

Judge found no basis for allegations against Mayor

By Bill Rea

The ruling was decisive.

Mr. Justice Peter Daley of the Superior Court of Justice came down with his 15-page ruling last Wednesday that threw out conflict of interest allegations against Mayor Allan Thompson, and awarded costs.

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

It was also clear in the days that followed that Thompson was very relieved and happy with the decision.

He also pointed out it was not a trial, but a preliminary hearing to see if there was sufficient evidence to go to trial.

Daley noted Darnley's action was started in July 2015, and Bristoll's followed in February.

"I have concluded that, on examining the entire record, there is an absence of evidence with respect to critical aspects of the applicant's claims," the judge wrote in reference to Darnley. "In several instances, there are also evidentiary gaps, and as such no reasonable inferences in Darnley's favour can be drawn."

"It is clear upon review of the applicant Darnley's evidence that at the heart of the application is her concern over planning and development, particularly in Bolton when compared with Mayfield West," he added. "Further, there is no evidence whatsoever that the respondent had a pecuniary interest that was present and real at the time of any impugned vote. 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."

The allegations centred around lands Thompson had interest in while land use planning decisions were being made at the Town and Peel Region.

The ruling noted Thompson held no municipal office until November 2003.

Caledon's Official Plan calls for growth to be centred around Bolton, Caledon East and Mayfield West, and that was established before Thompson was on council.

The Town and Region started a detailed planning process for Mayfield West in 2003, and the Region established the first phase settlement area in Mayfield West in December 2005, when Thompson sat only on Caledon council.

The Province had also brought in the Places to Grow Act, which set out where population and employment growth could occur, and the ruling noted that about 80 per cent of Caledon's land area is restricted from development.

It also made mention of property owned by Thompson on Heritage Road which he has farmed with his family. But it was also noted these lands are not part of either phase of the Mayfield West development, Alcoa lands or the GTA-West Corridor study area. It's about five kilometres away from the second phase of Mayfield West.

The ruling stated the Thompsons received an unsolicited offer from a numbered company to buy the Heritage Road property, and while Thompson suspected a developer was behind the offer, he didn't know which one. The evidence indicated the family decided to sell, in view of factors like his father's age and the fact Thompson was running for mayor at the time.

Daley stated there was no evidence that Thompson knew Primont Homes was the buyer until Sept. 19, 2014, nor did the company request any resolution from the Town during that time. He also stated Thompson didn't vote on any resolutions involving the company.

Daley found no conflicts on any votes at council that Thompson took part in regarding Mayfield West.

"Any such vote took place many years after the decision was made in 1997 and 2003 to develop this area . . . lands within the Mayfield West boundary were five to seven kilometres from the Heritage Road property," the ruling stated.

The judge added there was no contradiction of Thompson's assertion that there will not be any development of those lands for at least 50 years, and that there are thousands of acres between the property and Mayfield West.

Not surprisingly, this affair has been an ordeal for Thompson and his family.

"I wouldn't wish this smear campaign on my worst enemy," he told the Citizen over the weekend.

Thompson also said he felt frustration because he couldn't respond publicly to the allegations, on the advice of his lawyers.

Thompson said selling the property was "the toughest thing I ever had to do in my life," pointing out it had been in his family for about 200 years. He added it was a family business decision. The agent who approached him was protecting the identity of who he was working for. He also said it was part of a long-term investment for them.

Darnley expressed her disappointment with the ruling in a statement she issued Tuesday.

"The conflict of interest act permits a resident to come forward with concerns; which, with the public interest in mind, I did," she

stated. ?I encourage other residents to come forward and hold their elected officials accountable to the public they are entrusted to ethically represent.?

She also said the case exposed dealing Thompson had with well-known developers.

?Unfortunately Justice Daley dismissed the case,? she observed.

Darnley also noted that each side has been asked to submit their arguments for costs within 30 days.

?I, for one, do not believe members of the public should be penalized for exercising their democratic rights in Ontario,? she stated.

?It was overwhelming to have received so many messages and calls from friends and complete strangers offering their support,? she concluded. ?Thank you.?

Efforts to obtain comments from Bristoll were unsuccessful.