

Notice of Decision
The Corporation of the City of Oshawa
Joint Compliance Audit Committee
established under Section 88.37 of the *Municipal Elections Act, 1996*

IN THE MATTER OF an application for compliance audit under section 88.33(1) of the Municipal Elections Act, 1996;

AND IN THE MATTER OF the City of Oshawa's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures in accordance with section 88.37(6) of the Municipal Elections Act, 1996;

Candidate: Dave Thompson
Applicant: Derek Giberson
Application No. JCAC-23-11
Meeting Date: Thursday, July 13, 2023 at 9:30 a.m.
Meeting Location: Committee Room, City Hall
50 Centre Street South
Oshawa, Ontario L1H 3Z7

DECISION

Purpose of Meeting

The purpose of the meeting was to consider an application from Derek Giberson for a compliance audit of the campaign finances of Dave Thompson, a candidate for Ward 4 City Councillor in the City of Oshawa's 2022 Municipal Election.

This meeting was held in accordance with the provisions of the City of Oshawa's 2022 Municipal and School Board Election Joint Compliance Audit Committee Administrative Practices and Procedures (the Procedures).

Decision

After reviewing the documentation submitted by both the Applicant and Candidate and also hearing oral submissions from both, it is the decision of this Compliance Audit Committee that the matter of JCAC 23-11 (City of Oshawa) not proceed to audit. While the use of the term "Ward 4" by candidate Dave Thompson to identify himself in advertising outside the campaign period gave the Committee reason to pause, the Committee believes it to be a matter for legislative review as opposed to a compliance audit.

Reasons

The reasons for the decision are as follows:

As stated by the Applicant, the crux of the issue has less to do with the value of advertising and more to do with the legitimacy of certain advertising outside the municipal election campaign period.

Indeed, the Applicant questioned if the matter was within the scope of the Committee but indicated that it was important to advance the question.

For his part, the Candidate advised he has been running "personal ads" in local papers for many years as a way of wishing friends and people who may know him a happy Canada Day, Easter, Mothers' Day, etcetera. He does so in lieu of sending greeting cards in the mail or a flyer in the mail or as a newspaper insert. In the past he has also done so as a union rep and identified himself as such.

As for the inclusion of the reference to "Ward 4", the Candidate resides in Ward 4 of the City and has resided there for the entire time he has been running the "personal ads".

It is the Committee's belief that the Applicant would be better to refer the issue to the Ontario Ministry of Municipal Affairs and Housing for it to consider as part of its post-election review.

Date this 19th day of July, 2023



Kelly Gravelle (Jul 19, 2023 18:21 EDT)

Kelly Gravelle, Chair



Wm. J. Paul Jones (Jul 20, 2023 09:05 EDT)

Paul Jones, Member



Sachin Persaud (Jul 20, 2023 15:28 GMT+2)

Sachin Persaud, Member