



REPORT FOR INFORMATION

Request for Indemnification of a member of Council in the commencement of a defamation action

Date: April 17, 2018

To: City Council

From: City Solicitor

Wards: All

SUMMARY

The City Solicitor has been made aware of a request from a member of Council for indemnification of legal expenses arising from the member's commencement of a defamation action. A report will be submitted to City Council from the City Solicitor in relation to this request.

A similar request for indemnification was made in 2009. In that request, the City Solicitor retained an independent external lawyer to assess whether in the circumstances it was appropriate for the City to reimburse the Councillor's legal expenses.

The City Solicitor will undertake a similar process for the current request. The matter has been referred to an independent external lawyer who will screen the potential claim on the following criteria and provide a written recommendation as to eligibility for indemnification:

1. The merits of the claim.
2. Whether the matter arises out of the exercise of the Member's official duties as defined in Ontario law and jurisprudence.
3. Whether the alleged statements, if left unchallenged, will undermine public confidence in municipal government and government officials.
4. Whether the alleged statements, if left unchallenged, may disrupt the efficient functioning of City Council.

In view of the timelines involved in potential defamation actions and the timing of the request for indemnification, a report will be submitted directly to City Council.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor