

\$78,000 awarded to Thompson for legal action

By Bill Rea

Mayor Allan Thompson will be receiving more than \$78,000 to cover the expenses he was put to successfully defending himself against conflict of interest allegations last year.

The judge in the case, Mr. Justice Peter Daley of the Superior Court of Justice, issued his decision on the award Monday.

The allegations had been brought by Kelly Darnley and later by Charles Bristoll.

Darnley, through her lawyer, had contended that Thompson had voted on matters in which he had a pecuniary interest.

It was also alleged that Thompson had obtained a loan from a developer, and that he would have been voting on matters affecting people who could have called in that loan.

As well, there were issues about Thompson voting to expand development in Mayfield West to the west, which would have been about five kilometres from his property, and the impact that would have had on the value of his land.

Another issue was over the sale of Thompson's farm to Primont Homes, and how he had maintained he knew he sold to a developer, but didn't know which one.

Thompson, through his lawyer, had argued it's possible for an elected official to have a direct interest that's in common with other people. Any development in Caledon would have to take place in the Whitebelt, in which Thompson lives, and his lawyer Alan Lenczner had argued that any development in Caledon had the potential of raising the value of any property in Caledon.

The ruling in favour of Thompson came down late last year, with the judge awarding the Mayor costs.

'There is no evidence whatsoever that the respondent (Thompson) had a pecuniary interest that was present and real at the time of any impugned vote,' Daley wrote at the time. 'A potential or speculative pecuniary interest is not sufficient.'

Daley added the application from Bristoll was 'simply piggybacking on the Darnley application and its evidentiary record contains no cogent evidence whatsoever in support of the allegations made by that applicant.'

In deciding on the costs, Daley noted Darnley and Bristoll maintained they brought their case forward 'in the public interest and for unselfish reasons.'

But he also pointed out in cases such as this, the party answering the charges has to 'do far more in the way of investigation and marshalling of evidence to defend the claim and in preparing the legal positions necessary than does the party who is advancing the claim. That is the case here.'

Daley went on to say the proceedings 'were far from simple.'

'The applicants presented evidence in a piecemeal and scattered fashion based on their ongoing search for evidence of conflicts of interest,' he wrote, adding that required more time from Thompson's lawyers to respond to the allegations.

'While the applicants may have been misguided and overly broad in making assertions of conflict of interest against the respondent, I cannot conclude that they have conducted themselves in a reprehensible or egregious fashion and as such I have determined that this is not a proper case for an award of substantial indemnity costs,' he added.

The total award came to \$78,298.93, with \$12,000 of that coming from Bristoll and the rest from Downey.

'Justice Daley delivered a strong decision clearing me of all conflict of interest allegations brought forward by Caledon resident Kelly Darnley,' Thompson said in a statement issued Tuesday. 'In a court decision this week, Justice Daley said the applicants were 'misguided' in their assertion and the judgment costs awarded are a partial recovery of the total costs incurred in my legal defence.'

'I want to remind our residents I have always said this action was about planning in Caledon,' he added. 'I will continue to stand up for and defend our local planning process, no matter what is said or done to try and deter me from that.'

Attempts to get comments Darnley and Bristoll were unsuccessful.