

May 10, 2019

Sean Baird  
107-3600 Billings Court  
Burlington, ON  
L7N 3N6

Dear Mr. Baird

Financial statements were submitted by you for the third-party advertisers listed below:

2657391 Ontario Limited  
2657392 Ontario Limited  
2657393 Ontario Limited  
2657392 Ontario Limited

In my review of the statements, I noted that the signatory for the official representative is the same for all of the above noted companies. Subsection 1(3) of the MEA provides as follows:

**Corporations deemed to be single corporation**

1 (3) For the purposes of this Act, two or more corporations are deemed to be a single corporation,

- (a) if one of the corporations controls the others, either directly or indirectly; or
- (b) if all of the corporations are owned or controlled by the same person or group of persons, either directly or indirectly.<sup>[1]</sup>

It appears from the papers submitted that the companies listed above are deemed to be one company in accordance with the Municipal Elections Act. Consequently, the contribution amount for the company would exceed \$10,000 and require an Auditor's statement to be submitted. Since a Audited financial statement was not provided you have been deemed to be in contravention of the Act. In addition, as a single entity the Corporation exceeded the expense limit provided in September 2019. Attached for your information is a notice of default.

If you have any questions, please contact me at extension 7702 or the e-mail address above.

Sincerely,



Angela Morgan  
City Clerk



Form EL43-2018

**NOTICE OF DEFAULT**

*Municipal Elections Act, 1996 (s. 88.23 (3))*

TO:

Sean Baird  
2657391 Ontario Limited  
2657392 Ontario Limited  
2657393 Ontario Limited  
2657394 Ontario Limited

107-3600 Billings Court, Burlington, On, L7N 3N6

FROM:

The Clerk, of the **City of Burlington**

TAKE NOTICE that you are in default of the requirements of the Municipal Elections Act, 1996, because:

- A. You failed to file the prescribed documents with the Municipal Clerk as required by Section 88.26 of the Municipal Elections Act 1996 on or before the relevant date, and**
- B. A document filed under Section 88.26 of the Municipal Elections Act 1996 shows on its face that you have incurred expenses exceeding the amount permitted under Section 88.20 of that Act.**

**NOTICE OF DEFAULT**

If this notice indicates that you have failed to file a document required by Section 88.26 of the Municipal Elections Act, the following provisions and penalties apply:

Section 88.27 (1)

until the next regular election has taken place, you are ineligible to register as a third party in an election to which the Municipal Elections Act, 1996 applies.

**Notice of Penalties**

Sections 92 (4)(5)(6) and 94.1(1)(2) of the Municipal Elections Act, 1996 set out penalties with respect to violations under the Act as follows:

#### **92 (4) Registered third party**

A registered third party is guilty of an offence and, on conviction, in addition to any other penalty that may be imposed under this Act, is subject to the penalty described in subsection 88.27 (1),

- (a) If the registered third party incurs expenses that exceed the amount determined under section 88.21; or
- (b) If the registered third party files a document under section 88.29 or 88.32 that is incorrect or otherwise does not comply with that section. 2016, c.15, s. 68 (2), *part.*

#### **92 (5) Exception – action in good faith – registered third party**

However, if the presiding judge finds that the registered third party, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalty described in subsection 88.27 (1) does not apply, 2016, c.15, s. 68 (2), *part.*

#### **92 (6) Registered third party – additional penalty**

If the expenses incurred by or under the direction of a registered third party exceed the amount determined under section 88.21, the registered third party is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act. 2016, c. 15, s. 68 (2), *part.*

#### **94.1 (1) General Penalty – individual**

An individual who is convicted of an offence under this Act is liable to the following penalties in addition to any other penalty provided for in this Act:

1. For any offence, a fine of not more than \$25,000.
2. For any offence other than a corrupt practice, the penalties described in subsection 88.23 (2) and 88.27 (1).
3. For an offence under section 90, imprisonment for a term of not more than six months.



4. For any offence that the presiding judge finds that the individual committed knowingly, imprisonment for a term of not more than six months, 2009, c. 33, Sch.21, s. 8 (68), *part*; 2016, c.15, s.70.

**94.1 (2) General penalty – corporation – trade union**

A corporation or trade union that is convicted of an offence under this Act is liable to a fine of not more than \$50,000 in addition to any other penalty provided for in this Act, 2009, c. 33, Sch. 21, s. 8(68), *part*.

May 10/19  
Date

Angela Morgan  
Angela Morgan, City Clerk