

Mulmur faces second lawsuit

Mulmur Deputy Mayor Rhonda Campbell Moon has launched a \$100,000 civil suit against Mayor Paul Mills and Councillors Earl Hawkins and Heather Hayes as well as the township itself claiming, among other things, an invasion of her privacy.

This is the second action the deputy mayor has commenced against the same three councillors. The previous one, launched in 2010, alleges defamation of character.

In a phone interview, Mayor Paul Mills said the township is insured with a \$5,000 deductible, so the maximum cost of the litigation for the two cases would be \$10,000.

He acknowledged that the deputy mayor had been removed from committees not long after the (present) council started, but wouldn't discuss the cases at length without consulting the council. As well, he said, "our lawyer is handling it."

It is a matter of public record that Ms. Campbell Moon cast at least one vote at the county contrary to instructions from her local council, but also is an established fact that the heads and deputy heads of lower-tier councils are not required to follow local council instructions when sitting as county councillors.

Following that vote, however, Mulmur council issued a news release in which it had asked the deputy mayor for a public apology for the vote, among other things. Asked about the occurrence in a phone interview, Ms. Campbell Moon said, "you know me. I won't back down when I'm right."

In the present council, she said, it's a case of two councillors against three. She said she thinks that seven-member councils are more effective and democratic than the five-member ones. "This (3?2 split) wouldn't happen in a 7-member council."

Ms. Campbell Moon is represented by Toronto lawyer Trent Morris of Himmelfarb Proszanski in her claim that was issued Jan. 31, 2013 and served on the township on June 19. The item had not been discussed at an open council meeting prior to July 3, and it couldn't be determined when the defendants would file a statement of claim.

In her latest claim, Ms. Campbell Moon alleges that her personal and public affairs were investigated at township expense and the "full particulars of the investigation were known only to the defendants and those with whom shared" but not including plaintiff Campbell Moon.

She alleges the investigation was not done in good faith, and also "contrary to the law," and that it amounts to a tort (civil wrongdoing).

"In or about late 2010 or early 2011, the co-defendants, using Township, property, services, and other resources, including Township funds, caused a private investigation to be conducted into the personal and public affairs of the plaintiff (the "Investigation"). Full particulars of the investigation are known only to the defendants and those with whom the defendants have shared those particulars, which class of person(s) does not include the plaintiff.

"The Investigation was not commissioned in good faith. The Investigation was commissioned as a result of the defendants' personal desires to acquire personal information about the plaintiff, "The plaintiff was advised by the defendants at a Township Council meeting on Tuesday, February 1, 2011 that the Investigation was underway and discovered thereafter that the Investigation was being funded publicly by the defendant Township of Mulmur based solely on the directions of the defendants.

"The Investigation was contrary to law. In particular, and without limiting the generality of the foregoing, the Investigation:

"Breached the Township of Mulmur Code of Conduct for Members of Council and, in particular and without limiting the generality of the foregoing, (several) sections thereof;

? Breached the Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, c-M.56 and, in particular and without limiting the generality of the foregoing sections I4,2I and 32 thereof

? Breached sections 2 and 8 of the Canadian Charter of Rights and Freedoms, part 1 of the Constitution Act,

? Constituted the tort of intrusion upon seclusion, or invasion of privacy; and

? Constituted the tort of misuse of public office.

?In causing the Investigation to be undertaken; the defendants provided persons unknown to the plaintiff with personal information of the plaintiff contrary to section i4 of the Municipal Freedom of Information and Protection of Privacy Act, RSO 1990, cM.56,? the statement reads, in part.

The allegations have not been proven in court.

By Wes Keller