

**ONTARIO
SUPERIOR COURT OF JUSTICE**

**THE HONOURABLE
JUSTICE TIMOTHY D. RAY**

}
}
}

**FRIDAY THE 12th DAY
OF MAY, 2011**

BETWEEN:

JIM GIBSON and ED AISTON

APPLICANTS

- and -

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF HEAD, CLARA & MARIA and MELINDA REITH, CLERK
OF THE UNITED TOWNSHIPS OF HEAD, CLARA & MARIA**

RESPONDENTS

ORDER

THIS APPLICATION made by the Applicants, Jim Gibson and Ed Aiston, for an Order allowing this Application to be heard on short notice on the basis of urgency, an Order abridging time for service of the Application, an Order declaring that the penalties imposed by Section 80(2) and Section 92 of the *Municipal Elections Act*, 1996, as amended, do not apply to the acclamation of Jim Gibson and Ed Aiston as Councillors of the United Townships of Head, Clara & Maria, an Order declaring that Jim Gibson and Ed Aiston are Councillors of the United Townships of Head, Clara & Maria and have continuously been Councillors since December 10, 2010, and an Order for costs as against the Respondent, the Corporation of the United Townships of Head, Clara & Maria, was heard this day, at the Pembroke Courthouse, 297 Pembroke Street East, Pembroke, Ontario.


ON READING the Application, the Affidavit of Jim Gibson, sworn May 5, 2011, the Affidavit of Ed Aiston, sworn May 5, 2011, and the Applicants' Factum, and on hearing the submissions of Robert B. Sheppard, Q.C., Solicitor for the Applicants, and no one appearing for

ENTERED IN PEMBROKE

MAY 13 2011

the Respondents, although properly served as appears from the Affidavit of Phillip Holmes sworn on May 6, 2011 and the Affidavit of Ian C. Kuehl, sworn on May 9, 2011.

1. **THIS COURT ORDERS** that this Application is allowed to be heard on short notice on the basis of urgency.
2. **THIS COURT FURTHER ORDERS** that the time for service of this Application is abridged.
3. **THIS COURT FURTHER ORDERS** that the penalties imposed by Section 80(2) and Section 92 of the *Municipal Elections Act, 1996*, as amended, do not apply to the acclamation of Jim Gibson and Ed Aiston as Councillors of the United Townships of Head, Clara & Maria.
4. **THIS COURT FURTHER ORDERS** that the time for all candidates of the 2010 municipal election in the United Townships of Head, Clara & Maria to file their preliminary financial statements with the Municipal Clerk be extended, by ninety days, to June 23, 2011.
5. **THIS COURT FURTHER ORDERS** and declares that Jim Gibson and Ed Aiston are Councillors of the United Townships of Head, Clara & Maria and have continuously been since December 10, 2010.
6. ~~**THIS COURT FURTHER ORDERS** that the costs of this Application be paid by the Respondent, The Corporation of the United Townships of Head, Clara & Maria, to the Applicants, Jim Gibson and Ed Aiston, in the amount of \$2,000.00 in fees and \$375.40 in disbursements, plus HST, for a total of \$2,660.67.~~



Timothy D. Ray J.

Superior Court of Justice
at Pembroke, Ontario

JIM GIBSON and ED AISTON

APPLICANTS

- and -

**THE CORPORATION OF THE UNITED TOWNSHIPS
OF HEAD, CLARA & MARIA, et al.**

RESPONDENTS

(Short title of Proceeding)

Court File No. 11-453

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Pembroke, Ontario

ORDER

McCaun Sheppard & Gervais
Barristers & Solicitors
290 Pembroke St. East
Pembroke, Ontario
K8A 3K3

Robert B. Sheppard, Q.C.
LSUC #: 19172A

Tel: (613) 732-3621
Fax: (613) 732-3594

Solicitor for the Applicants