



Municipal Conflict of Interest Act Inquiry Application

Background

Under Section 223.4.1 of the *Municipal Act, 2001*, as amended, an elector or a person demonstrably acting in the public interest, may apply in writing to request that the Integrity Commissioner conduct an inquiry concerning an alleged contravention of section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* by a member of council.

When Application May Be Submitted

An application may only be made within 6 weeks of the applicant becoming aware of the alleged contravention by the Member or, if the applicant became aware of the alleged contravention during the Election Period, within 6 weeks after the day after voting day in a regular election.

An application may not be made during the period of time starting on nomination day for a regular election (the 4th Friday in July in the election year), as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election (the 4th Monday in October) (the "Election Period").

Applications must be submitted in person to the Office of the Clerk during regular business hours.

Statutory Declaration Required

Applicants wishing to request an inquiry by the Integrity Commissioner must complete the Statutory Declaration below. Statutory Declarations must be signed before a Commissioner for taking affidavits or a Notary Public. The Office of the Clerk can provide this service when submitting an application.

Inquiry Process

The Integrity Commissioner will review all applications and conduct investigations as he or she deems necessary. If the Integrity Commissioner decides to conduct an investigation, the investigation must be completed within 180 days after receiving the completed application and a public meeting may be held to discuss the inquiry.

In a municipal election year, the Integrity Commissioner must complete an investigation before nomination day, as set out in the *Municipal Elections Act, 1996*. If the Commissioner has not completed an investigation before nomination day, the investigation must be terminated on that day. If an investigation is terminated because of a municipal election, the Integrity Commissioner may not commence another investigation unless, within six weeks following Voting Day, either the applicant or the former member requests, in writing, that the Integrity Commissioner start a new investigation.

Upon completion of the investigation, the Commissioner may, if he or she considers it appropriate, apply to a judge under the Municipal Conflict of Interest Act for a determination as to whether the member has contravened that Act.

After deciding whether or not to apply to a judge, the Integrity Commissioner will publish reasons for the decision on the City's website richmondhill.ca.



**Municipal Conflict of Interest Act
Inquiry Application Form**

Pursuant to Section 223.4.1 of the *Municipal Act, 2001*

<u>Applicant's Contact Information</u>	
Applicant's Full Legal Name: _____	
Full Address: _____ _____	
Phone Number (daytime): _____	Other Number: _____
Email address (optional): _____	

Statutory Declaration

I, _____ of the _____ of _____, in the
[Applicants Full Legal Name] *[City, Town, etc.]* *[Name of Municipality]*

Province of Ontario, **Solemnly Declare That:**

1. I am a person *[Please check one of the following]:*

- entitled to vote at a municipal election in the City of Richmond Hill, being that I am a Canadian Citizen, at least 18 years old, and a resident of Richmond Hill or a non-resident owner or tenant of land in Richmond Hill, or the spouse of such a non-resident owner or tenant of land in Richmond Hill; **OR**
- demonstrably acting in the public interest for the reasons that follow *[provide reasons]:*

2. I have reasonable grounds to believe that *[insert Member's name]* _____, a Member of Richmond Hill Council, has contravened the following provision(s) of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended (the "MCIA") *[select all that apply]:*

- Section 5** - Duty of Member - When present at a meeting at which matter considered
- Section 5.1** - Duty of Member – Written statement re disclosure
- Section 5.2** - Duty of Member – Influence

3. I became aware of this alleged contravention *[Please check one of the following]:*

- on *[insert date]* _____, which is not more than 6 weeks before the date of this application; **OR**
- on *[insert date]* _____, which is during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election as set out in the same Act.

4. I believe the Member has contravened the provision of the MCIA as per Section 2 above for the following reasons *[include applicable dates, times and locations and if attaching materials, add "see attached" and describe]*:



I have attached additional information

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Declared before me at _____)
this _____ day of _____, 20____,)
in the Province of Ontario.)

Name of Commissioner of Oaths, etc.)
_____)
_____)
_____)

_____) Signature of Applicant

Signature of Commissioner for Oaths, etc..

Note: Statutory declarations must be solemnly declared and signed before commissioners of oaths or similar officials (e.g. notary public)

Personal Information Collection Notice

The personal information on this form is collected under the authority of the *Municipal Act, 2001* and *Municipal Conflict of Interest Act*. This form will be shared with the Integrity Commissioner and may be shared by the Integrity Commissioner with any persons the Integrity Commissioner deems necessary as part of any investigation. Questions about the collection and use can be directed to the City Clerk, City of Richmond Hill, 225 East Beaver Creek Road, Richmond Hill, Ontario L3R 9W3, or email to clerks@richmondhill.ca.