



## INTEGRITY COMMISSIONER'S REPORT FOR ACTION

### Report for Action: Report on the Decision to Terminate the Investigation of a Complaint Against Former Councillor Justin Di Ciano

**Date:** December 10, 2020

**To:** City Council

**From:** Jonathan Batty, Integrity Commissioner

**Wards:** All

#### SUMMARY

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The Integrity Commissioner has jurisdiction to conduct inquiries pursuant to the *City of Toronto Act, 2006* and Chapter 3 of the Toronto Municipal Code. Under section 4.4(E)(2), the Commissioner may terminate an investigation if the Commissioner is of the opinion that the inquiry would serve no useful purpose. This Report for Action transmits to City Council the Commissioner's decision to terminate an investigation against former Councillor Justin Di Ciano. The Commissioner is filing this report with City Council for its information.

#### RECOMMENDATIONS

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The Integrity Commissioner recommends that:

1. City Council receive this report for information.

#### FINANCIAL IMPACT

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This report has no financial impact.

#### DECISION HISTORY

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City Council has not previously considered this matter.

## COMMENTS

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On August 2, 2016, the Office of the Integrity Commissioner received a complaint alleging that Councillor Di Ciano had contravened Article VIII (Improper Use of Influence) of the *Code of Conduct for Members of Council* (the “Code of Conduct”). The complaint alleged that the Councillor improperly participated in the consideration of a matter involving a developer with which he had a beneficial relationship, at the Planning and Growth Management Committee meeting on May 11, 2016.

Former Integrity Commissioner Valerie Jepson commenced an investigation of the complaint in 2016, but before her investigation was completed, she determined there were reasonable grounds to believe that there had been a contravention of the *Municipal Elections Act, 1996*. As was required by section 164 of the *City of Toronto Act, 2006*, on August 11, 2017, Commissioner Jepson referred the matter to the Toronto Police Service and immediately suspended her inquiry.

A charge under the *Municipal Elections Act, 1996* was laid against Councillor Di Ciano by the OPP on November 16, 2018 and withdrawn by the Crown on February 24, 2020.

The Integrity Commissioner has concluded that continuing this investigation would serve no useful purpose and has, accordingly, terminated this investigation. Given the referral to the OPP, the public’s knowledge of the investigation and its duration, it is in the public interest to report this outcome to Council.

## CONTACT

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## SIGNATURE

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Jonathan Batty  
Integrity Commissioner

## ATTACHMENTS

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Attachment 1: Report on the Decision to Terminate the Investigation of a Complaint Against Former Councillor Justin Di Ciano (8 pages)