

# **Report on Councillor Mark Grimes' actions relating to Adamson Barbecue**

**Jonathan Batty  
Integrity Commissioner**

**January 26, 2022**

**ICT**

OFFICE OF THE  
**INTEGRITY  
COMMISSIONER**  
TORONTO

## Introduction

1. This report describes my investigation of allegations that Councillor Mark Grimes breached the *Code of Conduct for Members of Council* (the “Code of Conduct”) by interfering with the City’s response to Adamson Barbecue operating from November 24 to 26, 2020. I received this complaint on December 1, 2020.
2. I determined this complaint was within my jurisdiction and that there were sufficient grounds to investigate. Having done so, I have concluded that Councillor Grimes did not violate the Code of Conduct.

## The Allegations of Misconduct and Councillor Grimes’ Reply

### *The Allegations of Misconduct*

3. The complaint alleged Councillor Grimes contravened three provisions in the Code of Conduct:
  - Article VIII (Improper Use of Influence)
  - Article XII (Conduct Respecting Staff)
  - Article XIV (Discreditable Conduct)
4. A complaint must include sufficient grounds to warrant an investigation. This is assessed at the Intake Review stage.
5. The complaint against Councilor Grimes was very detailed. It included submissions about who should be interviewed and the legal and evidentiary reasons for making a finding of misconduct. These submissions were not relevant at the Intake Review stage. What was relevant was the compilation of Councilor Grimes’ public statements (see the attached Appendix).
6. In light of these statements, there were sufficient grounds to investigate the complaint. From an objective perspective, some of Councillor Grimes’ statements say he was directing enforcement activity at Adamson Barbecue. He said (emphasis added):
  - “I want to have a plan for tomorrow [November 25] and make sure that this will not get out of hand like it did today, and we're going to send a clear message that you are being shut down. So, **I'm going to be looking at some kind of a physical barricade across the driveway if I can do that, but any avenue open to me, we will be closing it down in my mind.**”
  - “I had the street closed off.”

- "The range is from \$750 to \$100,000, being the max ... **I'm going to be asking for the maximum to be thrown at him** and if he works tomorrow there, we'll just keep throwing the book as much as we can."

7. A member of the public, hearing such statements, could reasonably conclude that a Councillor was directing officials in their work.

#### *Intake Review*

8. If I decide in Intake Review that all or part of a complaint warrants investigation, the person who makes the complaint is advised and the member of Council who is complained about is given the complaint and is asked to respond.
9. Based on these statements, there was sufficient evidence to investigate whether Article XII (Conduct Respecting Staff) and Article XIV (Discreditable Conduct) had been broken.
10. There were not sufficient grounds to investigate if Article VIII (Improper Use of Influence) had been broken. The complaint provided no grounds to support an allegation that Councillor Grimes had misused his office to obtain a private benefit.
11. After assessing the complaint, I advised the person who made this complaint and Councillor Grimes that I would be investigating possible contraventions of Article XII (Conduct Respecting Staff) and Article XIV (Discreditable Conduct).

#### *Councillor Grimes' Response*

12. In response to the complaint, Councillor Grimes stated (emphasis added):

I stand by what I said. We were in an absolutely unprecedented situation and there was no clear plan for how to deal with it. I was in communication with the Mayor's office and Chief Pegg as the head of the City's Emergency Response Team throughout the situation, and it is my job to work with City staff and enforcement bodies on municipal issues.

In the middle of the pandemic, it was an issue of public safety. Hundreds of people were flocking to the area because of the media coverage, and they weren't wearing masks or social distancing.

I was being inundated with calls, emails, and social media posts from local businesses and residents, but also from people all over the province demanding that I do something to get the situation under control.

Many business owners were frustrated with the lockdown measures, so they were also watching to see what happened. If the City was not able to shut down this illegally operating business, who

knows how many other businesses would've chosen to follow suit and open up in defiance of the lockdown measures.

**The Police confirmed publicly that mistakes were made early on in handling the situation. When I heard that, it was clear I needed to step in to help coordinate the response to a volatile situation.**

13. Councillor Grimes' response confirmed that he stood by the statements he made to the media and the need to investigate as he said he stepped in "to help coordinate the response to a volatile situation."

## Investigation

### *November 2020: The COVID-19 Pandemic in Toronto*

14. When investigating a complaint, I consider the underlying context. In this case, I had to consider the effect of the COVID-19 pandemic on the City of Toronto.
15. On November 20<sup>th</sup> the City of Toronto issued a news release that stated:

The Province of Ontario today announced further measures in Toronto and Peel Region to slow the spread of COVID-19, effective this Monday, November 23. The City of Toronto supports all efforts to reduce and eliminate the transmission of COVID-19 in the city to protect the healthcare system and save lives.
16. The City announced the continued closure of indoor dining by order of Toronto's Medical Officer of Health under s. 22 of the *Health Protection and Promotion Act* and the new closure of all outdoor dining and patios. This news release said that "take-out, drive-thru and delivery options" for restaurants remained available.
17. On the day the news release was issued, 1,515 people in Toronto had already died from COVID-19, there were 36,821 cases of it in the City (an increase of 420 from the previous day) and 174 people were in hospital with it. This was announced over 200 days after the public health emergency was declared. At that point in time, the first vaccinations against COVID-19 were not yet available.
18. Against this backdrop, on November 23<sup>rd</sup>, the owner of Adamson Barbecue, a restaurant in Ward 6 – Etobicoke-Lakeshore, announced on social media that he would open his restaurant for in-person dining to protest these restrictions. From November 24<sup>th</sup> until two days later when he was arrested and taken into custody, there was a large protest at this restaurant. It attracted a great deal of media attention. Toronto Public Health and 311, the City's online and telephone information service, received hundreds of complaints about Adamson Barbecue.

19. Adamson Barbecue, located on Queen Elizabeth Boulevard in Etobicoke, is in Councillor Grimes' ward. He, too, received a high volume of complaints about the restaurant failing to observe the public health requirements necessitated by the pandemic.

*Evidence from Councillor Grimes*

20. We asked Councillor Grimes these questions about his involvement in the events at Adamson Barbecue:

- What times he was on-site?
- Who he communicated his concerns to?
- What directions he gave or requests he made about blocking the driveway or other measures he thought necessary?
- Why he thought the Toronto Police Service made a mistake in managing the situation on November 24<sup>th</sup>?
- How did he have Queen Elizabeth Boulevard closed off?
- Who he asked to impose a maximum fine on the owner?
- Whether anyone ever cautioned or advised him to leave or not be on-site?
- Whether anyone ever told him that he was interfering with their official duties?

21. Councillor Grimes confirmed he was at Adamson Barbecue on November 24<sup>th</sup> starting at about 3:00 p.m. He was not certain about the times he was there on November 25<sup>th</sup> and 26<sup>th</sup>. Although uncertain of the times, he could not have been on-site for very long on the latter two dates because he was attending a City Council meeting on those days.

22. Consistent with his statements in the media, Councillor Grimes said that on November 24<sup>th</sup> he contacted Mayor Tory, Toronto Police Service Chief Ramer, the General Manager of Emergency Management Chief Pegg, the Medical Officer of Health Dr. de Villa, and a number of other senior officials to urge them to address the situation at Adamson Barbecue. He also said he spoke on-site with a front-line Toronto Public Health official about what was going on.

23. He provided a copy of the urgent email he sent at 9:13 a.m. on November 24<sup>th</sup> to the Councillor Liaison Emergency Support Function (CLESF) and Mayor Tory. He alerted them that the owner of Adamson Barbecue had posted on social media his intention to open at noon that day for in-person dining. Councillor Grimes also alerted them he was receiving complaints about this. He asked what the City's response would be, and to whom he could direct media inquiries.

24. In response, the CLESF emailed back that a coordinated response from City divisions and the Toronto Police Service was planned for later. Councillor Grimes emailed the CLESF

again at 1:42 p.m. adding both the Medical Officer of Health and the General Manager of Emergency Management to this email. He told them he was watching the news and saw that the restaurant was still open for indoor dining and that a police spokesperson had said City staff had left without taking action. Councillor Grimes asked them when the City would address this “flagrant disregard for rules and safety.”

25. The General Manger of Emergency Management responded within minutes and said the Toronto Police Service was engaged and that an on-site response from City staff was imminent. Councillor Grimes thanked him and did not pursue the matter further.

26. Councillor Grimes said the idea to barricade the driveway of Adamson Barbecue was his and that he did not give any directions to anyone to do this. He only asked officials to “get control over” the situation.

27. Councillor Grimes also said:

- His belief a mistake had been made by the Toronto Police Service in managing the situation on November 24<sup>th</sup> came from a public statement made to the media by a senior officer who was on-site. The mistake was that Adamson Barbecue had been allowed to operate for a number of hours on November 24<sup>th</sup> contrary to the public health order.
- He did not ask or direct anyone to close Queen Elizabeth Boulevard and he was not sure if it had been closed by City staff or the Toronto Police Service.
- The phrase “I’m going to be asking for the maximum to be thrown” at the owner of Adamson Barbecue was simply a public statement. It was not something he communicated to any official.
- No one ever said he should leave, not be on-site or that his presence was interfering with their official duties.

#### *Summary of other Relevant Evidence*

28. The information Councillor Grimes provided is consistent with the answers officials gave to these same questions. In a few instances, additional details were obtained.

29. We contacted the Mayor and all the senior officials from the City of Toronto and the Toronto Police Service who Councillor Grimes said he contacted about the situation at Adamson Barbecue. When asked, no one said he tried to issue directions to them about how to carry out their duties. When asked, no one had any information that he had acted inappropriately

towards anyone. Everyone said he had properly escalated his concern that Adamson Barbecue needed to be closed.

30. One senior City official cautioned Councillor Grimes not to attend at Adamson Barbecue out of concern for his personal safety. We were told by some front-line City officials that they were heckled and blocked by protesters and needed to be escorted by the police to perform their duties. Councillor Grimes confirmed the subject of his personal safety was raised, that he was also heckled on-site, but did not require police assistance while there. This was confirmed by the Toronto Police Service.
31. We contacted all City officials from Toronto Public Health and Municipal Licensing and Standards (MLS) who were on-site. Not everyone saw Councillor Grimes and some said they would not be able to recognize him if they had seen him. Those who did recognize him said they were focussed on their duties and only remember seeing Councillor Grimes briefly on November 24<sup>th</sup> and/or 25<sup>th</sup> and at some distance from the restaurant building (e.g. across the street). If Councillor Grimes was there on November 26<sup>th</sup>, he did not speak to any officials. Those who spoke with him on November 24<sup>th</sup> and 25<sup>th</sup> said their exchanges were very brief and professional. We interviewed the front-line Toronto Public Health official Councillor Grimes spoke with on November 24<sup>th</sup> and were told Councillor Grimes only asked for information about what actions Toronto Public Health was taking. Every official we contacted advised that Councillor Grimes' acted appropriately towards them and he did not attempt to give them direction or interfere with the performance of their duties. No one needed to ask him to leave for any reason.
32. A Toronto Public Health official who attended on-site advised that when they drove their car into a nearby private parking lot they were told the local Councillor had arranged with the owner to allow the police and City staff to park there. Councillor Grimes confirmed this. He said he knew the owner of this business and that the area was "crowded and chaotic" and neighboring businesses were complaining to him that the cars parked on the road were blocking access to their businesses.
33. Queen Elizabeth Boulevard was closed on the order of, and by, the Toronto Police Service on November 24<sup>th</sup>. Councillor Grimes had no role in that decision. The senior Toronto Police Service officer who was in command on that day advised us he ordered it closed as soon as he arrived and saw the crowd spilling over into the road.

34. As shown below over the course of three days, the owner and the restaurant at Queen Elizabeth Boulevard were charged a total of 15 times under five statutes:

Statute	Agency	Nov. 24 <sup>th</sup>	Nov. 25 <sup>th</sup>	Nov. 26 <sup>th</sup>
<i>Reopening Ontario Act, 2020</i>	TPH	2	2	2
<i>Health Protection and Promotion Act</i>	TPH		1	2
Toronto Municipal Code, Chapter 545-2A (50)	MLS	1	2	
<i>Trespass to Property Act</i>	TPS			1
<i>Criminal Code</i>	TPS			2

35. City officials said Councillor Grimes did not interfere in the laying of charges or attempt to influence anyone about the penalties being sought. Three charges were laid by the Toronto Police Service but the complaint does not allege that Councillor Grimes interfered with the laying of those charges and, in any event, there is no evidence he did so.

36. The questions about how the Toronto Police Service was managing the situation at Adamson Barbecue on November 24<sup>th</sup> and the concerns the City did not close the restaurant were immediately escalated to the City’s COVID-19 Strategic Command Team. As a result, the coordinated response of the City and the Toronto Police Service were monitored and reported back to that team by the City Manager and Chief of Police.

#### *Relevant Policies and Procedures*

37. In response to the COVID-19 pandemic in March 2020, the Ontario Government adopted and implemented various emergency measures and the City of Toronto adopted various bylaws. The City of Toronto also activated its Emergency Operations Centre (EOC).

38. The EOC is an integral part of the City’s Emergency Plan. The plan “details the methods in which the City mobilizes its resources during a crisis and ensures all City organizations, emergency response services and key agencies are fully aware of their respective roles and



responsibilities during an emergency. The goal is to respond and reduce the impact of a public emergency and restore the municipality to a normal state as soon as possible.”

39. The EOC supports the City’s elected and appointed leadership during emergencies. In the current public health emergency, it has supported the COVID-19 Strategic Command Team, which includes Mayor Tory, the City’s senior public servants and the Chief of Police.
40. The Emergency Plan also recognizes the central role that Councillors have in City government. During an emergency, Councillors leverage formal and informal community networks to help disseminate the information provided them by the EOC. Councillors also report urgent matters to the EOC for escalation to the appropriate parties. Councillors communicate with the EOC through the Councillor Liaison Emergency Support Function (CLESF).
41. Councillors and their staff are advised of these procedures in the online Councillor Member Knowledge Base provided by the City Clerk’s Office. This online resource is a comprehensive source of information designed to support Councillors in all aspects of their work.
42. In March 2020, the City Clerk advised Councillors and City staff that the CLESF was operational in response to the COVID-19 pandemic. She explained it “creates a single channel for Councillors to send and receive information relating to the emergency.” Councillors were provided an email address for the CLESF to send their questions and reports to the EOC. She further explained the purpose of the CLESF is to help the EOC, including divisional staff and Strategic Communications, provide a coordinated response to a Councillor. The Clerk recommended that this would be a helpful way to avoid “divisional pressures” and also acknowledged that Councillors would still be able to individually direct their questions and reports to senior City officials.
43. The EOC and CLESF were in operation in November 2020.

## **Findings**

### *Article XII (Conduct Respecting Staff)*

44. Article XII (Conduct Respecting Staff) of the Code of Conduct prohibits members of Council from using, or attempting to use, their authority or influence “for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering with that person’s duties, including the duty to disclose improper activity.”
45. This provision shields the decisions and actions of City staff from being improperly influenced by a member of Council. Members are prohibited from using intimidation, threats, coercion, commands or other influence as a means of intentionally interfering with how a

City staff person is performing their work. A primary indication of interference may be either when a member of Council, by virtue of their office, does not follow appropriate channels to express their concerns or improperly tries to direct staff.

46. To ensure accountability at the City of Toronto, communication channels are set up to facilitate how members of Council communicate with City staff. Members do not have authority, by virtue of their office, to individually direct City staff to achieve a desired outcome or decision.
47. The City's Emergency Plan establishes a clear framework for how emergencies are managed and what role Councillors play.
48. In addition to his initial response that he was coordinating matters as a result of mistakes made by the Toronto Police Service, there were a few instances, including those noted above at paragraph 6, where Councillor Grimes' statements could leave the impression that he was directing enforcement efforts at Adamson Barbecue. In fairness, there were other instances in the same interview on November 24<sup>th</sup> where he appropriately noted that he did not direct the Toronto Police Service and was not at the "tables" planning and coordinating emergency responses.
49. A statement using a phrase like "we are going to ..." is not proof, by itself, of improper influence. Councillors are the City's elected leaders. It is not out of place for them to refer to the actions of the City using "we" or "our."
50. Councillor Grimes' conduct needs to be assessed by how he interacted with officials. As a general matter, someone's public statements do provide information about their actions, and may consequently provide grounds to launch an investigation, but findings of misconduct must be based on fact.
51. The member of the public who submitted the complaint that led to this investigation has no connection with Adamson Barbecue, its owner or the resulting legal proceedings. The person was not present at Adamson Barbecue and has no other knowledge of the events other than what was reported in the media.
52. Councillor Grimes escalated his concerns about what was happening at Adamson Barbecue on November 24<sup>th</sup> and 25<sup>th</sup> to Mayor Tory, City officials and the Toronto Police Service in calls, texts and emails as he was entitled to do. He followed the Emergency Plan and used the CLESF. He told the CLESF and the City's senior leaders that Adamson Barbecue was operating when it should not have been and asked something be done. He asked for help for his community.

53. While on-site, Councillor Grimes had minimal interaction with City officials and the Toronto Police Service. He did not issue, or try to issue, directions to City officials or the Toronto Police Service about what they needed to do. He did not interfere with any City official or member of the Toronto Police Service in the performance of their duties.
54. Facilitating parking for City staff and the Toronto Police Service at a nearby business, from an objective perspective, did not interfere with their work.
55. Councillor Grimes did not contravene Article XII (Conduct Respecting Staff) of the Code of Conduct. One of the primary principles in the Code of Conduct is that Councillors “shall serve and be seen to serve their constituents in a conscientious and diligent manner.” His actions in relation to the events at Adamson Barbecue are consistent with that principle.

*Article XIV (Discreditable Conduct)*

56. Article XIV (Discreditable Conduct) of the Code of Conduct states that “All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure that their work environment is free from discrimination and harassment.”
57. The person who complained submitted that “standing outside of the business of a person who is under investigation while calling for him to be fined and barricades to be erected” goes beyond the official duties of a Councillor and amounts to intimidating someone contrary to this Article.
58. I disagree that Councillor Grimes’ statements on November 24<sup>th</sup> were threatening or intimidating for the owner of Adamson Barbecue.
59. Councillor Grimes gave a number of media interviews to explain what was going on, why he was worried, and what he hoped would happen. In a situation like this, he would be expected to do so.
60. The owner of Adamson Barbecue was not just a person “under investigation.” As Justice Kimmel noted, in hearing an application for an injunction to order the restaurant closed, the owner had been flouting public health restrictions imposed by provincial legislation enacted to help prevent the spread of the COVID-19 pandemic<sup>1</sup>. The continuing operation of his restaurant, and the large protest it fueled, represented a real danger to public health and safety. In context, Councillor Grimes’ statements were proportional. They were not threatening or intimidating and appear to have had no effect on the owner; he continued to try and operate his restaurant until he was arrested by the Toronto Police Service on November 26<sup>th</sup>.

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<sup>1</sup> *Her Majesty the Queen in Right of Ontario v. Adamson Barbecue Limited*, 2020 ONSC 7679, at para 37.

61. The person who complained also submitted I should incorporate a *sub judice* rule into Article XIV (Discreditable Conduct) and accordingly find Councillor Grimes in violation of the Code of Conduct. In plain language, a *sub judice* rule prohibits someone from commenting on something that will be, or is, before the courts.
62. I decline to do so for the following reasons.
63. In countries with a Westminster system of government, members of parliament are protected by parliamentary privilege. In Canada, this privilege is constitutionally protected. It permits parliamentarians to speak in legislative proceedings about subjects with immunity from any legal liability. If not limited, it could allow parliamentarians to criticize how a legal proceeding is being conducted or try to prejudice its outcome. A *sub judice* rule counterbalances this. It gives a Speaker authority to sanction a parliamentarian for commenting in legislative proceedings on matters before the courts. In Ontario, this rule is specifically prescribed in s. 25(g) of the Standing Orders of the Legislative Assembly. It has also been applied as a matter of parliamentary convention, a prescribed principle in the *Members' Integrity Act, 1994*, to apply to statements made by MPPs outside the Legislature.<sup>2</sup>
64. In contrast, members of Council are not constitutionally protected by parliamentary privilege and do not have legal immunity for what they say in Council. The Council Procedures By-law and the Code of Conduct do not have a specific rule prohibiting a member of Council from commenting, either in or outside Council or committee, on something before the courts. For that reason, I have no authority to find that a member of Council has violated a *sub judice* requirement.
65. Even if I did have that authority, from an objective perspective Councillor Grimes' comments that a maximum fine was warranted with respect to one of the 12 charges laid by City staff does not question the integrity of the pending legal proceedings or prejudice their outcome.
66. I conclude, therefore, that Councillor Grimes did not contravene Article XIV (Discreditable Conduct) of the Code of Conduct.

## Conclusion

67. For the reasons set out above, I have concluded that Councillor Grimes did not violate the Code of Conduct.

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<sup>2</sup> Office of the Integrity Commissioner of Ontario, Report of the Honourable Coulter A. Osborne, October 25, 2006.

68. In addition to proposing that I apply a rule that applies to MPPs, the person who complained suggested I rely on three reports from integrity commissioners in other municipalities to find Councillor Grimes had contravened the Code of Conduct. Those reports, like this one and previous reports from City of Toronto Integrity Commissioners, also endorse the principle that elected officials must not interfere with the enforcement activities of City officials. The factual circumstances described in the three reports from those other municipalities are, however, substantially different from this case. In one of those reports, the code of conduct rules are materially different. Persons who submit complaints to my Office need to be aware that bylaws, policies and codes of conduct in other municipalities may differ from those of the City of Toronto so such reports may not apply to their particular complaint.
69. I have also exercised my discretion to report to Council on this matter as it concerns the important question about what role Councillors have in an emergency. This investigation required me to contact a number of officials and to question them about whether or not Councillor Grimes interfered with their work. This report puts on the record exactly what was found.
70. This investigation has taken almost 14 months to conclude. Because of the nature of the complaint, a significant number of people needed to be asked questions about the events at Adamson Barbecue. Apart from asking Councillor Grimes and the person who made this complaint about these matters, my Office contacted 22 people including the Mayor, six members of the City's senior leadership team, three senior officers of the Toronto Police Service and over a dozen front-line City staff.
71. In ordinary times, asking questions of this many people takes time. Because Toronto is dealing with a pandemic, we tried to stage the investigation to take into account the demands elected officials, City staff and the Toronto Police Service have faced in serving the public. After key witnesses answered questions and produced documents, that information was evaluated. This led to other witnesses being identified, who in turn needed to be asked questions and produce documents. I would like to thank everyone we contacted for information. Without exception, everyone was cooperative and thorough in answering our questions.
72. My Office conducted our own environmental scan and media research and, as the events at Adamson Barbecue resulted in a number of legal proceedings, we monitored and considered their progress to the extent we needed. This, too, lengthened the time needed to assess the complaint and investigate this matter.
73. As the City's Emergency Plan and Council Member Knowledge Base note, the role of Councillors in an emergency is to escalate matters to the EOC and senior leadership of the City who are tasked with coordinating the City's response. It is not the role of Councillors, if they believe there is a problem, to step in and coordinate how the Toronto Police Service

and City divisions manage a situation. The COVID-19 Strategic Command Team coordinated the City's response, in conjunction with the response of the Toronto Police Service, when Councillor Grimes escalated his concerns to the EOC and the members of that team.

74. In emergencies, Councillors are asked to leverage their formal and informal community networks to help disseminate and receive information. The Emergency Plan does not specifically task Councillors with securing private resources for use by the City. It was helpful for Councillor Grimes to arrange with a neighboring business for City and Toronto Police Service vehicles to use its parking lot. In cases where material help is provided, Councillors may need to refer this to City staff in case the City's Insurance and Risk Management group needs to be consulted.
75. Even where they have the best of intentions, elected officials need to carefully consider whether they need to be on-site for an emergency. They need to be sure their presence does not complicate or interfere with the work of City staff and first responders who are on scene. In a worst-case scenario, it is possible their presence could risk their personal safety and the safety of others. My Office's investigation showed that Councillor Grimes' presence did not complicate or interfere with the work of City staff in this case.
76. In speaking to the media about an emergency situation, Councillors need to be sure not to confuse the public about how the City is responding and who is in charge of managing the emergency. In this case, because some of Councillor Grimes' statements were reasonably understood by a member of the public to mean he was actively directing City staff, it gave rise to this complaint and the need to determine what, in fact, had happened.

Respectfully submitted,

Jonathan Batty  
Integrity Commissioner

## Appendix

### Excerpts of Media Statements by Councillor Mark Grimes

The Rush, Newstalk 1010, November 24, 2020

"I was first thing on the phone with my staff, saying, 'Listen, we'd better get ahead of this, and get staff involved.' So, Public Health went out there with the Toronto Police Service and our municipal licensing and standards went out, went in, talked to the owner, but at that point the charge in my mind should have been laid but the Staff Sergeant said that they made a mistake and that didn't happen, but I was on the phone quickly with the Mayor's office, having, say, 'Look, we've got to shut this down and, we got the help that I need to get out there probably around four o'clock and then send a clear message that this is not going to be tolerated."

"Q: Did you order the police to be sent in yourself?

A: No – I just made our staff aware this morning that this was happening on social media last night and to be prepared for it. So we notified public health, we notified the Mayor's office and we let it take its course. Our MLS – our Municipal Licensing and Standards -- people, and they would take it from there."

"It wasn't really the police that went in there, guys, it was the Public Health. So, when I got there this afternoon, it was-the parking lot was pretty active. I was there all day; I couldn't believe it was still open. I got a chance to talk to our public health person on the site and they didn't lay, you know, give the order to close, so I got on the phone, unfortunately the Mayor was in the Toronto Police Service Board meeting today, but anyway, and the Chief was, he was in the same meeting. But we finally got a hold of him to lay the charge. Doctor de Villa did lay the charge. It was ran out to 22 Division this afternoon. It was brought down and Public Health went in and laid the order to close down. Public Health, you know, the police were there supporting behind them, but that's Public Health's job to do. So, they went in and laid the order around four o'clock this afternoon and I was there."

"This is kind of an uncharted territory. When, you know, when somebody comes and says, 'Look, well we're going to open up anyway,' we didn't even think that would be coming down, but I think it was very clear that we had to send a message, not only to this person, but anybody else thinking the same way this person's thinking, that no, we're going to come down heavy on you, and it's my understanding that once we made the order to the owner today, he said to our person from Public Health that he's going to open tomorrow, so I've talked to the police, I've had a brief call to the City Manager, I'm talking to him in about 20 minutes, I'll be talking to the Mayor's office again, and I want to have a plan for tomorrow and make sure that this will not get out of hand like it did today, and we're going to send a clear message that you are being shut down. So, I'm going to be looking at some kind of a physical barricade across the driveway if I can do that, but any avenue open to me, we will be closing it down in my mind."

"It was very important that we did get this charge laid right away and send a clear message to anyone else thinking along these lines."

"Q: So you mean to say that nobody had a conversation about what would happen if someone opened up illegally today? That's a tough one to swallow.

A: Yeah, it sure is. And listen, I'm not at those tables for that. I'm not there, but I hear your frustration and listen, no one's more frustrated than I am ... So I thought it was very important that we did get this charge laid right away and sent a clear message to anyone else thinking along these lines. But I agree with you again, I'm not at those tables about the plan, I don't think anybody saw someone opening and going against the orders, but the orders are very clear today. He is shut down and we are going to be on him."

"I talked to Chief Pegg personally today from Toronto Fire, we'll be sending them in tomorrow, but we're going to make a clear message that this business is shut down."

"The range is from \$750 to \$100,000, being the max. And, you know I didn't think about that 'til after we issued the order today, and he said, 'Well, I'm going to open up again tomorrow,' so, if that's his attitude, then I say we throw the book. I'm going to be asking for the maximum to be thrown at him and if he works tomorrow there, we'll just keep throwing the book as much as we can."

"Well, after today he told us today that he's going to plan a reopening tomorrow, then yes, absolutely. We have to be very firm. We have to send a clear message this will not be tolerated in the city and across the province, too."

"I thought it'd be a simple call to have Public Health go out there with our MLS people and have it shut down, but that wasn't the case. It turned into something we didn't want it to and it kind of got out of hand."

"Coronavirus: Owner of Etobicoke restaurant who reopened for indoor dining during lockdown charged," Global News (online article), November 25, 2020

"Just unbelievable. It looks like he's going to contravene our order," Councillor Mark Grimes said outside the restaurant on Wednesday.

"I've been in contact with the mayor's office again this morning [and] Toronto police ... We'll escalate as we have to, but to be clear, we're going to be shutting him down."

"Police lay charges as Etobicoke BBQ restaurant defies lockdown and opens for indoor dining -again," CBC News (online article), November 25, 2020

"Councillor Mark Grimes told reporters at the scene Wednesday that Skelly has been charged for breaking public health orders on both Tuesday and Wednesday."

"Grimes said he's asking for a maximum fine of \$100,000 to be laid."

@LindaWardCBC, Twitter, November 25, 2020

"Councillor Mark Grimes says the owner has been charged for yesterday and today. He's asked for the maximum \$100,000 fine. He says police are expected to soon start finding [sic] protesters."

Attached video clip of Councillor Grimes (11 second mark): "I had the street closed off."