

Public shouldn't pay Holyday fees

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Page: GT2
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He took on the wrong-headed Toronto City Council for all the right reasons - to stop his colleagues from handing out tax dollars to fellow councillors.

He had to go to court to stop their reckless action. And he won. But the price of victory is steep, and Deputy Mayor Doug Holyday faces a legal bill of \$124,000.

Should the taxpayer - for whom he fought the good fight - bail him out? Painfully, no.

In a town where Mayor Rob Ford has usurped Toronto's motto to now read, "respect for taxpayers," it is untenable to back Holyday's request for \$88,180, two-thirds of his costs, when the courts pegged his cost at \$16,000 - an amount the city is legally required to pay.

Holyday deserves the money. In the public interest, he challenged the rogue decisions of a wilfully blind and irresponsible city council. He's not the bad guy here; city council is. But Holyday did so as Joe Public, without the legal weight of the taxpayer behind him. In fact, the weight of the taxpayer - in the form of the city's legal battles in the face of insurmountable odds - was directed against Holyday in a bizarre and ironical farce.

Still, his actions were outside the gambit of a taxpayer-funded initiative. As such, other remedies must be sought. Otherwise, the taxpayer is gored coming and going.

Just what happened here?

Following the 2006 municipal elections, a few citizens challenged the campaign expense reports of some elected councillors, triggering a compliance audit. This turned into a costly venture, even though the city-appointed officials found no basis for the challenge.

Councillor Giorgio Mammoliti and Councillor Adrian Heaps (since defeated) sought and received council assistance to pay their costs - \$52,081 and \$45,330 respectively. The city also shelled out more than \$50,000 in taxes on what was deemed a benefit.

The problem is council acted illegally - and did so knowingly. It was arrogance in the extreme. City solicitor Anna Kinastowski told council it could not pick up the costs because the action being challenged took place outside the ambit of the politician's role as councillor. While campaigning, a politician does not have the protection of an elected councillor, she said, pointing to established legal precedent.

Led by former mayor David Miller, council ignored the advice, rejected it, even ridiculed it, and sought other opinions.

A fledgling citizen's group, the Toronto Party, took council to court. And Holyday, claiming their arguments were not assured of success, launched his own court challenge, led by municipal legal expert **George Rust-D'Eye**.

Holyday won out. Using taxpayers' money as a cudgel, council appealed, and predictably lost. Justice was done. Holyday is the hero.

But the court-awarded costs totalled only \$16,000, while Holyday's legal bills topped at \$124,000. Holyday says he expected a bill of about \$40,000, but with the city-inspired delays and wrangling, costs ballooned. And now he's not in a position to handle the bill.

So his lawyer is asking council to do the right thing and pay two-thirds of the costs it inflicted on Holyday. "It would be manifestly unfair if Councillor Holyday is left to shoulder the burden," his letter to council reads. That may be so.

"I got in for all the right reasons," Holyday said Wednesday. That, too, may be correct.

But look what this is sparking - another potential round of legal wrangling, taxpayers again in line to pick up the costs. The Toronto Party says it will return to court to stop the city paying Holyday's bills. And so it goes, on and on.

There are many people out there seeking good governance, justice and common sense at city hall. They should hold a fundraiser and pick up Holyday's costs.

Organizers can stop by the city hall press gallery for my \$20 donation.

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