

Lawyer hired to probe Gyles' expenses

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By DECLAN FINUCANE
Staff

Their request turned down by the Peel crown attorney's office, city councillors have hired a Toronto lawyer to investigate allegations Ward 5 Councillor Cliff Gyles violated municipal election rules during last year's campaign.

At a special council meeting Wednesday, councillors decided unanimously to retain George Rust-D'Eye, of Toronto firm Weir & Foulds.

Peel crown attorney Paul Taylor could not be reached for comment, but City officials said the crown claimed the matter was not its responsibility to litigate.

The City had asked the crown attorney on Oct. 24 to investigate the matter after receiving the results of a compliance audit of Gyles' election campaign expenses from the November, 2000 municipal race.

The audit concluded the longtime Mississauga politician, who has vowed to fight allegations "tooth and nail", may have broken several rules under the Municipal Elections Act.

In its resolution Wednesday, council authorized Rust-D'Eye "to take all steps necessary to litigate any Provincial Offences Act or other court proceedings deemed appropriate under the Municipal Elections Act and arising out of the compliance audit report" submitted Oct. 19 by Mississauga accounting firm Deloitte & Touche.

To ensure legal proceedings take place independently and to prevent any appearance of conflict of interest, council further resolved that Rust-D'Eye be "advised not to seek instructions from City council or from any of its committees or from City staff regarding this

matter, except from the City solicitor on issues related to costs."

Under the Elections Act, it is up to City council to commence legal proceedings related to the apparent contraventions of the Act.

The Act states councillors who exceed their election campaign spending limits — as Gyles is alleged to have done — can lose their seats in office.

The auditor's report concluded there are "several apparent contraventions of the Municipal Elections Act relating to

election campaign finances."

The audit examined the validity, or lack thereof, of Gyles' election finances.

The auditor's report alleges:

- contributions in excess of the prescribed limit of \$750 per contribution totalling \$4,660.88 made by five contributors;
- certain campaign contributions listed in the schedule of campaign contributions submitted with the financial statement for the campaign as being from

certain entities were not confirmed by these entities (i.e.: they stated they did not make the contributions);

- certain expenses excluded from limitation should have been categorized as being subject to limitation; and
- campaign expenses, subject to limitation under the Elections Act, totalled \$47,783, which exceeds the amount Councillor Gyles is authorized to spend under the Act by \$22,306.

Gyles, Cliff

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