



## **Municipal Conflict of Interest Act Inquiry Application – Member of Council**

### **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 of Council 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 3<sup>rd</sup> Friday in August in the election year) and ending on voting day in a regular election (the 4<sup>th</sup> Monday in October) (the "Election Period"), as set out in Section 31 of the *Municipal Elections Act, 1996*,

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 Integrity 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 at [richmondhill.ca](http://richmondhill.ca).



Municipal Conflict of Interest Act
Inquiry Application Form for a Member of Council
Pursuant to Section 223.4.1 of the Municipal Act, 2001

Applicant's Contact Information
Applicant's Full Legal Name:
Full Address:
Phone Number (daytime): Other Number:
Email address (optional):

Statutory Declaration

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

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]:

Blank lines for providing reasons for public interest.

2. I have reasonable grounds to believe that [insert Member of Council's name]

[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.



