



**INTEGRITY
COMMISSIONER REPORT
ACTION REQUIRED**

**Supplementary Report To Council Regarding Reports to
Council on Violations of the Code of Conduct for
Members of Council**

Date:	October 24, 2012
To:	City Council
From:	Integrity Commissioner
Wards:	All
Reference Number:	

SUMMARY

The Integrity Commissioner is required by the *Code of Conduct Complaint Protocol for Members of Council* ("Complaint Protocol") to report to City Council on investigations of formal complaints where it has been determined that there has been a violation of the *Code of Conduct for Members of Council* ("Code of Conduct") by a member of Council.

There are three such reports on Council's agenda for October 30 and 31, 2012. Two of the three members have expressed concerns about their ability to speak to those matters pending the release of a ruling by the Superior Court of Justice in the matter of *Paul Magder v. Robert Ford*, Court File No. CV-12-448487 ("*Magder v. Ford*").

Council's advice is being sought on the question of deferral of the two reports and on the related question of the Integrity Commissioner awaiting a ruling in the court case prior to bringing further reports to Council.

RECOMMENDATIONS

The Integrity Commissioner recommends:

1. That City Council consider whether to adopt a motion to defer *Code of Conduct* reports until there has been a decision in *Magder v. Ford*, where

- a member of Council who is the subject of the report wishes to speak to the report; and
2. That City Council consider whether to adopt a motion instructing the Integrity Commissioner to refrain from reporting violations of the *Code of Conduct* by members of Council pending a decision in *Magder v. Ford*.

Financial Impact

This supplementary report will have no financial impact on the City of Toronto.

ISSUE BACKGROUND

An application (*Magder v. Ford*) was filed in the Superior Court of Justice at 393 University Avenue, Toronto on March 9, 2012 and was heard on September 5 and 6, 2012 at 361 University Avenue, Toronto. One of the issues argued in the application was the relationship between the *Municipal Conflict of Interest Act* (the “*MClA*”) and the Integrity Commissioner’s report (Report on Compliance with Council Decision CC52.1) brought to City Council under the *City of Toronto Act 2006* (the *COTA*) at its meeting of February 6 and 7, 2012. One of the issues before the court is the relationship between the *Code of Conduct* and the *MClA*, and the question of whether a member of Council has the right to speak to *Code of Conduct* matters at Council concerning him/herself.

On October 23, 2012, two of the three members who are the subject of the *Code of Conduct* reports on City Council’s meeting agenda for October 30 and 31, 2012, raised a concern about the ability to speak to those reports in Council without the benefit of a ruling in *Magder v. Ford*.

The Integrity Commissioner requests Council’s direction on these reports and on any future reports under the *Code of Conduct* pending a decision in *Magder v. Ford*.

CONTACT

Janet Leiper, Integrity Commissioner
Phone: 416-397-7770; Fax: 416-696-3615
Email: jleiper@toronto.ca

SIGNATURE

(Original signed by Janet Leiper)

Janet Leiper
Integrity Commissioner
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