



AUGUST 2010 NEWSLETTER

This is the official newsletter of the
TORONTO PARTY FOR A BETTER CITY

Municipal Election

The Toronto Party for a Better City is running a slate of candidates for City Council in the 2010 municipal election.

We now have 8 candidates!

Ward 4

[Glenn Vaughan](#)

Ward 10

Edward Zaretsky

Ward 15

[Ron Singer](#)

Ward 28

[Howard Bortenstein](#)

Ward 36

[Glenn Middleton](#)

Ward 38

[Sean Gladney](#)

Ward 41

Danny Chien

Ward 43

[John Laforet](#)

For more information about our candidates and the party, please visit:

Website:

www.thetorontoparty.com

Email:

thetorontoparty@yahoo.ca

THIS IS YOUR MONEY!

By Stephen Thiele, President

Last month the [Divisional Court ruled](#) that decisions made by City Council to compensate Councillors Adrian Heaps and Councillors Giorgio Mammoliti for legal expenses they incurred in defending compliance audits were beyond the scope of City of Toronto Act, 2006. The court found that as a matter of statutory interpretation the grant power under s. 83 was not broad enough to permit such compensation.

While this decision represents a victory for the taxpayer, the city and Councillor Mammoliti have now chosen to seek leave to appeal it. This is their right under our legal system, just as it was the right of electors to first challenge Messrs. Heaps and Mammoliti on whether they had broken municipal election laws by spending more than they were entitled to spend.

Democracy is about checks and balances. Democracy does not work unless our laws are structured in a manner which permits the court to act as a neutral arbitrator of disputes. Election expense limits exist so that wealthy individuals cannot simply "buy" victory. And so the process permits challenges when someone believes that legislated expense limits have been exceeded. This is a risk that every "would-be" politician faces and it is a risk for which taxpayer money should not be used to defend.

Councillor Doug Holyday plans to introduce a motion at the next council meeting to get the money that was paid to Messrs. Heaps and Mammoliti back.

We strongly urge City Council to support the motion and end the legal wrangling before it costs taxpayers a million dollars in legal fees. The city solicitor gave clear advice on the issue. The Divisional Court agreed with her. Two other Ontario Court of Appeal decisions support the Divisional Court ruling. If City Council chooses to continue its fight, the [Toronto Party for a Better City](#), who first commenced a legal action to get our money back, will continue the battle and get recovery - whether it is from Messrs. Heaps or Mammoliti or the 27 members of council who disregarded their lawyer's advice.

YOU BE THE JUDGE

HOW YOUR COUNCILLORS VOTED ON WHETHER TO COMPENSATE THEIR COLLEAGUES FOR LEGAL EXPENSES

At least 27 members of City Council voted in favour of compensating Councillors Heaps and Mammoliti for the legal expenses they incurred in defending themselves against election compliance audits. Council passed two resolutions to do this. Only the votes on one of the resolutions were recorded.

The source for the votes can be found at [pp. 21 and 22 of the Minutes of the Council of the City of Toronto, September 24 and 25, 2008](#):

In favour of compensating Councillor Mammoliti for his legal expenses were as follows:

Mayor David Miller and Councillors Ashton, Augimeri, Carroll, Cho, Davis, De Baeremaeker, Del Grande, Di Giorgio, Feldman, Filion, Fletcher, Grimes, Hall, Jenkins, Kelly, Lindsay Luby, Milczyn, Moeser, Moscoe, Pantalone, Parker, Perks, Perruzza, Rae, Stintz and Vaughan.

Against compensating Mammoliti for his legal expenses:

Councillor Doug Holyday.

The vote with respect to compensating Councillor Heaps was not recorded.

Only Councillor Del Grande has realized his error and has helped the Toronto Party bring these kinds of decisions to the attention of the public. As for the remaining 26 councillors who voted "Yes", you don't have to wait for a court to render judgment to say they were wrong; you can voice your displeasure and get rid of them on October 25, 2010 by voting for someone else and especially by supporting your local Toronto Party candidate.

Our party and our candidates are the ones who will bring accountability, integrity and trust back to City Hall.

This is about democracy. By Stephen Thiele

Under our constitution, people have the freedom to associate. In the workplace, workers are allowed to form unions. In politics, people are allowed to form statutorily recognized political parties - except at the municipal level. In my view, this is contrary to the fundamental principles upon which a democracy is based.

The Ministry of Municipal Affairs and Housing recognizes that the Toronto Party can exist as a municipal political party. However, the provincial government continues to refuse to implement the changes necessary to permit formal recognition of municipal political parties in Toronto and elsewhere throughout Ontario. Is the provincial government afraid of democracy? Are Torontonians or Ontarians not the equal of residents in provinces like Quebec and British Columbia where formal municipal political parties are allowed to exist?

Many people agree that our system of municipal government is broken. In Toronto, we question whether there is a need for 44 councillors. We question whether members of city council should be allowed to serve for more than two or three terms. And we question why we do not recognize formal municipal political parties when we all know that party (Conservative, Liberal and NDP) politics guides the decisions made at City Hall.

The Toronto Party for a Better City sued the City of Toronto over decisions made to compensate councillors for certain legal expenses. Councillor Heaps eventually backed down with respect to accepting over \$60,000 for expenses incurred in defending a defamation law suit and so we won. The Divisional Court recently ruled that the city had no authority to compensate Councillors Heaps and Mammoliti for legal expenses incurred to defend compliance audits and so another victory was scored.

A constitutional challenge to Ontario's Municipal Election Act and the City of Toronto Act, 2006 is the next step, and we will win that too. We will fight for democracy because only when we have it will decisions at City Hall truly change.