

Contributors to Ottawa's municipal election campaigns broke rules



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Home-builder DCR Phoenix and development executive Ted Phillips contravened the \$5,000 total campaign contribution limit set out in provincial legislation during last fall's municipal election.

But under the Municipal Elections Act, it's unclear what are the penalties — if any — for breaking these rules, while enforcement of the act's provision is generally left to members of the public.

DCR Phoenix donated a total of \$10,000 to 17 candidates in last fall's election, fully double the \$5,000 limit allowed under the act. And Phillips, a vice-president with Taggart Realty, exceeded the limit by donating \$6,750 to nine candidates.

"We apologize," said DCR founder Cuckoo Kochar, adding that neither he nor any of the senior officers at the company had ever heard there was a total contribution maximum until contacted by the Citizen. "All I knew was that there was a maximum of \$750 (contribution) per candidate. If we had known, we would never have done it obviously — it's stupid to do it."

By law, candidates were required to file campaign finance reports by the end of March, which included the names of companies, unions and individuals who donated as well as the amounts of the contributions. This information, while somewhat onerous to organize as the paper reports are first posted by the Ottawa Elections Office as non-searchable PDFs, is available to the public.

The \$5,000 limit was put in place before the 2010 municipal election, so last fall was only the second time donors have been subject to the ceiling. DCR appears to have complied with the rules in 2010. However, Phillips overspent by \$250 in the 2010 election, and by \$1,750 in 2014.

"I'm a busy person that made a stupid mistake," said Phillips. "And regrettably I made a stupid mistake twice in a row, which obviously doesn't look very good."

He added he "will make sure that I will keep better records, that I become accountable. I should be able to look after my own personal finances."

Kochar of DCR Phoenix said his team is looking to make amends for breaking the rules. "Our lawyers are in touch with the city solicitors to find out what the repercussions are and how we can rectify the situation," he said. "And make sure it never happens again."

The fact is there are no specific repercussions for these sorts of over-contributions.

The Municipal Elections Act does lay out a process when it comes to a candidate's individual campaign finances, even if it is left to the public to raise concerns about whether the rules were followed.

Any elector in Ottawa can apply to the elections audit committee (which has its inaugural meeting at City Hall on Friday morning) to argue that a candidate may have contravened election rules. The committee — which also hears from the candidate in question — then decides whether there are reasonable grounds to order an independent audit of the candidate's campaign finances.

But there is no way to complain about a contributor who has donated too much money across the

board, but stayed within the \$750 limit for individual contributions. The elections audit committee only hears complaints about individual candidates — not donors.

The Ministry of Municipal Affairs and Housing appears to have no answers. The only hint of what recourse a complainant might make is Sec. 81(17) of the elections act, which states that no one is prevented “from laying a charge or taking any other legal action, at any time, with respect to an alleged contravention of a provision of this Act relating to election campaign finances.”

That means a member of the public would have to take a contributor to court — likely a years-long process that would cost thousands.

There are no specific fines or other penalties for contributing more than \$5,000 in a single municipal election campaign, although the act says that any corporation or union “convicted of an offence under this Act is liable to a fine of not more than \$50,000.”