

2019 Annual Report

Office of the Integrity Commissioner

Jonathan Batty

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ICT

OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

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Commissioner's Message

It is with great pleasure that I submit the 2019 Annual Report for the Office of the Integrity Commissioner. As my term as Integrity Commissioner began on November 30, 2019, this is my first report to Council. This annual report reflects on the last year of Commissioner Jepson's term as well as my transition into the Office at the end of 2019.

A New Reality

Following the 2018 election, Toronto faced the reality that the size of Council was reduced to 26 members.

In December 2018, at its very first meeting for the 2018-2022 term, Council got to work on recalibrating its responsibilities to deal with this new reality. Amongst other things, work began on changing the number of councillors named to the City's various boards. The reduced size of Council has raised the question about how the Office of the Integrity Commissioner has been affected, which I think is important to address.

While the size of Council has been reduced to 26 members from 45 in the previous term, the Office of the Integrity Commissioner continues to provide advice and oversight to almost 1100 people appointed to the City's local boards.

This is a summary of the volume of advice the Office provided in 2019:

- While there was a 42 percent decrease in the number of members of Council, the total number of advice requests from members of Council only declined by 24 percent.
- The number of advice requests under the *Municipal Conflict of Interest Act* (MCIA) more than doubled in 2019. Thirty-six percent of advice requests from members of Council and local boards were related to responsibilities under the MCIA. This is a result of changes to the MCIA that took effect on March 1, 2019. The advice given in this area is typically more complex. Consequently, advice was not provided as quickly as the overall percentage of advice provided to members of Council within two days of the request declined from 87 percent to 79 percent. Similarly, advice provided to members of local boards within two days decreased from 78 to 73 percent of requests in 2019. The slight decrease in time to deliver advice can be attributed to several factors: concurrent complaints, the vacancy of several months in the Office's legal counsel position, and the

transition to a new Integrity Commissioner. Filling the legal counsel position was a priority at the beginning of my term, and I am happy to report that the position has now been filled.

- Advice requests from members of local boards slightly increased this year by 10 percent. The questions raised by these appointees are equally complex as those raised by members of Council. While the number of times that these members have consulted the Office over the years has steadily grown, this continues to be an area where more outreach and advice is required.

This is a summary of the volume of complaints the Office received in 2019:

- The number of complaints has not declined. Twenty complaints were received in 2019 and 19 were received in 2018. Eighty-five percent of these were formal complaints, which take more time and resources to address than informal complaints.

This is a summary of the volume of inquiries the Office received in 2019:

- The Office received 236 inquiries in 2019 which is a decrease of 45 percent from 2018. It is important to note that 2018 was an election year and, consequently, there was an increased number of inquiries from the public, staff and media. The number of inquiries received in 2019 is more consistent with the number of inquiries received in 2017 which was 267. Also, it should be noted that the Office only logs and tracks an “inquiry” as those matters where we substantively have to answer a question within our mandate. It does not capture the regular flow of calls, emails, and letters we review each year that we refer elsewhere or warrant no response.

Cumulatively, these summaries show that the work of the Office in 2019 did not decline with the reduction in the size of Council.

Commissioner Jepson’s End of Term

Commissioner Valerie Jepson’s five-year term concluded on November 29, 2019. In 2019, she submitted four investigation reports to Council and local boards and made 21 presentations to local boards. This was in addition to responding to numerous inquiries and providing advice to members.

In her first report to Council in June 2015, Commissioner Jepson noted one of the biggest challenges the Office faced was a growing backlog of complaint files and a high volume of complex matters that resulted in delay. Commissioner Jepson concluded her term having completed all investigations she commenced and with no complaints backlog. That speaks well of her diligence and also of Council's decision to have appointed, for the very first time, a full-time Integrity Commissioner. I note from reading all the investigation reports submitted by the Office since its inception in 2004, that many of the matters being investigated – especially in the last commissioner's term – have grown in their complexity.

In her term, Commissioner Jepson established these eight objectives:

- Provide timely, accurate, consistent and practical responses to requests for advice (policy and compliance) from members of Council and local boards.
- Carry out investigations in a fair and appropriately thorough manner to respond to formal complaints.
- Provide and deliver education and outreach to stakeholder groups.
- Provide resources for all stakeholders that are consistent, accessible, practical and clear.
- Position the Office of the Integrity Commissioner to perform all duties in a transparent manner, consistent with the principles of open government, while respecting the secrecy obligations imposed by the *City of Toronto Act, 2006*.
- Maintain and build on the Office of the Integrity Commissioner's reputation as a thought leader in the field of ethics and integrity for elected officials.
- Maintain and build on the Office of the Integrity Commissioner's reputation as a key resource within the City for advice, information and guidance about ethics and integrity.
- Build up the Office of the Integrity Commissioner's institutional structures for long term sustainability.

In her 2018 Annual Report, Commissioner Jepson described the successes and challenges she faced in meeting these operational goals. In establishing them, she has left an important legacy to the Office as previous commissioners David Mullan, Lorne

Sossin, and Janet Leiper also did in their own ways. The eight objectives outlined above are enduring; I have adopted them for my term.

Beginning A New Mandate

My term began shortly before the end of 2019, and I immediately focused on the completion of this report and the submission of the Office's 2020 operating budget.

I have met with the City Clerk, the City Manager, the City Solicitor and their staff to familiarize myself with the City's administration and will be meeting with division heads in the weeks to come. I thank them for their time and also similarly thank the Auditor General, the Toronto Lobbyist Registrar, and the Ombudsman of Toronto and their teams for their welcome.

At the outset of my term, I have spoken with members of Council to hear their perspectives about my role. Council has entrusted me with a significant mandate, and I want to understand the challenges they face. In recognition of the larger wards and number of constituents that councillors are now representing, additional financial resources were made available to hire more staff. Many, but not all, councillors observed that because they are serving more constituents, they are sometimes required to delegate more. As the complement of councillors' staff has grown, I think there is a greater need to ensure staff are well-trained as their actions can impact councillors' compliance with the Code of Conduct and the MCI A. This is one example of something the Office will focus on. I also heard from several councillors about the need to review the guidelines and advice the Office has issued. Having heard these and other concerns, I believe that it is time that the Code of Conduct be reviewed and updated.

The Office has finite resources. That is not a complaint, but rather a reality. Any activity that we engage in has to be carefully planned. To effectively meet the operational goals the Office has established, we need to have a strategic plan in place to be sure that we maximize the use of our resources. To this end, I have established a five-year strategic plan, the Office of the Integrity Commissioner's Strategic Plan: 2019 to 2024. It is found on the Office's [website](#), and it sets out the fundamental principles that I will apply in carrying out my five-year mandate.

In commencing my term, I have been greatly helped by Caroline Teigné, the Intake and Office Assistant for the Office; her judgment, diligence, and good humour have been invaluable.

Finally, I would like to express my deep gratitude to Valerie Jepson who, in addition to providing a tremendous public service to the people of Toronto, generously shared her time and wise counsel at the launch of my term.

I look forward to reporting to Council on the Office's work over the next five years.

Respectfully,



Jonathan Batty
Integrity Commissioner

Report on Activities



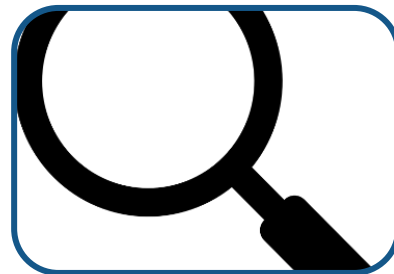
Providing timely confidential advice to members of Council and local boards about their own situations respecting the applicable Code of Conduct, MClA and other bylaws and policies governing ethical behaviour.



Providing educational programs and information to members of Council, local boards, City and board staff and the public about the Code of Conduct, MClA and ethical obligations of elected and appointed officials.



Providing policy recommendations and advice to Council, local boards and City staff.



Investigating complaints about alleged breaches of the codes of conduct and (after March 1, 2019) the MClA .

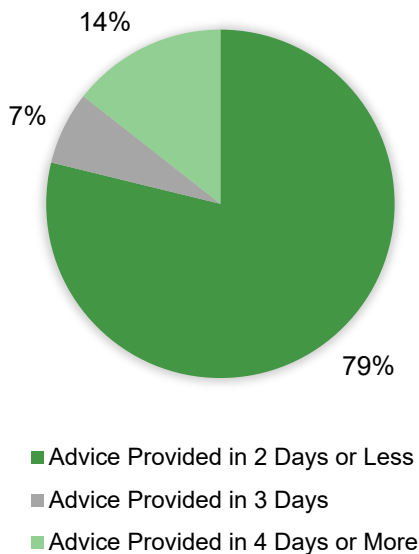
What follows is a descriptive overview of the work completed in 2019.

Section 1: Providing Timely Advice to Members of Council and Local Boards

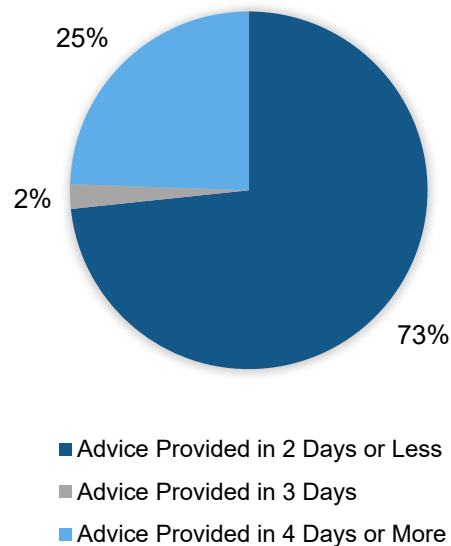
Providing advice is the most important function that an integrity or ethics commissioner performs. The codes of conduct for elected and appointed officials are principles-based documents that often require application to specific circumstances. The *Municipal Conflict of Interest Act* (MCIA) is technical and similarly principles-based. The Integrity Commissioner is available as a resource to help members of Council and local boards understand how the codes of conduct apply to new circumstances to prevent problems before they occur.

In 2019, members of Council and local boards received advice via telephone, in writing, and in person. Advice includes requests for information, referrals to other resources, and application of the codes of conduct, the MCIA or City policies to specific circumstances. In 2019, the Office started tracking consultation requests and formal advice requests. Consultation includes inquiries and informal advice. Formal advice is issued through writing to comply with section 159(2.2) of the *City of Toronto Act, 2006*.

Advice Response Time: Members of Council

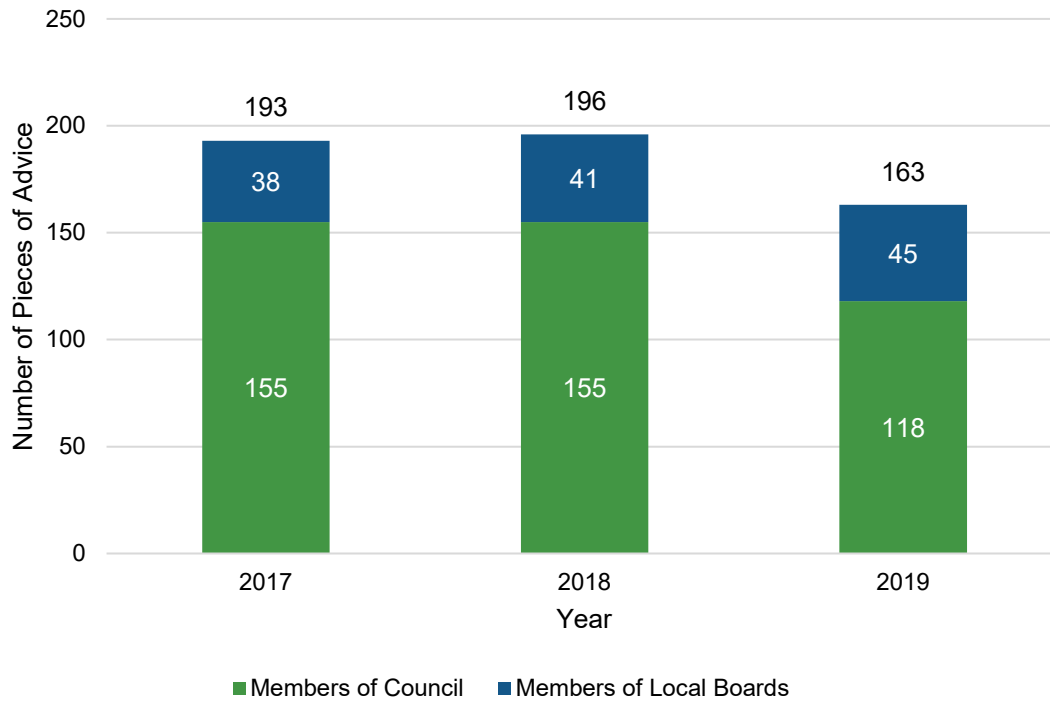


Advice Response Time: Members of Local Boards

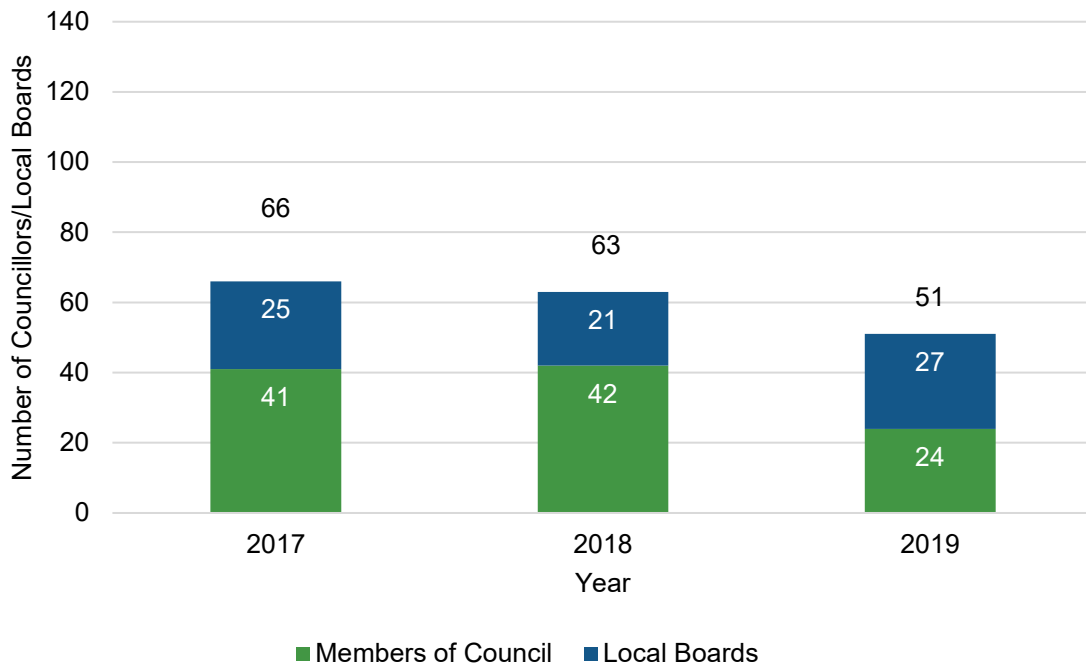


The Commissioner provided 163 pieces of advice during this reporting period and did so in a timely fashion. Advice was provided in two days or less to members of Council 79 percent of the time and to members of local boards 73 percent of the time. The following charts summarize the time taken to respond to requests for advice, the source of the requests, and the breakdown of subject matters.

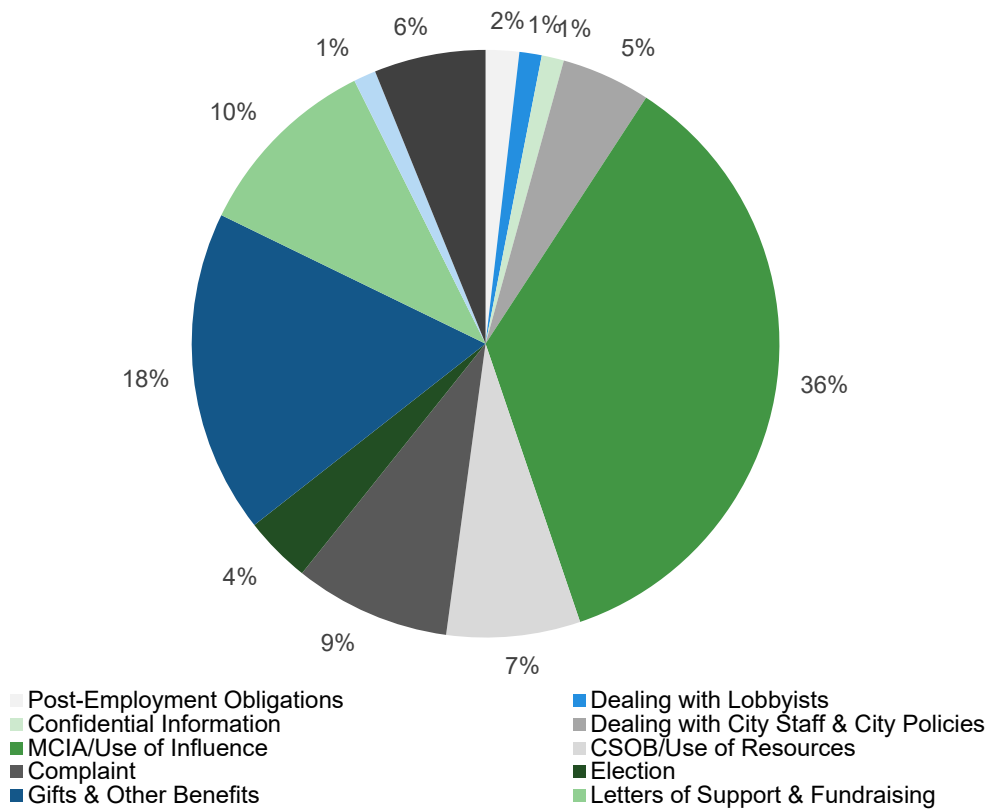
Amount of Advice Issued to Members of Council and Local Boards



Number of Local Boards and Members of Council and who Sought Advice



Subject of Advice Requests



Sample Advice to Members of Council

The following are samples of advice provided in 2019. These summaries are intended to help elected and appointed members identify possible issues under the relevant code of conduct or the MCIA, but they are not a replacement for advice applicable to specific circumstances. Where necessary, the feminine pronoun is used throughout the summaries to ensure that advice remains anonymous.

In the samples below, unless otherwise specified, "Code of Conduct" refers to the *Code of Conduct for Members of Council*.

Sample 1: Accepting an Invitation to a Dinner

A member of Council sought advice about accepting an invitation from a post-secondary institution for a dinner.

The Commissioner advised that it would be acceptable for the Councillor to accept the dinner invitation due to exceptions (b) and (f) of Article IV (Gifts and Benefits) of the Code of Conduct. Exception (b) permits gifts or benefits that normally accompany the responsibility of office and are received as an incident of protocol or social obligation. The Commissioner formed the conclusion that section (b) applies in consideration of the fact that the institution is within the Councillor's ward. Exception (f) also permits food and beverages consumed at banquets, receptions or similar events, if attendance serves a legitimate business purpose, the person extending the invitation will be present and the value is reasonable and infrequent. The Commissioner noted that the cost of the dinner was under the maximum value permitted under the Code of Conduct (\$500). The Commissioner reminded the Councillor that if the invitation is accepted, a gift disclosure statement must be filed within 30 days.

Sample 2: Accepting an Unsolicited Gift

A member of Council sought advice about forfeiting an unsolicited gift. The wrapped gift was presented to the member at a cultural event celebration. Once unwrapped, it was discovered to be a designer wallet with a retail value between \$300 and \$500.

The Commissioner first recommended that the Councillor attempt to identify the donor. Once efforts to identify the donor were exhausted and unsuccessful, the Commissioner provided the Councillor with two options: (1) donate the item to an organization or good cause in the Councillor's community that might be in need of the item potentially for use

in a silent auction or similar event; and (2) provide the wallet to the Commissioner who would arrange to donate it without any involvement of the Councillor's office.

Sample 3: Accepting an Unsolicited Gift

A member of Council sought advice about accepting an unsolicited gift of a Bible.

The Commissioner advised that it was permissible for the Councillor to accept the gift on the basis that it was received as an incident of protocol or social obligation, which is exemption (a) to Article IV (Gifts and Benefits) of the Code of Conduct. The gift was given at a religious gathering that was not bound by the Lobbying Code of Conduct. The value of the gift was under the maximum permitted amount (\$500), and there would be no obligation to publicly disclose this gift, if accepted.

Sample 4: Accepting a Gift from a City Stakeholder

A member of Council sought advice about accepting tickets to a performance that were offered by a City stakeholder that had been assisted by the Councillor's office.

The Commissioner advised that the Councillor should not accept the tickets because they were being offered as a thank you for assisting with fulfillment of the Councillor's ordinary duties, which is prohibited by Article IV (Gifts and Benefits) of the Code of Conduct. In consideration of the value of the tickets and the nature of the donor/stakeholder, none of the exceptions in Article IV applied. The Commissioner also advised that the Councillor suggest that the donor seek advice from the Toronto Lobbyist Registrar.

Sample 5: Recommending a Constituent for Appointment to a Board

A member of Council sought advice about the permissibility of recommending a constituent—someone who she does not know—for appointment to a City board.

The Commissioner advised that the Councillor was prohibited from providing such a reference as she did not know the individual. The Commissioner referred the Councillor to City Council's [Reference Letter Policy](#) in which paragraph A states that members of Council cannot provide references in support of applicants for employment or appointment to the City or City boards unless the member knows the person from an employment or other similar relationship

Sample 6: Providing a Letter of Reference for a City Employee

A member of Council sought advice about providing a reference for a staff person of a City service for a job in a different municipality.

The Commissioner advised that the Councillor should not provide a letter or act as a reference unless she obtains consent from the appropriate person at the City. The Councillor's reference could easily be misunderstood as representative of the views of the City as the staff person's employer. If the Councillor was able to obtain assurance from the City that she could provide this reference, she would then also need to make clear that she would only be able to speak about her official interactions with the staff person and not as a supervisor.

Sample 7: Supporting a Constituent at the TLAB

A member of Council sought advice about providing a letter of support to assist with a resident's TLAB application.

The Commissioner advised that the Councillor should not send a letter as the neutrality and independence of the TLAB has to be protected. The Commissioner referred to the advice provided in the September 28, 2016 report: [Councillor Conduct in Relation to the Toronto Local Appeal Body](#).

Sample 8: Providing a Letter of Support in a Personal Capacity

A member of Council sought advice about providing a letter of support for use in a legal proceeding. The letter was for an individual whose family the Councillor has known for many years. The individual was charged with an offence.

The Commissioner advised that it would be permissible for the Councillor to provide a letter of support in a personal capacity but that she should not use her City letterhead or sign it as a member of Council. The Commissioner also advised that the letter should be specifically addressed to the lawyer and be clear that it is being provided for this single purpose. The letter should also not urge any particular outcome, but rather include information within the knowledge of the Councillor.

Sample 9: Sitting on a Board for a Not-for-Profit Organization

A member of Council sought advice about sitting on the board of a not-for-profit organization.

The Commissioner advised that the Councillor would be restricted from participating in decisions at City Hall that benefitted the Board as it is a “body” within the meaning of the MCI A. The Councillor would be restricted from participating in decisions at City Hall that could impact the organization.

Sample 10: Spouse’s Involvement in a Not-for-Profit Organization

A member of Council sought advice about her spouse’s involvement as a board member of a not-for-profit organization with projects related to City Council’s transportation decisions.

The Commissioner advised that the Councillor’s spouse’s ongoing involvement on the board of the organization would give rise to concerns under both the MCI A and the Code of Conduct. Because her spouse is a board member, any pecuniary interests of the organization would be deemed an “indirect pecuniary interest” of her spouse (section 2 of the MCI A) and her spouse’s “indirect pecuniary interest” could be deemed to be the Councillor’s which would disqualify the Councillor from participating in that decision. The Councillor should also seek additional advice if any Council decision deals with the budget of the group’s funders. The Commissioner also advised that Article VIII (Improper Use of Influence) prohibits the Councillor from using the influence of her office for any improper purpose which would include a vote with the intention of benefiting the organization. The Commissioner advised that she should refrain from having discussions with her spouse about any initiative of the organization, exercise caution and seek advice in advance if her office is contacted by representatives of the organization.

Sample 11: Item Impacts on Residence of Family Member

A member of Council sought advice about whether to declare an interest on an item before Council that involves a demolition permit for properties on a street on which a family member resides. The application must be considered by Community Council.

The Commissioner noted that typically, the local councillor is provided with notices and is entitled to provide comments about the demolition permit as well as bring forward

community concerns to Community Council and move motions to impose conditions, etc. on the permit. The Commissioner advised that the Councillor should refrain from any involvement in the demolition permit application. The Councillor should identify an alternate member of Council to fulfill the duties, inform City staff, inform office staff, prepare a template for resident inquiries, and declare an interest at the Community Council meeting.

Sample 12: Assisting Constituents with City Claims

A member of Council sought advice about assisting someone who has filed a claim with the City. The City's adjuster indicated that there is pending information from a City division. The Councillor sought advice about inquiring about the status of the information with the City division.

The Commissioner advised that the Councillor refrain from involvement until consulting with the City's Claims Manager about what involvement by her is permitted.

Sample 13: Sitting on a Board of a Not-for-Profit Organization

A member of Council sought advice about serving as a board member for a not-for-profit organization.

The Commissioner advised that the Councillor could accept the appointment. As the Councillor was invited in her capacity as member of Council and chair of a committee, the Code of Conduct and the City's policies would apply to her involvement with the Board. If the organization intended to raise any matter with the Councillor or if it came to the Councillor's attention that the organization intended to raise any matter with City Council, the Councillor should contact the Office of the Integrity Commissioner for further specific advice. If the Councillor wished to seek reimbursement from the Board for travel expenses for board meetings, the Commissioner advised that they would qualify as permissible under exception (f) of Article IV (Gifts and Benefits) of the Code of Conduct because the sponsored travel is analogous to a "conference, seminar or event organizer where the member is either speaking or attending in an official capacity." As long as the organization does not have any issue or matter with the City, the Councillor can accept the sponsored travel and it must be disclosed in the same manner as any other sponsored travel.

Sample 14: Former Member Involvement in a Development

A former member of Council sought advice about making a representation to the Committee of Adjustment as an investor in a development.

The Commissioner advised that the Councillor seek guidance from the Toronto Lobbyist Registrar.

Sample 15: Participating in a Promotional Campaign

A member of Council sought advice about whether the Councillor's office could participate in a promotional campaign for an IT service provider to the office.

The Commissioner advised that the Councillor decline this opportunity as it related to both the Councillor's constituency office and campaign. It would be an improper use of the office and contrary to Article VIII (Improper Use of Influence) of the Code of Conduct to use the Councillor's title and activities as a member of Council to promote the software developer. Furthermore, photos offered by the company, if used for Council-related purposes, would be impermissible gifts and contrary to Article IV (Gifts and Benefits) of the Code of Conduct. While it may be possible for the Councillor to be the subject of the promotion as a candidate, extreme caution would need to be taken to ensure that it would be clear that it was related to the Councillor's activities as a candidate rather than a councillor.

Sample 16: Office Staff Involvement with a Not-for-Profit Organization Involved in a Proposal

A member of Council sought advice about an office staff member who is a board member and co-founder of a not-for-profit organization which has been approached by a planning company to be a partner in a proposal in response to the City's call for proposals.

The Commissioner advised that the Councillor remind the staff member in writing of her obligation relating to confidential information and not to use her position to assist the organization(s) with the proposal and that the staff member be advised to avoid dealing with any query or question from the public or City staff in relation to the proposal until the request for proposal is concluded. Additional advice should be obtained at this time. The staff member should be advised that if she receives an inquiry about the proposal, she should redirect the inquirer to another staff member and report it to the Councillor. When the request for proposal is awarded and the staff member's organization is

involved, further advice should be sought. If possible, the staff member should refrain from being involved with the activities to assist the organization with the proposal.

Sample 17: Soliciting Donations for Political Party During Federal Election

A member of Council sought advice about soliciting donations for a federal political party.

The Commissioner advised that the Councillor should refrain from using her title and should use caution to ensure that City resources are neither used, nor appear to be used.

Sample 18: A Proposed Change to Business in Close Proximity to Member's Residence

A member of Council sought advice about declaring an interest for an item before Council. The Councillor resides in a family property in close proximity to a property that is impacted by the item.

The Commissioner advised that the Councillor had a pecuniary interest within the meaning of the MCI, and the Councillor should declare an interest and avoid being involved in any decision-making about the item. The Councillor should complete the [Declaration of Interest Form](#), declare the interest verbally and file the form with the Clerk.

Sample 19: Accepting Cash Donations for Council Member-Organized Community Events

A member of Council sought advice about the permissibility of accepting a cash donation for a council member-organized community event.

The Commissioner advised that it is not permissible to accept a cash donation. The Commissioner stated that the Councillor should contact the donor to explain that the cash needs to be returned, have the donor sign a letter confirming that the cash was returned, and forward a copy of the confirmation to the Commissioner. If the donor is permitted to donate to the event under the [Council Member-Organized Community Event Policy](#), they may do so via cheque so the precise source of the donation can be verified.

Sample Advice to Members of Local Boards

In the samples below, unless otherwise specified, "Code of Conduct" refers to the *Code of Conduct for Members of Local Boards (Restricted Definition)*.

Sample 1: Providing Services for a BIA Event

A member sought advice about receiving payment for her band performing at an event organized by the BIA.

The Commissioner confirmed that she could not be paid by the BIA to provide services. The Commissioner informed her that her fellow band members could receive payment, but it would be contrary to Article IX (Business Relations) of the Code of Conduct for her to receive any portion of the other band members' compensation.

Sample 2: Relationship with Applicants

A member sought advice about whether her relationship with certain applicants under consideration for appointment to a tribunal posed any issues under the Code of Conduct for Members of Adjudicative Boards.

The Commissioner advised that the member could participate freely in the deliberations with respect to two applicants because the nature of the relationship was purely professional. Extra caution was warranted for one member because there were ongoing professional and personal relationships. The Commissioner further advised that the Member could participate freely in deliberations with regard to this applicant as long as the Member disclosed the nature of the relationship with the Member's fellow panel members and that the Member refrain from knowingly interacting with the applicants in a professional or personal basis until the conclusion of the deliberations.

The Commissioner advised that in future, the Member disclose such relationships to City staff so that they are not assigned to such panels.

Sample 3: Outside Professional Relationship with BIA Staff

A member sought advice about her obligations under the Code of Conduct and MCI A because an individual who works for her company and reports to her is also providing services to the BIA for payment.

The Commissioner advised the Member to refrain from having any involvement with the individual's contract with the BIA and request that the Member be screened from non-public information that could impact the individual.

Sample 4: Representing Clients with Matters Before the Board

A member sought advice about her obligations under the Code of Conduct for Members of Adjudicative Boards and the MCIA as she had—prior to her appointment—represented a client with an application before the adjudicative board.

The Commissioner advised that the member had a pecuniary interest within the meaning of the MCIA; therefore, the member was to inform staff that she should not be assigned to any panel that considers the client's application and refrain from having any discussions with any City staff or other committee members about the application. The Member must not appear before the committee on behalf of her client and should refrain from dealing with the file.

Sample 5: Making a Personal Donation to a Candidate in Federal Election

A member sought advice about whether she could make a personal donation to a friend running in the federal election.

The Commissioner advised that it was permissible. The Commissioner also provided other general information about political activities which is summarized in the [Election-Related Activities Information Bulletin](#).

Sample 6: Making a Deputation at a Council Committee

A member sought advice about the permissibility of appearing before a Council committee to make a deputation about an issue that was unrelated to the work of the Panel.

The Commissioner advised that the Member is free to make a deputation to the Council committee. However, the Member should not represent herself as a member of the Board in her submission.

Sample 7: Acquisition of Company that is a Vendor to the Board

A member sought advice about her obligations under the MClA and Code of Conduct as she is a shareholder of a company planning to acquire another company that is a vendor to the Board.

The Commissioner advised that the Member should refrain from involvement by formally delegating any responsibility for the vendor to an alternate member of the Board, and, when necessary, the Member should rise on a point of personal privilege to disclose her interest. The Commissioner also advised that the Member obtain further advice as the circumstances changed.

Sample 8: Landlord to Employee of BIA

A member sought advice about her obligations under the MClA and Code of Conduct because an individual working as an employee for the Board is a tenant of the Member.

The Commissioner advised that the Member did not have a direct or pecuniary interest within the meaning of the MClA as the employee would be able to pay her rent regardless of whether she is employed by the Board. The Commissioner advised the Member to disclose the relationship, however, as Article VIII (Improper Use of Influence) of the Code of Conduct prohibits members from using their offices to the “private advantage of...friends, associates, business or otherwise” and the Preamble to the Code of Conduct urges members to strive to avoid actual and apparent conflicts of interest. The Commissioner recommended that the member refrain from participating in this issue.

Sample 9: Client of Employer has Matter Before Board

A member sought advice about a potential conflict of interest as a client of her employer has a matter before the Board.

The Commissioner advised that the Member had an indirect pecuniary interest and should prepare a written declaration of interest using the [Declaration of Interest Form](#), exercise extra diligence to refrain from having any discussions with any other Board members about the matter, verbally declare her interest and leave the room during discussion of the matter during the agenda briefing and hearing, file the declaration form with board staff and request that staff use best efforts to refrain from assigning the

member to panels that are scheduled to hear matters involving the organization in the future.

Sample 10: Leasing Space to the BIA

A member sought advice about whether her business could lease space to the BIA.

The Commissioner advised that because the business was a small, closely-held company, it would be contrary to Article IX (Business Relations) for the Member to be the landlord of the BIA. The BIA cannot do business with its members. Should the Member wish to lease the space to the BIA, the Commissioner advised that the Member resign from the Board.

Reporting of Gifts and Benefits

In 2019, members of Council made a number of disclosures for sponsored travel and donations to council member-organized community events. Article IV (Gifts and Benefits) of the Code of Conduct describes the limited circumstances under which a member can receive gifts or benefits. Members are required to disclose gifts or benefits received when the value of the gift is over \$300. Members who wish to solicit donations for community events must do so in accordance with the [Council Member-Organized Community Events Policy](#), which permits members to solicit monetary and in-kind donations for community events. Members can accept sponsored travel when the donor is a government or conference organizer. Gift disclosure forms are available on the [Office of the Integrity Commissioner's website](#).

Number of Gift and Benefit Disclosure Forms Received

	2017	2018	2019
Member-Organized Community Event - Donor Declaration Forms	14	14	39
Travel Declaration Forms	7	6	8
General Gifts and Benefit Declaration Forms	0	0	0
Total	21	20	47

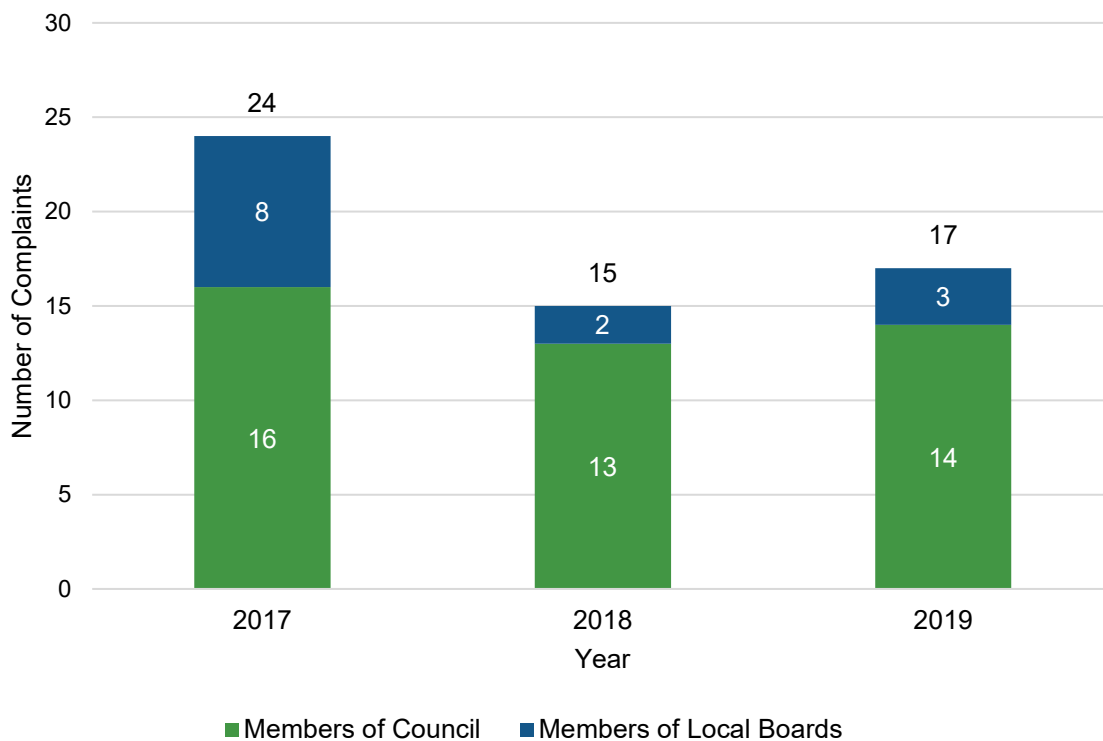
Section 2: Receiving, Reviewing and Investigating Complaints

The Office handles all complaints received in accordance with the [Complaint and Application Procedures](#), which provide both formal and informal procedures to resolve Code of Conduct complaints as well as the application procedure for a *Municipal Conflict of Interest Act* (MCIA) inquiry.

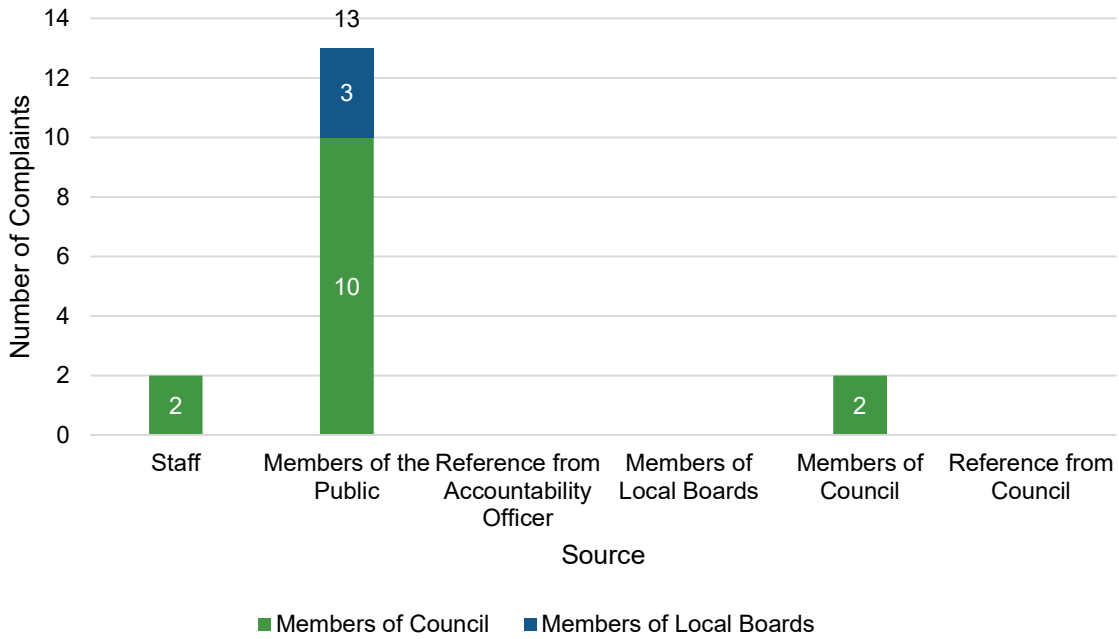
Formal Complaints and MCIA Applications

The Office received 17 formal complaints and one MCIA application in 2019. The MCIA application was filed by a member of the public about a member of Council and was dismissed at intake.

Number of New Formal Complaints Received about Members of Council and Local Boards

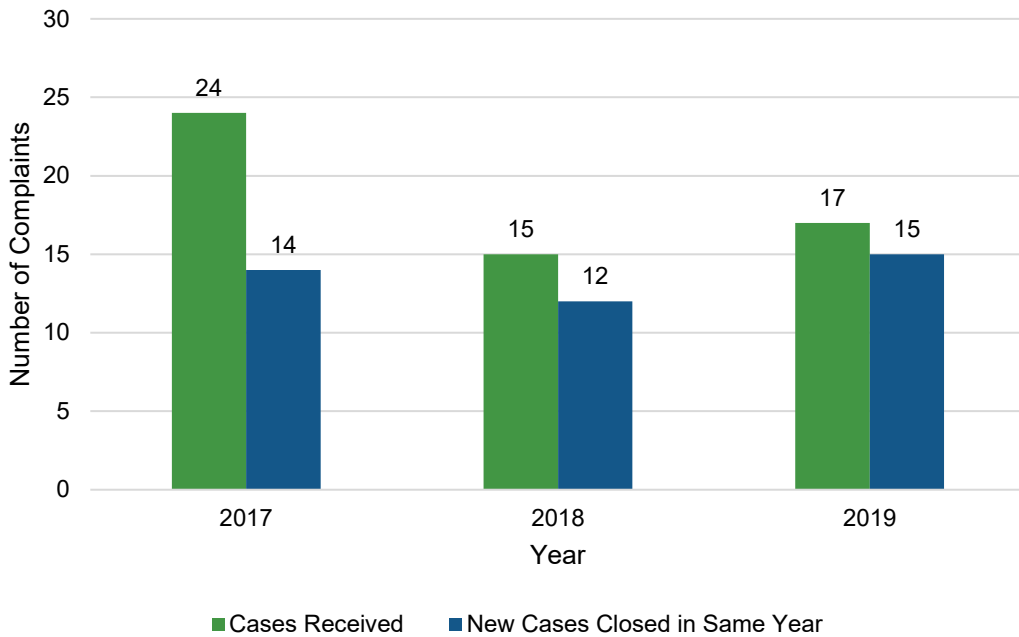


Source of Formal Complaints Received in 2019



Since 2015, the Office has developed statistics to track the length of time taken to respond to formal complaints, which are summarized in the following figures.

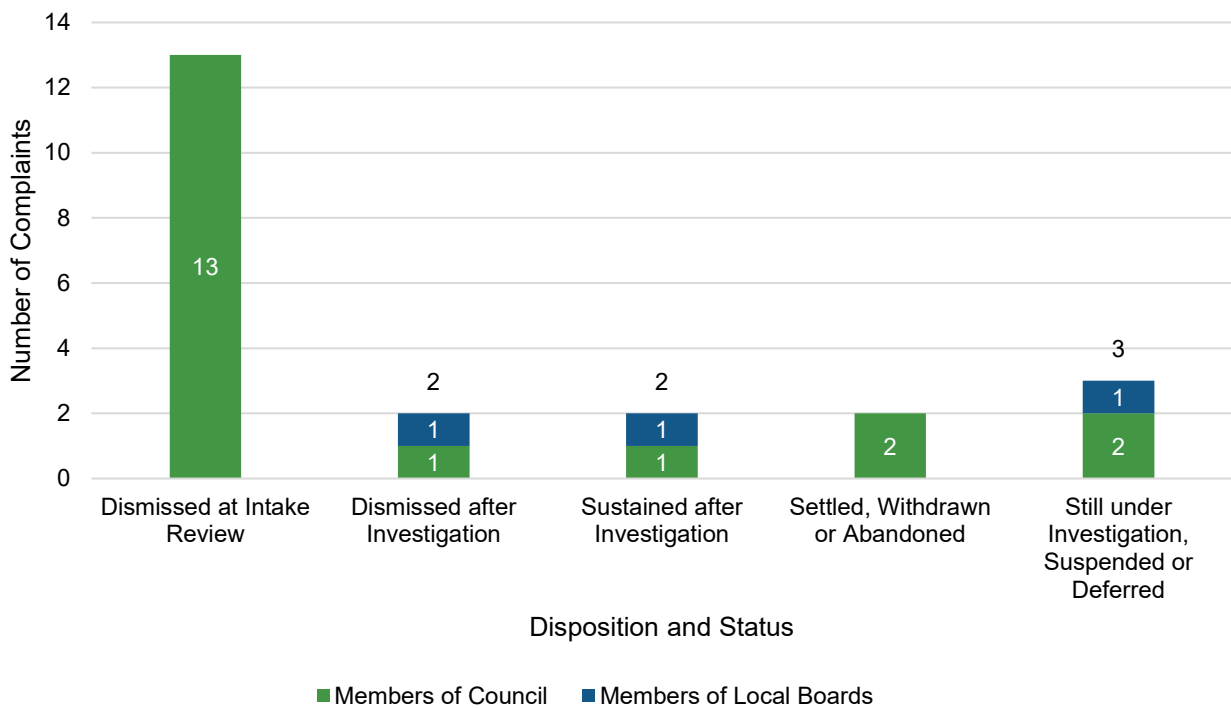
Proportion of New Formal Complaints Closed in the Year Received



Average and Median Time to Close Formal Complaints and MCI Applications Received Post-January 1, 2015¹

Complaint Type	Number of Cases	Average Number of Days	Median Number of Days	Least Number of Days	Most Number of Days
Investigated Complaints	24	279	248.5	67	704
Dismissed without Investigation	49	59	34	3	383

Disposition and Status of Formal Complaints (2019)



¹ In the event that multiple complaints were addressed by one investigation or report, only a single case is counted.

Complaints Dismissed at Intake Review

In 2019, 13 formal complaints and one MCIA application were dismissed at the intake review stage. The following summaries are provided to raise awareness of how the codes of conduct are interpreted and to provide the public and members with information about the work of the Office.

In the samples below, unless otherwise specified, "Code of Conduct" refers to the *Code of Conduct for Members of Council*.

Dismissed at Intake Case Summaries

Case Summary 1

A member of the public submitted a formal complaint alleging that a member of Council violated Article XIII (Conduct Respecting Lobbyists) of the Code of Conduct when she attended and participated in a press conference with a lobby group that was not registered to lobby at the time.

The Commissioner dismissed the complaint as there was insufficient information contained in the complaint to require an investigation into whether the Councillor contravened the Code of Conduct. The Commissioner stated that the obligation to register lobbying activity rests with the lobbyist, and it is not clear that the communications at issue were required to be registered or that the Councillor had requisite knowledge of this requirement. The complainant was referred to the Toronto Lobbyist Registrar.

Case Summary 2

A member of the public alleged that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct because of the Councillor's response to concerns that the complainant raised with her in relation to a building inspection matter.

The Commissioner dismissed the complaint as there was insufficient information to require an investigation that the Code of Conduct had been contravened and because the allegation made, even if true, did not give rise to a possible contravention of the Code of Conduct. At its core, the complaint was about the complainant's dissatisfaction with the Councillor's response. The complaint did not contain any information to suggest that the Councillor acted in an abusive, bullying or intimidating way.

The complainant's dissatisfaction with the manner in which the Councillor carried out her duties is not addressed by the Code of Conduct but is rather a matter of democratic accountability. The Commissioner does not have jurisdiction to deal with complaints about dissatisfaction with the manner of representation provided by a local councillor.

Case Summary 3

A member of the public alleged that a member of Council contravened Article VIII (Improper Use of Influence) of the Code of Conduct because she appealed or filed an appeal of the Committee of Adjustment (CoA) to the Toronto Local Appeal Body (TLAB).

The Commissioner dismissed the complaint as there was insufficient information to require an investigation that the Code of Conduct had been contravened and because the allegations made, even if true, did not give rise to a possible contravention of the Code of Conduct. The materials reviewed indicated that the Councillor did not appeal the decision but rather moved a motion at City Council to direct staff to appeal the decision. The Commissioner cited her [September 28, 2016 report to Council outlining the duties of councillors in relation to the TLAB](#). In the Commissioner's view, the Councillor's action to obtain Council direction for City staff to bring an appeal to the TLAB are well within the range of activities that members of Council can and routinely do engage in on behalf of residents.

The complainant's dissatisfaction with the Councillor's decision to respond to community concerns are not addressed by the Code of Conduct but are rather a matter of democratic accountability. The Commissioner does not have jurisdiction to deal with complaints about dissatisfaction with the manner of representation provided by a local councillor.

Case Summary 4

A member of Council alleged that another member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct when she made comments during a Council meeting that the complainant believed were an attempt to bully and intimidate members of Council by threatening to label them as racist.

The Commissioner dismissed the complaint as the complaint was outside her jurisdiction. The alleged behaviour occurred in a Council meeting and keeping order over a Council meeting is the responsibility of the Speaker. The Commissioner suggested that the complaint be addressed through informal means.

Case Summary 5

A member of staff alleged that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct when she yelled at the complainant and allegedly parked in no parking zones. There was some uncertainty about whether the person who yelled at the staff member was a member of Council.

The Commissioner dismissed the complaint on the basis that there was insufficient information to require an investigation into the matter. As the complainant was a member of the Toronto Public Service, the Commissioner stated that she may wish to consider pursuing her concerns as an informal complaint.

Case Summary 6

A member of the public alleged that a member of Council contravened the Code of Conduct when she failed to act in relation to a fence that the complainant's neighbour built. The complainant alleged that the Councillor should have taken steps to prevent the fence from being built four years before and that the Councillor's actions to deal with the fence two years after were insufficient because the fence had already been constructed.

The Commissioner dismissed the complaint as the concerns and complaints about the Councillor were not regulated by the Code of Conduct. The Commissioner stated that the complainant could contact City staff for clarification about the fence approval and 311 for concerns about the safety of the fence.

Case Summary 7

A member of the public alleged that a member of Council contravened Article IV (Gifts and Benefits) of the Code of Conduct because the organization on which the Councillor sits as a member of the board of directors, granted a scholarship to the Councillor's family member.

The Commissioner dismissed the complaint as the organization is not a City of Toronto board, and the complaint did not contain information to suggest that the Councillor had any role in the organization's decision to grant any funds to her family member.

The Code of Conduct governs the conduct of elected officials when carrying out their duties as a member of Council or of the City's local boards or corporations. With the possible exception of Article XIV (Discreditable Conduct), all of the articles of the Code

of Conduct involve the conduct of members of Council when acting in their official capacity and not as private citizens.

Case Summary 8

A member of the public alleged that a member of Council contravened the Code of Conduct and section 5.1 of the MCIA because of her alleged diversion of funds for the purchase of TTC tokens, slandering the complainant's/applicant's name to non-members of the Councillor's ward, not completing her obligations set out in a small claims court settlement, and for using the City of Toronto's legal department to fund her defense.

The Commissioner dismissed both the complaint and application as one aspect of the complainant's/applicant's concerns had already been exhaustively reviewed and was dismissed in a previous report of the Integrity Commissioner. The Commissioner stated that she maintained her prior determination that there was insufficient information to cause a Code of Conduct inquiry. There was also insufficient information to require any further inquiry or investigation into the complainant's other concerns.

Furthermore, the Commissioner dismissed the MCIA application as there was no information about any possible meeting or failure to file a declaration of a pecuniary interest. The application was dismissed without an inquiry for lack of sufficient information.

Case Summary 9

A member of the public alleged that a member of Council contravened Article VIII (Improper Use of Influence) of the Code of Conduct because she used her title as City Councillor to endorse a candidate in the federal election.

The Commissioner dismissed the complaint as the allegations made did not give rise to a possible contravention of the Code of Conduct. It is not a contravention of the Code of Conduct for a member of Council to endorse a candidate in an election campaign as long as the member does not use City resources for such purpose. The complaint did not contain information to suggest that the Councillor used any City resources to make the endorsement.

Investigations

When a complaint is within jurisdiction and sets out sufficient grounds to cause an inquiry, the Commissioner follows the process set out in the [Complaint and Application Procedures](#). The Procedures require that the complaint be provided to the member whom the complaint is about for response. The complainant is then provided with the response and an opportunity to provide a reply. The Commissioner may subsequently commence an investigation. Investigations are thorough and consist of research, compelling City and witness records, reviewing documents and conducting interviews, often under oath.

If the Commissioner concludes that a member of Council or a local board contravened the Code of Conduct, he is required to bring the report to Council or to the local board, as well as to the complainant and respondent. In the case of a finding that the Code of Conduct was not contravened, the Commissioner is only required to provide a report to the parties but can exercise discretion to additionally file the report with Council or the local board.

Reports filed with City Council are available within the record of City Council proceedings, but [links can also be found on the Office of the Integrity Commissioner's website](#). Reports filed with local boards are public documents and can be requested from the local board. Some boards post reports with their agendas and minutes on their websites. In certain cases, anonymized versions of reports regarding local boards are available on the [Office of the Integrity Commissioner website](#).

Complaints Sustained After Investigation

In 2019, two complaints were sustained after investigation with findings that a member of Council or a local board contravened the Code of Conduct. City Council and the applicable local board accepted the recommendations of the Commissioner in these cases.

Complaints Dismissed After Investigation

In 2019, two complaints were dismissed after investigation which found that there were no contraventions of the Code of Conduct. For one of these dismissed cases, the Commissioner exercised her discretion to file it with Council in 2019.

In the samples below, unless otherwise specified, "Code of Conduct" refers to the *Code of Conduct for Members of Council*.

Case Summary 1

A member of the public alleged that several members of an adjudicative board violated various parts of the *Code of Conduct for Members of Adjudicative Boards* (the "Code of Conduct") in relation to a TLAB appeal case.

The Commissioner dismissed all but one of the complainant's allegations due to insufficient information and because they were requests to review the reasonableness or correctness of the TLAB's decisions, issues which are outside of the jurisdiction of the Integrity Commissioner. There was sufficient information for an inquiry into the narrow issue of whether one TLAB member contravened Article VI (Communications with Adjudicative Boards) of the Code of Conduct by speaking to the party outside of the hearing.

After an investigation, the Commissioner dismissed the complaint, concluding that the Member did not contravene any part of the Code of Conduct. There was no evidence that the Member had any discussions with the appellant outside of the hearing room.

Complaints Settled, Withdrawn, or Abandoned

In 2019, two complaints were settled, withdrawn, or abandoned.

Complaints Still Under Investigation, Suspended or Deferred

At the end of 2019, three cases remained open, including one case that was suspended or deferred.

Informal Complaints

The Complaint and Application Procedures contemplate that Code of Conduct contraventions can be resolved through an informal procedure that is geared toward empowering complainants to raise Code of Conduct concerns directly with the member. This can be an optimal method of resolution when the alleged transgression is minor, the issue relates to personal interactions or is time sensitive.

Informal complaints involving the Integrity Commissioner are resolved by letter, discussion or meetings without engaging the formal complaint process or requiring a report to Council.

Where the parties consent, the Integrity Commissioner can assist in resolving informal complaints. The Commissioner was engaged in two informal complaints during 2019.

Number of New Informal Complaints Received about Members of Council and Local Boards

Complaint Type	2017	2018	2019
Members of Council	4	4	1
Members of Local Boards	0	0	1

Section 3: Policy Work

On March 1, 2019, the Integrity Commissioner's authority was enhanced by [Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*](#) which was enacted on May 30, 2017. As a result of these changes, the Commissioner now has jurisdiction to issue advice under [sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*](#) and accept applications for inquiry. Members of Council and local boards (restricted definition) may also now seek MCIA-related advice from the Commissioner.

As a result of this provincial legislation, [Chapter 3, *Accountability Officers*](#), of the Toronto Municipal Code was amended to reflect these changes. The Office developed a new Complaint and Application Procedure as well as new [complaint](#) and [application](#) forms that are accessible and more user-friendly.

At its [July 16, 2019 meeting](#), City Council approved the Office of the Integrity Commissioner's records retention schedule. With the support of staff in the Corporate Information Management Services (CIMS) office, the Commissioner developed a comprehensive records management policy for the Office which was implemented in 2019.

Members of Council and Local Boards

[Identifying and Declaring Pecuniary Interests at Meetings](#) (Issued February 2019)

Section 4: Transition to a New Commissioner

At its October 29, 2019 meeting, City Council appointed [Jonathan Batty](#) as Toronto's fifth Integrity Commissioner, effective November 30, 2019. Commissioner Batty will serve as Integrity Commissioner for five years.

Section 5: Outreach Activities

The Office developed outreach postcards for distribution to members of local boards, members of Council as well as residents and staff. This postcard provides an at-a-glance summary of the work of the Office and outlines the complaint procedures.

The Integrity Commissioner also presented at two sessions of the City of Toronto's Executive Onboarding and office staff supported the New Employee Onboarding information exchanges.

Local Board Outreach and Resource Development

In 2019, the Commissioner provided 21 presentations to local boards to provide outreach and awareness of the Code of Conduct. The Commissioner also worked with the City Manager's Office and City Clerk's Office to develop an orientation strategy for new board members. Along with the other accountability officers, the Commissioner is working with staff to develop a training module for BIAs.

January 15:	Presentation – Duke Heights BIA
January 24:	Presentation – Downtown Yonge BIA
February 25:	Letter and Interpretation Bulletin – New Duties under the <i>Municipal Conflict of Interest Act</i> (MCIA)
February 27:	Presentation – Toronto Transit Commission (TTC)
March 5:	Presentation – Committee of Adjustment
March 6:	Presentation – Tribunals Nominating Panel
April 11:	Presentation – Toronto Investment Board
April 16:	Presentation – Toronto Association of Business Improvement Areas (TABIA)
April 29:	Presentation – Church-Wellesley Village BIA
May 14:	Presentation – Dangerous Dog Tribunal
May 22:	Presentation – Toronto Entertainment District BIA
May 23:	Presentation – Exhibition Place
June 19:	Presentation – Property Standards Committee
July 9:	Presentation – Sign Variance Committee
July 23:	Presentation – Toronto Parking Authority
July 25:	Presentation – Toronto Zoo
August 23:	Presentation – Toronto Local Appeal Body
September 5:	Presentation – Committee of Adjustment (Inaugural Meeting)
September 11:	Presentation – Pape Village BIA
October 24:	Presentation – Yonge-Dundas Square

- November 19: Presentation – TO Live
November 22: Presentation – Administrative Penalty Tribunal

Outreach to Members of Council

As in previous years, the Commissioner sent members of Council periodic reminders and updates about Code of Conduct and City policy obligations. The Office also developed a [guide to assist with the completion of travel declaration forms](#).

- January 25: Letter – Duties of Members of Council and their Staff Regarding Confidential Information
February 15: Letter and Interpretation Bulletin – New Duties under the *Municipal Conflict of Interest Act*
March 5: Letter – Environment Days 2019
September 10: Letter – Reminder Regarding Election-Related Activities
September 25: Email – New Code of Conduct Resources
December 6: Letter – Introductory Letter from New Commissioner
December 12: Joint Letter – Holiday Gift-Giving

Copies of the outreach letters can be found at Appendix 1.

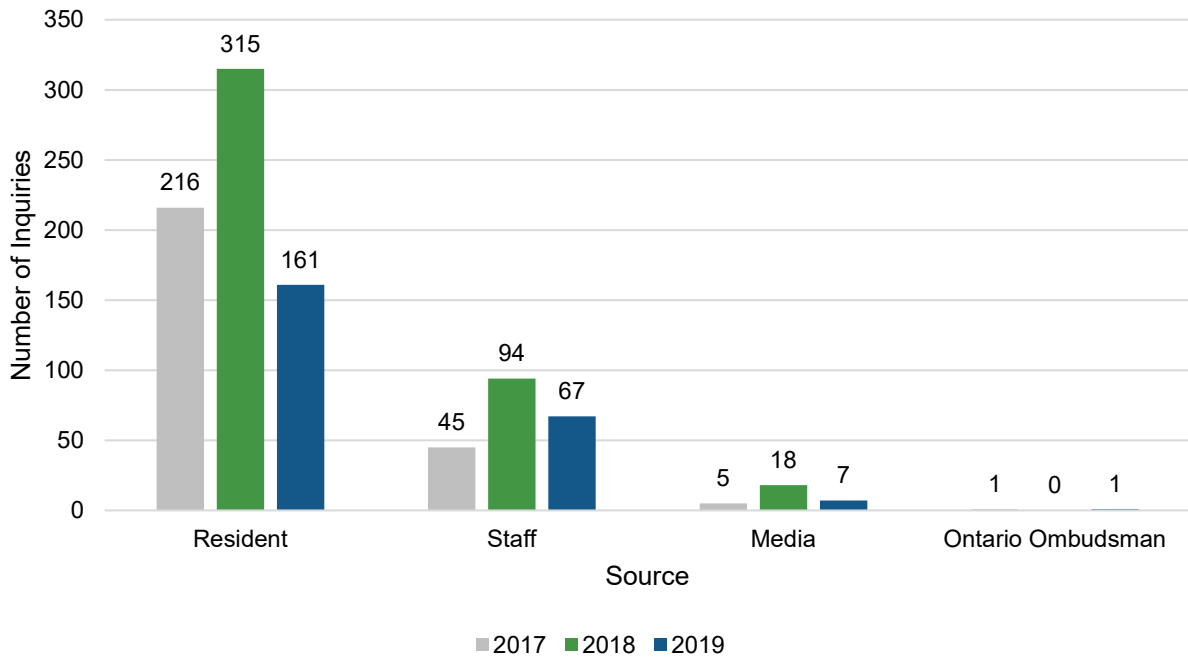
The Commissioner continued to meet with members of the new 2018-2022 Council in early 2019. The purpose of these meetings was to discuss the role of the Office and upcoming changes, to obtain feedback about election guidance and to create an opportunity for consultation. The Commissioner also held a number of Lunch-and-Learn sessions for the staff in members' offices.

Public, Staff and Media Inquiries

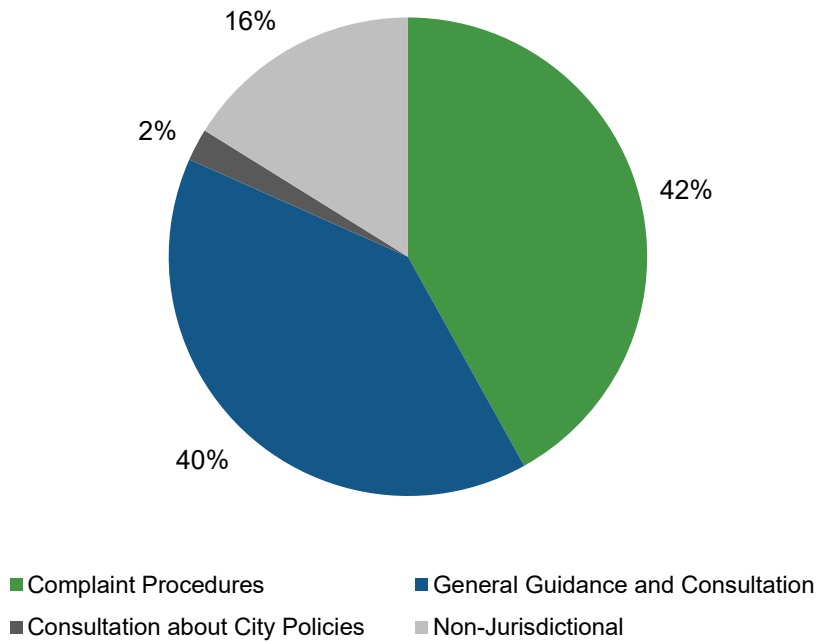
The Office responds to daily inquiries from the public, City staff and members of the media. The Office handles requests for information from staff, residents and the media about topics such as how to make a complaint, how complaints are handled through the formal and informal procedures and information about the Code of Conduct. Where appropriate, the Office makes referrals to other offices and institutions. The Office also responds to inquiries from the Ontario Ombudsman when it receives complaints about matters under the Commissioner's jurisdiction. All of these inquiries are reported below.

In this reporting period, the Office responded to 236 such inquiries.

Intake Inquiries



Nature of Resident and Staff Inquiries



Town of Collingwood Judicial Inquiry

On November 28, 2019, Commissioner Jepson sat on a three-person expert panel invited to appear before Associate Chief Justice Frank Morrocco of the Superior Court of Justice, who is conducting a judicial inquiry at the request of the Town of Collingwood into the 50 percent share sale of the Collingwood Utility Services Corporation. The panel presented on the topic of conflicts of interest. The website of the [Collingwood Judicial Inquiry](#) notes that:

“Judicial Inquiries are a way for governments to examine issues and problems outside the regular legislative process. Inquiries can help communities to benefit from independent, neutral consideration of matters in the public domain. Public inquiries can help develop public policy and make recommendations that will serve the public in the future”.

Previous judicial inquiries laid the groundwork for the establishment of this Office and also amendments to the *Municipal Conflict of Interest Act*. For this reason, when Justice Morocco’s report is released, the City of Toronto will need to review his recommendations and consider if and how they may apply to the City’s accountability framework.

External Outreach

In 2019, the Commissioner presented to a handful of external groups from within Canada and abroad who were interested in Toronto’s accountability framework and the role of the Integrity Commissioner. The Commissioner was pleased to work with two pairs of students as part of the Community Research Partnerships in Ethics (CRPE) program with the University of Toronto.

- | | |
|---------------|------------------------------------------------------------------------------------------|
| February 8: | OBA Institute – Integrity Commissioners and Code of Conduct Issues |
| February 28: | City of Surrey – Accountability Framework and the Integrity Commissioner |
| July 5: | Ukrainian Delegation – Accountability Framework and the Integrity Commissioner |
| September 11: | Law Society of Ontario – Professionalism & Practice Management in Administrative Law |
| September 26: | Osgoode Professional Development and Forum of Canadian Ombudsman – Essentials for Ombuds |
| November 20: | McLaughlin College – Ethics and the Public Service |

Website Sessions and Views

In addition to receiving direct requests for advice and information, the Office of the Integrity Commissioner's website provides visitors with access to the Codes of Conduct, City protocols and policies, reports to Council, and information for City officials.

The Office's website underwent a revitalization in 2019 to ensure information was easily accessible and user-friendly; it was launched at the end of January 2019. A new searchable tool was launched in September 2019 and was developed to replace the Annotated Code of Conduct. This [Advice and Case Summaries tool](#) allows users to search for sample advice and case summaries by article number, article name, type of legislation or keyword. The sample advice and summaries are taken from the Office's annual reports and investigation reports to Council. The full summaries of reports are linked to the search entries. This tool is for convenience only and does not replace full reports or advice from the Integrity Commissioner for a member's particular circumstances. The advice and case summaries found in this annual report will be available on the tool in the coming weeks.

Twitter Analytics

The Office of the Integrity Commissioner uses Twitter ([@TO_Integrity](#)) to raise awareness about the Office and share related information.

Section 6: Associations

The Commissioner attended two meetings of the Municipal Integrity Commissioners of Ontario ("MICO"), which is a gathering of integrity commissioners from municipalities across the province. This growing, informal group of practitioners in the field of municipal ethics and integrity is an invaluable resource to the Office and will play a key role in developing a core set of best practices for municipal integrity commissioners in Canada.

The Office has taken a leadership role in MICO and has continued efforts to establish a database for municipal integrity commissioner reports on the free public resource CanLII (Canadian Legal Information Institute). At the end of this reporting period, MICO had a total of [128 decisions published on CanLII](#) from various municipalities in Ontario. This is a 366% increase from the end of 2018. The Office also developed resources for MICO members to assist with their report submissions for CanLII.

Section 7: Budget and Financial Information

The 2019 approved budget for the Office was \$572,666.00. The expenditures for 2019 were \$425,384.19. Details of the expenditures of the Office during 2019 are attached to this report as Appendix 2.

Appendices

Appendix 1 – Letters to Local Boards and Members of Council

Appendix 2 – Financial Information

Appendix 1

February 25, 2019

Sent via Email (No Original to Follow)

Attention: Chairs

City of Toronto Business Improvement Area Board of Management
Toronto, ON

Dear Chair:

Re: New Duties under the *Municipal Conflict of Interest Act (MCIA)*

On March 1, 2019, significant amendments to the *City of Toronto Act, 2006* and the *Municipal Conflict of Interest Act* ("MCIA" or "Act") are coming into force. I am writing to draw your attention to these changes and how they affect members of BIA boards of management.

- Effective March 1, 2019, members of BIA boards of management are required to file written declarations of interest in addition to the existing requirement to make a verbal declaration at a meeting (new section 5.1).
- The City and its boards are required to establish a registry of declared interests and make it available for public inspection.
- The *City of Toronto Act, 2006* has been amended, effective March 1, 2019, to give additional powers to the Integrity Commissioner to provide advice to members of BIA boards of management on their obligations under the Act. This advice can be taken into consideration by a Court dealing with an MCIA complaint (section 9).
- There is a new prohibition on members of BIA boards of management using their office to influence City of Toronto or board officials on matters where the member has a direct or indirect pecuniary interest, even if this matter does not come before a meeting for decision (new section 5.2).
- There is a new provision allowing any member of the public to file a complaint with the Integrity Commissioner that a member of a BIA board has failed to meet their obligations under the Act. Previously a complainant needed to make application to a court.
- The MCIA now makes a broader range of penalties available to a judge for contravention of the Act. Previously, the only penalty available was removal from office.



I am pleased to provide the attached interpretation bulletin to help members meet their new duties under the *Municipal Conflict of Interest Act*.

Thank you for your help to distribute this letter and the bulletin to all board members.

Yours truly,

[original signed by Valerie Jepson]

Valerie Jepson
Integrity Commissioner

Enclosure (1): February 2019 Interpretation Bulletin: Identifying and Declaring
Pecuniary Conflicts of Interest at Meetings

c.c.: Mike Major, BIA Office

January 25, 2019

Sent via Email (No Original to Follow)

PRIVATE AND CONFIDENTIAL

Members of Council
City of Toronto
Toronto City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Members of Council:

Re: Duties of Members of Council and their Staff Regarding Confidential Information

As you review the Council agenda for the upcoming Council meeting and because this is the start of a new term, I write to remind members of Council and their staff of their obligations to protect confidential information received as part of the Council agenda. According to media reports, there were some disclosures of confidential information over the past term, and I wrote to members of Council about this issue in August 2018. While I trust that members of Council were not responsible for these disclosures, the obligation to maintain confidentiality is of such importance that I thought it worthy of a reminder as the new term begins.

Confidential information, such as legal advice, is distributed with special care to reinforce that it should not be distributed in any form or used for any purpose other than for what it was provided. For your ease of reference, your obligations, as well as those of your staff, are outlined below.

Members of Council

Article V of the [Code of Conduct for Members of Council](#) prohibits disclosure of confidential information for any purpose. Article V states (emphasis added):

V. CONFIDENTIAL INFORMATION

Confidential information includes information in the possession of, or received in confidence by the City that the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and*

Protection of Privacy Act (often referred to as “MFIPPA”), or other legislation. Generally, the *Municipal Freedom of Information and Protection of Privacy Act* restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.

The *City of Toronto Act, 2006* allows information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential. For the purposes of the Code of Conduct, “confidential information” also includes this type of information.

No member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.

Nor shall members use confidential information for personal or private gain, or for the gain of relatives or any person or corporation. As one example, no member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

Under the Procedures By-law (passed under section 189 of the *City of Toronto Act, 2006*), a matter that has been discussed at an in-camera (closed) meeting remains confidential. No member shall disclose the content of any such matter, or the substance of deliberations, of the in-camera meeting until the Council or committee discusses the information at a meeting that is open to the public or releases the information to the public.

The following are examples of the types of information that a member of Council must keep confidential:

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or Request For Proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Freedom of Information and Protection of Privacy Act*, and

- statistical data required by law not to be released (e.g. certain census or assessment data).
- Members of Council should not access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

Staff of Members of Council

Your staff also have a duty to maintain confidential information, which is described in the [Human Resources and Ethical Framework for Members' Staff](#), which states (emphasis added):

e. Use or disclosure of confidential information

Members' staff may not, during the term of his or her employment or any time thereafter, directly or indirectly use or disclose any confidential information obtained during their employment with the Member, unless they are required by law or authorized by the Member in writing and in advance. The obligation to maintain confidentiality continues after the ceasing of employment.

Confidential information includes, but is not limited to, privileged information, draft by-laws or staff reports, third party information, personal information, technical, financial or scientific information and any other information collected, obtained or derived for or from any records that a Members' staff may come into contact with while employed in the office of the Member.

I encourage you to review your obligations as set out in the *Code of Conduct for Members of Council* and to remind your staff of their obligations. I am available to answer any questions. Best wishes for a productive first meeting of the New Year.

Yours truly,

[original signed by Valerie Jepson]

Valerie Jepson
Integrity Commissioner

c.c. Chris Murray, City Manager
Ulli Watkiss, City Clerk
Wendy Walberg, City Solicitor

February 15, 2019

Sent via Email (No Original to Follow)

Members of Council
City of Toronto
Toronto City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Members of Council:

Re: New Duties under the *Municipal Conflict of Interest Act*

On March 1, 2019, significant amendments to the *City of Toronto Act, 2006* and the *Municipal Conflict of Interest Act* ("MCIA" or "Act") are coming into force. I am writing to remind you about how these upcoming changes affect you as a member of City Council. Effective March 1, 2019:

- Members of City Council are required to file written declarations of interest in addition to the existing requirement to make a verbal declaration at a meeting (new section 5.1).
- City Council is required to establish a registry of declared interests and make it available for public inspection.
- The *City of Toronto Act, 2006* has been amended, effective March 1, 2019, to give additional powers to the Integrity Commissioner to provide advice to members of Council on their obligations under the Act. This advice can be taken into consideration by a Court dealing with an MCIA complaint (section 9).
- There is a new prohibition against members of Council using their office to influence City of Toronto or board officials on matters where the member has a direct or indirect pecuniary interest, even if this matter does not come before a meeting for decision (new section 5.2).
- There is a new provision allowing any member of the public to file a complaint with the Integrity Commissioner that a member of Council has failed to meet their obligations under the Act. Previously, a complainant needed to make application to a Court.
- The MCIA now provides a judge with a broader range of penalties to impose in the case of a contravention of the Act.



I am pleased to provide the attached interpretation bulletin to help members meet their new duties under sections 5 and 5.1 of the *Municipal Conflict of Interest Act*.

Yours truly,

[original signed by Valerie Jepson]

Valerie Jepson
Integrity Commissioner

Enclosure (1): February 2019 Interpretation Bulletin: Identifying and Declaring
Pecuniary Interests at Meetings

c.c.: Ulli Watkiss, City Clerk
John Elvidge, Deputy City Clerk, Secretariat

March 5, 2019

Sent via Email (No Original to Follow):

Members of Council
City of Toronto
Toronto City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Members of Council:

Re: Environment Days 2019

At this time of year, many members of Council are working with Solid Waste Management Services ("SWMS") to host Community Environment Days. This letter includes some reminders about common issues that arise in relation to Environment Days.

Working with SWMS

Environment Days are co-sponsored with SWMS. That means:

- Members should be mindful of, and act in accordance with, SWMS' internal guidelines (attached).
- Before inviting any group to participate in an Environment Day, members should first consult with SWMS staff about possible invitees, to ensure that each invitee is suitable and consistent with the program objectives.
 - If, following this consultation with SWMS, members decide to offer additional services at the event, they must do so in accordance with the Constituency Services and Office Budget policy.

Dealing with Unsolicited Requests

Members are sometimes contacted by groups that wish to offer or showcase products or services at Environment Days. Members should exercise caution when responding to these unsolicited offers. To gain visibility, a vendor may offer a service to a member at a discounted rate—which would constitute a benefit or donation to the member. Such vendors may also be lobbyists within the meaning of the *Lobbying Bylaw*, who are thereby barred from offering any benefit or donation to members of Council. For this

reason, members should confirm that vendors who solicit goods or services are referred to the Office of the Lobbyist Registrar to seek advice about its registry and the *Lobbyists' Code of Conduct*, and ensure that any goods and services are purchased at market value. Members can determine market value informally, such as by obtaining quotes for similar services. Similar concerns also arise when not-for-profit entities solicit opportunities at Environment Days.

Environment Days are sometimes seen as opportunities for businesses and other groups to raise awareness of their business or cause. Members of Council – who represent all interests – may be asked why a particular business or group has been provided the Environment Days platform. Therefore, if you wish to accommodate any such requests, you must be prepared to answer questions from the public about why you selected the group to appear. My advice is that you plan ahead, recognize that you are accountable for the complement of groups that appear, and make choices that appear equitable and can be easily explained. I am available to you and your staff to help you weigh the pros and cons of each request.

Donations

Members sometimes explore options for obtaining donations of food, beverages, and similar amenities. Members are reminded that such requests must be made in accordance with the *Council- Member Organized Community Event Policy*, and therefore cannot be made to lobbyists, such as Enbridge. Importantly, members should not ask third parties or SWMS to seek such donations.

When in Doubt, Seek Advice

As noted, I am available to you to provide case-specific confidential advice. You can reach me at Valerie.Jepson@toronto.ca or 416-397-7770.

Best wishes for a successful Environment Day season!

Yours truly,

[original signed by Valerie Jepson]

Valerie Jepson
Integrity Commissioner

Enclosure (1): City of Toronto Environment Day Program Internal Guidelines (1 page)



c.c.: Cristina De Caprio, Lobbyist Registrar
Kelly McCarthy, Deputy City Clerk, Strategic Integration & Excellence
Derek Tung, Supervisor, Solid Waste Management

City of Toronto Environment Day Program Internal Guidelines

As a reminder, Community Environment Days are organized and operated by Solid Waste Management Services. As such, event policies are consistent with City of Toronto and Solid Waste Management Services' policies.

All Community Environment Day participants are to abide by these policies and procedures:

1. Office of the Integrity Commissioner
 - All City staff and Council staff shall be compliant to the high standards of conduct set out by The Office of the Integrity Commissioner
 - For more information, please visit: <https://www.toronto.ca/city-government/accountability-operations-customer-service/accountability-officers/integrity-commissioner/>
2. Purchasing Materials Management Division procedures
 - As per PMMD procedures, the procurement of goods must be made in a fair and competitive process through proper RFP's and RFQ's;
 - City and Council staff must refrain from permitting groups from selling/offering goods and services for monetary gain;
 - For more information please visit <http://insideto.toronto.ca/purchasing/index.htm>
3. Anti-scavenging policy
 - SWMS does not allow the scavenging of waste;
 - Scavenging is also not permitted under Environmental Protection Act R.R.O 1990, Regulation 347;
 - For more information, please visit <http://insideto.toronto.ca/solidwaste/pnp/memo-anti-scavenging-policy.pdf> or <https://www.ontario.ca/laws/regulation/900347>
4. Permit rules, regulations and conditions
 - All City and Council staff shall abide by the rules, regulations and conditions stipulated by the permit for the issued Environment Day location.

5. City Clerk's Office protocols
 - All City and Council staff shall refrain from endorsing any politician or political activity;
 - For more information, please visit <http://insideto.toronto.ca/clerks/>
6. Office of Lobbyist Registrars policy
 - Lobbying By-Laws must be adhered to at all times;
 - For more information, please visit <http://insideto.toronto.ca/lobbyist-registry/index.htm>
7. Guidelines for community groups
 - Community Environment Days is a program designed to promote and educate the public on various waste diversion initiatives as well as raising awareness about ongoing environmental issues;
 - We ask that when inviting groups to attend events, that they are related to the theme of the Community Environment Day program;
 - Please ensure all groups adhere to and sign the "Community Group Participation" Release and Waiver form prior to their arrival. Failure to do so can result in a refusal of their attendance;
 - All participants should report to the event Supervisor upon arrival. No unauthorized person may climb into event trailers or bins. The on-site Supervisor has the authority to ask a person to refrain from any activities deemed unsafe.

We ask that all staff members abide by these policies and procedures. If there are questions or concerns, feel free to contact Derek Tung, Environment Day Supervisor (Derek.Tung@toronto.ca). Thank you for taking part in the City of Toronto Community Environment Day program.

September 10, 2019

Sent via Email

Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON
M5H 2N2

Dear Members of Council:

Re: Reminder Regarding Election-Related Activities

I write further to my education and outreach mandate with some reminders about use of City resources during the upcoming federal election.

The Code of Conduct and the City's [Policy on Use of City Resources during an Election](#) prohibits use of City resources for any municipal, provincial or federal campaign purpose. City resources include City employees (e.g. members' staff), City events, City facilities, City funds, City information and City infrastructure.

While members of Council and their staff can become involved in election campaigns, care must be taken to ensure that there is enough separation between members' activities as elected officials and as campaign volunteers or supporters. The public must have confidence that the City's resources are not being used to support one political party or candidate over another. I urge members to err on the side of caution when applying the policies and principles relating to appropriate use of City resources. The Code of Conduct states that members "shall seek to serve the public interest by upholding both the letter and the spirit of the laws of the Federal Parliament and Ontario Legislature, and the laws and policies adopted by City Council."

Special Caution about Social Media Use

Members should also review [guidance about use of social media](#) and not post content that promotes any candidate or political party in the federal election on any social media account that:

- uses any toronto.ca email address as a point of contact for registration purposes;
- identifies the Councillor as a current member of Toronto City Council in the handle name, the user name or the profile description;
- is publicized on the member's constituency website or the City of Toronto's contact page for members of Council;
- is publicized on business cards, newsletters or other publications eligible to be paid for out of the Constituency Services and Office Budget for the duration of the currency of the publication;
- uses the logo or any other proprietary mark of the City of Toronto;
- contains contact information for the member at City Hall, a ward constituency office, or any other official contact information;
- is managed using City of Toronto resources including computers, smart phones, or tablets; or,
- is managed or maintained by City staff, the member's staff or volunteers, or using services eligible to be paid for out of the Constituency Services and Office Budget.

I am available to members of Council to answer questions about specific scenarios.

Yours truly,

[original signed by Valerie Jepson]

Valerie Jepson
Integrity Commissioner

c.c. Ulli Watkiss, City Clerk
Chris Murray, City Manager
Wendy Walberg, City Solicitor

September 25, 2019

Dear Members of Council:

New Resources

I am pleased to share with you two new resources that the Office of the Integrity Commissioner has developed over the summer to assist you and your staff.

The first resource is a new [Advice and Case Summaries tool](#) on the Office's [website](#). Using this tool, you can search for past anonymized advice and case summaries from the Office's annual reports as well as investigation reports to Council. My goal in developing this tool was to create a more dynamic and current resource to replace the old Annotated Code of Conduct. Please keep in mind that the tool is for convenience only and does not replace full reports or advice from my Office for your particular circumstances.

The second resource is a [guide for sponsored travel](#). A written guide outlines the procedure for accepting sponsored travel as well as some tips and examples of supporting documents. The guide also includes a sample Travel Declaration Form to provide more information on how to complete the form. This document is available in the Gifts, Benefits and Donations Hub of the [Resources for Members of Council](#) page. Please keep in mind that the Code of Conduct requires disclosure of all gifts or benefits received by members of Council that exceed \$300.

I hope you find these two resources helpful. Please feel free to contact my Office with any questions.

Valerie

December 6, 2019

Sent via Email

Members of Council
City of Toronto
Toronto City Hall
100 Queen Street West
Toronto, ON M5H 2N2

Dear Members of Council:

Re: Introductory Meeting with Integrity Commissioner

I am writing to introduce myself and to express what an honour it is to be appointed as the Integrity Commissioner for the City of Toronto.

I believe the Office of the Integrity Commissioner has an important role to play in encouraging a culture of integrity and accountability in our City's government as well as fostering public confidence in it. I appreciate the importance that City Council has placed in ensuring the highest ethical standards are maintained when serving the public.

The mandate of my Office is to provide expert advice, promote ethical standards, investigate complaints and support policy development. In performing this mandate, my key objectives are to:

- promote a better understanding of the purposes of the Code of Conduct for elected and appointed City officials and of the *Municipal Conflict of Interest Act*;
- be accessible to members of Council to maintain your confidence and provide you with timely, practical and comprehensive advice;
- provide members of Council with thorough, balanced, and reasonable recommendations and reports;
- resolve complaints through mediation or informal resolution, where appropriate and possible; and,
- investigate matters quickly, fairly and efficiently.

In the days and weeks to come, I am setting up meetings with each member to introduce myself and discuss these priorities. In particular, I would like to hear from you about how my Office can best serve you, your staff and the public.



OFFICE OF THE
INTEGRITY
COMMISSIONER
TORONTO

I look forward to our meeting.

Yours truly,

[original signed by Jonathan Batty]

Jonathan Batty
Integrity Commissioner

December 12, 2019

Dear Members of Council and Staff:

Re: Holiday Gift-giving and Events

During the holiday season, members of Council sometimes receive gifts and invitations to events. Please be reminded that:

- Under the [Lobbying By-law](#), lobbyists are not permitted to offer or provide gifts, entertainment, meals or favours of any kind.
- Under the [Code of Conduct for Members of Council](#), members have a companion obligation not to receive such gifts or benefits of any value from lobbyists.
- Further, members are reminded that they are not permitted to receive a gift or benefit from any other source unless one of the exceptions set out in Article IV of the Code of Conduct applies.

If offered a gift or an invitation to an event, members of Council and their staff should be aware of the Lobbying By-law and their own Code of Conduct obligations. This may mean politely declining gifts or invitations. Members of Council can contact the Integrity Commissioner at Jonathan.Batty@toronto.ca or 416-397-7770 for specific advice.

Please contact the Lobbyist Registrar, Cristina De Caprio at Cristina.DeCaprio@toronto.ca or 416-338-5865 for advice on the provisions of the Lobbying By-law relating to gifts and invitations; to ask if someone is a lobbyist or the client of a lobbyist; or to report that a lobbyist has offered or provided a gift, meal, entertainment or favour in breach of the Lobbying By-law.

Yours truly,

[original signed by Jonathan Batty and Cristina De Caprio]

Jonathan Batty Cristina De Caprio
Integrity Commissioner Lobbyist Registrar

c.c. Chris Murray, City Manager
 Ulli Watkiss, City Clerk



Appendix 2

City of Toronto														
Integrity Commissioner Office Expense Budget														
Actuals January - December 2019														
Charged to Cost Centre IG0001														
OFFICE OF THE INTEGRITY COMMISSIONER														
Cost Element	Cost Element Name	January '19	February '19	March '19	April '19	May '19	June '19	July '19	August '19	September '19	October '19	November '19	December '19	January - December '19
		Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Totals
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
1015	Full Time Regular Pay	13,907.29	21,719.60	22,240.82	21,924.00	21,924.00	34,165.01	22,135.40	22,135.40	22,135.40	22,135.40	22,135.41	47,894.15	294,451.88
1050	Permanent - Vacation Pay	7,732.37											5,438.76	13,171.13
1555	Separation - Salary	3,923.08												3,923.08
1711	Comprehensive Medical	447.31	460.75	443.48	443.48	443.48	665.22	443.48	443.48	443.48	443.48	443.48	943.31	6,064.43
1712	Dental Plan	226.19	256.53	239.18	239.18	239.18	358.77	239.18	239.18	239.18	239.18	239.18	509.44	3,264.37
1720	Long Term Disability	286.57	443.96	454.56	448.14	448.14	698.28	452.46	452.46	452.46	452.46	452.46	955.06	5,997.01
1730	Group Life Insurance	134.13	162.48	166.14	163.92	163.92	254.57	165.36	165.36	165.36	165.36	165.36	348.99	2,220.95
1740	Employment Insurance	742.22	414.76	424.70	170.20	102.98	178.91	107.02	107.02	104.69				2,663.92
1745	EI Rebate	38.49	32.70	33.46	13.42	8.12	14.11	8.44	8.44	8.34				169.74
1750	Ontario Health Tax	501.84	427.34	437.50	430.97	430.86	671.36	435.02	435.02	435.02	434.86	434.86	1,046.89	6,121.54
1760	Canada Pension Plan	1,955.95	1,090.20	1,116.85	506.77	263.78	461.09	274.66	274.66	274.65	144.94		691.59	7,055.14
1770	Pension Plan (OMERS)	2,214.83	2,700.26	2,776.46	2,730.32	2,730.32	4,282.39	2,761.38	2,761.38	2,761.38	2,761.38	2,761.39	5,925.20	37,166.69
	Total Salaries and Benefits	32,110.27	27,708.58	28,333.15	27,070.40	26,754.78	41,749.71	27,022.40	27,022.40	27,019.96	26,777.06	26,632.14	64,069.03	382,269.88
2010	Stationery			79.53	27.94						26.68			134.15
2020	Books & Magazines										139.00			139.00
2040	Paper & Print Supplies	86.94										49.76		136.70
2570	Janitorial Supplies											18.41		18.41
2999	Miscellaneous Materials								274.21					274.21
3410	Computers - Hardware												2,486.91	2,486.91
3420	Computers - Software			125.63									527.36	901.78
4010	Professional Services - Legal			3,757.49	4,558.84	2,248.90	1,759.94	457.92	7,490.92	1,799.63	4,156.14	2,339.97	946.36	29,516.11
4015	Professional Services - Audit						1,900.00							1,900.00
4078	Consulting Services - Technical					549.50								549.50
4086	Translation & Interpreters											55.56		55.56
4122	Transcripts			249.22										249.22
4132	Conduct Money				(53.00)									(53.00)
4144	Investigative Expense									427.39				427.39
4256	Conference/Seminar - Registration Fee												811.24	811.24
4340	Tuition Fees											1,172.85	327.15	1,500.00
4416	Transfer, Haulage & Storage												79.38	79.38
4424	Contracted Services - General												204.79	204.79
4473	Managed Print Charges					68.40				54.85			67.61	190.86
4760	Membership Fees		619.00											619.00
4804	Wireless Devices												590.21	590.21
4811	Cellular Phones		47.19	55.31			270.47	55.31		55.31	192.02		151.32	826.93
4995	Other Expenses									12.00				12.00
6031	Contribution - Insurance Reserve Fund						4,464.53			(3,059.37)				1,405.16
7030	IDC - Printing			66.62		15.27	15.27		39.13				2.51	138.80
	Total Office Expenditures	\$ 86.94	\$ 666.19	\$ 4,333.80	\$ 4,533.78	\$ 2,882.07	\$ 8,410.21	\$ 513.23	\$ 7,804.26	\$ (710.19)	\$ 4,762.63	\$ 3,636.55	\$ 6,194.84	\$ 43,114.31
	Total Monthly Expenditures	\$ 32,197.21	\$ 28,374.77	\$ 32,666.95	\$ 31,604.18	\$ 29,636.85	\$ 50,159.92	\$ 27,535.63	\$ 34,826.66	\$ 26,309.77	\$ 31,539.69	\$ 30,268.69	\$ 70,263.87	\$ 425,384.19