.


Signature of Clerk or Designate

19/06/19
Date (dd/mm/yyyy)

Personal Information included in this Application is collected under the authority of the Municipal Elections Act, 1996, and will be utilized for the processing of the request for a Compliance Audit of a candidate's election campaign finances. Any questions regarding the collection of this information should be directed to the Clerk of the member municipality.

Alternate formats of this document are available upon request.

REASONS FOR APPLICATION FOR AUDIT OF ELECTION EXPENSES FOR CANDIDATE PHIL HARDING

1. The candidate used an electronic sign board in a neighbouring municipality on at least 2 occasions in the summer of 2018. This contravened the Ministry of Transport regulations related to posting electoral material adjacent to or on Category 1 highways (Hwy 400).
2. I have been told by at least 3 individuals (I did not see it) that the candidate used aerial banner advertising around Minett with wording similar to “Elect Phil Harding for Mayor” This expense was **not** declared and subsequent checking indicates a fair market value of \$5,000 for a 3 hour display (airport to airport
3. The candidate used steel stake hardware to support most signage. I see no indication that the arms length fair market value for this component was a declared expense.
4. Not a specific concern for this candidate, I note that at least 2 candidates have declared CRA rates for mileage expenses. My question for the committee is should travel expenses be declared for all candidates.

**Financial Statement - Auditor's Report
Candidate - Form 4**
Municipal Elections Act, 1996 (Section 88.25)
Instructions

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be paid immediately over to the clerk who is responsible for the conduct of the election.

For the campaign period from (day candidate filed nomination)	YYYY	MM	DD	to	YYYY	MM	DD
	2 0 1 8	0 7	1 6		2 0 1 8	1 2	3 1

 Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

 Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Candidate and Office

Candidate's name as shown on the ballot

Last Name or Single Name

Harding

Given Name(s)

Phil

Office for which the candidate sought election

Mayor

Ward name or no. (if any)

Municipality

Township of Muskoka Lakes

Spending Limit - General

\$ 21,739.00


Spending Limit - Parties and Other Expressions of Appreciation

\$ 2173.92

 I did not accept any contributions or incur any expenses. (Complete Boxes A and B only)

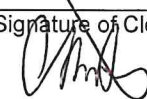
Box B: Declaration

I, Phil Harding, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.


 Signature of Candidate

2018/12/19

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Candidate or Agent (if filed in person)	Signature of Clerk or Designate
2019/03/20	4:00pm	PH	

Expenses not subject to spending limits

Accounting and audit	+ \$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	
Office expenses incurred after voting day	+ \$	
Phone and/or internet expenses incurred after voting day	+ \$	
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	
Bank charges incurred after voting day	+ \$	
Interest charged on loan after voting day	+ \$	
Expenses related to recount	+ \$	
Expenses related to controverted election	+ \$	
Expenses related to compliance audit	+ \$	
Expenses related to candidate's disability (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Other (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Total Expenses not subject to spending limits	= \$	C4

Total Campaign Expenses (C2 + C3 + C4) = \$ 21,634.38 C5

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 – C5)	+ \$	-14.38	D1
Eligible deficit carried forward by the candidate from the last election (applies to 2018 regular election only)	- \$		D2
Total (D1 – D2)	= \$	-14.38	
If there is a surplus, deduct any refund of candidate's or spouse's contributions to the campaign	- \$		
Surplus (or deficit) for the campaign	= \$	-14.38	D3

If line D3 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who is responsible for the conduct of the election.

Schedule 1 - Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse	+ \$	
Contributions in goods and services from candidate and spouse (include value listed in Table 3 and Table 4)	+ \$	
Total value of contributions not exceeding \$100 per contributor		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+ \$	
Total value of contributions exceeding \$100 per contributor (from line 1B on page 5; list details in Table 1 and Table 2)		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+ \$	21,620.00
Less: Contributions returned or payable to the contributor	– \$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	– \$	
Total Amount of Contributions (record under Income in Box C)	= \$	21,620.00 1A

Part II – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received	Amount Received \$	Amount \$ Returned to Contributor or Paid to Clerk
Per attached List	See attached list		20,970.00	
Total			20,970.00	

Additional information is listed on separate supplementary attachment

	Address	Donation Date	
Burgess Brad	PO Box 147, 1010 Burns Street, Bala, ON P0C1A0	20-Aug-18	\$ 220
Claxton Jason	2906-183 WELLINGTON ST. W.	20-Aug-18	\$ 1,200
Green Lisa	133 Mildenhall Road, Toronto ON, M4N 3H4	20-Aug-18	\$ 1,200
Roos Bridgette	43 Edenbridge Dr. Etobicoke, ON M9A3E8	20-Aug-18	\$ 1,200
Bosomworth Robert	4-118 Bedford Rd Tornto M5r2k2	22-Aug-18	\$ 300
Garratt Philip	PO Box 68, Port Carling, ON P0B 1J0	22-Aug-18	\$ 1,000
Faught George	2662 Bloor St West, Suite 1004, Toronto, On, M8X 2Z7	23-Aug-18	\$ 250
Rogers Edward	135 Dunvegan Road, Toronto, ON, M4V 2R2	23-Aug-18	\$ 500
Munro Laurie	148 Hanna Rd, Toronto, ON M4G 3N7	27-Aug-18	\$ 300
Cowan Susan	15 Leuty Avenue, Toronto, ON M4E 2R2	31-Aug-18	\$ 500
McConnell Martin	60 St Leonard Ave, Toronto ON, M4N1K3	31-Aug-18	\$ 1,000
Nash Rob	986 Line 5, Niagara-on-the-Lake, L0S1J0	31-Aug-18	\$ 100
Niblett Stephen	26 Tobin island box 119Windermere ON P0B 1P0	31-Aug-18	\$ 500
Purves Robert	2705-2045 Lake Shore Blvd W Toronto M8V2Z6	31-Aug-18	\$ 300
Carmichael Frances	13 Admiral Road, Toronto M5R 2L4	03-Sep-18	\$ 200
Leak Robert	#1017-98 Lillian St., Toronto M4S 0A5	03-Sep-18	\$ 250
Hood Ken	15 Chestnut Park Rd, Toronto, Ontario , M4W1W4	08-Sep-18	\$ 1,200
Lang Karen	133 hazelton Ave. #703 Toronto M5R 0A6	08-Sep-18	\$ 1,200
McConnell Rob	1291 - Unit 4 Royal York Rd. Toronto ON, M9A5E6	08-Sep-18	\$ 350
Sullivan Dan	65 Chestnut Park Road, Toronto M4W 1W7	08-Sep-18	\$ 250
Young Gord	20 Farnham Avenue, Toronto, ON M4V 1H4	08-Sep-18	\$ 250
Clark Doug	221 Carisbrooke Road East, North Vancouver BC V7N 4E8	13-Sep-18	\$ 1,200
Hogarth Chris	1031 Pinewood Ave, Oakville, On L6J 2A2	13-Sep-18	\$ 1,200
White James	227 Kytton Blvd., Toronto M4R 1L6	13-Sep-18	\$ 1,200
Bosomworth John	265 R60 Tobin Island, Port Carling, ON, P0B 1J0	17-Sep-18	\$ 250
Hogarth Geoff	C/O Pioneer Group, 5500-1004 North Service Road, Burlingto	17-Sep-18	\$ 1,200
Patterson Catherine	2 Old Mill Drive, PH8, Toronto, ON M6S 0A2	17-Sep-18	\$ 100
Seagram Edward	10 Victor Ave, Toronto M4K 1A8	17-Sep-18	\$ 200
Benson Bill	31 Sandringham Ave, Toronto	25-Sep-18	\$ 500
Angus Arthur	11 Balmoral Avenue Toronto, ON M4V 1J5	06-Oct-18	\$ 500
Wood Anita	110 Bloor Street West, Unit 1905, Toronto, Ontario M5S 2W7	06-Oct-18	\$ 250
Little Paul	1905-108 9th Avenue SW, Calgary AB T2P 0S9	06-Oct-18	\$ 500
Lang Don	133 hazelton Ave. #703 Toronto M5R 0A6	18-Dec-18	\$ 1,000
Richards Paul	2378 BAYVIEW AVE, Toronto Ontario M2L 1A1	18-Dec-18	\$ 500
Vaughan Alan	502-2170 Marine Drive, Oakville, ON. L6L 5V1.	18-Dec-18	\$ 100
Total Cash Donations			\$ 20,970
Maximum Allowed			\$ 21,739
Difference			(\$769)

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment	Total	

Table 4: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
 (Note: value must be recorded as a contribution from the candidate and as an expense)

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value \$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment	Total			

Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket revenue

Admission charge (per person)

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

	\$ _____	2A	
Number of tickets sold	X _____	2B	
Total Part I (2A X 2B) (include in Part 1 of Schedule 1)			= \$ _____

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

1. _____	+ \$ _____	
2. _____	+ \$ _____	
3. _____	+ \$ _____	
4. _____	+ \$ _____	
5. _____	+ \$ _____	
Total Part II (include in Part 1 of Schedule 1)		= \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contribution of \$25 or less; goods or services sold for \$25 or less)

Provide details

1. _____	+ \$ _____	
2. _____	+ \$ _____	
3. _____	+ \$ _____	
4. _____	+ \$ _____	
5. _____	+ \$ _____	
Total Part III (include under Income in Box C)		= \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1. _____	+ \$ _____	
2. _____	+ \$ _____	
3. _____	+ \$ _____	
4. _____	+ \$ _____	
5. _____	+ \$ _____	
6. _____	+ \$ _____	
7. _____	+ \$ _____	
8. _____	+ \$ _____	
Total Part IV Expenses (include under Expenses in Box C)		= \$ _____

Auditor's Report*Municipal Elections Act, 1996 (Section 88.25)*

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

CPA, CA & Licensed Public Accountant

Municipality

Township of Muskoka Lakes

Date (yyyy/mm/dd)

2019/03/19

Contact Information

Last Name or Single Name

Burgess

Given Name(s)

John Bradley

Licence Number

1-21346

Address

Suite/Unit No.

Box147

Street No.

1010

Street Name

Burns St.

Municipality

Bala

Province

Ontario

Postal Code

P0C 1A0

Telephone No. (including area code)

705 762-4422

Email Address

bradburgessca@gmail.com

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

 Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.25 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

BRAD BURGESS CHARTERED PROFESSIONAL ACCOUNTANT

1010 BURNS STREET

Bala, Ontario P0C1A0

Tel: 705-762-4422 Fax: 705-762-4322

Independent Auditor's Report

To: Phil Harding (the Candidate) and the Clerk of The Township of Muskoka Lakes

I have audited the accompanying Form 4 Financial Statement Return and related schedules of the Phil Harding Mayoral Campaign 2018 for the period July 16, 2018 to December 31, 2018. These financial statements have been prepared to comply with the financial reporting provisions of the Municipal Act, 1966 and guidelines issued by the Ministry of Municipal Affairs and Housing.

The Candidates Responsibility for the Financial Statements

The Candidate is responsible for the preparation of the Form 4 Financial Statement Return in accordance with the financial reporting provisions of the Municipal Elections Act, 1996 and guidance issued by the Ministry of Municipal Affairs and Housing, and for such internal control as the candidate determines is necessary to enable the preparation of the financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of the material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal controls relevant to the candidate's preparation of the Form 4 Financial Statement Return in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the candidate's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the candidate, as well as evaluating the overall presentation of the Form 4 Financial Statement Return.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my qualified opinion.

Basis for Qualified Opinion

Due to the inherent nature of the transactions of a campaign, the completeness of contributions and other revenue and expenses is not susceptible of satisfactory audit verification. Accordingly, my verification of these amounts was limited to the amounts recorded in the candidate's accounting records and I was not able to determine whether any adjustments might be necessary to contributions and other revenues, expenses, assets, liabilities or surplus.

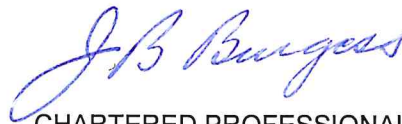
Qualified Opinion

In my opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, the Form 4 Financial Statement Return of the Candidate presents fairly, in all material respects, the results of the Campaign's operations for the period July 16, 2018 to December 31, 2018 in accordance with the reporting provisions of the Municipal Elections Act, 1996 and guidance issued by the Ministry of Municipal Affairs and Housing.

Basis of Accounting and Restriction on Use

The Form 4 Financial Statement Return is prepared to assist the candidate to meet the requirements of the Municipal Elections Act, 1996. As a result, the Form 4 Financial Statement Return may not be suitable for another purpose. My report is intended solely for the Candidate and the Clerk of the Municipality and should not be used by parties other than the Candidate or the Clerk.

Bala, Ontario
March 19, 2019



CHARTERED PROFESSIONAL ACCOUNTANT
LICENSED PUBLIC ACCOUNTANT

COMMENTS TO THE 2018 ELECTION AUDIT COMMITTEE FOR TML

I would like to thank the committee for giving me the opportunity to address you today and to request a review and audit of election expenses for one candidate and two registered third party advertisers.

We are indeed fortunate in Canada to have election processes and legislation that provides for reasonably unbiased, fair and open elections. Our public places their trust in a process that respects these basic principles. Without these elements of trust and respect in the electoral process, by the public, we gravitate towards a Venezuelan model for electoral governance.

In the interests of full disclosure, I Don Furniss was an unsuccessful candidate for TML Mayor in the 2018 election. I don't like wasting my time or TML \$ to request an independent audit, but in the interest of good governance, respect for our electorate and respect for the electoral process, I believe it is necessary to appear before you today.

I am going to lump my comments on the Registered Third Party Advertisers : Muskoka Lakes Association (MLA) and Friend of Muskoka (FOM) together, because their efforts were totally integrated, rather than repeat my concerns for each of these associations.

These two associations formed a collaborative joint campaign to formally endorse 10 candidates in Muskoka Lakes, one for each elected position. Based on their joint campaign they were 100% successful in having everyone of their candidates elected, and elected by huge margins. Their perspectives and actions on resort redevelopment projects, official plans, the planning process and OMB/LPAT litigation was developed by a select group of their Directors and conveyed to their membership and the electorate via their promotions, advertising, newsletters, website content, meetings and telephone calls. Without question the MLA and FOM directly influenced the outcome of the Oct 22, 2018 election.

My first concern is: Was the MLA and FOM participation as Registered Third Party Advertisers even legal under Sec 88.6 (4) 2 of the Ontario Municipal Elections Act (OMEA). While both of these associations might be incorporated for tax and liability issues, they do not sell goods and/or services to the general public and

should not be considered corporations under the OMEA. They in fact are truly associations, Muskoka cottager associations to be specific. Their primary source of revenue is from the sale of annual memberships to their members or from donations from the same groups. In return the MLA and FOM provide certain services to their membership related to controlling development and maintaining the environment, where their cottages are located – that being Muskoka.

I would also like to submit to the committee a legal opinion from the website of Aird Berlis, a very respected Ontario Law Firm with intimate knowledge in Ontario Municipal matters: I will call it Exhibit #1 and the kosher portions are high lited, “Cottager’s associations and taxpayer associations CANNOT register to be registered third parties, but their members can if they are normally resident in Ontario”. There were no individuals registered as third parties in TML.

My second concern on the filings for the MLA is that there is no income noted only expenses. While both FOM and the MLA list bank charges, are these allocated expenses or did both associations open individual bank accounts for registered third party advertising? Where did the money come from to pay the expenses. The MLA should also have another separate bank account as a registered third party advertiser in Gravenhurst as well. What amounts were contributed by whom, into the respective accounts is unknown and how joint expenses were allocated between both FOM and the MLA is also unknown.

My Third concern is the violation of Sec 88.5 (2) 2 of the OMEA, concerning the declaration of the name, business address and phone number on all advertising material and signage – also see page 6 of the 2018 Guide for third party advertisers. Several joint signs were posted through out the TML with only the logo of these organization. They displayed no addresses, phone numbers or contacts. I submit to you what I call Exhibit 2, as a representative example of an advertisement with no address, telephone number or contact names.

My fourth concern is the amounts declared for expenses:

Neither association made any declaration for signage and in fact joint signage for “No Waterfront Subdivisions” was widely placed through out the TML. Six were placed on a half km stretch of road near my home in advance of the permitted date for signage.

It is also believed that these associations organized multiple robo calls to all the electorate in the 2 or 3 weeks before the election promoting their slate of candidates. One of these calls used the voice of a famous Canadian Actor. I do not see this significant market value expense reflected in Form 8 declarations.

A fifth area of concern is the collaborative or perhaps coerced co operation of other associations. I will elaborate on one only – Safe Quiet Lakes, whose Mission Statement is: “ To make Muskoka Lakes safer and quieter to ensure sustainable enjoyment of a treasured shared resource” . Their Fall Newsletter was issued to their thousands of readers, on Oct 8th, a few days before voting started. A statement saying SQL does not endorse specific candidates, but is urging their members to vote for candidates recommended by the MLA & FOM, because they are aligned with SQL Values. I don’t have to read between the lines to understand which candidates SQL has endorsed. I look at the photo in the SQL newsletter, which I submit to the committee as Exhibit 3, where the MLA and FOM organize and endorse the mass conversion of several hundred boats at a single location in Wallace Bay at a set time with music blaring, horns honking, air horns blasting and loud hailers screaming. This is exactly the type of behaviour SQL **does not** ,does not endorse in their mission statement. What Gives? The same photo appears on a FOM website and newsletter. Was there coercive pressure exerted by selective Directors of FOM and MLA on the SQL Executive? Was the continuation of a \$5,000 Platinum Sponsorship at risk? Did the MLA of FOM provide additional funds to SQL for this endorsement? Did the MLA provide a Platinum Sponsorship contribution for 2019? This Audit Committee needs to ensure the public has confidence in the efficacy of the process and that laws were not violated.

The OMEA is also very clear that expenses need to be declared at fair market value and that value needs to be declared as an arms length transaction. I believe that some of these expenditures i.e. buttons, hand delivery of flyers in the GTA , use of SQL Newsletters (see Exhibit 3) etc. have not been declared, or not declared at market value or are off the book donations from individuals or organizations.

It is also my belief that the fair market value of the goods and services purchased by, or donated to both of these organizations are significantly above the \$11,800

collectively permitted under the OMEA. The FOM and MLA are well funded, well organized organizations. Their activities and actions greatly influenced the outcome of the 2018 election in Muskoka Lakes. Their strategies were under the control of a group of Directors and select group of key supporters. These individuals are skilled professionals with legal business and planning expertise not a group of inexperienced unorganized citizens. They knew how the process worked and the rules and laws that were applicable.

The previous audit committee recommended that a financial audit be conducted on 6 candidates who ran as a slate in the 2014 election, I believe Chair Panizza and member Pajunen will recollect that one candidate had purchased a website domain name and totally funded the development and maintenance of a website and also controlled all content that was posted. That candidate declared 100% of all costs on his filing. However, because other candidates associated with a slate of candidates were mentioned and their biographies included on this website, the committee deemed it to be a shared expense. I believe the same logic should apply with these registered third party advertisers and supporting organizations. If it is determined that the MLA and FOM are not eligible as third party advertisers; using the logic of the last Audit Committee an audit should be conducted and all expenses divided into 12 tranches. Each elected and endorsed councillor should have one tranche added to their election expenses and the mayor who ran in all 3 wards should expense 3 tranches as part of his election expenses.

I want to strongly stress the importance of declaring all expenses on the basis of true third party arms length transactions. It was noted after the 2014 Audit Committee Review of one mayoral candidates expenses in TML, where an audit was not deemed necessary, that many signage and advertising costs were paid to a third party marketing company not the actual supplier. This company was a single employee sole proprietorship owned by the spouse of a future councillor closely allied with that mayoral candidate who came before the 2014 Audit Committee. I believe this provides a great potential for the massaging and laundering of expenses via fictitious invoicing. Let's respect the process and ensure all transactions are on the up and up.

I have one final request. Should this committee decide that audits are required and a judicial review necessary. I would respectfully request that it be done outside of Muskoka where expertise and experience in municipal election law might prove significantly stronger.

Thank you

Candidate Harding.

I want to repeat my concerns that all expenses and the value of goods and services received by any candidate for elected office must be declared at the full value of a third party arms length transaction. In other words every person in this room should be paying the same price, just as we would if we buy a litre of gasoline from the same service station at the same time. OMEA is very prescriptive and descriptive on this point, to ensure that there is a level playing field for all candidates and that special off the book deals or discounts do not distort the value of any candidates expenditures. I also want to ensure that all goods and services are bon a fide actual expenses, not freebies or costs laundered via intermediate entities.

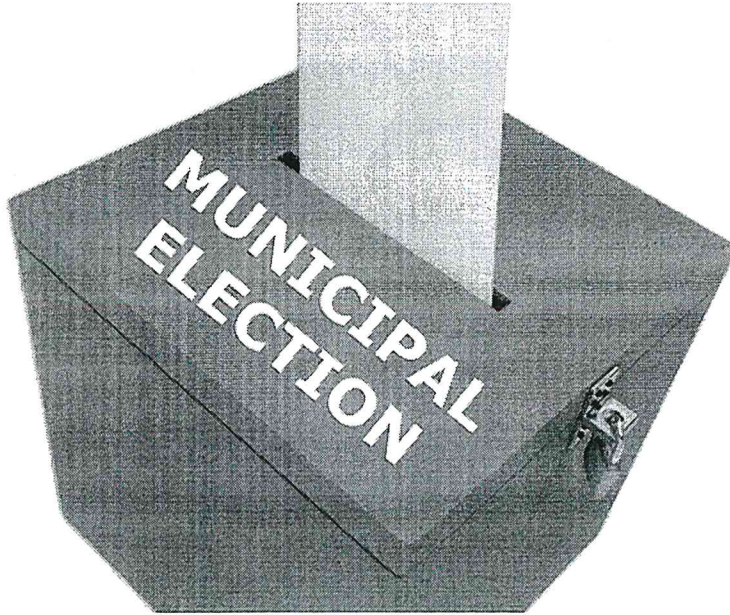
My concerns with the filing of Candidate Harding are as follows:

1. The candidate used a large electronic signboard located on Hwy 400 to advertise his campaign on 2 summer weekends in 2018. The display of any election signage on or adjacent to any Category 1 Hwy in the Province of Ontario is prohibited by the MOT. See Exhibit 1. The signage was also located outside the municipal boundaries of the Township of Muskoka Lakes. However, I believe the value declared seems to be reasonable
2. While I personally did not see it, I have been told by other individuals that an aerial advertising banner “Elect Phil Harding for Mayor” or some similar wording was seen around Lake Rosseau during the summer of 2018 . The going arms length fair market value for such advertising is \$2000 for 15 minutes and \$5,000 for 3 hours (from take off to landing). I did not see this in the Candidates expenditures or as contributions from individuals.

3. The candidate used steel T profile fence posts to support almost all free standing non billboard election signs of various sizes. I see no indication that the fair market arms length value of this hardware was recorded in the candidates election expenses. Based on a verbal quotation for an 8 foot steel T profile post in quantities of 100. The discounted fair market value is about \$7 per stake. Based on a very conservative minimum of 200 signs at 2 stakes per sign this represents a value of at least \$2800 plus HST. If these items alone are included in fair market value expenses, I believe candidate Harding would be significantly above the maximum allowable expenditure for a mayoral candidate in the Township of Muskoka Lakes.
4. While not a concern specific to Candidate Harding. I note that at least 2 candidates for elected office in TML declared significant travel expenses at the official CRA mileage allowance rates of \$0.49 per kilometer. My question for the Committee is: Should travel expenses be included in the election expenses of candidates and if so, is the CRA rate appropriate?

Thank you

Important Changes to the Municipal Elections Act, 1996



Publications | Article

Divisional Court Confirms Expropriation Claimants Not Liable for Interest and Costs Consequent to Litigation

By Ajay Gajaria, David P. Neilson and Robert Hines

May 16, 2019

[Read More](#)

Publications | Article

M&A and Cannabis-Related Matters

By Martin L. Lemaitre

May 16, 2019

[Read More](#)

All across Ontario, municipal elections are just over six months away. On April 1, the most recent amendments that will impact the *Municipal Elections Act, 1996* came into force.

There are a **lot of changes to the rules** for this election, but below are some of the most important ones to note.

Important Dates

Nominations open May 1, 2018 and are open until July 27, 2018 at 2:00 p.m. Twenty-five signatures are required with nominations (signatures are not required for those running in municipalities with less than 4,000 electors or for those running for school board trustee). Election Day is October 22, 2018.

Contribution Rules

This is one of the most important changes to note! Only individuals who are normally resident in Ontario can contribute to a candidate, as can the candidate and the candidate's spouse. **Absolutely no corporate or union donations can be made to a candidate.**

Registered Third Party and Advertising

There is a new provision for a "Registered Third Party" which can register to advertise in support or opposition to a candidate or a question that will be on the ballot. An individual normally resident in Ontario, a corporation that normally carries on business in Ontario and a trade union that holds bargaining rights for employees in Ontario can make such registration. And only those persons/entities and the spouse of an individual third party registrant can contribute to a registered third party. **Cottagers' associations and taxpayers' associations CANNOT register to be registered third parties, but their individual members can (if they are normally resident in Ontario).**

There are also strict rules about the advertising and broadcasting that can take place through registered third parties. These registered third parties will have to file financial statements and are subject to requests for compliance audits, just like candidates. Municipal clerks will also have to review financial statements (once they are filed after the election) to determine if individual contributors (to candidates and registered third parties) appear to have violated the contribution rules. Municipal clerks will also have to submit reports of those apparent violations to the compliance audit committee and the committee will decide whether or not to commence legal proceedings against the candidate.

Role of Compliance Audit Committees

There are significant changes as well to the role of compliance audit committees and how they will do their work (i.e. they will be able to deliberate in private and they will have to give brief written reasons for their decisions). Many municipalities are currently in the process of recruiting members for the committees for the next term.

Make Sure You Are Compliant!

If you would like clarification on any of the new rules surrounding municipal elections, please don't hesitate to contact Aird & Berlis LLP.

Publications | Article

Bill 108: The Province Introduces Ministerial Oversight in Advanced School Board Expropriation Approvals

By Ajay Galaria

May 10, 2019

[Read More](#)

Areas of Expertise

Municipal & Land Use Planning

Stop Residential Subdivisions on the Waterfront

Developers are trying to build single home and multilevel residential subdivisions at multiple waterfront locations across Muskoka.

Over 100 commercial properties in Muskoka could be turned into residential subdivisions.

Our elected officials must ensure resorts are legitimately commercial and fit with the natural beauty of Muskoka.

Vote for the TML candidates who know the issues and who will fight to preserve the character of Muskoka.

Why vote?

- To protect this unique environment
- To stop residential subdivisions on the waterfront
- To preserve Muskoka's natural character for future generations
- To ensure responsible and sustainable development and economic growth

Who can vote?

- A Muskoka property owner AND their spouse
- A person who rents property in Muskoka on Election Day and their spouse
- You can vote in each municipality in Ontario where you own/rent property
- Only Canadian citizens, 18+ years old

How to vote

Voting this year is by telephone or online only. Help is available at your municipal office.

You should have received your Voter Letter. If not, call the Township Office

1 705 765-3156

or send an email to **vote@muskokalakes.ca**

You can vote from **Oct. 12 to 22**

Mayor
Phil Harding



Ward A Councillors
Donelda Hayes
Glenn Zavitz



Ward A District Councillor
Ruth Nishikawa



Ward B Councillors
Susan Mazan
Gord Roberts



Ward B District Councillor
Allen Edwards



Ward C Councillors
Peter Kelley
Barb Bridgeman



Ward C District Councillor
Frank Jaglowitz



savemuskoka.ca



Friends of Muskoka
Protecting our lakes from harm.



Friends of Muskoka (fo@muskokalakes.ca) and the Muskoka Lakes Association (fo@mla.on.ca) are registered third party advertisers in the Township of Muskoka Lakes

OUR MISSION: Make the Muskoka lakes safer and quieter to ensure the sustainable enjoyment of a treasured shared resource



Fall 2018 - Newsletter

Getting the Word Out

Chair's Message

One of the pressing issues across our region is resort and subdivision development pressures on our lakefronts. Safe Quiet Lakes encourages all eligible voters to participate in this very important election and vote to ensure that we have elected officials in municipal government who will protect our waterfronts, lakes and the environment.

Our "Your Lakes Your Views" survey report published by ERIN Research last summer found that for Muskoka lake users, "Boat traffic has an impressively direct impact on perceived quality of experience." More than half of the respondents feel that the Muskoka lakes and waterways are busier and noisier than four years ago and that the impact of wakes has become more of an issue.

Safe Quiet Lakes is very active presenting these survey results to governments, policy makers and thought leaders. We are committed to working with the lake community to achieve positive change.

Our activities are not possible without financial support from individuals, lake associations, municipalities and our sponsors. Please support our efforts. For more information and to make your gift online please click safequiet.ca/donate.

As always, we are very interested in your comments and feedback. Your interest, support and participation are so very important to us. I can be reached at chair@safequiet.ca.

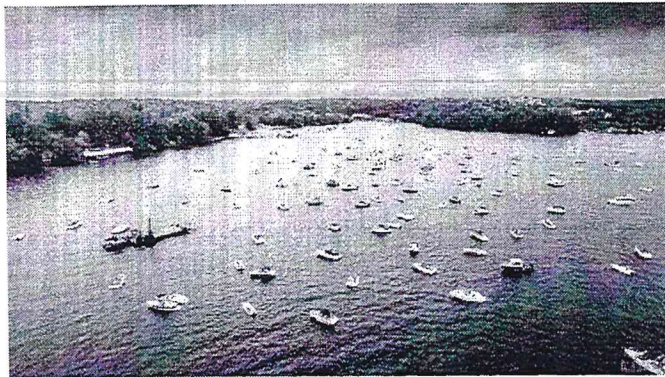
Frances Carmichael
Chair, Safe Quiet Lakes

Municipal election day is October 22 - Vote for candidates who endorse sustainable development of our lakes.

Election day is Monday, October 22, 2018. Voting will be done by internet or telephone and, depending on your municipality, can be done over the 10 to 12 days preceding Election Day. Please be sure that you are on the voters list. You will find more information on how to vote on your municipal website .

Carefully considered sustainable development policies are required to ensure long-term, safe, enjoyable use of our lakes. Safe Quiet Lakes believes that Recreational Carrying Capacity (RCC) and Boating Impact Studies (BIS) are effective planning tools to objectively quantify sustainable development and act as a brake on potential over development. We believe that candidates should support the adoption of these tools as one element of policy making and these tools should be embedded in official plans. Ask your candidates for their position on this important issue and let them know how you feel about sustainable development of our lakes.

The promotion of Recreational Carrying Capacity as a planning tool is gaining traction as shown in this recent article in **Metroland Media**.



These issues are very real in Minett and Wallace Bay where boat traffic has already been shown to be over capacity on some days. Here's a photo of the Sound the Alarm boat rally in August. More coverage is on the Friends of Muskoka Website .

Links to more information about the Candidates

During this fall's municipal elections, Safe Quiet Lakes will encourage debate on sustainable development policies that sustain safe and responsible boating. However we will not be endorsing specific candidates.

Safe Quiet Lakes is urging you to vote for candidates that support sustainable development. The local lake associations including the MLA and the Friends of Muskoka have recommended candidates that are aligned with their and our values. Some other associations such as the LRNA and the MRA have

posted answers from candidates on specific questions. Many of the candidates have their own websites where they outline their policies and platforms. Here's a selection of links to local association websites. We hope you find it helpful.

- Friends of Muskoka
- Muskoka Lakes Association
- Muskoka Ratepayers Association
- Georgian Bay Association
- Lake Of Bays
- Lake Joseph North Association
- Lake Rosseau North Association

Expanding our Reach

Over the past seven years Safe Quiet Lakes has been building support from individuals and organizations such as yourself across our community.

Many thanks to the many lake associations, marinas and townships who are using our tools to reach their community: posting the boaters' code at docks, in their newsletters and on their website. Working together, we can effect change.

Thanks also to the many people who stopped by at our booth at the boat shows around the region. Congratulations to the winner of our Summer Draw. Thank you to **CatalystGolf.com** for sponsoring the prize.

Let's keep the conversation going. Please share this newsletter with your friends and neighbours and encourage them to **signup** for our list.



About Safe Quiet Lakes

Safe Quiet Lakes is a not-for-profit community group of boaters that promotes:

- Safe, respectful boating and the adoption of the SQL boaters' code – Boaters Always Care.
- The preservation of the community culture in the Muskoka region through respectful and safe use of our shared waterways.



For more information, to make a donation or to get involved, please visit safequiet.ca.

Platinum Sponsors:



[ABOUT US](#) [YOUR ROLE](#) [INFORMATION & RESOURCES](#) [DONATE](#) [CONTACT US](#)



MINISTRY OF TRANSPORTATION **Corridor Signing Policy**

7. Temporary Signs

In this chapter:

1. Temporary Signs Subject To Approval Of The Ministry
2. Types Of Temporary Signs
3. Requirements Regarding Temporary Signs
4. Maximum Of Two Temporary Signs On One Property
5. Temporary Signs Shall Face Traffic
6. Separate Approval Required In Each MTO Area Office
7. Certain Signs Prohibited If Event Advertised Operated For Private Profit
8. Letter Of Approval May Be Withdrawn If Sign Placed In Contravention Of Instructions
9. If Event Advertised Is Postponed Expiry Date May Be Extended
10. Election Signs
11. Canadian Forces Convoy Route Markers
12. Snowmobile Crossing Sign
13. Development/Real Estate/Construction Signs
14. Portable Signs (Mobile)

10. Election Signs

An election sign must not be placed upon or adjacent to the right-of-way of a Class 1 Freeway or Class 2 Staged Freeway.

Election signs may be erected on the right-of-way or adjacent to a Class 2 undivided Staged Freeway, a Class 3 Special Controlled Access highway, a Class 4 Major highway or Class 5 Minor highway after an official election has been called.

Signs up to 0.7 m² (8 ft²) in size must be placed a minimum of 4m (12 ft.) from edge of pavement. Signs over 0.7 m² (8 ft²) and up to 3.7 m² (40 ft²) must be placed at the outer limit of the highway right-of-way.

Election signs may be placed on the right-of-way of a highway other than a Class 1 Freeway and Class 2 divided Staged Freeway, but must be placed at least 4m (12 ft.) from edge of pavement.

An election sign must not be affixed to a permanent or an official sign or to the guide rail or other highway structure or facility and must not be placed where it may interfere with visibility, an official sign, traffic signal, or other safety device.

Portable read-o-graph sign trailers are prohibited on the right-of-way of a highway. Such read-o-graph sign trailers may be utilized providing they are erected on private property and meet the requirements of the Ministry for portable read-o-graph signing.

Permits or Letters of Approval for any election signs erected under this policy are not required.

Candidate committees, or workers shall be allowed three (3) working days after election day in order to

Notes Regarding Compliance Audit.

Furniss vs. Harding

Concern #1 – 400 Advertising.

- This billboard is on First Nation Lands and as such is under the jurisdiction of the Wahta Mohawks. The sign and my particular advertising message was in fact approved by the Wahta Mohawks.
- There was a complaint filed in September about the advertising. The complaint was forwarded to the MTO. The MTO because they have no jurisdiction did not have an issue. (See Email from Clerk)
- There was a donation amount included in my financials of \$600 because there was a value given when the owner of the billboard asked and donated the “ad space”.

Concern #2 - No \$ amount given to Airplane Advertising.

- The airplane in question is a small piper cub and cannot tow any banners.
- The owner of the airplane is a personal friend who “for a joke” put one of my road signs on the side of the airplane and flew around with his kids “plastic megaphone” shouting “vote for Phil, Phil Harding for Mayor”.
- The owner of this airplane regularly flies all over Muskoka for fun (just as we go for boat rides, he goes for plane rides).
- I was only made aware that he did this after the fact. And did not ask him to do this. He said “instead of going door to door for you, I went dock to dock via air”.
- You can see from the attached picture that you can barely even see the logo on the airplane and certainly without a PA system – he may have been more useful driving around dock to dock with his boat.

Concern #3 – No financial allocation to steel stakes used for road signs.

- 95% of my road signs did in fact have metal holders that were accounted for in the cost of my signage.
- 8-10 large signs (that is all I produced) were used in strategic locations across Muskoka. Firstly, half of these were placed on boathouses or existing sign boards where no stakes were required.
- Maximum 5 or 6 signs may have used steel stakes. (two signs forming a triangle used 3 so maybe 4 or 5 stakes maximum utilized).
- These stakes were old, rusted fence stakes from my home. At a garage sale, they wouldn't get \$.25c for each. But even if \$1.00 – that might equate to \$5 or \$6 total.
- There was no “advantage” in these steel stakes and truly no value to them. Hence why they were not included in my financials.
- Pictures of stakes attached.

Concern #4 – Fuel Mileage

Not related to me so no comment.

Email from the Clerk filing the complaint regarding highway 400 advertising

From: Cheryl Mortimer <CMortimer@muskokalakes.ca>

Date: Friday, August 31, 2018 at 1:45 PM

To: Phil Harding <phil@philharding.ca>

Cc: Jon Popple <JPopple@muskokalakes.ca>, Cheryl Minty <CMinty@muskokalakes.ca>

Subject: Election Signs Complaint

Hi Mr. Harding

We have received an election campaign sign complaint with respect to your campaign advertising on an electronic billboard on Hwy 400 near Muskoka Road 38. As such, we have forwarded this on to the Ministry of Transportation office in Huntsville for their review.

Attached for your reference is the MTO Election Sign Guideline document that was previously provided to all candidates.

Regards

Cheryl

Cheryl Mortimer, Clerk
Township of Muskoka Lakes
#1 Bailey Street, P.O. Box 129
Port Carling, Ontario, P0B 1J0
Telephone: 705 765-3156 Fax: 705-765-6755
Email: cmortimer@muskokalakes.ca
Web: www.muskokalakes.ca

E-Mail Confidentiality Disclaimer

This communication is intended solely for use by the individual(s) to whom it is specifically addressed and should not be read by, or delivered to any other person. Such communication may contain privileged or confidential information that may be exempt from disclosure. If you have received this communication in error, please notify my office by phone at 705-765-3156 and permanently delete this communication. Thank you for your cooperation.

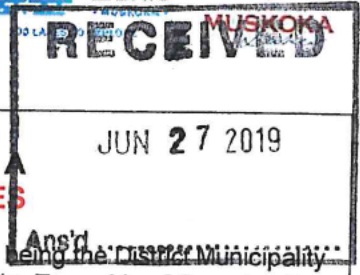
Image of Airplane



Steel Stakes Used to display 4 or 5 maximum signs



DELIVERED BY HAND JUNE 27, 2019



**2018 MUNICIPAL ELECTION
APPLICATION FOR A COMPLIANCE AUDIT OF A
CANDIDATE'S ELECTION CAMPAIGN FINANCES**

JUN 27 2019

to be heard by the **Muskoka Compliance Audit Committee** for a Member Municipality, ~~being the District Municipality~~ of Muskoka, the Town of Bracebridge, the Town of Gravenhurst, the Town of Huntsville, the Township of Georgian Bay, the Township of Lake of Bays, and the Township of Muskoka Lakes.

Contact Information of Applicant

Name:	HEATHER BONETT
Address:	[REDACTED]
Telephone number:	[REDACTED]
Email address:	[REDACTED]

Candidate Information

Name of Candidate:	FRANK JAGLOWITZ
Office of Candidate: (check one)	<input type="checkbox"/> Mayor <input type="checkbox"/> District Chair <input type="checkbox"/> Ward Councillor <input checked="" type="checkbox"/> District Councillor

Application must be submitted to the Member Municipality where the Candidate ran for office.

<input checked="" type="checkbox"/> District Municipality of Muskoka	<input type="checkbox"/> Township of Georgian Bay
<input type="checkbox"/> Town of Bracebridge	<input type="checkbox"/> Township of Lake of Bays
<input type="checkbox"/> Town of Gravenhurst	<input type="checkbox"/> Township of Muskoka Lakes
<input type="checkbox"/> Town of Huntsville	

Please note that a request for a Compliance Audit for a School Board Trustee must be directed to the Secretary of the applicable School Board.

Application by elector

Subsection 88.33 (1) of the Municipal Elections Act, 1996, (Act) states:
An elector who is entitled to vote in an election and believes on reasonable grounds that a candidate has contravened a provision of this Act relating to election campaign finances may apply for a compliance audit of the candidate's election campaign finances, even if the candidate has not filed a financial statement under section 88.25.

Reasons for requesting Compliance Audit (attach additional documentation, if applicable)

AS STATED IN WRITING JUNE 27, 2019 LETTER TO MS. MORTIMER, TOWNSHIP OF MUSKOKA LAKES INCLUDING TEN ITEMS DESCRIBING QUESTIONABLE ACTIONS BY MR. F. JAGLOWITZ, AND SIGNED BY LOOPSTRA NIXON LLP, PER: QUINTO M. ANNIBALE - ATTACHED HERE.



Quinto M. Annibale*
*Quinto M. Annibale Professional Corporation
Tel: (416) 748-4757
Email: gannibale@loonix.com

BY PERSONAL SERVICE

June 27, 2019

Township of Muskoka Lakes
Municipal Offices
1 Bailey St
Port Carling, Ontario
POB 1J0

Attention: Cheryl Mortimer – Township Clerk

Dear Ms. Mortimer:

**Re: Request for Compliance Audit
Subsection 88.33(1) of the *Municipal Elections Act*, 1996
Frank Jaglowitz – Candidate for District and Township Councillor representing
Township of Muskoka Lakes Ward C**

We represent Heather Bonnet, a resident of the Township of Muskoka Lakes and qualified elector for the purposes of subsection 88.33(1) of the *Municipal Elections Act*, 1996. Our client has reviewed the financial statement filed by Frank Jaglowitz with respect to his 2018 election campaign for District Councillor in Ward C of the Township of Muskoka Lakes. Based on this review and her knowledge of his campaign activities, our client believes on reasonable grounds that Frank Jaglowitz contravened numerous provisions of the *Municipal Elections Act* and therefore hereby requests a compliance audit of Mr. Jaglowitz's election campaign finances.

The grounds for our clients' request include the following:

1. During the campaign, Mr. Jaglowitz operated a website in order to promote his candidacy at <http://frankjaglowitz4council.com>. From a review of the financial statement, it is unclear whether or how the expenses incurred by Mr. Jaglowitz in connection with this website, such as design costs or hosting fees, were accounted for.
2. A review of Mr. Jaglowitz's financial statement reveals that the declared campaign income and expenses, in the amount of \$8,994.39, were identical to the cent. It is highly improbable that there would be no surplus or deficit whatsoever as a result of Mr. Jaglowitz's campaign activities and in our submission further investigation is warranted through a compliance audit.
3. It is not clear from the filings provided by Mr. Jaglowitz whether a separate bank account was opened with respect to his campaign as required by the *Municipal Elections Act*. Confirmation that this requirement was met along with copies of the campaign account's



bank statements should be provided.

4. The only source of income disclosed through the financial statement are cash contributions and goods and services provided by individuals other than from the candidate or spouse. The first cash contribution is listed as having been received on August 8, 2018 in the amount of \$127 with the bulk of the contributions received in September and October of 2018. In spite of this, our client has reason to believe that the candidate incurred campaign expenses in advance of receiving any cash contributions. It is not clear from the financial statement how the candidate funded these activities given that he did not disclose any contributions from himself to the campaign. If expenses were incurred personally and then later paid back through cash contributions received from third parties, this would have to be disclosed in the financial statement.
5. Related to item 4, the candidate did not disclose any personal contributions to his campaign whatsoever. A compliance audit is warranted to confirm whether this is accurate.
6. The financial statement discloses that Mr. Jaglowitz received a cash contribution of \$1200 from "Oliver Bock" on September 8, 2018. The address listed for Mr. Bock is in Vancouver, British Columbia. Pursuant to the *Municipal Elections Act* only individuals who are normally resident in Ontario are permitted to make campaign contributions. On its face then, this contribution represents a clear violation of the requirements of the *Municipal Elections Act*.
7. The financial statement lists a "Meet and Greet Benefit" as one of the "Goods or Services" received by the candidate during the campaign period. A value of \$50 is attributed to this event however it is unclear how this value was arrived at or whether it is accurate. More details are required as to the nature of the event in order to determine whether the reported value is in fact correct.
8. During the course of the campaign Mr. Jaglowitz made repeated references to an appeal that he filed to the Local Planning Appeal Tribunal of certain conditions of approval of a condominium description in the Township of Muskoka Lakes related to the expansion and redevelopment of the Touchstone Resort. In our submission, Mr. Jaglowitz used this appeal as a vehicle to provide free advertising in support of his election campaign and our client has reason to believe that the fees incurred by legal counsel and the planning consultant retained by Mr. Jaglowitz were paid for by others. Given the role that Mr. Jaglowitz's litigation before the LPAT played in providing advertising for his election campaign we submit that the legal fees incurred either by Mr. Jaglowitz personally or on his behalf ought to be ascribed to the campaign and should have been disclosed in his financial statement.
9. During the campaign, a series of robocalls went out to electors in the weeks leading up to the election, one of which using the voice of Martin Short, a well known Canadian actor. These calls were made in support of a number of candidates, including Mr. Jaglowitz. We have reason to believe that Mr. Jaglowitz coordinated with the individuals

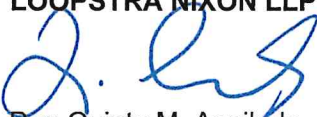


who organized the robocalls. In spite of this, the significant financial value of this campaign advertising has not been disclosed in the financial statements prepared by Mr. Jaglowitz.

10. The financial statement filed by Mr. Jaglowitz discloses that \$2,326.81 was spent on signs as part of the campaign. Based on the large number of signs observed during the election period from Mr. Jaglowitz's campaign, our client has reasonable grounds to believe that the expense disclosed by Mr. Jaglowitz with respect to signage is not accurate and was higher than what was reported.

Given the serious and numerous issues detailed above, in our submission a compliance audit is clearly warranted and we look forward to the Committee's full investigation of this matter.

I trust this is satisfactory, however should you require anything further please do not hesitate to contact the undersigned.

Yours truly,
LOOPSTRA NIXON LLP

Per: Quinto M. Annibale

cc:

**Financial Statement - Auditor's Report
Candidate - Form 4**
Municipal Elections Act, 1996 (Section 88.25)
Instructions

All candidates must complete Boxes A and B. Candidates who receive contributions or incur expenses must complete Boxes C, D, Schedule 1 and Schedule 2 as appropriate. Candidates who receive contributions or incur expenses in excess of \$10,000 must also attach an Auditor's Report.

All surplus funds (after any refund to the candidate or their spouse) shall be paid immediately over to the clerk who is responsible for the conduct of the election.

For the campaign period from (day candidate filed nomination)

YYYY	MM	DD
2 0 1 8	0 7	2 6

 to

YYYY	MM	DD
2 0 1 8	1 2	3 1

 Initial filing reflecting finances to December 31 (or 45 days after voting day in a by-election)

 Supplementary filing including finances after December 31 (or 45 days after voting day in a by-election)

Box A: Name of Candidate and Office

Candidate's name as shown on the ballot

 Last Name or Single Name
Jaglowitz

 Given Name(s)
Frank

 Office for which the candidate sought election
District Councillor

 Ward name or no. (if any)
Ward C

 Municipality
Township of Muskoka Lakes

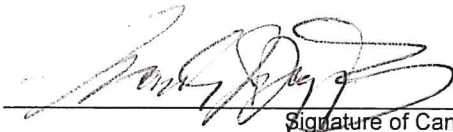
 Spending Limit - General
\$ 10,243.65

 Spending Limit - Parties and Other Expressions of Appreciation
\$ 1024.37

 I did not accept any contributions or incur any expenses. (*Complete Boxes A and B only*)

Box B: Declaration


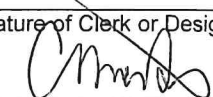
I, Frank Jaglowitz, declare that to the best of my knowledge and belief that these financial statements and attached supporting schedules are true and correct.



Signature of Candidate

2019/03/27

Date (yyyy/mm/dd)

Date Filed (yyyy/mm/dd)	Time Filed	Initial of Candidate or Agent (if filed in person)	Signature of Clerk or Designate
2019/03/27	10:22AM		

Box C: Statement of Campaign Income and Expenses

LOAN

Name of bank or recognized lending institution _____
Amount borrowed \$ _____

INCOME

Total amount of all contributions (from line 1A in Schedule 1)	+ \$	8,993.96
Revenue from items \$25 or less	+ \$	_____
Sign deposit refund	+ \$	_____
Revenue from fundraising events not deemed a contribution (from Part III of Schedule 2)	+ \$	_____
Interest earned by campaign bank account	+ \$	0.43
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Campaign Income (Do not include loan)	= \$	8,994.39 c1

EXPENSES (Note: include the value of contributions of goods and services)

Expenses subject to general spending limit

Inventory from previous campaign used in this campaign (list details in Table 4 of Schedule 1)	+ \$	_____
Advertising	+ \$	2,228.31
Brochures/flyers	+ \$	3,638.81
Signs (including sign deposit)	+ \$	2,326.81
Meetings hosted	+ \$	50.00
Office expenses incurred until voting day	+ \$	_____
Phone and/or internet expenses incurred until voting day	+ \$	198.69
Salaries, benefits, honoraria, professional fees incurred until voting day	+ \$	_____
Bank charges incurred until voting day	+ \$	251.77
Interest charged on loan until voting day	+ \$	_____
Other (provide full details)		
1. _____	+ \$	_____
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to general spending limit	= \$	8,694.39 c2

EXPENSES

Expenses subject to spending limit for parties and other expressions of appreciation

1. Appreciation gift certificates (6@\$50)	+ \$	300.00
2. _____	+ \$	_____
3. _____	+ \$	_____
4. _____	+ \$	_____
5. _____	+ \$	_____
Total Expenses subject to spending limit for parties and other expressions of appreciation	= \$	300.00 c3

Expenses not subject to spending limits

Accounting and audit	+ \$	
Cost of fundraising events/activities (list details in Part IV of Schedule 2)	+ \$	
Office expenses incurred after voting day	+ \$	
Phone and/or internet expenses incurred after voting day	+ \$	
Salaries, benefits, honoraria, professional fees incurred after voting day	+ \$	
Bank charges incurred after voting day	+ \$	
Interest charged on loan after voting day	+ \$	
Expenses related to recount	+ \$	
Expenses related to controverted election	+ \$	
Expenses related to compliance audit	+ \$	
Expenses related to candidate's disability (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Other (provide full details)		
1. _____	+ \$	
2. _____	+ \$	
3. _____	+ \$	
4. _____	+ \$	
5. _____	+ \$	
Total Expenses not subject to spending limits	= \$	C4

Total Campaign Expenses (C2 + C3 + C4) = \$ 8,994.39 **C5**

Box D: Calculation of Surplus or Deficit

Excess (deficiency) of income over expenses (Income minus Total Expenses) (C1 – C5)	+ \$	0.00	D1
Eligible deficit carried forward by the candidate from the last election (applies to 2018 regular election only)	– \$		D2
Total (D1 – D2)	= \$		
If there is a surplus, deduct any refund of candidate's or spouse's contributions to the campaign	– \$		
Surplus (or deficit) for the campaign	= \$		D3

If line D3 shows a surplus, the amount must be paid in trust, at the time the financial statements are filed, to the municipal clerk who is responsible for the conduct of the election.

Schedule 1 - Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse	+ \$	
Contributions in goods and services from candidate and spouse (include value listed in Table 3 and Table 4)	+ \$	
Total value of contributions not exceeding \$100 per contributor		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+ \$	
Total value of contributions exceeding \$100 per contributor (from line 1B on page 5; list details in Table 1 and Table 2)		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+ \$	8,993.96
Less: Contributions returned or payable to the contributor	– \$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	– \$	
Total Amount of Contributions (record under Income in Box C)	= \$	8,993.96 1A

Part II – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received	Amount Received \$	Amount \$ Returned to Contributor or Paid to Clerk
John & Mary Jaglowitz	2 Hillside Ave, Delhi, Ontario, N4B1Y1	2018/08/08	127.00	
Lisa Grogan-Green	133 Mildenhall Road, Toronto, Ontario, M4N3H4	2018/08/24	1,000.00	
Bob Nash	986 Line 5, Niagara-on-the-Lake, Ontario, L0S1J0	2018/08/30	100.00	
Bill Etherington	701-118 Yorkville Avenue, Toronto, Ontario, M5R1H5	2018/09/08	250.00	
Oliver Bock	3378 Radcliffe Ave, Vancouver, V7V1G6	2018/09/10	1,200.00	
Sloan Mandel	234 St. Leonards Ave, Toronto, Ontario, M4N1L1	2018/09/11	100.00	
Kevin Green	19 Lesmill Road, Suite 101, Toronto, M3B2T3	2018/09/12	1,200.00	
Michael Griffin	4167 Deer Run Court, Mississauga, Ontario, L5C3P2	2018/09/13	250.00	
Total carried forward from supplementary attachment Page 2			4,500.00	
Total			8,727.00	

Additional information is listed on separate supplementary attachment

Schedule 1 - Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse	+ \$	
Contributions in goods and services from candidate and spouse (include value listed in Table 3 and Table 4)	+ \$	
Total value of contributions not exceeding \$100 per contributor		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+ \$	
Total value of contributions exceeding \$100 per contributor (from line 1B on page 5; list details in Table 1 and Table 2)		
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+ \$	
Less: Contributions returned or payable to the contributor	- \$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	- \$	
Total Amount of Contributions (record under Income in Box C)	= \$	1A

Part II – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received	Amount Received \$	Amount \$ Returned to Contributor or Paid to Clerk
Supplementary attachment	Page 1			
Robert Bosomworth	118 Bedford Road, Unit 4, Toronto, Ontario, M5R2K2	2018/08/24	100.00	
Donald Lang	703 - 133 Hazelton Avenue, Toronto, Ontario, M5R0A6	2018/08/13	1,000.00	
Paul Richards	1 Heathbridge Park, Toronto, Ontario, N4G2Y6	2018/09/17	500.00	
John Curran	61 Ewing St., Bracebridge, Ontario, P1L2H7	2018/09/20	100.00	
Arthur and Marilyn Angus	11 Balmoral Ave., Toronto, Ontario, M4V1J5	2018/09/21	500.00	
Roger Gibson	1076 Cove Road, Bracebridge, Ontario, P1L1X2	2018/09/21	250.00	
Donald Newton	241-1805 Peninsula Road, Minett, Ontario, P0B1G0	2018/09/25	500.00	
Total carried forward to Page 2				
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	2,950.00

Schedule 1 - Contributions

Part I – Summary of Contributions

Contributions in money from candidate and spouse	+	\$	
Contributions in goods and services from candidate and spouse (include value listed in Table 3 and Table 4)	+	\$	
Total value of contributions not exceeding \$100 per contributor			
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).	+	\$	
Total value of contributions exceeding \$100 per contributor (from line 1B on page 5; list details in Table 1 and Table 2)			
• Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).	+	\$	
Less: Contributions returned or payable to the contributor	-	\$	
Contributions paid or payable to the clerk, including contributions from anonymous sources exceeding \$25	-	\$	
Total Amount of Contributions (record under Income in Box C)	=	\$	1A

Part II – Contributions exceeding \$100 per contributor – individuals other than candidate or spouse

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received	Amount Received \$	Amount \$ Returned to Contributor or Paid to Clerk
Supplementary attachment	Page 2			
Total carried forward from Page 1			2,950.00	
Dallas Grogan	561 Avenue Road, Apt 303, Toronto, Ontario, M4V2J8	2018/10/01	200.00	
Frank Tkach	100 Chancery Drive, Ancaster, Ontario, L9G4M1	2018/10/05	150.00	
Andrew Burgess	69 Dawlish Avenue, Toronto, Ontario, M4N1H2	2018/10/11	1,200.00	
Total carried forward to Table 1				
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	4,500.00

Table 2: Contributions in goods or services from individuals other than candidate or spouse
 (Note: must also be recorded as Expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
Bob Nash	986 Line 5, Niagara-on-the-Lake, Ontario, L0S1J0	T-Shirts	2018/09/05	216.96
Joan Booth and Jean Hickey	1466 Peninsula Rd, Port Sandfield, Ontario, P0B1J0	Meet and Greet benefit	2018/08/18	50.00
<input type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	266.96

Total for Part II - Contributions exceeding \$100 per contributor
 (Add totals from Table 1 and Table 2 and record the total in Part 1 - Summary of Contributions) **\$ 8,993.96 1B**

Part III – Contributions from candidate or spouse

Table 3: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment		Total

Table 4: Inventory of campaign goods and materials from previous municipal campaign used in this campaign
 (Note: value must be recorded as a contribution from the candidate and as an expense)

Description	Date Acquired (yyyy/mm/dd)	Supplier	Quantity	Current Market Value \$
<input type="checkbox"/> Additional information is listed on separate supplementary attachment				Total

Schedule 2 – Fundraising Events and Activities

Fundraising Event/Activity

Complete a separate schedule for each event or activity held

Additional schedule(s) attached

Description of fundraising event/activity _____

Date of event/activity (yyyy/mm/dd) _____

Part I – Ticket revenue

Admission charge (per person)

(If there are a range of ticket prices, attach complete breakdown of all ticket sales)

Number of tickets sold

\$ _____ 2A
X _____ 2B

Total Part I (2A X 2B) (include in Part 1 of Schedule 1)

= \$ _____

Part II – Other revenue deemed a contribution

(e.g. revenue from goods sold in excess of fair market value)

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____

Total Part II (include in Part 1 of Schedule 1)

= \$ _____

Part III – Other revenue not deemed a contribution

(e.g. contribution of \$25 or less; goods or services sold for \$25 or less)

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____

Total Part III (include under Income in Box C)

= \$ _____

Part IV – Expenses related to fundraising event or activity

Provide details

1. _____ + \$ _____
2. _____ + \$ _____
3. _____ + \$ _____
4. _____ + \$ _____
5. _____ + \$ _____
6. _____ + \$ _____
7. _____ + \$ _____
8. _____ + \$ _____

Total Part IV Expenses (include under Expenses in Box C)

= \$ _____

Auditor's Report*Municipal Elections Act, 1996 (Section 88.25)*

A candidate who has received contributions or incurred expenses in excess of \$10,000 must attach an auditor's report.

Professional Designation of Auditor

Municipality	Date (yyyy/mm/dd)
--------------	-------------------

Contact Information

Last Name or Single Name	Given Name(s)	Licence Number
--------------------------	---------------	----------------

Address		
Suite/Unit No.	Street No.	Street Name

Municipality	Province	Postal Code
--------------	----------	-------------

Telephone No. (including area code)	Email Address
-------------------------------------	---------------

The report must be done in accordance with generally accepted auditing standards and must:

- set out the scope of the examination
- provide an opinion as to the completeness and accuracy of the financial statement and whether it is free of material misstatement

 Report is attached

Personal information, if any, collected on this form is obtained under the authority of sections 88.25 and 95 of the *Municipal Elections Act, 1996*. Under section 88 of the *Municipal Elections Act, 1996* (and despite anything in the *Municipal Freedom of Information and Protection of Privacy Act*) documents and materials filed with or prepared by the clerk or any other election official under the *Municipal Elections Act, 1996* are public records and, until their destruction, may be inspected by any person at the clerk's office at a time when the office is open. Campaign financial statements shall also be made available by the clerk in an electronic format free of charge upon request.

July 19, 2019

Compliance Audit Committee
Township of Muskoka Lakes
1 Bailey St
Port Carling, Ontario
POB 1J0

Attention: Cheryl Mortimer – Township Clerk

Dear Ms. Mortimer

**Re: Request for Compliance Audit by Heather Bonnet dated June 27, 2019
Subsection 88.33(1) of the Municipal Elections Act, 1996
Frank Jaglowitz – Candidate for District and Township Councilor
Representing Township of Muskoka Lakes Ward C**

I am responding to the allegations made by the law firm representing Ms Bonnet in the above-mentioned request. This is my first campaign and my first filing of a Financial Statement and I did my best to comply with the reporting requirements.

1. Expenses incurred for website design costs or hosting fees.

At the beginning of my campaign I subscribed to a professional campaign software package, Campaign Partner, that included a prebuilt web site, donor management with links to Mail Chimp and Stripe credit card processing. The cost was \$181.23 for approximately four months service and was included under phone and internet in my Financial Statement. Content and images were inserted in the templates with the assistance of non-professional campaign volunteers. I have attached as Exhibit A information regarding this product and its features and cost.

2. Identical income and expenses declared.

I kept a very close account of donations received and planned to utilize the full amount of contributions and not be in a position of turning over surplus funds to the Clerk. I had a surplus of approximately \$300.00 and used it to purchase six \$50.00 gift certificates as an expression of appreciation for my campaign committee members.

3. Confirmation of a separate bank account.

As required, I operated a separate bank account number 0086447380 at Simplii Financial. This account had been opened before the campaign, but was unused.

4. Funding of campaign expenses in advance of receiving any cash contributions.

I advanced \$3000.00 to the campaign account in two amounts on August 6 and 14, 2018 and these amounts were repaid on September 21 and 24, 2018. In this regard, I relied on the 2018 Candidates Guide, which states at page 21 under the heading "Refunding unused contributions" that: "If your campaign ends with a surplus, you can withdraw the value of the contributions that you and your spouse made from the surplus. "

It is my understanding that other candidates did the same. However, if the Committee decides that these were, in fact, contributions, page 3 of my financial statement should be revised to show the contribution and repayment. This adjustment would not change the total of my campaign contributions of \$8,993.96 or cause my spending limit of \$10,234.65 to be exceeded.

I have attached as Exhibit B revised pages 4 and 5 of my Financial Statement reflecting that change, if necessary.

5. Personal contributions to my campaign.

I did not make any contributions to my campaign other than what is disclosed herein.

6. Contribution of \$1,200.00 from Oliver Bock.

Mr. Bock made this online contribution through my web site using a credit card. These online contributions were recorded by Campaign Partner and deposited to my campaign account by Stripe (a credit card processor linked to Campaign Partner).

I received an email notice from Campaign Partner support that I had received a contribution in the amount as \$1,200.00, his phone number as Toronto (416), his email at a business and a Vancouver address. I assumed, that since he provided a Toronto phone number and a business email, the Vancouver address was a business address. He is the CEO of a worldwide company.

At the time he made the contribution, I believed that he was an eligible contributor as he was residing at a property in the Township of Muskoka Lakes. His wife was listed as the owner of that property on the voters list for ward C. It was pointed out to me on July 2, 2019 that this may be an ineligible contribution, I did research and emailed him on July 8, 2019, he replied that he was not normally resident in Ontario and I returned the contribution to him on July 9, 2019.

I have attached as Exhibit C, a copy of the repayment and have attached as Exhibit B revised pages 4 and 5 of my Financial Statement to reflect that repayment.

A candidate has an obligation not to keep an ineligible contribution and return it to the contributor as soon as the candidate becomes aware of it. See Section 88.22(1)(o) of the Municipal Elections Act (MEA) and Lancaster v. St. Catharines (City) 2013 ONSC 7631 and related cases.

I have attached as Exhibit D an excerpt from the MEA and the Lancaster decision.

This was unintentional and through inadvertence on my part and the monies have been repaid. As per Lancaster, an audit of this would serve no useful purpose.

7. Meet and Greet Benefit of \$50.00.

On August 19, 2018 George Booth and Joan Hickey organized a meet and greet for another candidate and I and other candidates were invited to attend. The event took place on a Sunday afternoon and light refreshments and snacks were provided by the hosts. I was advised that the value was \$300.00 and my share was calculated at \$50.00, so I reported this contribution as did several other candidates. I have attached as Exhibit E correspondence that I received regarding this event.

8. Legal fees for LPAT appeal ought to be ascribed to the campaign and disclosed.

I have been interested in sustainable and responsible waterfront development for more than a decade. That is why I filed this appeal on August 28, 2017, as was my right to do, and a year before I started a campaign.

I certainly did not contemplate running for office when I commenced the application. I have attached as Exhibit F a copy of the reasons for my appeal for your information.

Mr. Annibale refers to my repeated references to the appeal during my campaign. While I recall mentioning the appeal a couple of times, it was always in the broader context of waterfront development issues, including resort development and redevelopment.

If what Mr. Annibale is saying is that you must discontinue any litigation you are involved in if you run for public office or not disclose it or discuss it during the campaign or face the prospect that any legal and other fees incurred in prosecuting the litigation will be considered campaign advertising and must be included as campaign contributions, then that cannot be right.

I have filed OMB (now LPAT) appeals in the past and have always represented myself without engaging professionals and this appeal is no exception. In any event, I did not incur or pay any fees for legal or planning services in connection with this appeal. Furthermore no one else has incurred or paid legal or planning fees on my behalf. There is also a co-applicant in this appeal and I am unaware of any costs that they may be incurring.

Please note that Mr. Annibale and his firm represents both Touchstone Resort (the resort owner/ developer who is the respondent on the appeal) and Ms Bonnet.

9. Robocall using the voice of Martin Short in support of a number of candidates.

I did not coordinate with individuals who organized robocalls. My campaign manager arranged a couple of robocalls directly with the First Contact (Ontario 1999) Inc. This company provided guidance and some names and my campaign provided additional names. The cost of these calls is recorded under advertising in my Financial Statement. I understand that others may have also commissioned robocalls, but I or my campaign did not coordinate with anyone.

Mr. Short and others volunteered to assist with my campaign.

The 2018 Candidates Guide, on page 18, under the heading "Things that are not contributions" states that: "If you have volunteers working for your campaign, the value of their volunteer labour is not considered to be a contribution."

I also refer you to Section 88.15(4)1. of the Municipal Elections Act and *Lyras v. Heap*, 2008 ONCJ 524. In *Lyras*, the court states that "Under the MEA, the level of expertise that a volunteer has in the area in which they elect to provide volunteer services is an irrelevant consideration in the definition of what is a "contribution." It is also clear that the rules about valuing "contributions of goods and services" add nothing to the specific statutory definitions of what is or is not a "contribution."

The MEA is very clear that "the value of services provided by voluntary unpaid labour" is not to be considered a contribution, and makes no distinction between free professional services and free services for other campaign assistance.

I have attached as Exhibit I, an excerpt from that Ontario Court of Justice decision.

10. Sign expense not accurate and higher than the \$2,326.81 reported.

At the start of the campaign I ordered 100 signs from KKP in Bracebridge for a cost of \$1,716.61. These signs had two different sides. After my campaign committee was formed one of the members discovered a source for inexpensive signs in Brampton as long as they were paid for and personally picked up. He arranged for 100 signs with no images from Print 1 for a total cost of \$610.20. I have attached as Exhibit G copies of both receipts totaling \$2,326.81 and I have no connection to either company and paid the asking price

Summary

In my opinion the request for a compliance audit is mainly based on speculation.

The standard of review, as I understand it, is that the Committee (not the Applicant), after reviewing all the written and oral submissions and asking and having received answers to all of its questions today, must have "an objective belief based on compelling and credible information which raises the "reasonable probability" of a breach of the statute." See Lyras.

I believe I have satisfactorily responded to all the allegations made and that there is no compelling or credible evidence to the contrary.

As for the two technical contraventions, I promptly returned the money for the possible ineligible contribution and I have explained my campaign contributions and submit that it would make no difference to the end result of my Financial Statement. Per Lancaster, it is open for the Committee to conclude that an audit of these matters is not necessary, in the circumstances.

The caselaw confirms that these are not strict liability offences. In Lancaster, at para. 82, in referring to another decision, the Court noted that: "the Ontario Court of Justice rejected a strict liability approach to the completion of Form 4 and seems to have concluded that it was reasonable for the Committee to have viewed unintentional errors as not being contraventions of the Act."

For your information, I had one opponent in my campaign for District Councilor for TML Ward C and the results were 2578 to 517 in my favor. I have attached as Exhibit H the official election results from the web site of the Township of Muskoka lakes.

I understand that you have until July 27, 2019 to make a decision and ask that you review my responses carefully, consult with your legal counsel and exercise your discretion to dismiss this request for a compliance audit.

I also request that you include my response as part of the public record.

Thank You



Frank Jaglowitz

Exhibits attached to the response of Frank Jaglowitz to

**Request for Compliance Audit by Heather Bonnet dated June 27, 2019
Subsection 88.33(1) of the Municipal Elections Act, 1996
Frank Jaglowitz – Candidate for District and Township Councilor
Representing Township of Muskoka Lakes Ward C**

- Exhibit A** **Information about services and costs of Campaign Partner**
- Exhibit B** **Revised Municipal Elections Act Form 4, page 4 and 5**
- Exhibit C** **Details of repayment of contribution from Oliver Bock**
- Exhibit D** **Lancaster v. Compliance Audit Committee et al, 2013 ONSC 7631**
- Exhibit E** **Meet and Greet correspondence**
- Exhibit F** **OMB appeal request for Touchstone Resort Condominium File C2016-5**
- Exhibit G** **Invoices / Receipts for sign expense**
- Exhibit H** **2018 TML election results**
- Exhibit I** **Lyras v. Heaps. 2008 ONCJ 524**

We make Campaign Websites easy!

Accept Online Donations, Manage Volunteers and More



Easy to Use

If you can use email and browse the web, then you've got all the skills you need to create and manage your own campaign website using Campaign Partner. It's a snap to add pages, videos, create photo galleries, post news and events, and manage volunteers and contributors through our easy-to-use control panel.

You're in Control

You'll never have to wait for *someone else* to make updates to your campaign website. You can post campaign updates, blog about important issues and manage every aspect of your site from any computer with internet access, 24 hours a day.

Political Campaign Website Features

With Campaign Partner, you can launch your own political website in less than a minute. You won't need an army of volunteers, graphic designers or programmers to have a professional website, accept online donations, and mobilize your volunteers and contributors. We've included everything you need to win!

Candidate First Name	Candidate
Office Sought (optional)	Election C MM/DD/YY

Simple Setup

You'll be up and running in seconds. Our simple setup process creates sample pages for your site that you can begin editing right away. You can update your website at your convenience with our easy-to-use website editor. There's no limit to the number of pages you can add to your site, or the number of times you can make updates.



Professional Appearance



Choose from more than 30 professionally-designed political website themes. Have existing campaign colors? No problem! We'll be happy to match them. If you have an existing yard sign or logo, we'll be happy to reformat it to fit your site.

CONTRIBUTION AMOUNT
 \$10 \$25 \$50 \$100
 \$250 \$500 Other Amount \$:

Accept Online Donations

You'll be able to accept online donations from the moment you launch your site. Best of all - we don't take a dime of your hard-earned donations. Use our online contribution form to accept payments by mail, through Stripe, PayPal or Authorize.net, or link your donation button to any third-party payment processor.

[View a Sample Contribution Form Here](#)

Birth Date: 5/5/1964
Party Affiliation: Independent
Vote Confidence: ★★★★★
Virginia's 8th con
Virginia State Ser
Virginia State Ho
Alexandria Count

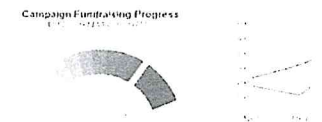
Manage Volunteers & Donors

Campaign Partner makes it easy to mobilize and organize your volunteers thanks to the integrated volunteer signup form and [contact management system](#). Need a list of everyone who's volunteered for phone banking? No problem! You can quickly and easily sort and export your volunteers based on their signup preferences. You can import your existing contacts, and export contacts for use with almost any software.

today
October Events
30
C Staff Meeting Campaign Fundraiser

Schedule Events

Schedule and manage campaign events. Creating an event is as simple as [clicking a date in the calendar](#). Create recurring events, add driving directions and an interactive map just by clicking a button. [View a Sample Event Here](#)



Track Donations & Site Traffic

Set and monitor campaign contribution goals, site visitors, page views and other key metrics.

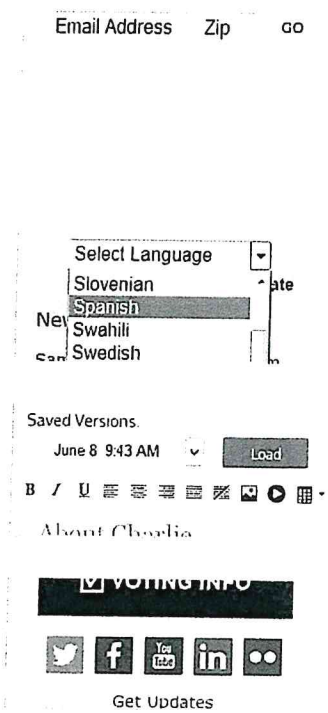
Editable Edit Images Add Image
Gallery Title: Campaign Photos
Photos from our ca
on June 16 at the

Create Photo Galleries

Upload photos, [create galleries](#), and add captions through the control panel. Campaign Partner automatically creates slideshows from your photos. [View a Sample Photo Gallery Here](#)

Get Updates

Build Your Supporter Database



Volunteers, contributors and email subscribers are automatically added to your supporter database. Campaign Partner even integrates with the email newsletter service MailChimp, enabling subscribers to be added directly to your email lists.

Instant Translations

Instant translations from Google make your content accessible to all prospective voters.

Automatic Backups

With our automatic page backups, you can easily undo changes and revert to previous versions of your pages.

Social Media Integration

Connects to your Facebook, Twitter, and other social media accounts, and provides one-click access for visitors to share your website with their friends and family through Twitter, Facebook, and email. Easily add your own Facebook and Twitter feed.

Plans & Pricing

Pick the plan that's right for you. You can change your plan or cancel at any time. Best of all, our plans are all-inclusive - there are no additional fees!

<p>Advanced \$64/month For Larger Campaigns</p> <ul style="list-style-type: none"> Free Domain Name Website & Hosting Free HTTPS/SSL Certificate Online Donations Mobile Ready Unlimited Admin Accounts Up to 60,000 Database Contacts Automatic Backups 30+ Professional Themes Mailing Address Validation <p>Select Plan</p>	<p>Complete \$49/month For Most Campaigns</p> <ul style="list-style-type: none"> Free Domain Name Website & Hosting Free HTTPS/SSL Certificate Online Donations Mobile Ready Five Admin Accounts Up to 25,000 Database Contacts Automatic Backups 30+ Professional Themes Mailing Address Validation <p>Select Plan</p>	<p>Simple \$29/month For Smaller Campaigns</p> <ul style="list-style-type: none"> Free Domain Name Website & Hosting Free HTTPS/SSL Certificate Online Donations Mobile Ready One Admin Account Up to 7,500 Database Contacts 30+ Professional Themes <p>Select Plan</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Exhibit B-1
 * Aug 16 Advanced
 and repaid
 to me

Schedule 1 - Contributions

Part I - Summary of Contributions

Contributions in money from candidate and spouse + \$ 3,000.00

Contributions in goods and services from candidate and spouse (include value listed in Table 3 and Table 4) + \$ _____

Total value of contributions not exceeding \$100 per contributor

- Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor is \$100 or less (do not include contributions from candidate or spouse).

+ \$ _____

Total value of contributions exceeding \$100 per contributor (from line 1B on page 5; list details in Table 1 and Table 2)

- Include ticket revenue, contributions in money, goods and services where the total contribution from a contributor exceeds \$100 (do not include contributions from candidate or spouse).

+ \$ 6,793.96 *

- \$ 1,800.00 *

- \$ _____

Total Amount of Contributions (record under Income in Box C) = \$ 8,993.96 1A

Part II - Contributions exceeding \$100 per contributor - individuals other than candidate or spouse

Table 1: Monetary contributions from individuals other than candidate or spouse

Name	Full Address	Date Received	Amount Received \$	Amount \$ Returned to Contributor or Paid to Clerk
John & Mary Jaglowitz	2 Hillside Ave, Delhi, Ontario, N4B1Y1	2018/08/08	127.00	
Lisa Grogan-Green	133 Mildenhall Road, Toronto, Ontario, M4N3H4	2018/08/24	1,000.00	
Bob Nash	986 Line 5, Niagara-on-the-Lake, Ontario, L0S1J0	2018/08/30	100.00	
Bill Etherington	701-118 Yorkville Avenue, Toronto, Ontario, M5R1H5	2018/09/08	250.00	
Oliver Bock	3378 Radcliffe Ave, Vancouver, V7V1G6	2018/09/10	1,200.00	1,200.00
Sloan Mandel	234 St. Leonards Ave, Toronto, Ontario, M4N1L1	2018/09/11	100.00	
Kevin Green	19 Lesmill Road, Suite 101, Toronto, M3B2T3	2018/09/12	1,200.00	
Michael Griffin	4167 Deer Run Court, Mississauga, Ontario, L5C3P2	2018/09/13	250.00	
Total carried forward from supplementary attachment Page 2			4,500.00	
<input checked="" type="checkbox"/> Additional information is listed on separate supplementary attachment			Total	8,727.00

Table 2: Contributions in goods or services from individuals other than candidate or spouse
 (Note: must also be recorded as Expenses in Box C)

Name	Full Address	Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
Bob Nash	986 Line 5, Niagara-on-the-Lake, Ontario, L0S1J0	T-Shirts	2018/09/05	216.96
Joan Booth and Jean Hickey	1466 Peninsula Rd, Port Sandfield, Ontario, P0B1J0	Meet and Greet benefit	2018/08/18	50.00
			Total	266.96

Additional information is listed on separate supplementary attachment

Total for Part II - Contributions exceeding \$100 per contributor
 (Add totals from Table 1 and Table 2 and record the total in Part 1 - Summary of Contributions)

7,193.96 *
\$ 8,993.96 1B

Part III – Contributions from candidate or spouse

Table 3: Contributions in goods or services

Description of Goods or Services	Date Received (yyyy/mm/dd)	Value \$
		Total

Additional information is listed on separate supplementary attachment

certificate setting out the estimated amount as of the day of the calculation and

(b) once the calculation under subsection (6) is made, give the individual who filed the registration a certificate setting out the amount calculated under subsection (6). 2016, c. 15, s. 59.

Exhibit D-1

Calculations final

(17) The clerk's calculations are final. 2016, c. 15, s. 59.

Section Amendments with date in force (d/m/y) [+]

DUTIES OF CANDIDATES AND REGISTERED THIRD PARTIES

Duties of candidates

88.22 (1) A candidate shall ensure that,

- (a) no contributions of money are accepted or expenses are incurred unless one or more campaign accounts are first opened at a financial institution exclusively for the purposes of the election campaign;
- (b) all contributions of money are deposited into the campaign accounts;
- (c) all funds in the campaign accounts are used exclusively for the purposes of the election campaign;
- (d) all payments for expenses are made from the campaign accounts;
- (e) contributions of goods or services are valued;
- (f) receipts are issued for every contribution and obtained for every expense;
- (g) records are kept of,
 - (i) the receipts issued for every contribution,
 - (ii) the value of every contribution,
 - (iii) whether a contribution is in the form of money, goods or services, and

(iv) the contributor's name and address;

- (h) records are kept of every expense including the receipts obtained for each expense;
- (i) records are kept of any claim for payment of an expense that the candidate disputes or refuses to pay;
- (j) records are kept of the gross income from a fund-raising function and the gross amount of money received at a fund-raising function by donations of \$25 or less or by the sale of goods or services for \$25 or less;
- (k) records are kept of any loan and its terms under section 88.17;
- (l) the records described in clauses (g), (h), (i), (j) and (k) are retained by the candidate for the term of office of the members of the council or local board and until their successors are elected and the newly elected council or local board is organized;
- (m) financial filings are made in accordance with sections 88.25 and 88.32;
- (n) proper direction is given to the persons who are authorized to incur expenses and accept or solicit contributions under the direction of the candidate;
- (o) a contribution of money made or received in contravention of this Act or a by-law passed under this Act is returned to the contributor as soon as possible after the candidate becomes aware of the contravention;
- (p) a contribution not returned to the contributor under clause (o) is paid to the clerk with whom the candidate's nomination was filed;
- (q) an anonymous contribution is paid to the clerk with whom the candidate's nomination was filed; and
- (r) each contributor is informed that a contributor shall not make contributions exceeding,
 - (i) subject to subsection (2), a total of \$1,200 to any one candidate in an election, and
 - (ii) a total of \$5,000 to two or more candidates for offices on the same council or local board. 2016, c. 15, s. 60; 2017, c. 10, Sched. 4, s. 8 (13).

Candidate for mayor, City of Toronto

(2) A candidate for the office of mayor of the City of Toronto shall ensure that each of his or her contributors is informed that a contributor shall not make contributions exceeding a total of \$2,500 to any one candidate for the office of mayor of the City of Toronto. 2016, c. 15, s. 60.

Exclusion of certain expenses

(3) Expenses described in paragraph 2 of subsection 88.19 (3) are not expenses for the purpose of clause (1) (a). 2016, c. 15, s. 60.

Contributions paid to clerk

(4) Contributions paid to the clerk under clause (1) (p) or (q) become the property of the local municipality. 2016, c. 15, s. 60.

Section Amendments with date in force (d/m/y) [+]

Effect of default by candidate

88.23 (1) A candidate is subject to the penalties listed in subsection (2), in addition to any other penalty that may be imposed under this Act,

not in receiving contravening contributions, but in keeping them.

[94] I found that the wording of s. 69(1)(m) was clear and unambiguous. One could not read into the language of that provision anything beyond the ordinary and natural meaning of the words used; and there was nothing elsewhere in the *Act* to contradict or even cloud that meaning. Exhibit D-3

[95] I saw no error in the handling of the fourth ground by the Ontario Court of Justice.

[96] I would add that I agreed with Mr. De Lisio in his argument that candidates must undertake corporate searches “of all non-individual contributors” or “make inquiries” of those contributors where “there exists a compelling reason to do so”: see *Chapman v. Hamilton (City)*, [2005] O.J. No. 1943, at para. 51. Here, compelling reasons were present. The need for inquiry was obvious.²⁴

[97] The fifth ground of appeal alleged that the Ontario Court of Justice erred in:

(e) finding that the obligation of a candidate is simply to return a contribution of money made in contravention of the *Act* as soon as possible after the candidate becomes aware of the contravention and that if he does, the candidate is not contravening the *Act*;

[98] The fifth ground was largely an extension or restatement of the fourth ground. Receiving illegal campaign contributions cannot sensibly be construed to contravene any provision of the *Act*. As others have correctly commented, if this were not so, a contributor could sabotage the election of a candidate merely by making an illegal donation. Consequently, the only obligation upon a candidate is

²³ One might rightly query whether a donation by cheque – only contributions of \$25 or less may be in cash: see s. 70(8) – is “received” when physically received or only when deposited in a bank account. To avoid that problem, candidates should scrutinize all cheques and perform their due diligence before depositing the cheques. Other questions arise as to the implications where the cheques are received and deposited by a campaign worker and not by the candidate personally. But I digress.

²⁴ I think that any one of the corporate circumstances in this case was sufficient, on its own, to call for inquiry or investigation: (1) common President or Business Manager; (2) common Cheque Signatory; (3) common Address; and, (4) family relationship evident from (1) and/or (2).

to return the contravening contribution as soon as possible. Had the excess campaign contributions here not been returned, the *Act* would have been breached and an audit appropriate.

[99] The final ground of appeal stated that the Ontario Court of Justice erred in:

(f) finding that the contravention of the *Act* by councillors Stack and Dorsey and Siscoe did not constitute a contravention of the *Act*.

[100] This ground was curiously worded. However, I understood Lancaster to be alleging that the *Act* was contravened and, after some prodding, it came out during

Exhibit E-1

Subject: Fwd: Meet and Greet for Ward C candidates
From: Barb Bridgeman <bridgeman.barb@gmail.com>
Date: 2018-10-27 8:19 AM
To: Phil Harding <phil@philharding.ca>, Susan Mazan <susan.mazan@rogers.com>, Peter Kelley <peterkelley@bell.net>, Gordon Roberts <gjrmuskoka@gmail.com>, Frank Jaglowitz <frank@jaglowitz.com>

Good morning future Mayor and Councillors!

I closed out my campaign account yesterday, and realized I had not forwarded this on to all of you.

The Meet and Greet is a donation in kind from Joan Hickey. I believe it is important that we all disclose this, as last election the financial filings were scrutinized by other candidates and a complaint filed against one candidate.

We all have \$50 to disclose. As stated below, Joan did not have the receipts, so we estimated on the high side to ensure that we are within the "law".

Great results last week!! I look forward to our 4 years together.

Barb

----- Forwarded message -----

From: Joan R Hickey <joanrhipkey@gmail.com>
Date: Thu, Oct 18, 2018 at 8:02 PM
Subject: Re: Meet and Greet for Ward C candidates
To: Barb Bridgeman <bridgeman.barb@gmail.com>

Close enough! Really have no idea . Want to be semi accurate but no big deal! Not much drinking. Everybody quite abstemious ! Driving you know !
This ok?

Joan

On Oct 18, 2018, at 6:35 PM, Barb Bridgeman <bridgeman.barb@gmail.com> wrote:

Hi Joan,

I know you are heading off tomorrow for Berlin, so thought I would try and catch you before then. We talked about the lovely Meet and Greet you hosted at your home. About 40 people came. I know you did not keep receipts.

In terms of audit procedures, the 6 candidates there need to declare the event as a "contribution in kind" (take the cost and divide by 6 and declare it on our fundraising

statement).

Attending: Phil Harding, Frank Jaglowitz, Barb Bridgeman, Peter Kelley, Susuan Mazan, and Gord Roberts.

I know you do not have receipts, but we talked about the cost being \$300, maximum. It was unbelievable hot, so water won!! I have over estimated to ensure we are disclosing everything:)

wine 6 x 20.00 =	\$120.00
water 60 bottles = 60 x1.60 =	\$ 96.00
munchies (chips etc) =	\$ <u>84.00</u>
Total	\$ 300.00

divided by 6 = \$50 disclosure per candidate

Could you simply reply with "I agree with the costing of the event", and I will send on to every candidate there for their campaigning accounting.

Thanks Joan,
Barb

--

Barb Bridgeman
(416) 605-3207
(705) 765-3597

Barb Bridgeman
(416) 605-3207
(705) 765-3597



440 Ecclestone Drive #7, Bracebridge, ON P1L 1Z6
T: 705.645.8781 • F: 705.645.1385
info@muskoka.kkpcanada.ca
www.muskoka.kkpcanada.ca

No. 1145
Exhibit G-1
Date 2018-08-08

Walk In - Frank

P.O. No.

Customer Phone

Invoice

JOB DESCRIPTION

AMOUNT

100, 18 x 24, election signs

1,519.12

*received cheque # 076
for payment in full.
John Hughes*

Subtotal \$1,519.12

HST \$197.49

Balance Due \$1,716.61

Net 30 Days. Please Pay From This Invoice.
Interest @ 2% Per Month will be added to outstanding accounts
HST# 87076 0717 RT0001

Thank you for your order

From Concept To Completion

We can help you with all your printing and copying requirements. Contact us at...
705-645-8781 info@muskoka.kkpcanada.ca www.muskoka.kkpcanada.ca



October 6, 2018

Send Money

Step: 3

Your transfer has been sent

Your contact will receive an email within approximately 30 minutes.

Your Interac e-Transfer® Details

From: frank@jaglowitz.com

To: Bob Nash
bobnash1@hotmail.com

Amount: \$610.20

From Account: No Fee Chequing Account (0086447380)

Account Balance: \$1,717.79

Message to Recipient: Payment for signs Print1

Security Question: What was the password I gave you?

Response: *****

Expiry Date: Nov 5, 2018

Reference Number: 1043015457

Submitted: **October 6, 2018 at 3:28 p.m. ET.**

Frank J. Jaglowitz CPA, CA
Licensed Insolvency Trustee

1805 Peninsula Rd, Unit 281
Port Carling, Ontario, P0B 1J0
Telephone: 519 624 4357
Fax: 519 624 0266

August 28, 2017

Ontario Municipal Board
655 Bay Street, Suite 1500
Toronto, Ontario
M5G 1E5

Dear Sirs:

I am writing regarding my appeal of the approval of a condominium description for the Mist Opportunities - Touchstone Resort, Condominium File No. C2016-5 by the District Municipality of Muskoka.

This property is in the Township of Muskoka Lakes, in the District of Muskoka and as such must comply with the Official Plan of both the Township and the District and the Zoning Bylaw of the Township.

I have written the Municipality regarding my concerns with this approval and believe that it has the potential of setting a dangerous precedent for other similar properties in the District and in particular for Lakeside Lodge (Legacy Cottages), 1046 Peninsula Road, Minett, on Lake Rosseau. This resort is less than five minutes from where I live. Legacy Cottages is also in the Township of Muskoka Lakes, in the District of Muskoka and is currently selling 43 cottages and intends to apply to the District for a Condominium approval similar to this approval.

I am appealing the following conditions contained in the "Area Municipality Agreement" section of the Certificate of Conditional Approval:

Section 12 iv)

Section 12 iv) states "The obligation for each resort accommodation unit owner to place their unit(s) in the mandatory rental program for a minimum of eight (8) cumulative but not necessarily consecutive weeks each and every year, of which a minimum of two (2) weeks shall be in the period between the Victoria Day long weekend in May and September 30th"

The unit owner is only required to place his unit in the rental pool for eight weeks in a year and only two in the summer season. Muskoka is basically a summer resort area and two weeks in this season does not make the unit "available to the travelling public".

Chartered Professional Accountant Chartered Accountant

My concern is that this does not meet the requirement as set out in the District and the Township Official Plans.

Section C.29 b) of the Muskoka Official Plan states "Regardless of the form of tenure, accommodation units within a resort development WILL be made available to the travelling public, be operated under central management on location for profit, and will provide ongoing services and recreational facilities normally provided in a commercial setting".

This property is in the Township of Muskoka Lakes and its official plan in Section B 11.10 states "The use of units shall remain commercial and be available to the travelling public through a centrally managed rental pool.

The Webster dictionary definition of "available" is "present or ready for immediate use".

The two weeks in the summer and eight for the year does not meet any of these tests. The owner should have to put the unit in the rental pool for the entire year and only use it as any other member of the travelling public does, for a limited vacation period.

Section B 11.10 further states "It is the policy of the Township that residential condominiums are not permitted within the waterfront designation or the waterfront commercial zone.

A requirement to only place the unit in a rental pool for eight weeks a year and two in the summer also does not meet this test.

Section 12 i)

Section 12 i) states: "That the resort accommodation units SHALL remain as a tourist commercial accommodation use available to the travelling and vacationing public, as an integral part of the operation of a tourist commercial resort, not constitute the unit owner's primary or permanent residence, and that all sales documents and agreements confirm that the units cannot be occupied as a residence".

Once again, a requirement to only place the unit in a rental pool for eight weeks a year and two in the summer does not meet this test, and seems incongruous to the statement above.

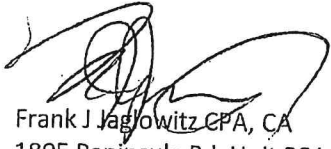
It has been determined, by talking to personal in the sales offices of this and similar resorts in the same resort designation, that units are being sold on the basis that the owner can occupy the unit at all times that it not in the rental pool and actually rented. In other words the owner is told he can occupy for all but the eight weeks.

This also does not meet the requirements of the District and Township Official Plan.

In summary, this condominium is in a waterfront resort commercial designation and the owner should have to put the unit in the rental pool for the entire year and only use it as any other member of the travelling public does, for a limited vacation period.

I have enclosed a money order payable to Minister of Finance in the amount of 300.00.

Thank You



Frank J. Jaglowitz CPA, CA
1805 Peninsula Rd, Unit 281
Port Carling, Ontario. POB 1J0



CERTIFICATE OF ELECTION RESULTS

Municipal Elections Act, 1996 s. 11(4)3, 55(4.1)1

I, Cheryl Mortimer, Clerk of the Corporation of the Township of Muskoka Lakes, in the District Municipality of Muskoka, hereby certify that during the municipal election held on Monday October 22, 2018, and extended to 8:00 pm on October 23, 2018, for the offices listed below, the certified candidates received the votes that follow their respective names:

OFFICE	NAME OF CANDIDATE	NUMBER OF VOTES
Mayor 1 to be elected	Donald Furniss	1236
	Phil Harding	5324
	Terry Ledger	344
District and Township Councillor Ward A/1 1 to be elected	Gord Carlton	349
	Brian Mayer	79
	Ruth-Ellen Nishikawa	1142
Township Councillor Ward A/1 2 to be elected	Sandy Currie	314
	Donelda Hayes	1171
	Glenn Zavitz	1221
District and Township Councillor Ward B/2 1 to be elected	Allen Edwards	1765
	Larrie MacRae	296
Township Councillor Ward B/2 2 to be elected	Linda Barrick-Spearn	347
	Jason Harnett	357
	Susan Mazan	1602
	Gordon Roberts	1536
District and Township Councillor Ward C/3 1 to be elected	Jean-Ann Baranik	517
	Frank Jaglowitz	2578
Township Councillor Ward C/3 2 to be elected	W. Ron Brent	407
	Barb Bridgeman	2532
	Peter Kelley	2502
	Jeff Mole	202
Trillium Lakelands District School Board Trustee (Georgian Bay, Gravenhurst, Muskoka Lakes) English – Public 1 to be elected	Johnny Ahsome	1208
	Louise Clodd	3923
Simcoe Muskoka Catholic District School Board Trustee (Ward 4) English – Separate 1 to be elected	Carol Corriveau-Truchon	ACCLAIMED
Conseil scolaire public du Nord-Est de l'Ontario (Sector A) French – Public 1 to be elected	Denis Boyer	ACCLAIMED
Conseil scolaire catholique MonAvenir (Region of Simcoe-Muskoka) French – Separate 1 to be elected	Ryan Malenfant	1
	Claire Thibideau	5

Dated this 24th day of October 2018

Cheryl Mortimer, Clerk

ONTARIO COURT OF JUSTICE

B E T W E E N :

JOHN LYRAS

Applicant (Appellant in Appeal)

— AND —

ADRIAN HEAPS and COMPLIANCE AUDIT COMMITTEE OF THE CITY OF TORONTO
Respondents (Respondents in Appeal)

2008 ONCJ 524 (CanLII)

Ronald J. Walker, Charles A. Toth counsel for the appellant John Lyras
 Paula Boutis counsel for the respondent Adrian Heaps
 Kalli Y. Chapman counsel for the respondent Compliance Audit
 Committee of the City of Toronto

REASONS FOR JUDGMENT

LANE, J.:

This is an appeal pursuant to section 81 (3.3) of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched. (the “MEA”) from the decision of the Compliance Audit Committee of the City of Toronto (the “Committee”) dated July 16, 2007. The Committee rejected Mr. Lyras’ application for a compliance audit of the election campaign finances of Adrian Heaps, now Municipal Councillor for Ward 35, incurred during the 2006 Toronto municipal elections. The appellant seeks an order setting aside the decision of the Committee and requiring a compliance audit of Mr. Heaps’ election campaign finances.

The Legislative Framework

This appeal is based on the statutory provisions set out in Section 81(1) to (4) of the MEA. An elector who believes on reasonable grounds that a candidate has contravened a provision of the MEA relating to election campaign finances may apply in writing for a compliance audit of those finances. Within thirty days of receiving the application, the council or local board must consider the application and decide whether it should be granted or rejected. Under s. (3.1), the council may establish a committee and delegate its powers and functions with respect to applications received in relation to an election for which it was

comprehensiveness of the thirty-page website, Mr. Lyras asserted that “it was implausible that it was designed and created, as well as hosted for a three-month period, by a professional webmaster” with such experience for a cost of only \$120. Mr. Lyras obtained two quotes for the design, creation and hosting of websites similar to that operated by Mr. Heaps during the campaign, one was for more than \$5,965.00, the other for \$2,800.00. In his view, even the lower of these costs would have caused Mr. Heaps to exceed his campaign spending limits.

Mr. Heaps replied that the cost of developing the website was not reported as it was not “paid for”, but rather obtained through “voluntary unpaid labour,” a specific exemption from the definition of “contribution” under section 66(2)2.i of the MEA. He indicated to the Committee that the work was done “on volunteer time,” took approximately 10-14 hours, and was done by Peter Diplaros, himself, his wife, his son and others who contributed volunteer time to the content and upkeep of the site.

In his written submissions to the Committee in support of his application, counsel for Mr Lyras asserted that the “voluntary unpaid labour” provision of the MEA does not apply to the contribution of services by those who are in the business of providing such services, i.e. that the MEA distinguishes between voluntary unpaid labour and the contribution of professional services. He also submitted that “allowing candidates to evade the application of the election spending limits to professional services obtained on a no-charge basis would result in inequality and unfairness among candidates.”

There is no dispute that the cost of producing a website is not distinguishable from the cost of producing other campaign literature or advertising. Mr. Heaps submits, however, that to the extent that a brochure, website or other advertising is produced by “voluntary unpaid labour,” these are not “contributions” under the MEA and need not be declared as such. Unless something is a “contribution,” then the rules for the valuation of the goods and services dealt with in s. 66(3) of the MEA do not apply.

I agree with counsel for the Committee that Mr Lyras has misinterpreted and misapplied the provisions of the MEA. Section 66(2)1.iii specifies that “if goods and services used in a ... campaign are purchased for less than their market value, the difference between the amount paid and the market value” are considered a “contribution.” Section 66(2)2.i provides that “the value of services provided by voluntary unpaid labour” ... are not contributions.” Section 66(3) describing how to value goods and services only applies to “goods and services provided as a contribution.” (my underlining)

Under the MEA, the level of expertise that a volunteer has in the area in which they elect to provide volunteer services is an irrelevant consideration in the definition of what is a “contribution.” It is also clear that the rules about valuing “contributions of goods and services” add nothing to the specific statutory definitions of what is or is not a “contribution.” The MEA is very clear that “the value of services provided by voluntary unpaid labour” need not be considered a contribution, and makes no distinction between free professional services and free services for other campaign assistance.

2008 ONCJ 524 (CanLII)