

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

MEA-2026-001

Re: Direction Concerning Policy 1.11.9.4. - Municipal Resource Policy

Summary

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

- Candidates must not use the municipal logo, crest, and similar identifiers in a way that suggests the municipality endorses or supports their campaign. Candidates should avoid using the logo, crest, and similar identifiers in the background of campaign photographs or worn by the candidate (e.g., on clothing) while campaigning.
- Candidates must avoid campaign-related activities on “municipal facilities,” which are places that the municipality, as owner and occupier, can require the candidate to leave. Candidates should avoid congregating on roads and sidewalks in a way that could impede access to, or entry into, those facilities.

Direction

Pursuant to the Municipal Elections Act, 1996, (the “Act”), the Clerk deems it necessary and desirable to direct as follows:

- Section 88.18 of the Act requires a municipality to establish rules and procedures with respect to municipal resources during the election campaign period. These rules and procedures are codified in Policy 1.11.9.4. - Municipal Resource Policy. The Municipal Resource Policy is not a code of conduct but instead exists to prohibit a municipality from contributing to a candidate.
- The Municipal Resource Policy prohibits campaign-related activity by a candidate on certain real property (i.e. “City facilities” and “on any municipal property”). In this respect, the policy applies to all real property where the municipality is an owner or an occupier and could, with or without notice, require the person to leave. By way of an example, campaign-related activity in the parking lot of a municipal facility would breach the Municipal Resource Policy, but campaigning on a sidewalk would not (as there is a common law right of passage). Candidates should ensure, however, that they do not breach other laws, by-laws, or policies, such as those prohibiting obstruction of access or the Sign By-law.
- The Municipal Resource Policy prohibits use of municipal intellectual property, such as its logo, crest, slogan, etc. for campaign-related activity. Consistent with

the Municipal Resource Policy's purpose — to prohibit a municipality from contributing to a candidate or campaign — intellectual property principles apply. In this respect, candidates must refrain from “passing off,” by promoting their candidacy in such a way as to create the false impression that it is in some way approved, authorized, or endorsed by the municipality.¹ This is determined on the standard of a reasonable person, and not the candidate's subjective intent.

References

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

Issued May 7, 2026

Dan Kirby
Clerk

¹ Modified from ¶20, *Dentec Safety Specialists Inc. v. Degil Safety Products Inc.*, 2012 ONSC 4721 (CanLII), <<https://canlii.ca/t/fsc5v>>