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July 19, 2019

SENT VIA E-MAIL TO: csaunder@london.ca

City Clerk
City Clerk's Office
City of London
PO Box 5035
London, Ontario
N6A 4L9

Attention: Ms. Saunder

Dear Ms. Saunder,

Re: Complaint to Compliance Audit Committee: Amir Farahi and Blackridge Strategy

We are the lawyers for Mr. Amir Farahi and Blackridge Strategy.

We understand that Stephen Turner commenced a complaint against our clients in connection with the 2018 Municipal Election (the "Complaint") and that the Complaint is scheduled for a hearing in front of the City's Compliance Audit Committee on July 26, 2019.

Due to our recent retainer in this matter and our need to fully and carefully review the Complaint and all matters associated therewith, we kindly request an adjournment of the hearing until a later scheduled date.

As a preliminary matter, we note as well that the placement of the Complaint on the Agenda for the City's Compliance Audit Committee is troubling for a number of reasons.

First, the affidavit of Mr. Turner is unsworn. Accordingly, the Complaint is not compliant with the requirements of a valid Application as established by the City of London.

As set out on the City's public website "The Application for a Compliance Audit Request must be completed and sworn in front of a commissioner..." The Application is in the form of an affidavit as well.

On this basis, the City ought not to have accepted Mr. Turner's Application and his Complaint is improperly before the Compliance Audit Committee.

As set out in the Municipal Elections Act, 1996 (the "Act"), the clerk of a municipality is granted authority to establish administrative practices and procedures for a compliance audit committee. Those practices and procedures as represented to the public, including our clients, on the City's website, and elsewhere, requires an Application to be duly sworn.

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Second, our clients were not registered third party advertisers during the 2018 Municipal Election. This information would be duly known by the City of London.

The jurisdiction of a compliance audit committee under the Act is confined to hearing matters involving “candidates” and “registered third party” advertisers.

Our clients also have very serious concerns about the manner in which Mr. Turner is using his power as an elected official. To that end, I refer you to the meeting of London City Council held on June 11, 2019 (the “Council Meeting”).

Having reviewed the video of the Council Meeting, I took note of the following quote from the City Solicitor, Barry Card:

“Your worship, I have had the opportunity to confer with the Clerk about whether or not there is any possibility for recourse and I agree with her responses, I believe that the Municipal Elections Act was meant to be a code, and that the responsibilities of everyone, responsible for the Municipal Elections Act is set out in the code, but beyond that, usually if the legislation was occupied by an area and doesn’t provide Municipal powers, that’s a pretty good indication that it doesn’t go beyond what is in the act. But they have actually specified that in Section 88.7, and I wanted to bring that to your attention because the Councillor mentions Section 88.4 and suggests that there was a possibility of a contravention of Section 88.4 And what this provision says that if a municipality is satisfied that there's been a contravention of section 88.3 88.4 or 88.5 the municipality may require a person who the municipality reasonably believes contravened this section or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to remove the advertisement or discontinue the advertising. So that's all there is to it. And as the clerk said, that action was taken, uh, the signs were removed and the, uh, any advertising, whether or not it was advertising remains to be seen, but the activity ceased. So that exhausted what the municipality’s responsibility was and what the municipality’s power is and what the Councillor is really asking is well you know, that’s all and good, but there is a vacuum here, could we fill that vacuum by prescribing some other process and my answer to that is no, because we don’t have the jurisdiction to do that. So what happens with contraventions of the Act? Well it’s the same as any other provincial statute. It’s the duty of the police to investigate and lay charges where they consider appropriate, it’s not the function of the council to do that.”

In addition to the legal opinion of Mr. Card, I also took note of the following quote from the City Clerk:

“Through you Mr. Mayor, there is nothing in the Municipal Elections Act that provides authority for compliance audits to be undertaken for third parties that are not registered. The Act did provide the clerk with the authority if something did come to their attention at the time to take action and we did that, we removed the signs, we had...we did investigate the website and but the website was taken down. So that’s the only authorization the clerk has under the Act. The compliance audit complaints and applications are only in accordance with the Municipal Elections Act for registered third parties.”

On this basis, the City ought not to have accepted Mr. Turner’s Application and his Complaint should not have been placed on the City’s Compliance Audit Committee’s Agenda for July 26, 2019, where the allegations contained therein have now been wrongly made available to the public.



Given the foregoing, we trust that we will receive an immediate response to our request for an adjournment and the preliminary matters raised, which we reserve the right to fully argue before the City's Compliance Audit Committee if the Complaint continues to proceed through this process.

Yours very truly,

GARDINER ROBERTS LLP

A handwritten signature in cursive script, appearing to read 'Bryan Skolnik'.

Bryan Skolnik
Managing Partner - Operations

c. client