

# Etobicoke Guardian

## No Holyday for some councillors

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Doug Holyday is taking his colleagues on council to court to try and force them to overturn a decision to pay legal expenses for three councillors, including Adrian Heaps' libel settlement.

Holyday, who represents Etobicoke Centre on council, has been alone in opposing motions to use tax dollars to pay legal bills for Heaps, Sandra Bussin and Giorgio Mammoliti when they've come before council.

Mammoliti and Heaps have been reimbursed for the money they've spent to defend allegations that they mis-spent during the 2006 election. Late last year, council also voted to pay Heaps' legal expenses to the tune of \$65,000, in defending and eventually settling a libel suit brought by Michelle Berardinetti over election material he distributed in the dying days of the 2006 election.

And earlier last year, council voted to cover Bussin's legal bills in a libel suit against a local newspaper publisher.

In each case, city legal staff have warned that council does not have the authority to use tax dollars in that way. Earlier this month, the Toronto Party - a conservative activist group running candidates in the municipal election - launched a lawsuit against councillors who supported that vote and the City of Toronto.

Holyday said he decided to file his own suit, after lawyer **George Rust d'Eye** worried the Toronto Party suit had legal issues that might make it impossible to prosecute.

"There's a whole series of things that **George (Rust d'Eye)** thinks are not right there," he said. "It's not up to me to comment on what he thinks professionally, but if the outcome was to have it dismissed, the councillors would just say they were right all along. I don't want that to happen. So many things have gone on that are so wrong - and decisions have been made against all rules and policies, based on whims - that I would have liked to have someone judge what went on."

Holyday is paying for the suit out of his own pocket, but said it's important to bring an independent eye to the decision. It means financial risk for him - and also, ironically, when the notice of motion asking for a reversal on the latest payment to Heaps comes up at next week's council meeting, it will mean he will have to declare a conflict of interest and absent himself from the council chamber.

"I am going to abstain from that vote," he said.

"Although we don't feel I have a financial conflict here there's a perceived conflict and I don't wish to open the door to anyone to do something to me. Even in the long run."

Heaps has been advised not to comment on the matter by the city's integrity commissioner.

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