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Holyday racks up \$125K bill to prove point

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In so far as points go, it was an important, but expensive, one to make.

Deputy Mayor Doug Holyday's battle to prove to city council that it should never have covered the legal bills of two councillors, has wound up costing him and the law firm he hired to represent him in court tens of thousands of dollars.

All told, Mr. Holyday is out \$42,500. The firm of **George Rust-D'Eye**, a leading municipal law lawyer, will swallow \$67,000 of the \$125,000 bill, after a court awarded \$16,000 from the city.

The case revolved around the controversial decision by the last term of city council to cover the legal costs of Councillor Giorgio Mammoliti and former councillor Adrian Heaps to fight campaign finance compliance audits related to the 2006 election. Their bills totalled nearly \$100,000, but after taxes the city paid out nearly \$180,000.

Council twice ignored the advice of the city solicitor that said council had no authority to reimburse councillors for legal fees connected to a run for office. In the second instance, it voted to pay for Mr. Heaps' costs related to a defamation lawsuit between him and now city councillor Michelle Berardinetti, but he never accepted the money.

While sympathetic to councillors caught in compliance audits that were eventually dismissed, Mr. Holyday was incensed by the disregard of legal advice. "This way of settling it wasn't right. And it opened the door for council to think it could do anything."

Last year, a divisional court agreed that the city had overstepped its bounds, in what **Mr. Rust-D'Eye** called a precedent-setting decision.

"It's a situation where the taxpayer was being asked to pay a substantial amount of money to reimburse the two individuals running for office, with the sole benefit, as far as I'm concerned, to the individuals in question and not the public interest," Mr. Rust-D'Eye said.

The city tried, unsuccessfully, to appeal the decision, adding to Mr. Holyday's legal costs. Mr. Mammoliti and Mr. Heaps have been given two years to pay back the money.

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