

NOTICE BY THE CLERK FOR THE CITY OF ORILLIA  
UNDER THE *MUNICIPAL ELECTIONS ACT*, 1996

MEA-2026-002

**Re: Position Respecting Enforcement and Notice of Refusal for Entry at 50  
Andrew Street South**

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Summary

The following is intended as a helpful, plain-language summary of the notice set out below:

- In assessing Municipal Resources Policy complaints, the Clerk considers the purpose of the Policy, the importance of maintaining both actual and perceived independence and impartiality, and the nature, severity, and impact of the incident.
- Enforcement concerns are stronger where campaign activity creates a meaningful association between a candidate and the City, such that a reasonable person could perceive the City as endorsing, supporting, or failing to remain politically impartial.
- Individuals displaying campaign materials at the City Centre or the parking facilities located at 50 Andrew Street South will be refused entry to the building or directed by Staff to leave. A person who fails to comply may be deemed to be trespassing.

Notice

The 2026 Municipal Election has presented a number of new challenges, particularly as it relates to the volume of complaints received concerning the application of the Municipal Resource Policy. In determining how to respond to these complaints, the Clerk has been guided by the following principles:

- Pursuant to section 88.8 of the Act, the Municipal Resource Policy exists to prevent the municipality from contributing to or appearing to support a particular candidate. It is not intended to function as a general code of conduct.
- To ensure a fair and unbiased election, the Clerk's Office must remain, and be seen to remain, independent and impartial. This involves not only maintaining neutrality in both its processes and its enforcement activities but also guarding against efforts to politicize those processes.
- Enforcement responses should be proportionate to the nature, severity, and impact of any incident, in keeping with the principle of fairness and consistency among

candidates. In all circumstances, the Clerk's responses will be lawful, including: i) consistency with the *Canadian Charter of Rights and Freedoms*, and ii) recognizing that the Clerk is without authority to enforce the Sign By-law, which remains within the jurisdiction of Legislative Services.

The complaints received to date have involved a broad range of circumstances, particularly in relation to the use and occupation of municipal lands. Common examples include candidates using photographs or videos taken on municipal property in campaign-related social media content and situations where campaign promotional materials are present on municipal property. Assessing such complaints requires balancing both the nature of the activity and the apparent purpose behind it. For example, a campaign photo taken on municipal lands may be less significant than the placement of campaign promotional materials on municipal property, while the latter may in some cases occur incidentally or inadvertently rather than as a purposeful campaign activity.

In determining appropriate enforcement mechanisms, an important consideration is whether the impugned conduct creates a significant nexus between the City and a candidacy. Enforcement concerns are stronger where a reasonable person could perceive the display of campaign materials as carrying some degree of municipal endorsement or as compromising the City's obligation to remain politically impartial. This is particularly so where campaign materials are displayed in municipally controlled spaces whose actual and historical function is governmental, administrative, or civic in nature. The City Centre is a notable example. The risk of perceived endorsement may be heightened where a candidate who is also an incumbent member of Council accesses non-public areas of the facility, or attends a function in their official capacity, while displaying campaign materials.

For this reason, any person promoting a campaign at the City Centre and parking facilities located at 50 Andrew Street South, will be refused entry or directed by Staff to leave. A person who fails to comply may be deemed to be trespassing pursuant to the *Trespass to Property Act*. For the purposes of this notice, "promoting a campaign" means engaging in any activity intended to influence an elector's vote, and includes displaying or distributing campaign-related materials, regardless of whether the activity is the primary, ancillary, or incidental purpose of the person's presence on the property. Signage reflecting these restrictions will be installed on and around the property. Until then, candidates are expressly notified that these restrictions are in effect.

This notice supplements, and does not limit, modify, or replace, any other enforcement authority including those exercised by Legislative, Building, Parking and Transit Services under the Sign By-law or any other Chapter of the City of Orillia Municipal Code.

## References

- [Municipal Elections Act, 1996](#) (the “Act”)
- [Trespass to Property Act](#)
- [Municipal Code Chapter 832 – Signs](#) (the “Sign By-law”).
- [Policy 1.11.9.4 – Municipal Resource Policy](#) (the “Municipal Resource Policy”)

Issued September 25, 2026

Dan Kirby  
Clerk