

Allevato Quail & Roy
BARRISTERS AND SOLICITORS

AQR file 21-088
Rachel H. Roy

Office of the Commissioner of Canada Elections
20 Victoria St
Gatineau, QC K1A 0M6

via email

September 7, 2021

Attention: M^e Yves Côté, Commissioner

To whom it may concern:

Re: Complaint re collusion and vote-buying in Vancouver East

We represent the campaign of Jenny Kwan, NDP candidate for Vancouver East, and are authorized to submit this complaint on its behalf. An unregistered third party engaged in partisan activity by promoting the Liberal Party candidate for Vancouver East, including through circulation of the candidate's materials, to a group. As part of this partisan activity, the third party invited the group to a free dinner for themselves and their friends to promote the Liberal candidate.

This conduct is clearly contrary to the anti-collusion provisions and third party registration rules contained in Part 17 of the *Canada Elections Act*. It may also constitute offering and accepting bribes to vote for the Liberal Party candidate, contrary to Section 282.7 of the Act.

Below we set out the facts that form the basis of this complaint.

On August 28, 2021, Fred Kwok posted in a WeChat group formed for the purpose of discussing anti-Asian racism in Vancouver. Fred Kwok is the Chairman of the Chinese Cultural Centre of Greater Vancouver and the President of the Chinese Benevolent Association, both of which are registered charities under the *Income Tax Act*. Mr. Kwok engages in public advocacy around the issue of anti-Asian racism as the Chairman of the Chinese Cultural Centre. Neither Mr. Kwok nor the two organizations that he heads are registered as third parties with Elections Canada.

The following is a translation of the partisan message Mr. Kwok sent to the group (screenshots of original message are appended to this complaint):

Just over two weeks left in the federal election. Throughout these years, the Chinese community and the Chinese people have long been neglected. The Chinese people must show their voting power in this election. Now that this Liberal candidate is running for the first time in Van East. We the Chinese people must show the voting power to the politicians. The Indian (South Asian) people already have a huge influence. The Chinese nationals should also show solidarity. Tomorrow morning at 11:30 am, lunch at Floata Restaurant. No matter how many, no need to pay. You all may bring some friends there to show that you care. When the future victory comes, at least there will be a few more MPs who would care about issues of the Chinese nationals.

Mr. Kwok then sent a photo of the front and back of the Liberal Party candidate's leaflet. It appears that he had at least two in his possession in order to simultaneously take a picture of the front and back of a leaflet.

On August 29, 2021, an event promoting the Liberal Party candidate was held at Floata Seafood Restaurant located at 180 Keefer St in Vancouver. A witness told the NDP campaign that there were more than 10 large round banquet tables filled with people. A sit-down meal with wait staff was served to these people without charge. Information about Floata's menu and event bookings can be found on its website at www.floata.com. Based on the photos of Floata's banquet tables, each table can seat up to 12 people. Based on the online menus, it appears that the cost per person would have been substantial and the total values of the free meals for all attendees would certainly have exceeded the individual contribution limit of \$1650.

Elections Canada Interpretation Note 2021-01 *Participating in Third Party Campaign-Style Events During Pre-Election and Election Periods* indicates that an event held to promote a candidate will either be a regulated partisan activity or a contribution to a candidate's campaign. Where a candidate's campaign has coordinated the activity with the third party, the campaign must be invoiced for the commercial value of the property and services provided at the event so that an illegal contribution does not occur.

As Mr. Kwok is not registered as a third party, and the organizations that he heads cannot engage in partisan activity without losing their charitable tax status, this event was presumably a Liberal Party campaign event. Accordingly, the associated costs must be paid by the Liberal candidate's campaign and will count toward the Liberal campaign's spending limit.

Electors and as many guests as they could bring with them were offered what appears to be a lavish meal in exchange for showing "their voting power in this election" in relation to the Liberal candidate running in Vancouver East. This appears to be a clear quid pro quo for a not insignificant value. A bribe is generally defined as a reward, advantage or benefit of any kind. Section 282.7 of the Act prohibits, directly or indirectly, offering a bribe to influence an elector to vote for a particular candidate in an election. It also prohibits accepting a bribe for this purpose.

The concerns surrounding this event and its promotion are serious and may have significant consequences for a number of groups and individuals. We request that the Commissioner assign

an investigator immediately. The NDP campaign is prepared to fully cooperate and will provide any further information that it receives.

Sincerely,

ALLEVATO QUAIL & ROY

A handwritten signature in cursive script, appearing to read "Roy".

per **Rachel H. Roy**
Barrister & Solicitor

cc [REDACTED] Vancouver East Returning Officer
Elections Canada Political Entity Support

APPENDIX



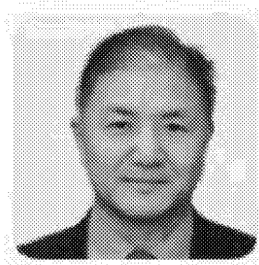
郭英華- 溫哥華

剩下 2 個多星期，就是聯邦大選。華人及僑社多年以來都是被忽視的一群人。這次聯邦大選，華人必要展示投票力量。現在這位自由黨初次在溫哥華東區參選。我們華人也應該讓政界認識華社力量。印度人已經有很大的影響力。中國人也應該展現一個團結。明天早上- 富大酒樓，11:30 午餐，多少人去都可以。不用付費。各位可以找些朋友到場，顯示關注。將來勝出，起碼多幾個議員會關心中國人的議題。



郭英華- 溫哥華





郭英華 - 溫哥華

Josh Vander Vies

Liberal [@joshvanderbies](#)

With an MP sitting in government, we can achieve more together than ever possible from the sidelines.

for MP in Vancouver East

Josh was born missing most of his arms and legs. Growing up in a world not made for him, Josh taught Josh a thing or two about **overcoming obstacles**.

Now a former long-in-the-tooth, he believes that Vancouver East deserves **effective representation**.

Canada better decide if Vancouver East - its history, its struggles, its future, its **success**.

Liberal [@joshvanderbies](#)

Authorized by the official agent of Josh Vander Vies