



INTEGRITY COMMISSIONER REPORT FOR ACTION

Investigation Report Regarding Conduct of Mayor John Tory

Date: January 28, 2016
To: City Council
From: Valerie Jepson, Integrity Commissioner
Wards: All Wards
Reference:

SUMMARY

At the May 5, 2015 City Council meeting, Mayor John Tory moved a motion to defer consideration of a staff report regarding amendments to standard taxicab regulations.

A member of the public filed a complaint alleging that the Mayor contravened Articles VIII (Improper Use of Influence), IX (Business Relations) and X (Conduct Regarding Current and Prospective Employment) of the Code of Conduct for Members of Council (the "Code of Conduct") for, among other things, improperly preferring and supporting the ride-sharing service, commonly known as "Uber" when he moved the motion and made public statements because members of the Mayor's former campaign staff were consultants for Uber.

I investigated whether Mr. Tory improperly used the influence of his office to benefit two former members of his campaign team by moving the May 5, 2015 deferral motion in contravention of Article VIII of the Code of Conduct. Consistent with Part B, section 2 of the Code of Conduct Complaint Protocol for Members of Council (the "Complaint Protocol") I did not investigate other matters alleged in the complaint because the other allegations did not give rise to any possible issues under the Code of Conduct.

In the attached report, I concluded that the May 5, 2015 motion was the result of a number of considerations unrelated to the former campaign staff's involvement, including the desirability of dealing comprehensively with regulation of ground transportation services and the fact that Council was awaiting the outcome of a pending court proceeding with respect to the applicability of the current regulatory scheme to Uber. Further, I find that Mayor Tory's actions in relation to the motion were unrelated to the interests of his former campaign staff and were not a contravention of Article VIII of the Code of Conduct.

I also find the circumstances that led to the complaint are based on a reasonable concern that an elected official might pay special attention, or provide preferential treatment, to former campaign staff, particularly those who aided the official in winning an election. Such perceptions may arise any time a former campaign aide lobbies an elected member of Council whom the aide supported. I therefore take this opportunity to offer some guidance about the interaction between elected officials and those individuals who assist in their campaigns and subsequently lobby the elected official.

Part B, s. 6(3) of the Complaint Protocol gives the Integrity Commissioner discretion to make a report to Council about a dismissed complaint in exceptional circumstances. I conducted a confidential investigation, but the fact of this complaint has been made public. In my view, it is important and appropriate to bring the fact of the investigation, the findings, and the guidance, to the attention of Council. I am, therefore, filing this report with Council for its information.

RECOMMENDATIONS

The Integrity Commissioner recommends that:

1. Council receive the January 28, 2016 Investigation Report on the Conduct of Mayor John Tory for information.

FINANCIAL IMPACT

This report has no financial impact.

DECISION HISTORY

Council has not previously considered this matter.

COMMENTS

On June 1, 2015, a member of the public (the "Complainant") filed a formal complaint that Mayor John Tory contravened Articles VIII (Improper Use of Influence), IX (Business Relations) and X (Conduct Regarding Current and Prospective Employment) of the Code of Conduct for Members of Council (the "Code of Conduct") for allegedly improperly preferring and supporting the ride-sharing service, commonly known as "Uber" through public statements and by moving a motion at the May 5, 2015 meeting of Toronto City Council to defer consideration of a staff report regarding amendments to standard taxicab regulations. The complaint asserts a number of grounds as to why Mr. Tory's actions were improper, including that members of his former campaign staff were consultants for Uber.

The complaint was received and investigated in accordance with the Code of Conduct Complaint Protocol for Members of Council. The attached report outlines the findings, conclusions and the rationale for the recommendations set out above.

The report also includes some guidance about the interaction between elected officials and those individuals who assist in their campaigns and subsequently lobby the elected official. Acting with caution, and in certain cases, refusing to be lobbied by former campaign aides would reduce or eliminate the risk that a reasonable observer might conclude that official actions or decisions were based on a member of Council's sense of obligation to a former campaign aide rather than the merits of an issue. I am available to members of Council to provide specific, confidential advice about how the guidance can be applied.

CONTACT

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SIGNATURE

Valerie Jepson, Integrity Commissioner

ATTACHMENTS

Attachment 1: Integrity Commissioner Report Regarding Conduct of Mayor John Tory
(13 pages)