



Form EL43-2018

NOTICE OF DEFAULT

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

TO:

Darcy Hutzel	/	City & Ward Councillor Ward 3
(Name of Candidate)		(Office)
2450 Malcolm Crescent, Burlington, ON		L7P 3Y6
(Address)		(Postal Code)

FROM:

The Clerk, or designated election official 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 88.25 or 88.32 of the Municipal Elections Act 1996 on or before the relevant date, or |
| B. You failed to pay the amount of the surplus shown in documents which were filed with the Municipal Clerk by the relevant date as required by Section 88.31 (4) of the Municipal Elections Act, 1996, or |
| C. A document filed under Section 88.25 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. |
| D. You failed to pay the amount under s. 88.32 and failed to pay the amount required by that section to the clerk by the relevant date. |

NOTICE OF DEFAULT

If this notice indicates that you have failed to file a document required by Section 88.25 or 88.32 of the Municipal Elections Act, the following provisions and penalties apply:

Section 88.23 (2)

until the next regular election has taken place, you are ineligible to be elected or appointed to any office to which the Municipal Elections Act, 1996 applies.

Cessation of penalty:

- (9) The penalties set out in subsection (2) for a default described in clause (1) (a) do not take effect if, no later than 2 p.m. on the day that is 30 days after the applicable day for filing the document, the candidate files the relevant document as required under section 88.25 or 88.32 and pays the clerk a late filing fee of \$500.
- (10) The late filing fee is the property of the municipality.

Notice of Penalties

Sections 91, 92 and 94 of the Municipal Elections Act, 1996 set out penalties with respect to violations under the Act as follows:

- 91** (1) If a person is convicted of a corrupt practice under this Act, or of an offence under the *Criminal Code* (Canada) in connection with an act or omission that relates to an election to which this Act applies, then, in addition to any other penalty provided for in this Act,
- (a) any office to which the person was elected is forfeited and becomes vacant; and
 - (b) the person is ineligible to be nominated for, or elected or appointed to, any office until the next two regular elections have taken place after the election to which the offence relates.

Exception

- (2) However, if the presiding judge finds that the person committed the corrupt practice or offence under the *Criminal Code* (Canada) without any intent of causing or contributing to a false outcome of the election, clause (1) (b) does not apply.

92 (1) A candidate 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 penalties described in subsection 88.23(2),

- (a) if the candidate incurs expenses that exceed the amount determined for the office under section 88.20; or
- (b) if the candidate files a document under section 88.25 or 88.32 that is incorrect or otherwise does not comply with that section.

Exception

- (2) However, if the presiding judge finds that the candidate, acting in good faith, committed the offence inadvertently or because of an error in judgment, the penalties described in subsection 88.23 (2) do not apply.

Additional Penalty, Candidates

92 (3) If the expenses incurred by or under the direction of a candidate exceed the amount determined for the office under section 88.20, the candidate is liable to a fine equal to the excess, in addition to any other penalty provided for in the Act.

General Offence

94 A person who contravenes any provision of this Act or a regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

April 2/2019
Date

AMorgan
Angela Morgan, City Clerk

