

# Gyles ousted, but can he still run?

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Staff

Cliff Gyles was sent to jail Wednesday, but that may not prevent him from running for his old Ward 5 City Council seat in November's municipal election.

In fact, Gyles, who is out on bail after appealing his conviction on charges of municipal corruption and breach of trust, remains among the 18 registered candidates vying to represent the ward's 75,000 residents, nearly half of whom live in Malton.

However, a Toronto appeals court judge could dash Gyles' reelection bid by banning him from the municipal race as a condition of bail.

City of Mississauga Solicitor Mary Ellen Bench said that decision could come today.

In the meantime, Gyles, whose nameplate was stripped from the Ward 5 seat inside council chambers moments after City officials received word that he had been sentenced to two-and-a-half years in prison, sits in political limbo.

Guided by the provincial government's Municipal Act, City Council unanimously declared the Ward 5 position vacant Wednesday morning.

In a statement, Mayor Hazel McCallion said City Council had no choice but to remove Gyles from his post.

The Municipal Act stipulates that imprisonment disqualifies a member of Council from holding office, she said.

"As Mr. Gyles has been sentenced to jail and has commenced serving his sentence, he becomes disqualified from holding his Ward 5 office," said McCallion Wednesday.

Bench said Council is bound by law to make such a declaration at its first formal meeting after sentencing is handed down.

McCallion will assume ward councillor duties for the duration of the term.

Gyles' lawyer, Alan Gold, said his client's political fate has not been sealed.

Gold said that although one of the bail conditions prohibits Gyles from holding office at least until after the Nov. 10 election, "there is no impediment at the present time," that prohibits the former councillor from running in the upcoming election.

Bench described the situation as a "legal no-man's land."

Gyles has been ousted from office by one arm of the law, yet under her legal limb — the Province's Municipal Elections Act — allows him to remain a candidate for the vacated post pending a judge's determination of bail conditions.

"I haven't dealt with anything like this before and I've dealt with a lot of election issues," said Bench.

If Gyles does serve time in jail, it would not prevent him from running municipally in any future elections beyond this year, Bench added.

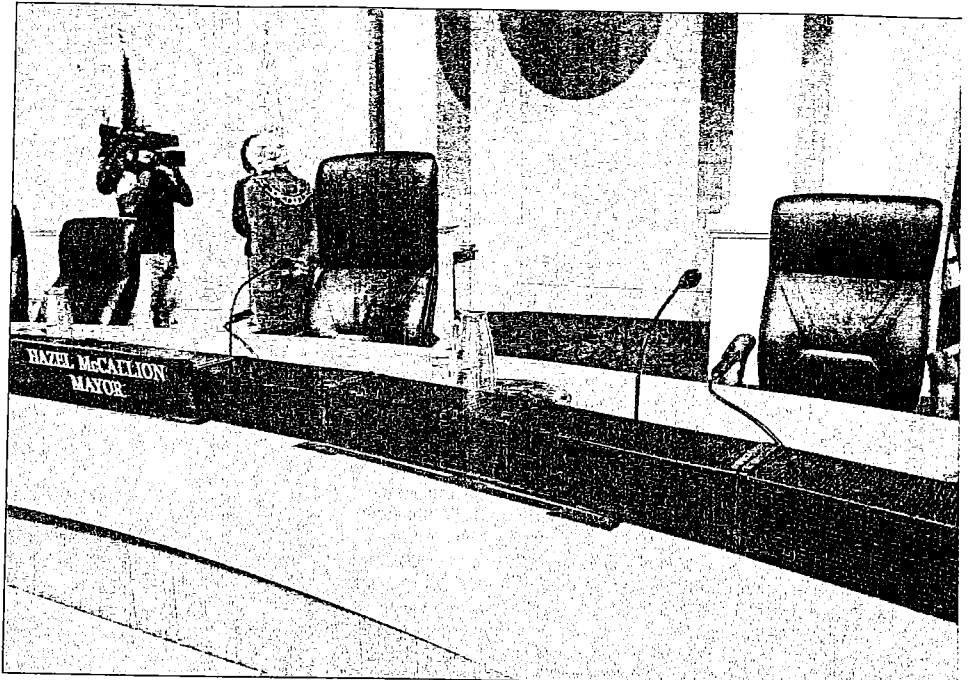
Moments after learning of Gyles' prison sentence, McCallion talked about the toll exacted since the former councillor's arrest in February, 2001.

"I think it has been a hardship on the citizens," said McCallion, adding Council has taken its lumps as well. "We've been under unusual pressure and stress over it."

"We have been responsible and followed the letter of the law, though," said McCallion. "It has been a burden on all of us. Fortunately, it has come to a conclusion."

McCallion said she's up to the task of handling Ward 5 matters for the next few months.

"Sometimes Malton residents feel like they're not part of the city and we need to be there and hear the concerns of the citizens of Malton."



It didn't take long for the nameplate to be removed from Cliff Gyles' seat at City Council after his conviction Wednesday. Gyles was sentenced to a federal penitentiary, but is out on bail pending an appeal. Staff photo by Rob Beintema