

Speaking Out

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Volume 1 Issue5

SCARED

In previous issues I have asked people to come forward with information. Until Feb. there was a resounding silence. Well the floodgates have been opened and I have had a number of people contact me. Only problem is that they are afraid either for their jobs or for their business and do not wish to be identified. I had one city employee offer to give me information but only if I did not use his/her name. I agreed and I'm much wiser for it even if I don't share this information at this time.

So what is going on in this city. How is it that a few people are allowed to create an atmosphere where people are afraid to SPEAK OUT? Why do people put up with this fear? Are we the servants of POWER? After all we put them in power and we can take it away from them.

In this issue I will be writing about what I perceive to be an abuse of peoples rights and how when allowed the powerful take full advantage. Only thing is I am not afraid to Speak Out. So thanks to all you who have contacted me, your identities are safe.

Jim Tolnai

Maurice McMillan

Maurice had a good turnout of people who support him in his battle to be treated fairly by the Orillia Power Corp. As everyone knows Maurice has been outspoken regarding de-regulation of power. His boss's who consistently have been for de-regulation have given him a hard ride. He has been suspended, threatened with dismissal and demoted from his job of operating the generators to working outside cutting and chipping wood. He has taken a \$9 per hour wage cut but Maurice is undetered. He knows that he is right. Go Maurice Go.



TAXIS

Is anyone reading this aware that the Charter of Rights and Freedom do not apply to cab drivers, cab owners or cab brokers in Orillia? Yes you read right the supreme law of our country is no protection from city authority. Unless of course you want to spend your money fighting THE POWER who use your money to fight back. Plus endure the HARASSMENT your business will receive if you dare challenge their authority. So here goes I will stand up and be counted as well as make THE POWER accountable.

Guarantee of Rights and Freedoms

Rights and freedoms in Canada 1.

The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

Fundamental freedoms 2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

These are our basic rights and no one can take them away or alter them. So what does this have to do with Orillia, THE POWER, and the Taxi industry?

It was reported that the Police commission and their appointed Detachment Manager decided that up to half the drivers of cabs should not be able to make a living in Orillia because of their past. This decision is an arbitrary one and illegal. But because the people it affects are not equipped to fight for their rights THE POWER seems to be getting away with it. Here is what the bylaw says is their authority.

Qualifications For Applicants

6. (2) An applicant's record of past conduct shall be such that it would not be contrary to the public interest for a licence to be granted, renewed or transferred.

So if THE POWER finds that you displease them in any way they can take away your living. I guess if you are an Anti War demonstrator and THE POWER does not agree you can be called contrary to public interest. If you are a Jew and the public interest is Christian you can be denied a living. If you Speak Out against THE POWER you can be deemed to be contrary to public interest, or like in the case of the suspended cont. page 2

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Taxi cont.

drivers they made a mistake, paid the price and just want to get on with their lives has been deemed contrary. So you see how this section of the Bylaw is Arbitrary, Wrong and Illegal. These people as far as I know have done nothing to have their licence taken except have a past that they left behind. Should what you did 7, 10, 20 years ago stop you from making a living? I don't believe that any fair minded person would deny another human being their right to a livelihood. But hey this is Orillia and THE POWER wants control.

This By-law was passed by our present council. Our Mayor sits on the Police Board who took these peoples livelihood away from them. Yet it was this very Mayor who's past conduct was contrary to public interest when he accepted campaign contributions that at best were questionable and at worst illegal. But our Mayor when found out rushed to City Hall, wrote a cheque for \$2000 and disavowed any guilt. And he sits in judgement over other peoples past.

It has been reported that action was taken against these drivers because there is a perceived threat to public safety. Yet they were also told that if they spent some money and got a pardon from the Federal Government they can get or keep their licence. Will a pardon make them less of a threat. Of course not. So I strongly suggest that the drivers affected contact both the Ontario and Federal Human Rights Commissioners and start proceedings against THE POWER. You

Speaking Out

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are right they are wrong and need to be made accountable. I would also suggest that you have a very good case for a lawsuit against all the members of the Board as well as The City for drafting such a draconian by-law and allowing it's imposition on your rights.

PRICE FIXING

PART VI OFFENCES IN RELATION TO COMPETITION

Conspiracy

45. (1) Every one who conspires, combines, agrees or arranges with another person

(a) to limit unduly the facilities for transporting, producing, manufacturing, supplying, storing or dealing in any product,

(b) to prevent, limit or lessen, unduly, the manufacture or production of a product or to enhance unreasonably the price thereof,

(c) to prevent or lessen, unduly, competition in the production, manufacture, purchase, barter, sale, storage, rental, transportation or supply of a product, or in the price of insurance on persons or property, or

(d) to otherwise restrain or injure competition unduly,

is guilty of an indictable offence

and liable to imprisonment for a term not exceeding five years or to a fine not exceeding ten million dollars or to both.

DO CITY COUNCILLORS READ AND UNDERSTAND BY-LAWS THEY PASS?

Our taxi industry has been a sore point for a number of years in Orillia. Poor drivers and old cars. These issues are legitimate targets of a bylaw and enforcement is a must. But what council came up with in the New By-law was not only legitimate concerns for public safety but also a scheme to fix prices. By law cab owners have been told they can not set charges for their services but must follow fixed prices set out by the Police Commission not by the market place. Quite simply this is illegal and every cab company, the Board and the city of Orillia can be found guilty of Conspiracy.

In the past cab companies competed for business based on price and service. Then along comes council who impose set fees. A cab ride before the by-law cost \$4.50 anywhere in town. Today you can double that. No competition is allowed based on price hurting not only the cab owners but every person who use these services. Orillia has very poor public transportation which closes down at 6pm and runs only on an hourly basis. People without cars are forced to use cabs because of this shortfall in public transport. The by-law forbids a cab owner from negotiating volume discounts or customer loyalty discounts under penalty of this law. Orillia does not have the right to set rates charged between a privately owned business and an individual. Under the Competition Act of Canada the city and Board can be fined up to ten million dollars for what they are doing to competition in this industry. The drivers (cont. page3)

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Price Fixing cont.
are not happy, the cab owners are not happy and the brokers are not happy. And of course the customer who now has to pay about double is not happy. Why would these people impose such hardship on everyone? Then to top it off they impose these charges to and in other municipalities. That's right even though I am outside of Orillia City boundaries THE POWER still wants control. Pretty scary stuff.

A municipality has no right to determine anything but the licensing, safety of vehicles, licensing of drivers based on ability to perform their job and cleanliness of vehicles. After that it should be left up to the good old market place.

Still not convinced these people are breaking the law in our name? Here is the section of the Orillia by-law. Read it and go back to the beginning of this article and read the federal statute. It prevails.

TARIFF AND TARIFF CARDS

12. (1) No person shall charge any rate or fare for the conveyance of passengers by a taxicab within the City of Orillia or to a point more than 5 kilometers beyond its limits in accordance with Schedule "B" of this By-law.

OPC

In November our backsliding Premier Ernie Eves blamed the managers of the former Ontario Hydro as the cause of all the ills of de-regulation. He claimed that the mismanagement of Hydro created the huge debt. Poor management was the root of our problems. Garfield Dunlop agreed with this theory and as neither of these gentlemen have recanted I suppose they still believe it.

On Jan 27/03 Joe Silvagio gave a deputation to council asking that the public be allowed input on keeping OPC a for profit company. Our councillors took a dim view of this and Anne Marie Alexander stated that because the managers of the old Ontario Hydro were incompetent that Eves and company had to find a better way. She stated that council had no choice but to leave OPC for profit and the blame she laid at the

feet of Hydro Management. Councillor Morano stated the same view and I believe that most if not all councillors agree.

In last months Speaking Out I asked for information about the OPC Board and one Orillia businessman who wants to stay anonymous came to my aid. He identified Mr. Larry Brooksbank as a former Ontario Hydro manager. I also found out that Mr. John Mattinson is also a former Ontario Hydro man. Are there anyothers who came from Hydro?

So if Ontario Hydro managers screwed up our power system as stated by the Premier, Garfield Dunlop, Anne Marie Alexander, George Morano and other council members why were former Hydro Managers recruited. My understanding is that a number of local business people were ready, willing and able to join the board to work for the benefit of Orillians. You see the Chairman of OPC Mr. Larry Brooksbank doesn't even live in Orillia. Now how can an outsider with no interest in Orillia and no accountability to the community except to the people who appointed him be in the best interest of the people? We already know that this council supported DE-regulation and only spoke against it when their effort made no difference. We know that John Mattinson was and is for DE-regulation that harms the citizens not only of Orillia but the entire province.

So if Eves, Garfield, Anne Marie and George are right about Ontario Hydro managers being incompetent why were these people recruited. Remember OWLP was a well run utility before these people came and paid rebates to us. The OWLP Commissioners were responsible to us or we did not elect them the next time. Now we have a politically appointed board who answer only to their political masters. So did we get the best people for the job or did we get the cream of the crap?

Municipal Elections are coming this fall. Be hard on the candidates regarding OPC. Make sure you vote for people that have your best interest at heart. Vote for candidates who will pledge to return OPC to non profit and who will fight the provincial government on issues that harm Orillians. Here is your opportunity to be heard.

FIGHTING CITY HALL

I have been dealing with Laura Lee at city hall getting information and evidence for my case against Councilor Downey's conflict of interest. Seems as long as the information I was seeking was not too incriminating I had co-operation. But as soon as my request was for incriminating evidence the door was shut.

Let me explain. On Nov. 7/03 city law enforcement officer Jason Shaw issued a Notice of Violation (ticket) to the Kiwanis Club of Orillia and named Mr. Downey for Personal Service on the order. Mr. Downey accepted the order as handed to him. From here he arranged for the special council meeting putting himself into conflict.

So when I asked for a copy of this public document Laura Lee told me she would not release it because of third party exemption under the act. She then stated that even if I went through the Freedom of Information process it would not be released. I then proved that her contention under the third party exemption was wrong, she then used the invasion of privacy and law enforcement record section. I have proven that she is wrong on these accounts as well but she wants to put my feet to the fire and make me go through a long tedious process. Now I am not sure whether it is Laura Lee herself or if she has been ordered to stonewall me. I am entitled to this document but as Laura said you can fight city hall and only win sometimes..

My contention is why should any citizen have to fight city hall? Is it not staffs duty to work for all citizens not just people in power? So even though I have a copy of the Order which I forced Mr. Downey to produce I am still going ahead with my request that city hall provide it. Laura Lee and anyone else who maybe ordering her to withhold this document is breaking the law.

I don't intend to accept this behavior by staff. If I am elected to council I intend to make sure staff co-operate with requests for public documents regardless of who or why someone wants them. I do not like being put through the wringer and would not like anyone else having to go through it either.

Jim Tolnai

RUNNING FOR COUNCIL IN WARD 1

On Jan. 29 I attended at city hall and presented nomination papers to run for the position of councillor in Ward 1. I will run on a number of issues, which are vital to the future of Orillia.

If chosen I will work towards having the OPC returned to a Non Profit utility. Our energy system should not be used as a hidden and unfair tax revenue for city coffers.

I will work to have the city and OPC develop wind and solar power resources for city owned facilities. Orillia led the Province over one hundred years ago with Hydropower and we can lead today with renewable sources of energy.

I will work to make sure that all citizens of Orillia will be allowed to express their views regardless if these views differ with council or city management. No person working for the city or OPC should fear repercussions for his or her views. I believe in the saying "I may not agree with what you say, but I will fight to the death so you may say it".

I will work towards making the appointed board of Orillia Power Corp. accountable to the people of Orillia again and work to have them elected by the people and not appointed by council.

If elected unlike this council who do not stand up to the province when clearly their policies go against the well being of Orillians I will fight them regardless of which party wins power in the next provincial election. I believe a councillors duty is to the elector and not to any particular political party.

I am not associated with any of the political parties unlike this council. It has been reported that 7 out of 9 councillors are affiliated with the PC party. It is no wonder then why many decisions of council are influenced by PC policy which is detrimental to

Orillia. I owe allegiance to no business or political interest. My priority is to make sure that the Electors' interest come first.

I will work towards getting rid of parking meters in the downtown. As the mayor said at the Chamber breakfast we have a monopoly in retail expansion. I believe this monopoly is strangling the downtown so we must entice people back. FREE parking year round is doable with the co-operation of downtown business.

On Monday night councillors spoke about how they do their homework and that they know what is best for the city. It brought back memories of another council who claimed to do their homework and bought the Scott property costing us nearly one million dollars. There sits the property for the ten or more years that was so important that a special council meeting was called to buy it. The present council announced the sale of 12 acres of prime commercial property at Westridge for one million dollars to the very developer who they then claim has a monopoly. If elected I will be diligent to make sure that there will be more competition and the city realizes fair value.

I promise to inform the electors of what is going on and especially why decisions were made. I will be accessible to the elector, seek their advice and will work hard to address their concerns.

I promise to work hard to have the Tudhope building developed. It has been years since promises of development were made but this council and city management do not seem to be getting the developer to move on these promises. This will be a priority for me.

Taxes are always an important issue at election time. I promise to keep the

electors informed on the financial need of the city and make sure that city management is lean but not mean.

A new Recreation Center is also a priority. This is an expensive proposition and I feel that the surrounding Municipalities should be approached to help build a first class facility shared by all of us. Unlike previous councils who alienated the Townships I would work towards co-operating so we may share the costs and the benefits of such a facility. The operation of any such facility is important. It is not only important to build a facility but operating it efficiently and cost effectively. I will work with community groups and organizations like the YMCA to build a coalition in the community to run the facility.

I will not accept campaign contributions from business. I will only accept contributions from individuals and no more than \$20.

For anyone who is interested in real change your help will be greatly appreciated. Give me a call at 326-5686

I will be bringing many more issues to the electors as the campaign heats up and speaking to people so that I can address their concerns and priorities.

I am available to speak to groups small or large about my concerns, beliefs and goals.

Jim Tolnai
Candidate Ward 1