

COURT OF APPEAL FOR ONTARIO

THE HONOURABLE ASSOCIATE) WEDNESDAY THE 19th
CHIEF JUSTICE OF ONTARIO)
THE HONOURABLE JUSTICE)
SHARPE) DAY OF SEPTEMBER 2018
THE HONOURABLE JUSTICE
TROTTER

BETWEEN:

CITY OF TORONTO

Applicant
(Respondent in appeal – Responding Party)

- and -

ATTORNEY GENERAL OF ONTARIO

Respondent
(Appellant – Moving Party)

AND BETWEEN:

ROCCO ACHAMPONG

Applicant
(Respondent in appeal – Responding Party)

- and -

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO
(ATTORNEY GENERAL)**

Respondents
(Appellants – Moving Parties)

- and -

CITY OF TORONTO

Respondent
(Respondent in appeal – Responding Party)

AND BETWEEN:

**CHRIS MOISE, ISH ADERONMU, and PRABHA KHOSLA, on her own
behalf and on behalf of all members of Women Win TO**

Applicants
(Respondents in appeal – Responding Parties)

- and -

ATTORNEY GENERAL OF ONTARIO

Respondent
(Appellant – Moving Party)

- and -

**JENNIFER HOLLETT, LILY CHENG, SUSAN DEXTER, GEOFFREY KETTEL
AND DYANOOSH YOUSSEFI**

Interveners
(Respondents in appeal – Responding Parties)

ORDER

THIS MOTION, made by the Attorney General of Ontario (“Attorney General”) for a stay of the Order of Justice Belobaba of the Superior Court of Justice, dated September 10, 2018, and for consequential relief sought by the Attorney General and the City Clerk of the City of Toronto (“City Clerk”) was heard on September 18, 2018 at the Courthouse at 130 Queen St. West and reserved to this day.

ON READING the materials filed by the parties, including those of the intervener, the City Clerk, and on hearing the submissions of counsel for the Attorney General, the City of Toronto, Chris Moise, et al, Jennifer Hollett, et al, and Rocco Achampong, and counsel for the Toronto District School Board and the Canadian Taxpayers Federation in attendance but not making submissions.

1. THIS COURT ORDERS that the City Clerk is hereby granted leave to intervene on the Attorney General’s motion and to file evidence and a factum and make submissions.

2. THIS COURT ORDERS that the Order of Justice Belobaba of the Superior Court of Justice, dated September 10, 2018, is hereby stayed pending the disposition of the appeal to this Court by Attorney General of Ontario.

3. THIS COURT ORDERS that, subject to section 53 of the *Municipal Elections Act, 1996*, the City of Toronto municipal election shall proceed on October 22, 2018 in accordance with: the *City of Toronto Act, 2006 (COTA)*, and the regulations thereunder, the *Municipal Elections Act, 1996 (MEA)* and the regulations thereunder, the *Better Local Government Act*, SO 2018, c 11 and the regulations thereunder, and Ontario Regulation 412/00 as amended by Ontario Regulation 391/18, subject to the following terms:

- (a) Despite the nomination day of September 14, 2018 set out in subsection 10.1 (3) of the *MEA*, the City Clerk shall accept nominations from 8:30 a.m. to 4:30 p.m. on September 20, 2018 and 8:30 a.m. to 4:30 p.m. on September 21, 2018;
- (b) The date by which the City Clerk shall have the voters' list reproduced shall be extended to September 21, 2018 and the date September 21, 2018 is hereby substituted for the references to the date September 17, 2018 in subsections 4(1) and 11(2); in respect of the 2022 City of Toronto regular election, the date September 21, 2018 is hereby substituted for the references to the date September 17, 2018 in subsection 13(2) of *Ontario Regulation 407/18*; and, in respect of any by-election between the 2018 and 2022 City of Toronto regular elections, the date September 21, 2018 is hereby substituted for the references to the date September 17, 2018 in subsection 13(3) of *Ontario Regulation 407/18*;
- (c) The date by which the City Clerk shall provide final spending limits to candidates under subsections 88.9.1(4), 88.20(13) and 88.21(14) of the *MEA* shall be extended to September 26, 2018;
- (d) The first date on which a person may appoint a voting proxy under subsection 6(1) of *Ontario Regulation 407/18* shall be September 25, 2018;
- (e) A proxy appointment made under section 44 of the *MEA* before the issuance and entry of this Order is hereby declared void;
- (f) The City Clerk shall certify candidates under subsection 35(1) of the *MEA* by 4 p.m. on September 24, 2018;

- (g) If the City Clerk is required to acclaim any candidates under subsection 37(1) of the *MEA*, the City Clerk shall make the acclamation by 4 p.m. on September 24, 2018;
- (h) The date by which the Preliminary List of Electors shall be prepared and delivered to the City Clerk by the Municipal Property Assessment Corporation pursuant to subsections 19(1) and (1.1) of the *MEA* shall be September 21, 2018; and
- (i) Any application for revisions to the voters' list that was made under sections 24 or 25 of the *MEA* on September 17, 18 or 19, 2018 is deemed to have been made on September 21, 2018.


DEPUTY REGISTRAR
SANDRA THEROULDE

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:

SEP 20 2018

PER / PAR: ST

ROCCO ACHAMPONG
Applicant (Respondent in appeal)

and

ONTARIO
Respondent (Appellants)

and

CITY OF TORONTO
Respondent (Respondent on Appeal)

THE CITY OF TORONTO
Applicant (Respondent in appeal)

and

ATTORNEY GENERAL OF ONTARIO
Respondent (Appellant)

CHRIS MOISE *et al.*
Applicants (Respondent in appeal)

and

ATTORNEY GENERAL OF ONTARIO
Respondent (Appellants)

and

CITY OF TORONTO
Respondent (Respondent on Appeal)

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at Toronto

ORDER

Attorney General of Ontario
Constitutional Law Branch
720 Bay Street, 4th Floor
Toronto, Ontario M7A 2S9
Fax: (416) 326-4015

Robin K Basu LSO# 32742K
Tel: (416) 326-4476
Robin.Basu@Ontario.ca

Yashoda Ranganathan LSO# 57236E
Tel: (416) 326-4456
Yashoda.Ranganathan@Ontario.ca

Audra Ranalli LSO# 72362U
Tel (416) 326-4473
Audra.Ranalli@Ontario.ca