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March 8, 2022

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**Stephen M.A. Huycke**

Director, Legislative Services/City

Dear Mr. Huycke:

**Re: public disclosure of applicants to represent Ward 4 as Councillor**

I have read the Procedure to Appoint an Individual to Fill a Vacancy dated October 13, 2013 (the "Procedure") and your interpretation email of March 7, 2022 to Ms. Pollock. This response is on behalf of A Better Richmond Hill ("ABRH"), a non-profit corporation which registered under the *Municipal Act* as a third party advertiser for the mayoral by-election just passed, and shall be registering itself again as such for each upcoming municipal election. ABRH wishes to make a delegation to Council at the Appointment meeting of Council, and cannot do so given your office's withholding of the names of applicants/candidates for the vacancy in Ward 4.

The Procedure is silent on when the candidates' names are disclosed to the public. It says the names are disclosed to the councillors at the time the meeting is called to appoint (para.4(c)); it does not stipulate anything about names being withheld from council or the public until then. Your error is to interpret the Procedure as prohibiting that on which it is silent. Principles of statutory interpretation require a much less ambiguous zone if a contentious and vague instrument is to be interpreted in a prohibitive way, as you have done. Your interpretation ignores the purposive principles of statutory interpretation and is unconstitutional on its face. You cannot deprive ratepayers of information needed to invoke the right to make delegations to Council. By no reasonable interpretation could you say that was Council's intentions either when it passed the Procedure. Nor can you alone with your interpretation, deprive and prevent the ratepayers of Ward 4 in particular from obtaining advance knowledge of the persons who propose to represent their individual and collective municipal interests, and discussing it privately and publicly.

If it comes to it, I would not hesitate to recommend to ABRH that an application be commenced at the Superior Court under Rule 14.05(1)(d) of the Rules of Civil Procedure on the “determination of rights that depend on the interpretation of a municipal by-law or resolution” to require that the names of candidates be disclosed on request by a ratepayer or interested party. If that becomes necessary, costs on the maximum scale shall be sought.

ABRH wishes to go on record to object to your position and the possible anti-democratic consequences and the costs visited upon it should you not reconsider immediately, and wishes to be clear that it will publicly voice its objections.

Yours very truly,

*“Original signature on file”*

**Arnold B. Schwisberg**