

4.1.3 - Letter to Town Clerk from Candidate

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July 25, 2023

BY EMAIL

Andrea Coyne
Clerk's Department
Town of Oakville
1225 Trafalgar Road
Oakville ON L6H 0H3

Dear Ms. Coyne:

Application for Compliance Audit of Candidate Nav Nanda Pursuant to s. 88.33 of the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched.

I hope this letter finds you well. We have been retained by Nav Nanda to respond to an application for a compliance audit under s. 88.33 of the *Municipal Elections Act, 1996* (the "**Act**") filed by Gobinder Randhawa on June 29, 2023. Ms. Nanda was a candidate for Town and Regional Councillor for Oakville's Ward 7.

While the address on Mr. Randhawa's application was redacted in the version provided to us, we have reason to believe that Mr. Randhawa does not currently reside within the Ward 7 boundaries, and did not reside within Ward 7 at the time of the election in which Ms. Nanda was a candidate. We understand that Mr. Randhawa's residential address is [REDACTED] in Oakville, which falls within the municipal boundaries of Ward 6.¹

Under s. 88.33 of the *Act*, only an "elector who is entitled to vote in an election" may apply for a compliance audit. Because the election in question concerns the office of Town and Regional Councillor for Ward 7, only electors entitled to vote in that specific election are entitled, under statute, to apply for a compliance audit. Put differently, an individual has no standing to bring an application for a compliance audit in respect of a candidate that they were not entitled to vote for. Section 88.33 of the *Act* reads as follows:

¹ For ease of reference, the Town's Ward boundaries are set out in the map linked [here](#).

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. [Emphasis added.]

A determination that Mr. Randhawa does not reside within the Ward 7 boundaries is dispositive of his application. The Committee does not have jurisdiction under the *Municipal Elections Act, 1996* to hear an application from an individual who was ineligible to vote in the election relating to the candidate's financial disclosure, and the matter can and should be removed from the Committee's docket accordingly.

We ask that the Town Clerk's office render a determination on this preliminary issue at its earliest opportunity. We intend to deliver a substantive response to the application by tomorrow, July 26, 2023, without prejudice to our position that the Committee lacks jurisdiction to consider a complaint from an elector outside the Ward 7 boundaries.

I would be pleased to provide further details on the source of our belief that Mr. Randhawa resides within the boundaries of Ward 6, or to discuss the application of s. 88.33 of the *Act* with you, any member of the Town Clerk's office, the Town's solicitor, or external counsel. I can be reached by phone at 647 981 9207 and by email at jmastrangelo@lolq.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read 'J. Mastrangelo', with a long horizontal stroke extending to the right.

John Carlo Mastrangelo

JCM/sy
Encl.