

City of Mississauga
Corporate Report



<p>Date: March 10, 2025</p> <p>To: Chair and Members of Election Campaign Finances Committee</p>	<p>Originator's files:</p>
<p>From: Diana Rusnov, Director, Legislative Services and City Clerk</p>	<p>Meeting date: April 11, 2025</p>

Subject

City Clerk's Report on an Apparent Contribution Contravention following the 2024 City of Mississauga By-election – Thadsaneswary Gunarajan

Recommendation

That the Election Campaign Finances Committee be requested to:

- a. Review the Corporate Report dated March 10, 2025, from the Director of Legislative Services and City Clerk, entitled "City Clerk's Report on an Apparent Contribution Contravention following the 2024 City of Mississauga By-election - Thadsaneswary Gunarajan" and provide direction on whether the City of Mississauga should commence a legal proceeding against Thadsaneswary Gunarajan in accordance with section 88.34 (8) of the *Municipal Elections Act, 1996*, as amended; and
- b. Provide brief written reasons regarding the committee's decision in accordance with section 88.34 (11) of the *Municipal Elections Act, 1996*, as amended; and
- c. Transfer required funds from the Election Reserve, 30135, to the Election Cost Centre, 22450, if the committee decides to commence a legal proceeding against Thadsaneswary Gunarajan.

Executive Summary

- Under section 88.34 of the *Municipal Elections Act, 1996*, as amended (MEA), the Clerk of a municipality is required to review the Financial Statement – Auditor's Report Candidate – Form 4s (financial statement) submitted by candidates to identify contributors that appear to have contravened the contribution limits in the MEA.
- The Clerk is required to report the apparent contraventions to the Election Campaign Finances Committee (ECFC).
- This report provides findings related to an apparent contravention identified by the City Clerk.

Background

The MEA directs municipal Clerks to review the financial statements submitted by candidates following an election to determine whether any contributor appears to have exceeded the contribution limits. Section 88.9 (1) of the MEA states:

A contributor shall not make contributions exceeding a total of \$1,200 to any one candidate in an election.

Section 88.9 (4) of the MEA states:

A contributor shall not make contributions exceeding a total of \$5,000 to two or more candidates for office on the same council or local board.

The Clerk does not have discretion over what is reported to ECFC. Any single contribution over \$1,200 a combined contributions over \$5,000 must be reported in accordance with the MEA.

Comments

Clerk's Responsibilities

Section 88.34 (1) to (7) of the MEA details the Clerk's responsibilities in relation to the review of contributions to candidates running for municipal council and local boards which are as follows:

- (1) *The clerk shall review the contributions reported on the financial statements submitted by a candidate under section 88.25 to determine whether any contributor appears to have exceeded any of the contribution limits under section 88.9.*
- (2) *As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall prepare a report identifying each contributor to a candidate for office on a council who appears to have contravened any of the contribution limits under section 88.9 and,*
 - a. *if the contributor's total contributions to a candidate for office on a council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and*
 - b. *if the contributor's total contributions to two or more candidates for office on the same council appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same council.*
- (3) *The clerk shall prepare a separate report under subsection (2) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.*
- (4) *The clerk shall forward each report prepared under subsection (2) to the compliance audit committee.*
- (5) *As soon as possible following the day that is 30 days after the filing date or supplementary filing date, as the case may be, under section 88.30, the clerk shall*

prepare a report identifying each contributor to a candidate for office on a local board who appears to have contravened any of the contribution limits under section 88.9 and,

- a. if the contributor's total contributions to a candidate for office on a local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to the candidate; and*
 - b. if the contributor's total contributions to two or more candidates for office on the same local board appear to exceed the limit under section 88.9, the report shall set out the contributions made by that contributor to all candidates for office on the same local board.*
- (6) The clerk shall prepare a separate report under subsection (5) in respect of each contributor who appears to have contravened any of the contribution limits under section 88.9.*
- (7) The clerk shall forward each report prepared under subsection (5) to the secretary of the local board for which the candidate was nominated for office and, within 10 days after receiving the report, the secretary of the local board shall forward it to the compliance audit committee.*

Findings

The Clerk has completed the review of financial statements submitted by candidates following the 2024 City of Mississauga by-election. This report provides information related to an apparent contribution contravention made by Thadsaneswary Gunarajan. Appendix 1 of this report provides details related to the findings. The information is also included in the financial statement of Mayoral Candidate, Carolyn Parrish, who Thadsaneswary Gunarajan appears to have contributed to.

For the purposes of protecting privacy, financial statements containing the information related to the above have been provided to the ECFC only. Upon request, the public can view the financial statements by contacting the Mississauga Elections Office at Election.Office@mississauga.ca or by calling 905-615-3389. In accordance with section 88 (4) of the MEA, financial statements will be kept for viewing until the new term of office begins on November 16, 2026.

The Clerk has attempted to contact the contributor and candidate regarding the apparent contravention noted above using the information provided by candidates.

Committee Responsibilities

The ECFC must make a decision in accordance with section 88.34 (8) of the MEA which states:

Within 30 days after receiving a report under subsection (4) or (7), the compliance audit committee shall consider it and decide whether to commence a legal proceeding against a contributor for an apparent contravention.

Under sections 88.34 (11) the ECFC is required to provide "brief written reasons for the decision" which are to be provided to the Clerk and the contributor.

Financial Impact

The financial impact of commencing a legal proceeding against a contributor who appears to have contravened the contribution rules in the MEA is unknown. It is recommended that if the committee decides to commence a legal proceeding against the contributor named above, the funds required be transferred from the Election Reserve, 30135, into the Election Cost Centre, 22450 to cover the cost.

Conclusion

Within 30 days of receiving this report, the ECFC must make a decision under section 88.34 (8) of the MEA regarding whether or not the City of Mississauga should commence a legal proceeding against the contributor named above and in Appendix 1 of this report.

Attachments

Appendix 1: Apparent Contravention Report – Thadsaneswary Gunarajan



Diana Rusnov, Director, Legislative Services and City Clerk

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