

Court File No.:

ONTARIO

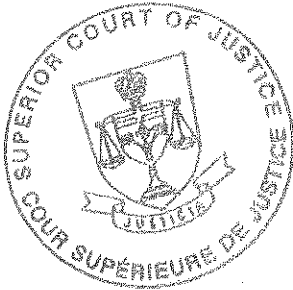
CV-18-00602494-0000

**SUPERIOR COURT OF JUSTICE**

BETWEEN:

**ROCCO ACHAMPONG**

Applicant(s)



-and-

**ONTARIO (HON. DOUG FORD, PREMIER OF ONTARIO), ONTARIO (ATTORNEY-GENERAL), and CITY OF TORONTO**

Respondent(s)

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**NOTICE OF APPLICATION**

(Pursuant to *Courts of Justice Act, RSO 1990, c C.43*)

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TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing on (day), (date), at (time), at (address of court house).

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the Rules of Civil Procedure, serve it on the applicant's lawyer or, where the applicant does not

have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date: July 31, 2018

Issued by:   
Local registrar

393 University Avenue, 10<sup>th</sup> floor  
Toronto, ON  
M5G 1E6

TO: **Hon. Doug Ford**  
**Office of the Premier of Ontario**  
c/o Ministry of the Attorney General of Ontario  
720 Bay Street  
Toronto, ON M7A 2S9

AND TO: **Ministry of the Attorney General**  
**Crown Law-Civil**  
McMurtry-Scott Building  
720 Bay Street  
Toronto, ON M7A 2S9

AND TO: The City of Toronto  
City Hall  
100 Queen Street West  
Toronto, ON M5H 2N2

**Attention: John Tory, Mayor of Toronto**

## APPLICATION

### THE APPLICATION IS FOR:

1. An Order for the interim preservation of the status quo rules and regulations that govern the City of Toronto 2018 election for councillors;
2. An Order suspending the coming into force of the *Better Local Government Act* (as proposed) until such time as this application can be heard on the merits;
3. An Order mandating the city of Toronto to comply with existing by-laws, rules, and regulations governing its 2018 election until such time as this application can be heard on the merits;
4. And such further Orders as this Honourable Court sees fit and may deem just.

### THE GROUNDS FOR THE APPLICATION ARE:

1. The city of Toronto (“Toronto”) election period began on May 1<sup>st</sup>, 2018, at which time a candidate for elected office would be provided with the rules and regulations governing his/her candidacy, thus providing a legal framework for adherence and notice to all councillor candidates.
2. The rules and regulations to which a candidate must adhere is authorized by the *City of Toronto Act, 2006*, S.O. 2006, (“*The Act*”), an act sui generis in nature granting Toronto a status and powers unavailable to any other municipality in the province of Ontario, and effectively administered by the clerk of the city of Toronto. The *Municipal Election Act, 1996*, S.O. 1996, c.32 also governs the elections of candidates to municipal office.

3. The controlling law, rules, and regulations that have been operative since the start of the election cycle have now been by thrust into a state of ambiguity and uncertainty, as the legislature is currently looking to amend and repeal provisions that govern elections to municipal office in the province of Ontario.

4. Due to the unilateral intervention of the Government of Ontario to nullify existing rules for an ongoing election, considerable uncertainty and ambiguity has now resulted, and notice of applicable rules and regulations governing the municipal election in Toronto is unknown.

5. In the government's own explanatory note attached to Bill 5, *An Act to amend the City of Toronto Act, 2006, the Municipal Act, 2001, and the Municipal Elections Act, 1996*, ("*Better Local Government Act*") states: "A person who filed a nomination must notify the clerk of the office on the council or on a school board, as the case may be, for which the person wishes to be nominated." Thus, making the applicant unsure as to whether one has to re-file nomination papers, the ambiguity and uncertainty is palpable.

6. The proposed *Better Local Government Act* does not repeal Part 1, sections 1(1)(2)(3)(4), the interpretive portions of *The Act*, which continues in force and effect, and requires the province to adhere and comply with consultation provisions therein codified.

7. The city of Toronto is bound by the legitimate expectation principles that administratively follow in respect of its own processes and by-laws, which gave notice and representations to potential candidates in respect of applicable rules and regulations governing the election of candidates in the year 2018.

8. The applicant has acted compliantly with the city of Toronto's Candidates Rules, Guides, and Forms, a document evincing the legal framework within which conditions precedent for candidacy are delineated, and compliance expectations are provided.

9. The applicant was fully informed of the ward boundaries for which he will be contesting, and his decision to be a candidate was based on the geographical boundaries that were in place when he decided to be a candidate. The government of Ontario has signalled an intention to change the geographical boundaries of the ward within which he is contesting for a council seat, yet the *Better Local Government Act* does not define those boundaries. The applicant has no idea of the ward boundary within which he is contesting for a council seat.

10. Candidates, campaign workers, volunteers, election officials and staff, and the electors of the city of Toronto are all harmed without knowledge of the rules and boundaries for the 2018 Toronto election. Late changes in election rules run the risk of unfairness or, at the very least, the perception of unfairness, and, as such, has the effect of diminishing public confidence in the democratic process in the city of Toronto. The coming into force and effect of the *Better Local Government Act*, 2018, which changes the rules and boundaries in the middle of an ongoing election is not in the public interest.

11. Section 101, *Courts of Justice Act*, RSO 1990, c C.43

12. Rules 14 and 40.01 of the *Rules of Civil Procedure*

13. Such further and other grounds as counsel may advise and this Honourable Court may permit.

#### **DOCUMENTARY EVIDENCE TO BE USED AT THE HEARING OF THE APPLICATION**

1. The following documentary evidence will be used at the hearing of the application:

a. Affidavit of Rocco K. Achampong, sworn July 31, 2018

July 31, 2018

**ROCCO K. ACHAMPONG**  
Barrister & Solicitor  
1 Dundas Street West, Suite 2500  
Toronto, ON M5G 1Z3

**Attention: Rocco K. Achampong**  
**(LSO# 57837J)**

**Tel. 416-434-2828**  
**Fax 416-479-8256**

**Applicant (Self-represented)**

(Short Title of Proceedings)

*Attorneys v. Ford, ON TRAD, CITY OF TORONTO*

Court File No.

*CV-18-00602494*

*00000*

SUPERIOR COURT OF JUSTICE  
Proceedings commenced at Toronto

**NOTICE OF APPLICATION**

(Name of Document)

(Name, Address & Telephone No.  
of Lawyer or Party  
(Law society registration number of Lawyer)

*Asocio K. Attorneys*

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