



TOWN OF PETAWAWA

1111 Victoria Street, Petawawa, Ontario K8H 2E6 • Telephone: 613-687-5536 / Fax: 613-687-5973
www.petawawa.ca

April 8, 2019

Jason Burgoyne
21 Selkirk Street
Petawawa, ON K8H 1N8

Dear Mr. Burgoyne:

RE: Notice of Default

This letter is to inform you that you missed the filing date of **2:00 p.m. on Friday, March 29, 2019** to file your *Form 4 – Financial Statement – Auditor's Report*. Since you have failed to file your Form 4 on time, you are currently in default of Section 88.25 of the *Municipal Elections Act* which means, 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, see attached Notice of Default Form EL43A for further information.

Since you failed to file your Form 4 on time as noted above, you do have the option of paying the Clerk a late filing fee of \$500.00 (this is a personal expense and not considered part of your election campaign finances) and you must file your Form 4 by **2:00 p.m. on Monday, April 29, 2019** to get out of default of the *Municipal Elections Act*. You will not receive a refund of your nomination filing fee.

Please note, your financial statement must be filed with the Clerk or designate; an appointment is recommended. Any further questions regarding the filing of your financial statement should be referred to the *Municipal Elections Act* or your solicitor. I trust the enclosed information is sufficient for your purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Recoskie".

Dawn Recoskie, CMO, Dipl.M.A.
Deputy Clerk & Assistant Returning Officer

Encl.

NOTICE OF DEFAULT-CANDIDATE

Municipal Elections Act, 1996 [Section 88.23, 88.25, 88.31, 92 (1)]

TO:

Jason Burgoyne	/	Councillor
(Name of Candidate)		(Office)
21 Selkirk Street, Petawawa, ON		K8H 1N8
(Address)		(Postal Code)

FROM:

The Clerk, or designated election official of Town of Petawawa
(Town of Petawawa)

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

- | | |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. | You failed to file a document (a financial statement and if applicable, an auditor's report) with the Municipal Clerk as required by Section 88.25 (Candidates' Financial Statements, etc.) or 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> on or before the relevant date, or |
| B. | You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) which were filed with the Municipal Clerk by the relevant date as required by Section 88.31 (Treatment of Surplus and Deficit) of the <i>Municipal Elections Act, 1996</i> , or |
| C. | A document (a financial statement and if applicable, an auditor's report) filed under Section 88.25 of the <i>Municipal Elections Act 1996</i> shows on its face that you have incurred expenses exceeding the amount permitted under Section 88.20 (Candidates' Expenses) of that Act. |
| D. | You failed to pay the amount of the surplus shown in a document (a financial statement and if applicable, an auditor's report) filed with the Municipal Clerk by the relevant date as required by Section 88.32 (Return of Surplus for Subsequent Expenses) of the <i>Municipal Elections Act 1996</i> . |

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, 1996* the following provisions and penalties apply:

- (i) 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.**

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:

Corrupt practice and ineligibility for office

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.

Offences re campaign finances

Offences by candidate

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, action in good faith

(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

(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 regulation under this Act or a by-law passed by a municipality under this Act is guilty of an offence.

April 8, 2019
Date


Municipal Clerk or designate