

**ANNUAL REPORT**

**OF THE**

**OFFICE OF THE LOBBYIST REGISTRAR**

**FOR THE YEAR 2018**

Cristina De Caprio  
Lobbyist Registrar

April 9, 2019

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# Message from the Lobbyist Registrar

I am pleased to provide the Annual Report for the Office of the Lobbyist Registrar (OLR) for the period of January 1 to December 31, 2018. This is the 11th Annual Report to Toronto City Council (Council) of the OLR. The purpose of this report is to highlight actions and key accomplishments for 2018, in satisfaction of the OLR's mandate.

## Mandate of the Office of the Lobbyist Registrar

### Role of the Office of the Lobbyist Registrar

My duties as Lobbyist Registrar (Registrar) are to administer and uphold the Lobbying By-law (By-law) in the public interest. The Registrar is an Independent Officer, who reports directly to Council about its legislative responsibilities. By regulating lobbying activities in the public interest, the Registrar promotes and enhances the transparency and integrity of City government decision-making according to the values codified in the By-law by Council. The By-law establishes authority for the Office of the Lobbyist Registrar (OLR) to deliver transparency, requiring public disclosure of lobbying activities on the Lobbyist Registry (Registry) and adherence to the Lobbyists' Code of Conduct (Code of Conduct).

The Registry and the Code of Conduct are the tools in the By-law which guarantee transparency. The By-law's disclosure requirement ensures that lobbying activities at the City are transparent. The Code of Conduct sets out the high ethical standards that are expected of lobbyists when they communicate with Toronto Public Office Holders (POHs).

### Legislative Framework

The legislative authority and statutory requirements for the OLR are outlined in the *City of Toronto Act, 2006* (COTA), Toronto Municipal Code Chapter 140, Lobbying (By-law), and Toronto Municipal Code Chapter 3, Accountability Officers.



These laws outline the City’s regulatory model for lobbying activities. Regulating lobbying activities does not impede access to government, but instead guarantees a window of transparency for lobbying communications. Lobbying is a legitimate activity, when disclosed publicly and when conducted according to the ethical standards outlined in the By-law.

## Nurturing an Ethical Culture

Ethical and transparent lobbying is foundational to a responsive City government that advances civic engagement and open democratic processes. In order to attain the outcomes intended by City government decisions, there must be public confidence in the processes which lead to those decisions. The Registry and the Code of Conduct are important tools which contribute to the public’s confidence in City processes and to the public’s trust in government. Building trust through these tools increases the public’s confidence in government and the public’s support for City government’s decisions.

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“What makes an ethical culture strong is acceptance and internalization of ethical values by individuals through involving them in the process of articulating those values.”

*(The Honourable Madam Justice Denise E. Bellamy, Commissioner, Toronto Computer Leasing Inquiry Report, Vol. 2 Good Government)*

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Throughout the 2014-2018 Term of Council, the OLR, through the contributions of its stakeholders has made important achievements, as the regulator of lobbying activities for the City of Toronto. The growth in the number of lobbying activities disclosed in the Registry throughout this past term demonstrates that the values

codified in the By-law for transparency and integrity are practised in City government everyday. Our stakeholders abide by and have adopted these values. I invite you to share in the OLR’s many activities in ensuring public disclosure of lobbying activities and in overseeing the regulation of lobbyists’ conduct, and to acknowledge the City’s success in delivering transparency and accountability to the public through ensuring compliance with the By-law’s provisions.



## Growth in the Public Disclosure of Lobbying Activities Over Council Term 2014-2018

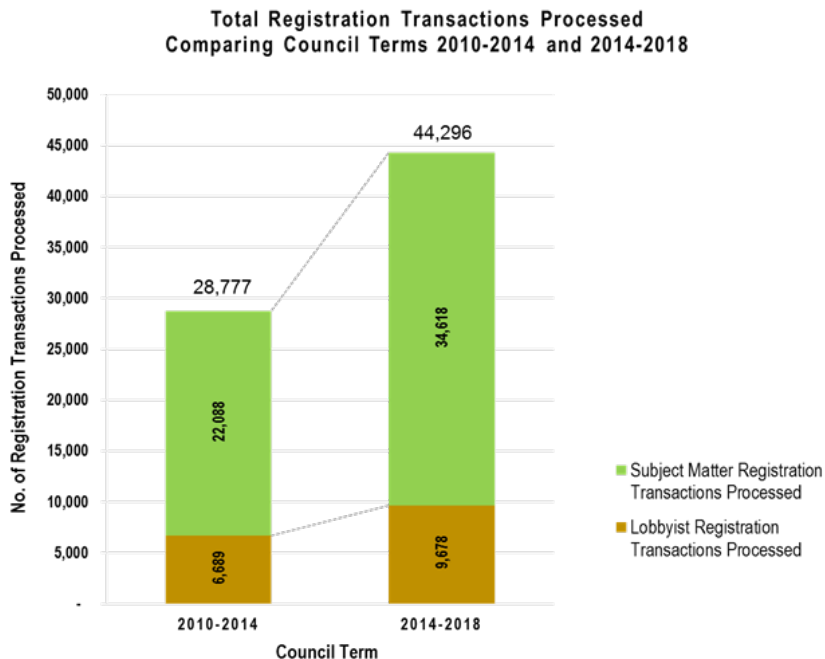
The disclosure of lobbying activities occurs through the online public Registry. All of the information required of lobbyists by the By-law is provided to the public through the Registry. A search of the Registry allows any member of the public to learn who is lobbying whom and about what.

As the new term of Council unfolds, the OLR looks forward to the continued engagement of stakeholders in promoting and delivering compliant practices. Important strides were made in the previous term in entrenching lobbying transparency in the City’s governance model.

The following are indicators of how the Registry contributed to increased transparency throughout Council Term 2014-2018:

### 1. Increase in the Number of Registration Transactions

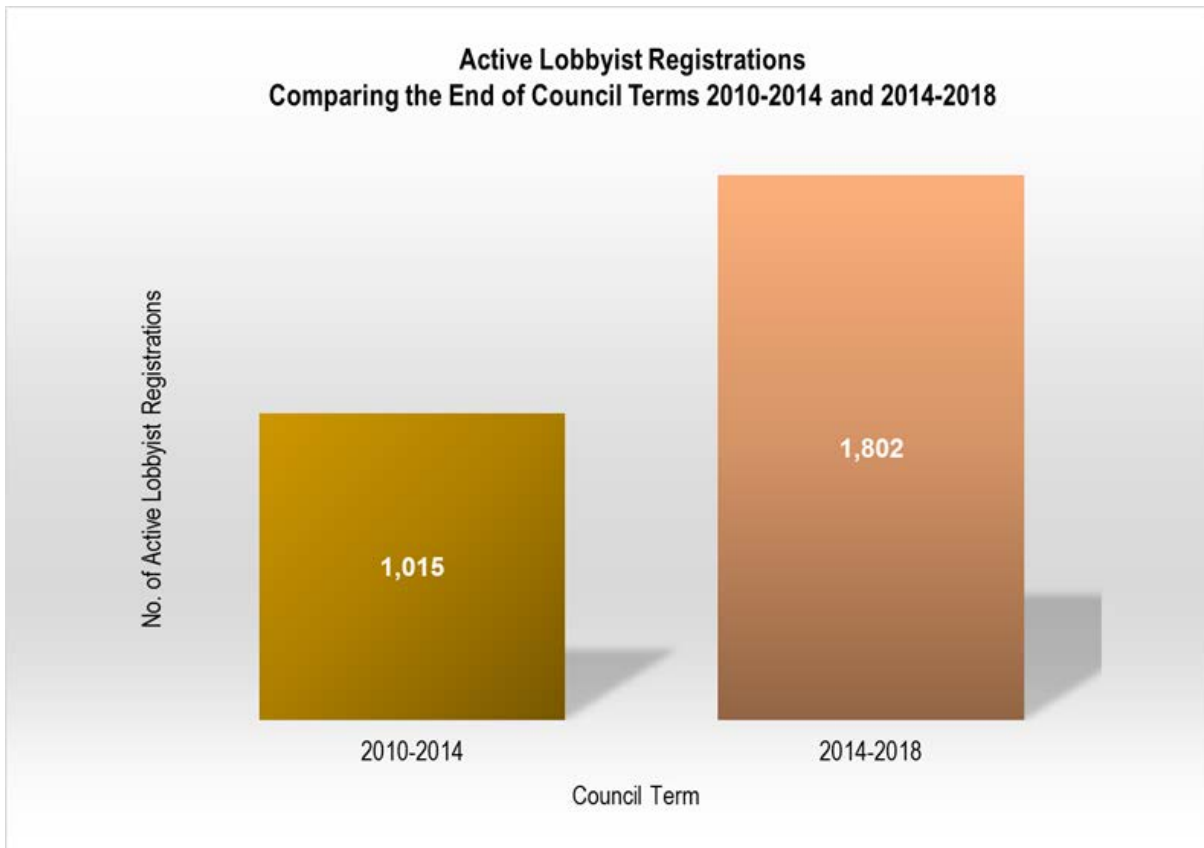
The total number of registration transactions processed grew by 15,519 or 54%, comparing Council Term 2014-2018 with Council Term 2010-2014. In Council Term 2010-2014, the total number of registration transactions processed was 28,777. In Council Term 2014-2018, the total number of registration transactions processed was 44,296.





## 2. Increase in the Number of Active Lobbyist Registrations

The number of active lobbyist registrations at the end of Council Term 2014-2018 was 1,802, which was an increase of 78%, when compared to the end of Council Term 2010-2014. At the end of Council Term 2010-2014, the number of active lobbyist registrations was 1,015.

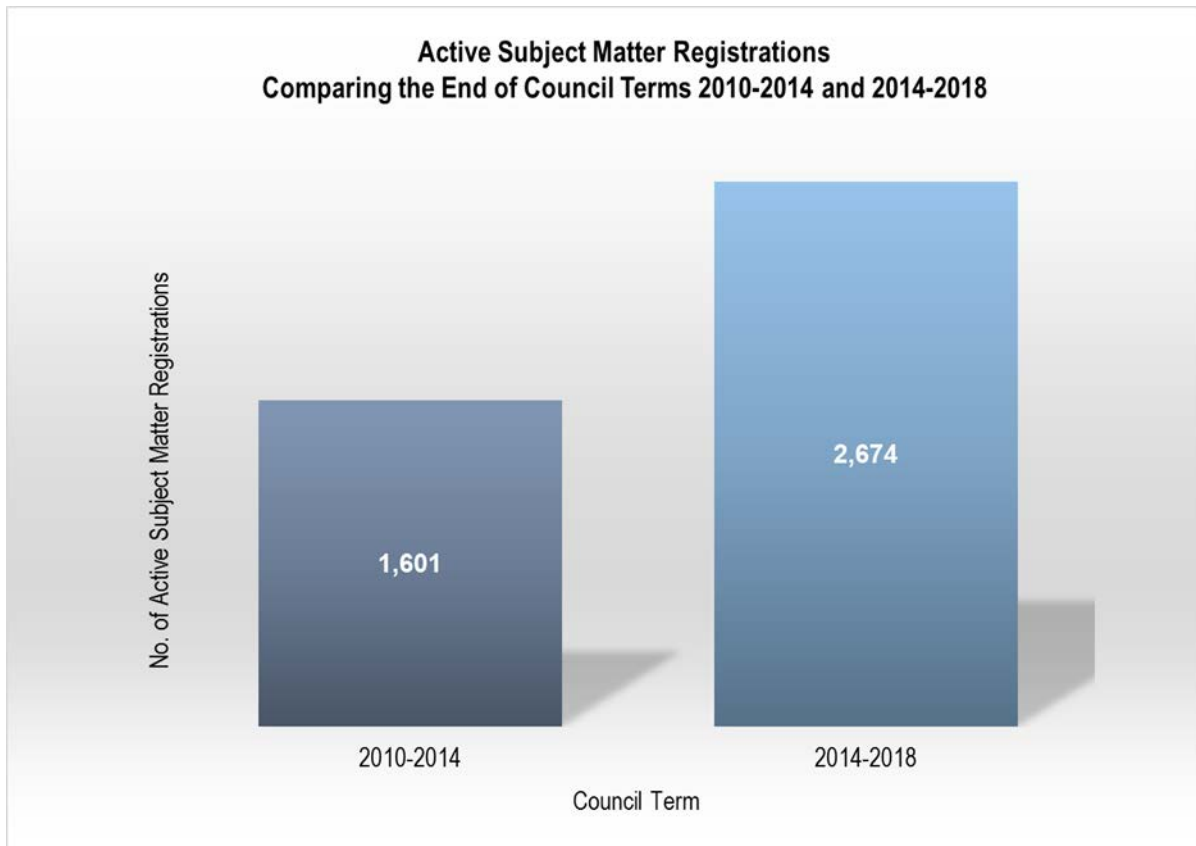






### 3. Increase in the Number of Active Subject Matter Registrations

The number of active subject matter registrations at the end of Council Term 2014-2018 was 2,674, which was an increase of 67%, when compared to the end of Council Term 2010-2014. At the end of Council Term 2010-2014, the number of active subject matter registrations was 1,601.

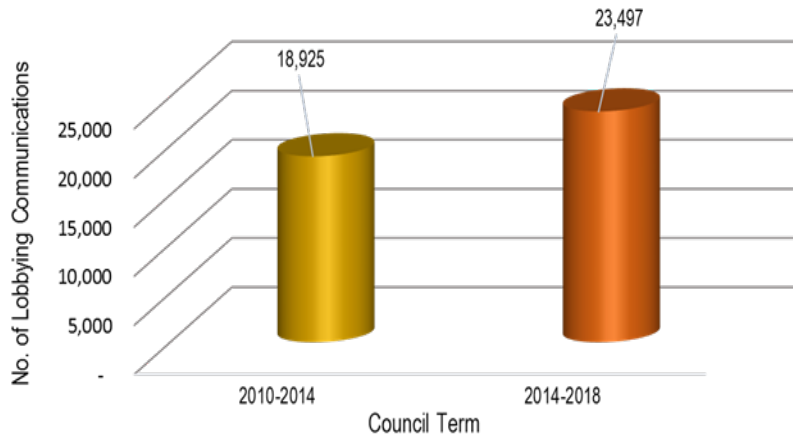




#### 4. Increase in the Number of Lobbying Communications

The total number of lobbying communications reported during Council Term 2014-2018 was 23,497. This was an increase of 24% in the total number of lobbying communications reported in Council Term 2010-2014, which was 18,925. The total number of lobbying communications reported over both Council Terms 2010-2014 and 2014-2018 was 42,422.

**Total No. of Lobbying Communications  
Reported with All POHs  
Comparing Council Terms 2010-2014 and 2014-2018**

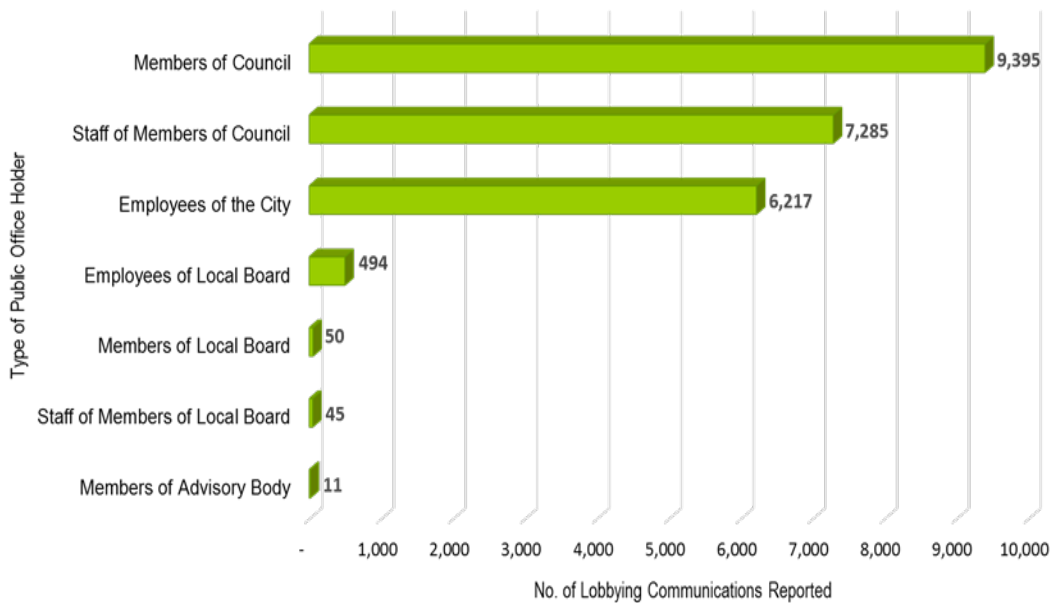




## 5. Lobbying Communications Reported Across All Categories of Public Office Holder (POH)

In accordance with the requirements of the By-law, lobbying communications were reported with all POHs as defined by the By-law. The public, therefore, is being provided with the transparency intended by the By-law. This affords the public a window into the decision-making processes undertaken by City government.

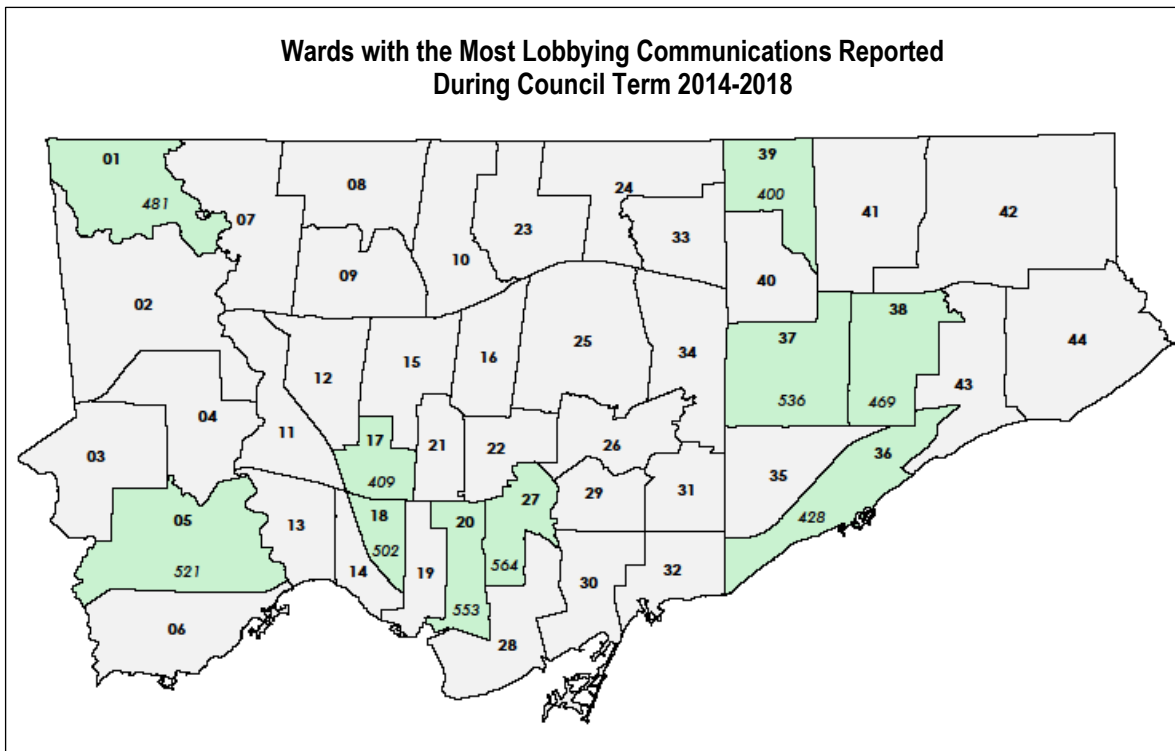
**Total No. of Lobbying Communications Reported Across All Categories of POH During Council Term 2014-2018**





**Lobbying Communications Reported with Offices of Elected Officials During Council Term 2014-2018**

The offices of elected officials with the most frequent lobbying communications reported throughout Council Term 2014-2018 has been represented below geographically, by ward office and by Office of the Mayor. In the map below, the wards with the most lobbying communications reported during Council Term 2014-2018 are highlighted in green.



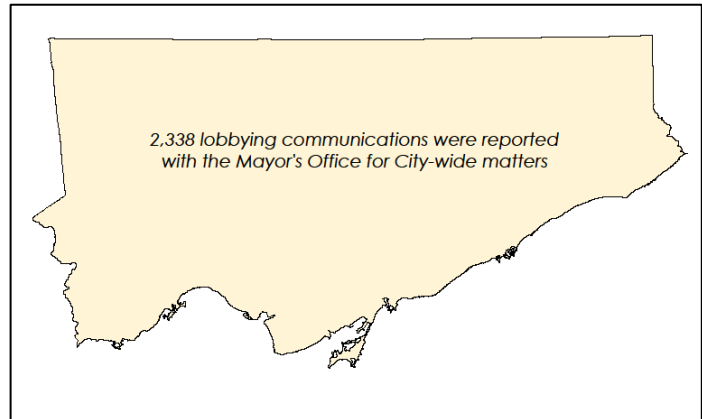
**NOTE:** Figures in bold are ward numbers and figures in italics are the number of lobbying communications reported with Council members and their staff for the entire term.

Ward/Office	No. of Lobbying Communications Reported
Ward 27 - Toronto Centre-Rosedale	564
Ward 20 - Trinity-Spadina	553
Ward 37 - Scarborough Centre	536
Ward 5 - Etobicoke-Lakeshore	521
Ward 18 - Davenport	502
Ward 1 - Etobicoke North	481
Ward 38 - Scarborough Centre	469
Ward 36 - Scarborough Southwest	428
Ward 17 - Davenport	409
Ward 39 - Scarborough-Agincourt	400



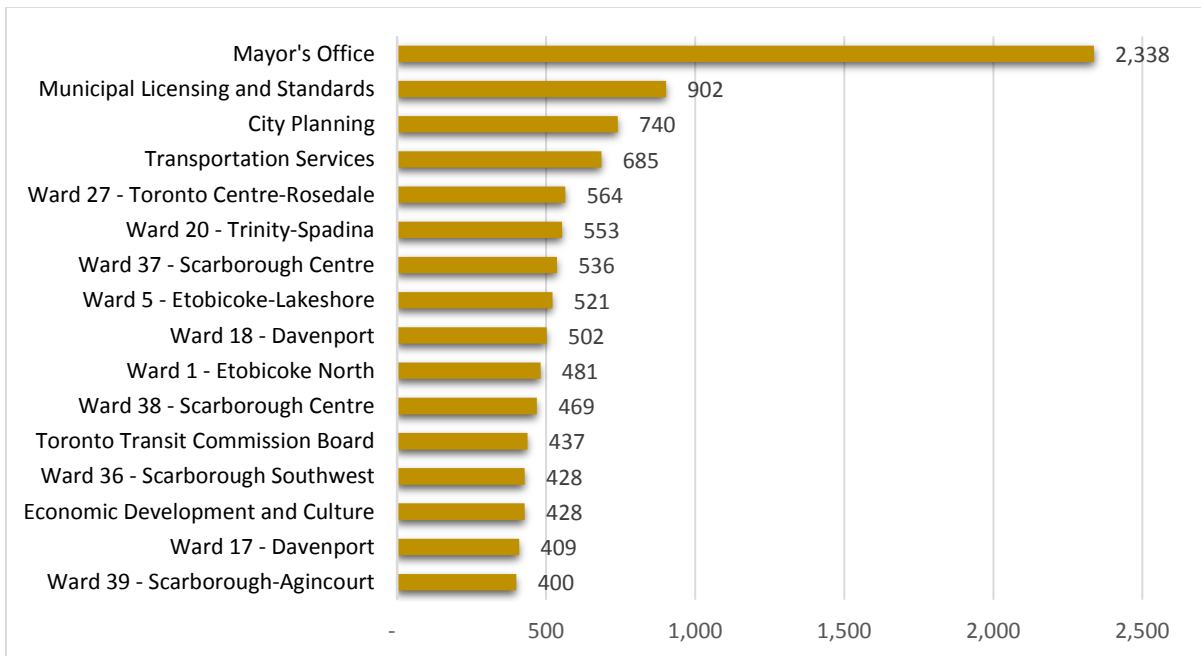
**No. of Lobbying Communications Reported with the Mayor's Office During Council Term 2014-2018**

The total number of lobbying communications reported with the Mayor's Office for City-wide matters was 2,338 at the end of Council Term 2014-2018.



**Most Frequent Recipients of Lobbying Communications Reported During Council Term 2014-2018 by Office of Public Office Holder**

**Most Frequent Recipients of Lobbying Communications Reported During Council Term 2014-2018 by Office of POH**



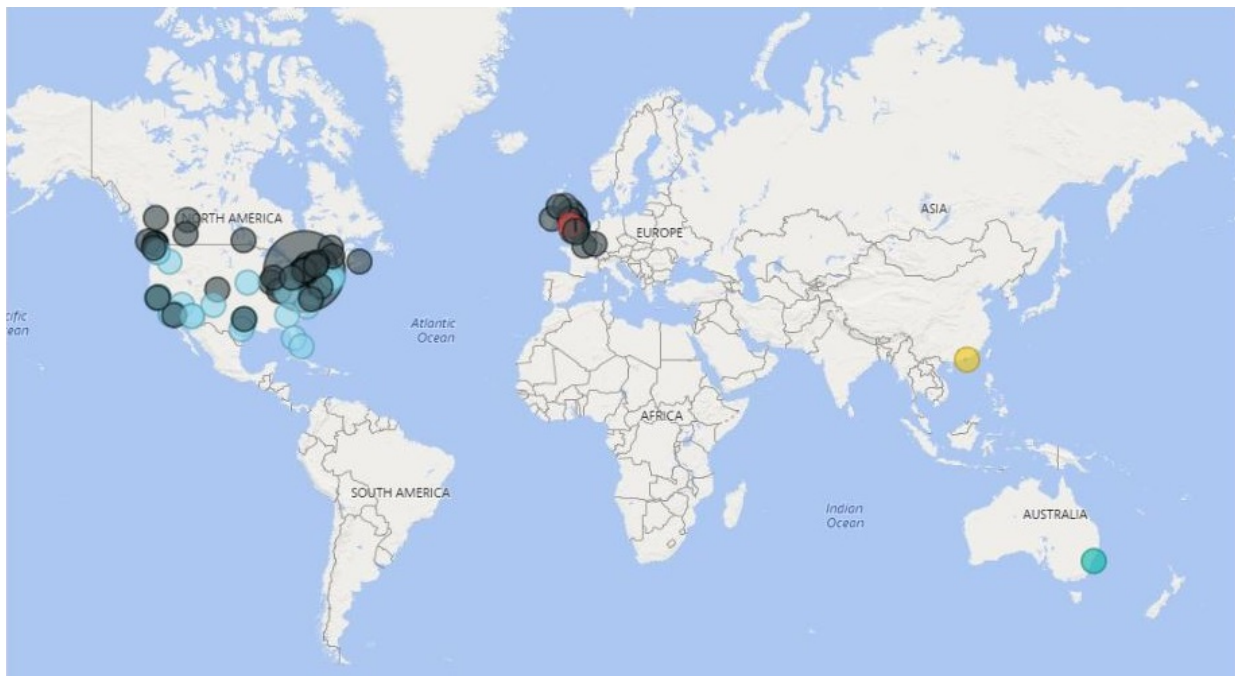
No. of Lobbying Communications Reported



## 6. Global Compliance

Compliance has been achieved at an international level. Registered lobbyists, whose communications with Toronto POHs appeared in the Registry throughout Council Term 2014-2018, originated from around the world. Places of origin include: Australia, Canada, England, Hong Kong, United Kingdom and United States of America.

**Places of Origin of Registered Lobbyists  
During Council Term 2014-2018**



**Country** ● Australia ● Canada ● England ● Hong Kong ● United Kingdom ● United States of America



## Lobbying and Political Activities

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“Running for elected office costs money, and political fundraising is a necessity for most people seeking public office. But political fundraising runs the risk of looking like buying and selling influence. Limits are placed on fundraising because everyone in a democracy should be allowed an equal voice.”

*(The Honourable Madam Justice Denise E. Bellamy, Commissioner, Toronto Computer Leasing Inquiry Report, Vol. 2 Good Government)*

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In advance of the 2018 Election which took place on October 22, the OLR undertook several education and outreach activities in order to provide guidance to members of Council, lobbyists, and all stakeholders regarding their roles and responsibilities with respect to lobbying and political activities during the election period of May 1 to October 22, 2018.

Questions and concerns were addressed in advance of the election period to help all stakeholders comply with their obligations.

The following are highlights of the activities undertaken:

### **1. Joint Training Session “Whose Rule is it Anyway?” – Advice for Navigating Elections, Gifts and Compliance**

On February 15, 2018, the Ontario Integrity Commissioner and the Toronto Lobbyist Registrar held a joint information session at Metro Hall for lobbyists regarding elections, gifts and general compliance. The session explained rules for lobbyists regarding lobbying and political activities in anticipation of the elections in 2018 in both jurisdictions.

### **2. Development and Dissemination of Education Related to Political Activities**

The OLR published one new interpretation bulletin and revised others in order to ensure resources were available to lobbyists, and to all stakeholders, to ensure any potential situations of conflict of interest or undue influence could be identified and addressed, with appropriate action, as required by governing legislation. Among other changes in election laws, the *Municipal Elections Act* introduced a framework to regulate third party advertisers. These related interpretation bulletins were



developed, updated and shared with stakeholders in order to ensure useful information was available to all in furtherance of the election enhanced oversight intended by the new laws:

- [Lobbying, Municipal Elections and Third Party Advertisers](#)
- [Lobbying and Municipal Elections at the City of Toronto](#)
- [Lobbying during Transition Period from Election Day to beginning of New Term of Council](#)
- [Entertainment, Gifts, Meals, Trips or Favours](#)

### 3. Provision of Advisory Opinions

Advanced opinions and consultations were provided to lobbyists with the goal of preventing incidents of non-compliance. Significant resources were allocated to providing lobbyists with this information, not only to encourage best practices, but also to eliminate investigations, which would otherwise may have been required, had the advice not been provided.

## Sharing Best Practices in Lobbying Regulation with Other Jurisdictions

The OLR shares expertise and advice with governments in many jurisdictions across Canada and internationally. Specifically, since the OLR was founded in 2007, it has been a participant in Canada's Lobbyist Registrars and Commissioners Network (LRCN). The LRCN shares information and best practices regarding emerging trends in lobbying regulation, including enhancements to regulatory requirements and making improvements to existing registry systems.

This year, the LRCN's Annual Fall Conference was hosted by the OLR in Toronto, at City Hall, between September 24 and 26, 2018. Participants from various jurisdictions shared news and information regarding legislative developments in the oversight of lobbyist registrations, standards of conduct, and duties of investigations and enforcement. Thank you to the many stakeholders who contributed to the success of the conference as presenters. In particular, I would like to recognize the contribution of the City Manager, Deputy City Clerk of Election Services, Auditor General, Integrity Commissioner, Ombudsman and IT Project Director, Enterprise Data and Information Management.





# Enhancements to the Lobbying By-law Provisions

## 1. A Revision to the Lobbying By-law

In 2018, Council implemented the following enhancements to the By-law to reinforce Council's direction regarding lobbying regulation:

- A. Revision of s. 140-42A of the By-law to make clear that no lobbyist or client of a lobbyist, or any parent, subsidiary, affiliate, officer or employee of any lobbyist or client of a lobbyist shall directly or indirectly offer, provide or bestow entertainment, gifts, meals, trips or favours any kind to a public office holder.
  
- B. Revision of s. 140-3C(3) of the By-law to exempt persons making representation on behalf of employee or labour groups when representing employees of the City or a local board (restricted definition):
  - a) in a manner permitted by a collective agreement or relationship protocol; or
  - b) communicating about the negotiation and administration of collective agreements or a relationship protocol.
  
- C. Revision of ss. 140-5G and 140-41A of the By-law to ensure the "blackout period" in the By-law references the recent updates to the Purchasing By-law.

## 2. Planning for the Implementation of Administrative Sanctions

The Government of Ontario expanded the Registrar's enforcement powers through the *Modernizing Ontario's Municipal Legislation Act, 2017*. The OLR was granted the authority to impose administrative sanctions, including administrative monetary penalties.

The addition of the use of administrative monetary penalties as sanctions will broaden the Registrar's enforcement authority. These will expand the range of corrective actions from minor for less grievous infractions to more punitive measures for more egregious breaches of the By-law. In 2018, together with the Offices of the



City Manager and City Solicitor, the OLR undertook a review of policy and operational requirements, incorporating these administrative monetary penalties into the range of penalties available. Once these new enforcement tools are put in place, enforcement measures will include: terms and conditions imposed by the Registrar, bans, provincial prosecutions, and administrative monetary penalties.

The Registrar uses various approaches to enforce compliance with the By-law, including advice and training, reports to Council and prosecutions under the *Provincial Offences Act*. These new enforcement tools will be added to the spectrum of corrective actions imposed in the public interest, on an escalating scale, depending on the facts of the case and the seriousness of the breach.

## Embracing New Technologies

The OLR remains committed to continuous learning and information sharing with all stakeholders to ensure future improvements to the Registry utilize the latest technology opportunities.

The City's Information and Technology Division, worked together with the organization Blockchain Learning Group (BLG) to deliver multiple learning sessions regarding Blockchain technology in which City of Toronto staff were invited to participate. This opportunity, led by the Information and Technology Division, involved many IT and business staff across multiple City divisions.

On August 17, 2018, the OLR, along with other City divisions, participated in a Business Ideation Session. In this session, participants prepared business use cases to see whether Blockchain technology would be a strong fit with their services. The cases were then vetted in greater detail throughout the Business Ideation Session.

The Registry has a disclosure site which acts similarly to a ledger. It was determined the Registry had a promising Blockchain use case which could be tested through the creation of a micro-application/prototype, utilizing Blockchain technology over the course of a 3-day hackathon that took place in September 2018.

The teams' micro-application/prototype for the Registry was successful in testing a real-life opportunity leveraging Blockchain technology and its practicality in relation to the Registry.



The City’s Blockchain learning experience was then presented at ELEVATE, a Toronto technology and innovation festival, on September 26, 2018.

In November 2018, the City participated in an Executive Cross Jurisdictional Blockchain Strategy Discussion, which facilitated a learning exchange between the City and the Government of Ontario about what the Ministries and City divisions have done with this cutting edge technology. This discussion focused on reviewing the hackathon projects, learning about applicable use cases for this technology, and identifying areas for further exploration and development. Again, the Registry micro-application/prototype was demonstrated as part of City’s potential use of this new technology.

The OLR was pleased to participate in this experience because it demonstrated the future potential of this new technology to support the Registry.

## The Memorandum of Understanding Between the Four Accountability Offices

The OLR is one of the City’s four Accountability Offices. Toronto’s government is required by law to have these Accountability Offices as part of its governance framework: the Offices of the Auditor General, the Integrity Commissioner, the Ombudsman, and the Lobbyist Registrar. Each Accountability Office has its own separate mandate and statutory duties, and their respective mandates are required to be delivered by each office, independently of one another.

The four Accountability Offices entered into a Memorandum of Understanding (MoU) in 2015, which became the foundation for the continued co-ordination and co-operation amongst them. In order to advance City matters of public interest and importance, the offices share information and support each other where appropriate, while maintaining independent carriage of their individual mandates under COTA. The MoU is made available to the public via the respective website of each of the four Accountability Offices.



## Office of the Lobbyist Registrar Staff Team

The depth of knowledge and experience of the OLR staff team has contributed greatly to the successful fulfilment of the office’s mandate. The OLR’s staff expertise has assisted our office in its efforts to keep pace with the perpetual advances in technology and the greater expectations for better transparency that are part of the information age. Their professionalism and commitment in managing the regulation of lobbying is evident daily. They provide service to all of the OLR’s stakeholders through: maintenance of the Registry; provision of advice and information; education and outreach activities; and investigations and compliance measures. I am looking forward to continuing to work alongside this dedicated team.

## Stakeholder Participation

Lobbyists have demonstrated a willingness to comply with the By-law. Their adherence to the obligations under the By-law, together with the ongoing support of the OLR’s many stakeholders, have underscored the By-law and Registry’s successes in delivering transparency and accountability. Together with our office, the broad stakeholder community has embraced the OLR’s mandate for transparency in lobbying communications. The City Clerk’s Office has provided ongoing administrative, financial and information technology services. The Offices of the City Manager and City Solicitor have worked with the OLR to expand the By-law with new provisions. Working in collaboration, the City Manager, the City Clerk, the City Solicitor and the Accountability Officers have all supported the OLR’s achievements within the City’s accountability framework. POHs, Council, lobbyists, members of the public and the media have all been instrumental in enabling the OLR to promote and enhance transparency in City government decision-making processes.

## Looking Towards the Future

In order to be effective at delivering the OLR mandate, our office will be driven by the following objectives: improving the services that we deliver to our stakeholders and the public; and identifying and implementing ways in which the Registry and the regulatory scheme can be improved. Adapting and modernizing to meet the ever-changing



regulatory challenges requires ongoing collaboration, co-operation and support from our stakeholders and lobbyists, while always preserving our independence.

Below are the key themes which will lay the foundation for our work in the coming year:

## **1. Modernization**

The OLR is entering its third year of working with the City Clerk’s Office Business and Technology Planning Unit (Clerk’s IT) on the State of Good Repair Project (SOGR) to upgrade the technology that drives the Registry. The SOGR was approved by Council in 2015, and once completed, will enable the Registry to continue to function, comply with statutory obligations, meet requirements of users, and conform to City and industry standards. A new mobile interface will enhance the user experience and improve accessibility. Undue delays in registration and reporting will be pre-empted with the new system because it will ensure data integrity and compatibility with new technology.

In addition to seeing the SOGR through to completion, the OLR will also be implementing measures to increase access to Registry information and statistics for the public beyond the traditional outlet of the public disclosure site. This year’s 2018 Annual Report is one example of our office’s commitment to disseminating information available in the Registry in ways that create greater understanding of lobbying activities in City government. Assembling and publishing this data is important in making the OLR’s mandate successful.

## **2. Improvements to the Regulatory Framework**

Reviews and improvements to the legislation are important to ensure the efficacy of the OLR’s legislative mandate. The office will continue to conduct periodic reviews of the By-law and propose amendments as necessary.

Evaluating and responding to requests for advice are important to facilitate compliance with the By-law. The OLR will continue its commitment to supporting its stakeholders, by performing environmental scans to anticipate future contraventions and conduct judicious interventions where possible to prevent such harm.



### **3. Commitment to Improved Service**

With the completion of the SOGR, the online Registry will have been modernized and will provide City stakeholders with a more fluid registration experience, and much easier to use disclosure mechanisms that are searchable and accurate. Adding to the OLR’s commitment to modernization, the OLR will continue to improve service through the fair, accessible and timely application of its resources for the effective review and approval of registrations, carriage of inquiries and investigations and enforcement of the By-law.

### **4. Continued Collaboration with Stakeholders**

The OLR will continue its important role in the City’s accountability framework through ongoing collaboration with the City Manager, the City Clerk, the City Solicitor, other Accountability Officers and Council. Finally, the OLR will continue to work with lobbyists, POHs, the public, and other governments to ensure that Toronto’s City government continues to provide a rigorous and effective regime of lobbyist regulation.



# Report on Activities in 2018

## Interpretation Bulletins and Advice

Through s. 169 of the *City of Toronto Act, 2006* (COTA), and Chapter 140 of the Toronto Municipal Code, the Registrar may provide interpretations pertaining to the administration, application and enforcement of the By-law. In 2018, the following [Interpretation Bulletin](#) was released:

- [Lobbying, Municipal Elections and Third Party Advertisers](#)

The following [Interpretation Bulletins](#) were revised:

- [Employee and Labour Groups](#)
- [Entertainment, Gifts, Meals, Trips or Favours](#)
- [Lobbying and Municipal Elections at the City of Toronto](#)
- [Lobbying and Procurements](#)
- [Pre-Registration and Post-Registration Requirements](#)

The OLR also provided POHs, lobbyists and members of the public with advice and interpretation of the By-law in the following ways: in-person, by telephone, by mail and by email. OLR staff provided information about:

- Registrations;
- Searching the Registry;
- Requirements for registration;
- Lobbyists' Code of Conduct;
- Status of unions, broader public sector and not-for-profit organizations;
- Conduct of lobbyists at charitable and civic events;
- Lobbying by former senior POHs;
- Grass-roots communications;
- Avoiding the placing of POHs in a conflict of interest;
- Gifts and favours;
- Lobbying by former municipal election campaign team members; and
- Procurements.



Information about the application of the By-law with respect to many of these subjects is available in [Interpretation and Advisory Bulletins](#) on the [OLR public website](#).

## Website

In 2018, there were 16,282 visits to the OLR public website.

The OLR works continuously to make the OLR website as accessible and informative as possible for the public, POHs and lobbyists. In addition to the Registry, the website provides a wealth of information, including:

- The Lobbying By-law;
- Online registration tutorials;
- Interactive Tools;
- Online newsletters, The Registry Insider;
- FAQs;
- Interpretation Bulletins;
- Reports on Inquiries and Investigations;
- Annual Reports;
- Expense Reports;
- Links to the sites of other Accountability Officers; and
- Information about how to contact OLR for more information and advice.

The OLR maintains several social media platforms: LinkedIn, Facebook, Twitter and Instagram. In 2018, the OLR continued its use of social media as an outlet for news and information through these platforms, where information is posted about the By-law, Interpretation and Advisory Bulletins, Reports to Council, upcoming training sessions, and best practices in government ethics and lobbying regulation.

The OLR maintains and administers the Registry online via [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying). The Registry meets the requirements of s. 165 of COTA, that the City maintains a Registry of persons who lobby POHs, and that this Registry be available for public inspection.





## New Educational Tools

The OLR has developed new educational materials and online tools to provide information using a variety of methods that enable ease of use and accessibility. The following new tools were launched in 2018:

### 1. Online Interactive Questionnaire [“Do I Need to Register as a Lobbyist?”](#)

Developed to assist registrants using the Registry, this interactive tool is a guide which helps determine if registration with the OLR is required. The tool is available on the OLR website. There were 1,007 online users of this tool in 2018.

The screenshot shows the web interface for the "Do I Need to Register as a Lobbyist?" tool. The title is at the top left, and a "Print" icon is at the top right. The main content area contains introductory text, a "Please Note" section, and a "Do I Need to Register as a Lobbyist?" heading. Below this heading is a blue button labeled "START". To the right, there is a sidebar with a "In This Section" header and a list of links: "Search the Registry & Register as a Lobbyist", "Do I Need to Register as a Lobbyist?", "Register as a Lobbyist", and "Search the Lobbyist Registry". At the bottom right, there is a "Contact Information" section with the following details: Office of the Lobbyist Registrar, 375 University Avenue, Suite 201, Toronto, ON M5G 2J5, Telephone: 416-338-5858, TTY: 416-338-6623, Fax: 416-338-5859, and Email: lobbyistregistrar@toronto.ca.

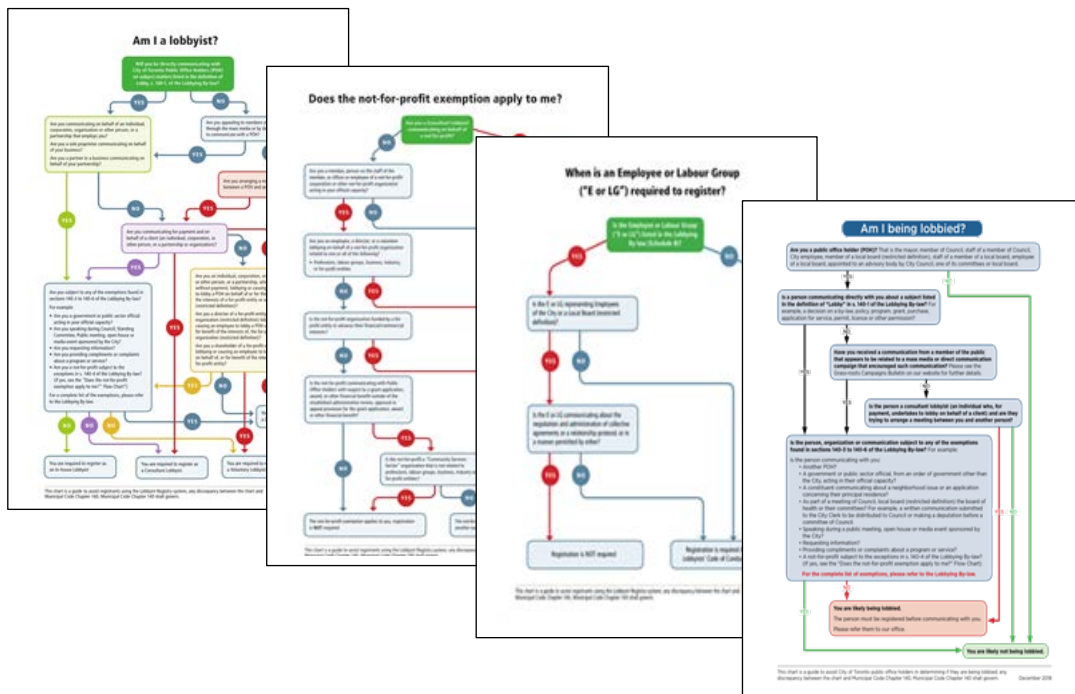
### 2. The Office of the Lobbyist Registrar (OLR) created and distributed a tool for Public Office Holders (POHs) entitled [“Am I being lobbied?”](#)

Created in 2018 as a guide to assist POHs, a flowchart entitled “Am I being lobbied?” was developed. It helps POHs determine whether third parties to the City intending to communicate with them would be required to register with the OLR. In early 2019, this flowchart was converted into

an online interactive survey and was made available to all POHs on the City’s intranet website.

These tools complete the following series of six flowcharts and/or interactive tools developed and published throughout the years 2017 and 2018 to foster compliance amongst all stakeholders:

- A. “Am I a lobbyist?” flowchart – developed in 2017, available upon request;
- B. “Do I need to Register as a Lobbyist?” interactive questionnaire – published in 2018, available on the OLR public website;
- C. “Does the not-for-profit exemption apply to me?” flowchart – developed in 2017, available upon request;
- D. “When is an Employee or Labour Group required to register?” flowchart – developed in 2017, revised in 2018, available upon request (part of the revised Interpretation Bulletin, [Employee and Labour Groups](#));
- E. “Am I being lobbied?” flowchart – developed in 2018, available to all POHs on the City’s intranet website; and





- F. “Am I being lobbied?” interactive tool – published in early 2019, available to all POHs on the City’s intranet website.



## Open Data

The Registry is available in Open Data. Data from the Registry is available in machine-readable format on the [City’s Open Data](http://www.toronto.ca/open) webpage at [www.toronto.ca/open](http://www.toronto.ca/open). Transparency is enhanced when data is made open to the public through Open Data. The availability of the Registry in Open Data contributes to the City’s strategic initiatives that support civic engagement and open government.



## Improvement to the Online Registry through the State of Good Repair Project (SOGR)

Since 2015, the OLR has been collaborating and consulting with the City Clerk’s Office Business and Technology Planning Unit (Clerk’s IT) in the implementation of the SOGR to upgrade the technology platform that supports the Registry. The SOGR was approved by Council in 2015, and its completion is necessary to guarantee that the Registry will continue to function, comply with statutory obligations, meet requirements of users, and conform to City and industry standards.

These upgrades are integral to ensuring the Registry meets the demands of ever-changing new technologies and high standards of data integrity. The Registry’s information will be more easily accessed with its upcoming improved search capabilities, and mobile interface. The completion of the SOGR for the Registry is pivotal to the delivery of transparency and accuracy required by the By-law.

In 2018, the SOGR for the Registry made significant progress as all of the development and different forms of testing had been completed. However, a Corporate AODA (*Accessibility for Ontarians with Disabilities Act*) Compliance Public Facing Project was launched, which required all new applications to be compliant to the Web Content Accessibility Guidelines (WCAG). Despite having already conducted accessibility testing on the Registry, the AODA Compliance Project Team used different tools and found additional issues that are required to be addressed before it can be implemented. Due to this, the Registry is not expected to be implemented until the second quarter of 2019.

Special thank you to all staff and contributors from the OLR and City Clerk’s IT for their dedication and commitment to the SOGR.



## Staff

The staff of the OLR is a team of eight.

In addition to the Registrar, the OLR is staffed by three Lobbyist Registry and Stakeholder Outreach Advisors, an Inquiries and Investigations Counsel, a Lobbyist Compliance Investigator, and two Administrative Assistants.

Lobbyist Registry and Stakeholder Outreach Advisors provide advice and interpretation; maintain the Registry; review, verify and approve registrations and updates; monitor compliance with registration and reporting requirements; develop and deliver information, training, and outreach programs and materials; and participate in the OLR's website projects.

Inquiries and Investigations Counsel provides advice on compliance issues; conducts assessments, inquiries and investigations on behalf of the Registrar; and develops policies and procedures to support OLR assessment, inquiry and investigation processes. The Lobbyist Compliance Investigator assists Inquiries and Investigations Counsel in these functions.

Two Administrative Assistants provide administrative support and assistance to the Registrar, Lobbyist Registry and Stakeholder Outreach Advisors, and Inquiries and Investigations staff.

The OLR staff are engaged in continuous learning and sharing best practices in regulation, adjudication and professional ethics. OLR staff attended professional development provided by: The Ontario Bar Association (OBA); Society of Ontario Adjudicators and Regulators (SOAR); Osgoode Professional Development, Osgoode Hall Law School; Transparency International (TI); Council on Governmental Ethics Laws (COGEL); Institute of Public Administration of Canada (IPAC); Canada's Lobbyist Registrars and Commissioners Network (LRCN); and Municipal Integrity Commissioners of Ontario Conference (MICO).



## Office Map

### The Office of the Lobbyist Registrar

The OLR regulates lobbying activities in the public interest. The OLR is an independent office of the City and reports directly to Council. The OLR has a legislative mandate to ensure the public disclosure of lobbying activities and adherence to the Code of Conduct. The OLR:

- a. maintains an online Registry of lobbyist and lobbying activities that may be searched;
- b. provides guidance, opinions and interpretation of the By-law;
- c. strives to make the lobbying process more efficient and open;
- d. ensures that lobbyists comply with disclosure and Code of Conduct requirements; and
- e. Investigates alleged breaches of the By-law, and where required brings enforcement proceedings.

#### Lobbyist Registry

**Purpose:**

Ensure openness and transparency of lobbying communication for the public to know who the lobbyist is, what the communication is about, and which POH is being lobbied

**Action:**

- Provide advice and interpretation
- Maintain the Registry
- Review, verify and approve registrations and updates
- Monitor compliance with registration and reporting requirements
- Develop and deliver information, training, and outreach programs and materials
- Participate in the OLR’s website projects

#### Inquiries and Investigations

**Purpose:**

Ensure compliance with the By-law

**Action:**

- Promote compliance through training and outreach
- Provide advanced assessments/opinions on fact specific scenarios
- Perform environmental scans to anticipate future contraventions and conduct judicious interventions where possible to prevent such harm
- Anticipate, develop and coordinate the release of timely reminders
- Conduct preliminary assessments and make recommendations as to whether to conduct an investigation or inquiry
- Conduct inquiries and investigations and where substantiated provide recommendations as to penalty
- Develop policies and procedures to support the OLR inquiry and investigation processes
- Conduct periodic reviews of the By-law and propose amendments as necessary
- Draft interpretation and advisory bulletins



## Registry Services

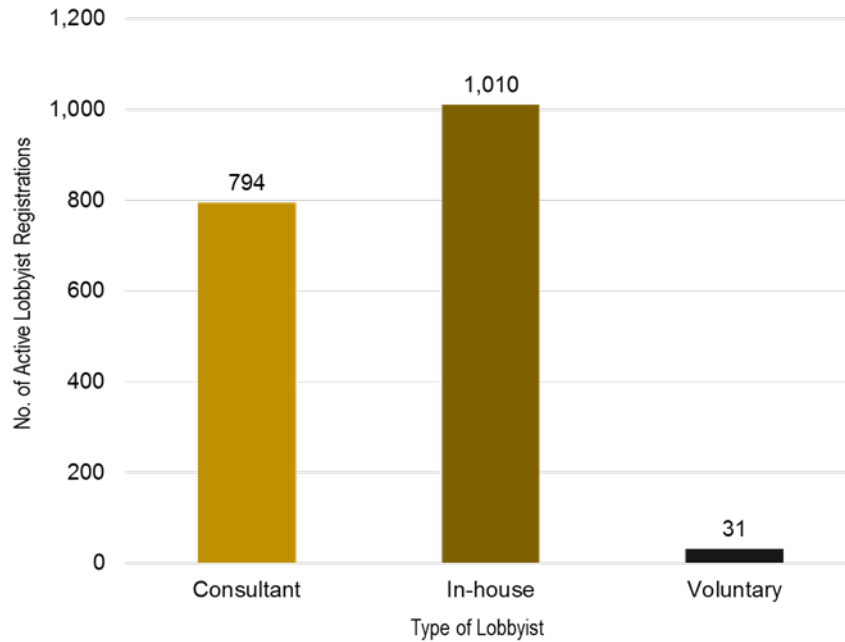
### Registration Statistics

In 2018, 2,735 lobbyist registration transactions were processed and 8,669 subject matter registration transactions were processed. The total number of registration transactions processed in 2018 was 11,404. The total number of active lobbyist registrations at year-end was 1,835; and the total number of active subject matter registrations at year-end was 2,702.

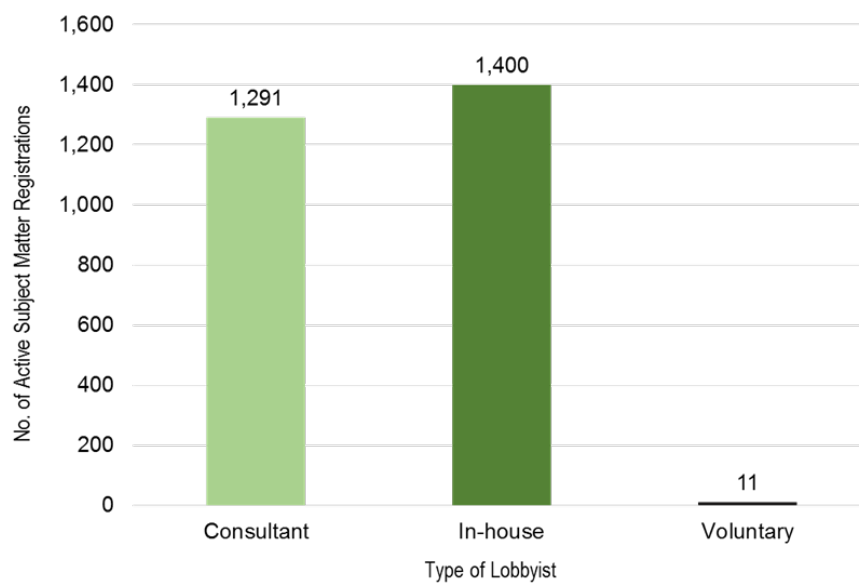
<b>Registration Transactions Processed</b>	<b>January 1 to December 31, 2018</b>
<b>Lobbyist Registration Transactions</b>	
New Lobbyists Submitted	699
Lobbyist Updates Submitted	1,653
Lobbyist Registrations Closed	383
<i>Lobbyist Registration Transactions Processed</i>	<i>2,735</i>
<b>Subject Matter Registration Transactions</b>	
New Subject Matters Submitted	1,190
Subject Matter Updates Submitted (reports of lobbying activities)	6,418
Subject Matters Withdrawn	222
Subject Matters Closed	839
<i>Subject Matter Registration Transactions Processed</i>	<i>8,669</i>
<b>TOTAL Registration Transactions Processed</b>	<b>11,404</b>
<b>Active Lobbyist and Subject Matter Registrations at December 31, 2018</b>	
<b>Active Lobbyist Registrations</b>	<b>1,835</b>
- Consultant Lobbyists	794
- In-house Lobbyists	1,010
- Voluntary Lobbyists	31
<b>Active Subject Matter Registrations</b>	<b>2,702</b>
- Consultant Lobbyists	1,291
- In-house Lobbyists	1,400
- Voluntary Lobbyists	11
<b>Total No. of Lobbying Communications Reported in 2018</b>	<b>3,870</b>



**Active Lobbyist Registrations by  
Lobbyist Type at December 31, 2018**



**Active Subject Matter Registrations by  
Lobbyist Type at December 31, 2018**





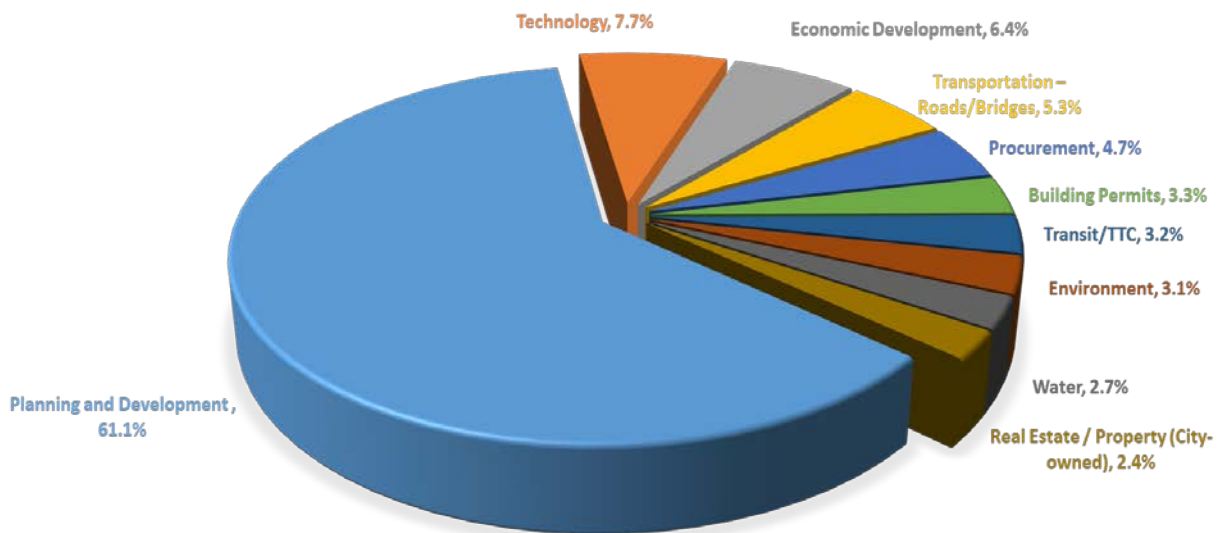


## Top 10 Registered Subject Matters, 2018

This table lists 10 most frequently registered subject matters as of December 31, 2018:

Rank	Subject Matter Category	No. of Active Registrations
1	Planning and Development	1,963
2	Technology	246
3	Economic Development	207
4	Transportation – Roads/Bridges	170
5	Procurement	150
6	Building Permits	105
7	Transit/TTC	104
8	Environment	101
9	Water	87
10	Real Estate / Property (City-owned)	78

Top 10 Registered Subject Matters, 2018



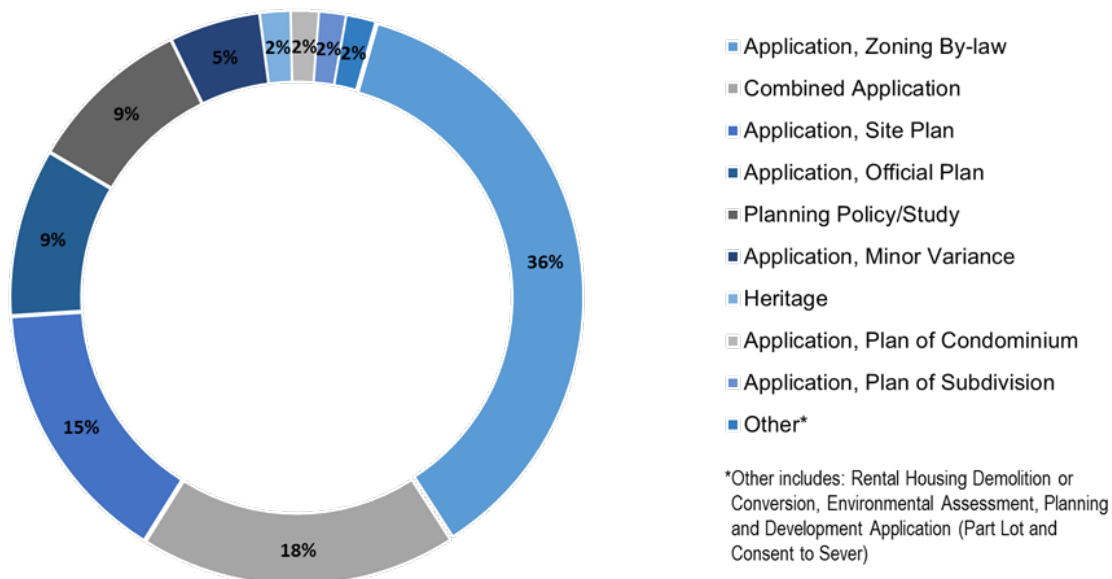


## Top 10 Planning and Development Subject Matter Registrations, 2018

This table lists 10 most frequently registered planning and development subject matters as of December 31, 2018:

Rank	Planning and Development Subject Matter Registrations	No. of Active Registrations
1	Application, Zoning By-law	716
2	Combined Application	353
3	Application, Site Plan	296
4	Application, Official Plan	186
5	Planning Policy/Study	183
6	Application, Minor Variance	101
7	Heritage	34
8	Application, Plan of Condominium	31
9	Application, Plan of Subdivision	30
10	Other*	33

Top 10 Planning and Development Subject Matter Registrations by Percentage, 2018





## Public Disclosure of Lobbying Activities

### Total Number of Lobbying Communications Reported in 2018

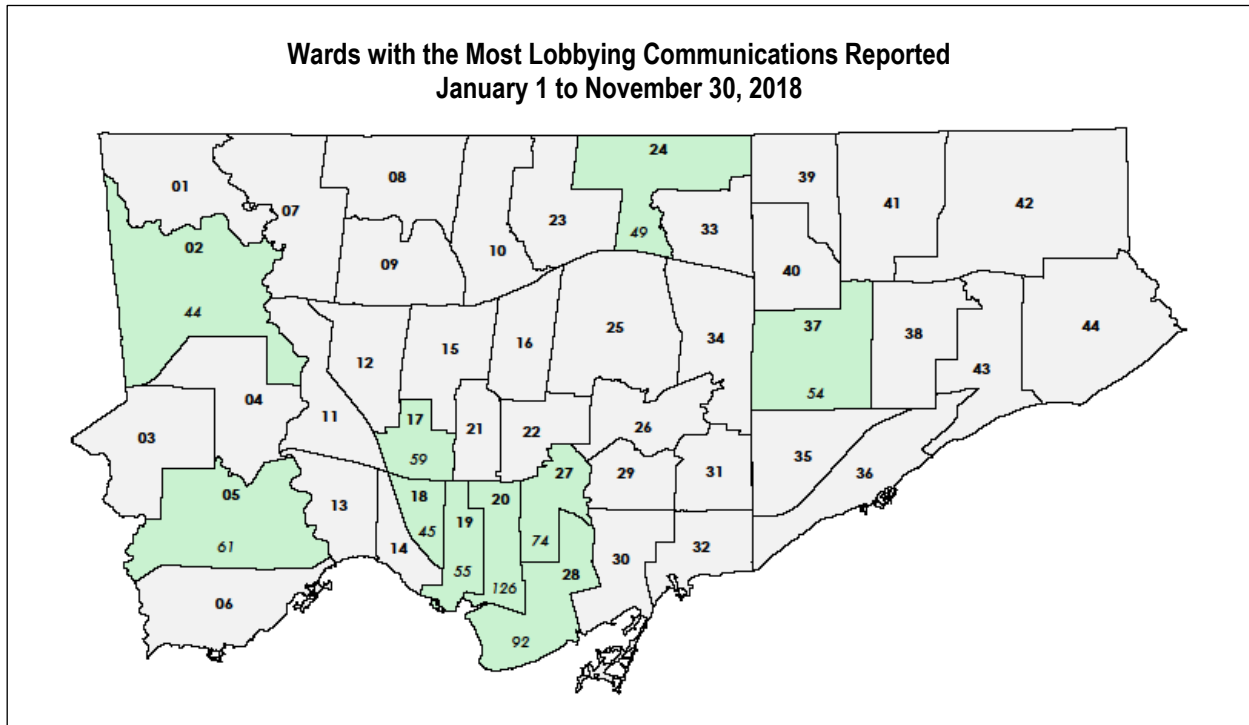
The total number of lobbying communications reported in 2018 with all POHs is 3,870.

### Lobbying Communications Reported in 2018 by Type of Lobbyist

Type of Lobbyist	No. of Lobbying Communications Reported
In-house	2,479
Consultant	1,391
Voluntary	Nil
<b>TOTAL</b>	<b>3,870</b>



## Lobbying Communications Reported with Offices of Elected Officials in 2018



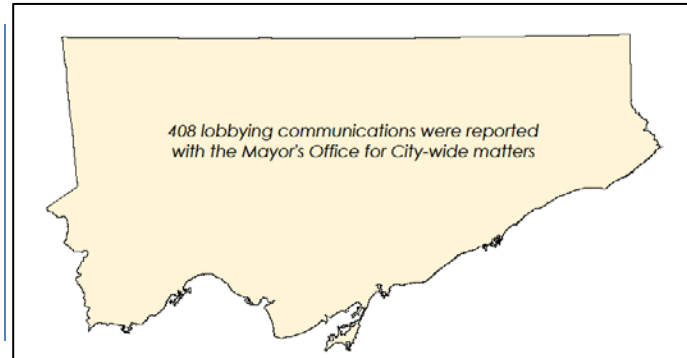
**NOTE:** Figures in bold are ward numbers and the figures in italics are the number of lobbying communications reported with Council members and their staff for the ward. The new 25 ward model came into effect on December 1, 2018 for the beginning of the 2018–2022 Council Term. The total number of lobbying communications reported with Council members and their staff for all 25 wards in December 2018 was 52.

Ward/Office	No. of Lobbying Communications Reported
Ward 20 - Trinity-Spadina	126
Ward 28 - Toronto Centre-Rosedale	92
Ward 27 - Toronto Centre-Rosedale	74
Ward 5 - Etobicoke-Lakeshore	61
Ward 17 - Davenport	59
Ward 19 - Trinity-Spadina	55
Ward 37 - Scarborough Centre	54
Ward 24 - Willowdale	49
Ward 18 - Davenport	45
Ward 2 - Etobicoke North	44



**No. of Lobbying Communications Reported with the Mayor's Office  
January 1 to November 30, 2018**

The total number of lobbying communications reported with the Mayor's Office for City-wide matters is 408 between January 1 and November 30, 2018.



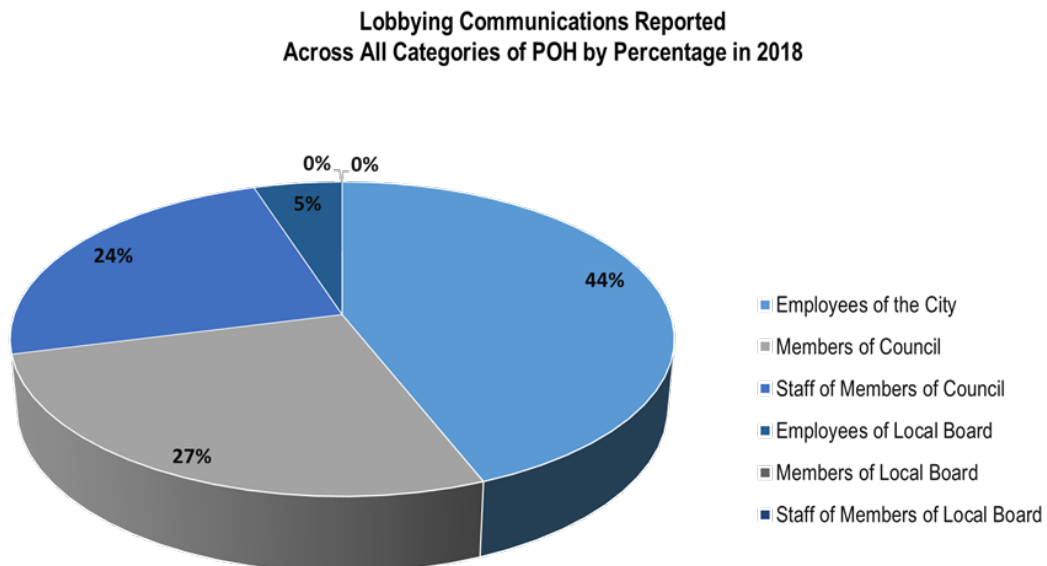
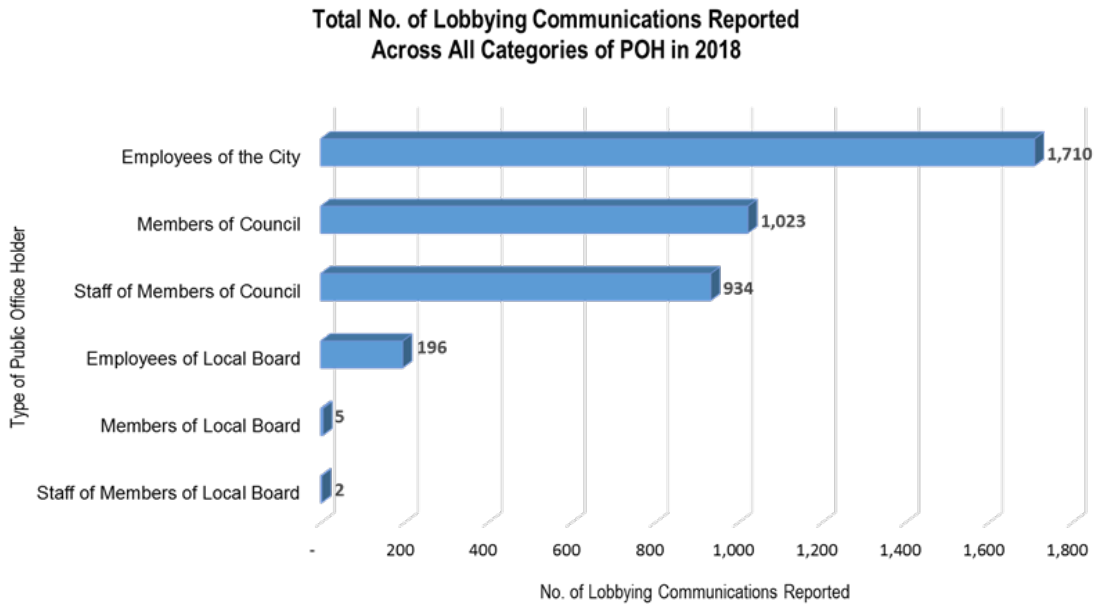
**NOTE:** As of December 1, 2018, the new ward model for the Council Term 2018-2022 was established, with the new Council being comprised of 25 members plus the Mayor. The total number of lobbying communications reported with the Mayor's Office for City-wide matters in December 2018 was 17.

**Most Frequent Recipients of Lobbying Communications Reported with the City's Offices/Divisions in 2018**

Rank	Office/Division	No. of Lobbying Communications Reported
1	Transportation Services	291
2	Municipal Licensing and Standards	185
3	City Planning	169
4	Information and Technology	150
5	Solid Waste Management Services	129
6	City Manager's Office	82
7	Corporate Finance	73
	Economic Development and Culture	73
8	Toronto Water	72
9	Environment and Energy	55
	Legal Services	55
10	Engineering and Construction Services	45
	Parks, Forestry and Recreation	45



## Lobbying Communications Reported Across All Categories of Public Office Holder (POH) in 2018

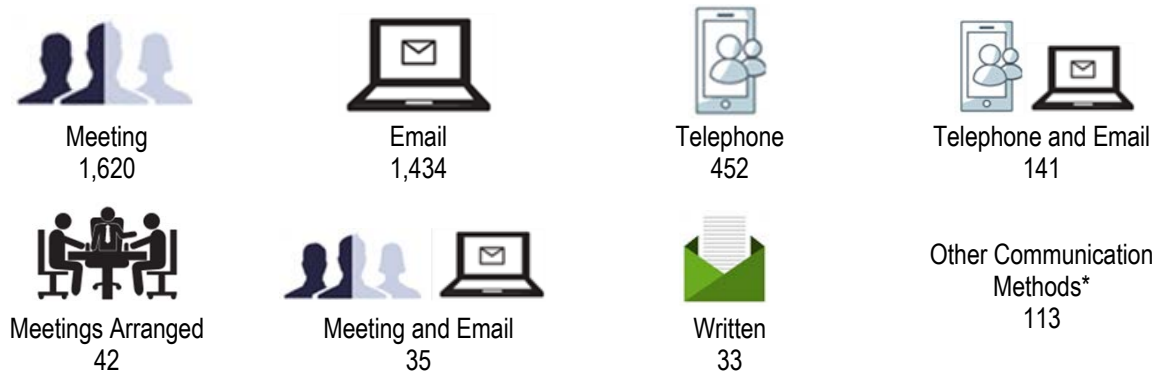




## Methods of Lobbying Communications Reported in 2018

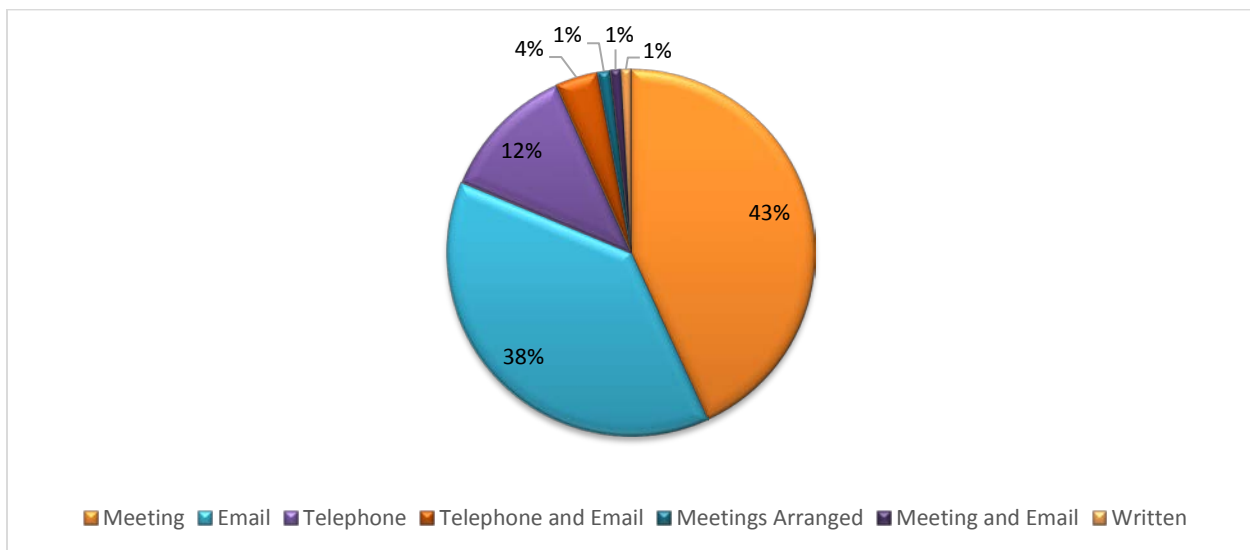
The following diagram shows the total number of lobbying communications reported in 2018, classified by methods of communication. The most frequent methods of lobbying communications were communications through meetings, emails and telephone.

**No. of Lobbying Communications Reported in 2018  
Classified by Method**



\*Other communication methods include: text, LinkedIn messaging, online and presentation.

**Most Frequent Methods of  
Lobbying Communications Reported in 2018**





## Investigations, Enforcement and Breach Prevention

The Registrar is responsible for conducting, in private, inquiries or investigations<sup>1</sup> to determine whether contraventions of the By-law have occurred. When the OLR receives a report of a potential contravention of the By-law, Inquiries and Investigations staff conduct an assessment to determine whether it is necessary to conduct an inquiry. Often, the matter can be resolved quickly at the assessment stage. If there is sufficient evidence to indicate a potential contravention of the By-law, and it is not appropriate to resolve the matter less formally (for example, by permitting a late registration), the Registrar may authorize an inquiry to be conducted. Inquiries and Investigations staff conduct the inquiry in the strictest confidence, in accordance with the requirements of COTA. OLR [Compliance Inquiry Procedures](#) are found at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying). If in the course of an inquiry, the Registrar forms the opinion that there may have been a breach of another law, for example a breach of the Criminal Code, the inquiry must be suspended and the matter must be referred to the authorities.

An assessment or inquiry may be commenced as a result of a request of Council, a member of Council or their staff, an Accountability Officer, a member of the public, or a lobbyist. Assessments and inquiries may also be initiated by the OLR, based upon information in the Registry or received through other sources such as the media.

The By-law contains enforcement measures to address non-compliance. The Inquiries and Investigations Unit (Investigations Unit) investigates alleged breaches of the By-law, and where required brings enforcement proceedings. Allegations of potential breaches are reviewed in a fair and unbiased manner, and where required in the public interest, proportionate penalties are applied. Since 2011, the OLR has brought 25 investigative reports to Council. In addition to providing general and specific deterrence, these reports have also provided guidance and education for lobbyists about their obligations under the By-law.

While the primary goal of the Investigations Unit is the protection of the public interest through inquiries, that interest is best protected through the prevention of breaches. The provision of guidance to lobbyists and stakeholders, before communications with a POH occurs, prevents contraventions of the By-law. With increased compliance, and therefore fewer breaches, the Investigations Unit is better able to channel its limited resources addressing a smaller number of complex matters.

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<sup>1</sup>The term “inquiries” includes “investigations”.





## Breach Prevention Exercise

With the maturation of our regulatory model, and a well-established body of precedent cases, the unit placed greater emphasis in 2018 on breach prevention. To this end, the Investigations Unit undertook an exercise aimed at preventing contraventions of the By-law. This exercise began with an environmental scan to identify an issue, activity or event at the City where one could reasonably anticipate potential future contraventions and conduct judicious interventions where possible to prevent harm. In 2018, the municipal election was identified as a major activity which in previous years had been the source of numerous complaints and inquiries.

As detailed earlier in this report, a joint training session was conducted in conjunction with our provincial colleagues on the subject of elections and the application of our respective regimes. A key part of this training was an open invitation to all stakeholders to contact our Investigations Unit regarding their potential election-related endeavors with a view to getting advanced opinions as to whether an action could contravene the By-law.

The Investigations Unit provided formal written opinions on a range of election-related activities over the course of 2018. For example, this included opinions on:

- the implications for persons assuming lead roles in a campaign;
- campaign donation questions, including the new third party advertising rules; and
- the structure of candidate debates and post-term of office employment for former members of Council.

The Investigations Unit also continually consulted with stakeholders and provided pieces of advice regarding the election.

In total, 12 advance opinions were given by the Investigations Unit in 2018, and over 230 consultations and/or pieces of advice were provided to stakeholders. A large preponderance of this work related to the election.

At this juncture, no complaint has been received in relation to the election-related subject matters on which the Investigations Unit gave advice. While it is often pointed out that it is difficult to count what has not happened, this metric points to the success of the Investigations Unit's 2018 breach prevention exercise.



Going forward the Investigations Unit has identified the issue of late registrations as a focal point for the 2019 breach prevention exercise. This exercise was kicked off on November 20, 2018 with a second joint training session held at Toronto City Hall, conducted in conjunction with our provincial colleagues from the Office of the Ontario Integrity Commissioner, aptly titled: *It's About Time: Staying in Compliance with Deadlines & Details*.

## Technological Change

Through the latter half of 2018, the Investigations Unit worked closely with the City Clerk's Office ("CCO") to replace the Investigations Case Management System (CMS), which used the now decommissioned Domino technology platform.

A CMS is an essential tool to support business processes, workflows and documentation. Investigations involve thorough fact-finding examinations that often require many months to complete. They involve exhaustive analysis of detailed integrated facts, voluminous documents, City policy, laws, witness interviews and management of communications with legal counsel for the subject of the inquiries. Investigations must be conducted in accordance with administrative law principles, and must therefore incorporate procedural fairness into the investigative process.

A Business Analyst from the CCO worked closely with the Investigations Unit to develop maps of the inquiry process and complete a business requirements document with a view to selecting a new technology. It is anticipated that the Investigations Unit will be in a position to have a new system in place in late 2019, leveraging a system currently used by another Accountability Office.



## Investigations Unit Statistics

The table below shows the source of requests for the 8 new assessments and 1 new inquiry in 2018:

### Source of Information or Request for Inquiry

Source of Requests	New Assessments	New Inquiries
Members of Council or their staff	1	0
City staff	1	0
OLR	2	0
Other Accountability Offices	1	0
Members of the Public	3	1

The following table shows the assessments and inquiries in 2018:

### Assessments and Inquiries

Assessments and Inquiries	2018
Assessments (new)	8
(completed)	8
Inquiries (new)	1
(completed)	2
(carried over to 2019)	7

The average age of file at completion of investigation was 54 weeks. The average age of carried forward files was 58 weeks.



The table below shows the outcomes of the 8 preliminary assessments completed in 2018:

### Outcomes of Completed Assessments

Outcomes of the Preliminary Assessments	Completed Assessments
Inquiry Files Opened	1
No Further Action Taken	2
Early Resolution	4
Referral to Other Accountability Offices	1

The table below shows the outcomes of the 2 investigations completed in 2018:

### Outcomes of Completed Investigations

Outcomes of Investigations Completed	Completed Investigations
Breach of the Lobbying By-law substantiated	1
Breach of the Lobbying By-law not substantiated	1

The table below shows the resolutions for the 1 substantiated file in 2018:

### Resolutions for Substantiated Files

Resolutions	Substantiated Files
Advice Given	1
Commitment to Comply	1
Late Registration or Update Permitted	1

For the 1 substantiated inquiry in 2018, the section of the By-law found to be contravened was s. 140-10 Registration requirement (Unregistered lobbying).



## Education and Outreach

The OLR's education and outreach activities have contributed to the increase in Registry activities. Both the OLR's Inquiries and Investigations Unit (Investigations Unit) and Lobbyist Registry Unit (Registry Unit) have been dedicated to undertaking activities which raise awareness of the By-law and its application, and which support access to the Registry, understanding of lobbyist's objectives and public awareness for our mandate in lobbying transparency.

In 2018, the OLR collaborated with the Office of the Integrity Commissioner, Province of Ontario to host two jointly held training sessions for lobbyists, reviewing the obligations for registration and ethical conduct in each respective jurisdiction. The OLR published: 1 new interpretation bulletin, revised 5 interpretation bulletins and 3 newsletters. Promotion of the OLR's authorities and services through a broader reach, the OLR continued in the use of these other tools to help stakeholders abide by their responsibilities under COTA: mandate-specific use of social media; presentations; responses to questions and requests for advice; online questionnaires; online tutorials and use of OLR website for tools and information.

A key function of the OLR is to provide education and outreach to POHs, the public and lobbyists about the By-law and Registry. Promoting awareness of the By-law and the Registry is important for effective regulation. Engaging in educational activities about the By-law's application encourages best practices and helps to nurture a vibrant ethical culture.

In 2018, the OLR engaged in numerous outreach activities, which included:

- Published 3 newsletters, which are posted on the OLR website at [www.toronto.ca/lobbying](http://www.toronto.ca/lobbying);
- Used internet based tools to disseminate news about the Registry and the By-law, such as: email communications, regular updates to OLR website, and use of social media accounts. A total of 2,124 mandate specific posts were published on social media regarding best practices and By-law compliance;
- Conducted 5 in-house training sessions for lobbyists and members of the public, including 2 joint training sessions with the Ontario Integrity Commissioner, with 63 people attending in total;



- Provided advice and interpretation of the By-law through personal meetings, email and telephone communication;
- Distributed OLR printed information materials to POHs, including members of Council and their staff, City staff, and board and agency members. The materials remind lobbyists to register and report their communications with POHs, and inform lobbyists how to contact the OLR;
- Conducted outreach sessions for POHs, including 78 meetings and 7 presentations for City employees, members of Council and their staff, providing information about the By-law and registration system to 132 POHs;
- Supported City staff at the Social Procurement Program: Networking Event with Diverse Suppliers, by providing information and educational materials to potential vendors, and POHs from various City divisions;
- Delivered 5 presentations to external organizations including: lobbying firms, International Association of Venue Managers (IAVM), Public Affairs Association of Canada (PAAC), and Seneca College, with approximately 280 people attending;
- Provided information about the By-law and the Registry to government offices and ethics professionals from other jurisdictions, including: the LRCN, Commissioner of Lobbying of Canada, Office of the Ontario Integrity Commissioner, Elections Ontario, Secretary of the Cabinet and Head of the Ontario Public Service, Office of Ontario Ombudsman, Cities of Edmonton, Regina, Saskatoon and Vaughan;
- Shared information and best practices regarding emerging trends in government ethics and lobbying regulation across Canada and internationally with organizations and governments including: Members of the LRCN, COGEL and TI; and
- Worked collaboratively with other Accountability Offices and City divisions to implement the accountability framework established in Chapter 3 of the Toronto Municipal Code.



## Budget Summary

In accordance with Chapter 3 of the Toronto Municipal Code, the Registrar submits the OLR Operating and Capital Budget requests directly to Budget Committee for consideration and recommendation to Council.

On February 12, 2018, Council approved the OLR Operating Budget request for the year 2018 of \$1,189.6 thousand net. Council also approved the OLR’s Capital Budget and Plan of \$0.7 million over the period from 2018 to 2027 for the Lobbyist Registry SOGR. The SOGR commenced in 2015, and implementation is in progress with completion expected in the second quarter of 2019. For information about the SOGR, please see “Improvement to the Online Registry through the State of Good Repair Project (SOGR)” on page 24.

## Financial Information

OLR business, travel and PCard expenses are posted on the [Lobbyist Registrar’s Expense Reports](#) page of the [OLR website](#).

Each year, the OLR undergoes an external compliance audit as part of the City’s annual attest audit. These audits are required under Chapter 3 of the Toronto Municipal Code to be conducted annually by independent auditors and are reported directly to Council. [The external compliance audit report for the year 2017 was adopted by Council on July 23, 24 and 25, 2018. The independent auditor found the OLR to be compliant with the City’s applicable policies, procedures and delegated authorities.](#) The compliance audit for the year 2018 is not yet available.

Respectfully Submitted,

Cristina De Caprio  
Lobbyist Registrar  
City of Toronto