

# 2020 Annual Report

Office of the Integrity Commissioner

Jonathan Batty

June 29, 2021

**ICT**

OFFICE OF THE  
**INTEGRITY  
COMMISSIONER**  
TORONTO

# Table of Contents

Commissioner's Message .....	3
Report on Activities .....	8
Section 1: Providing Timely Advice to Members of Council and Local Boards.....	9
Sample Advice to Members of Council .....	11
Sample Advice to Members of Local Boards .....	14
Reporting of Gifts and Benefits.....	18
Section 2: Receiving, Reviewing and Investigating Complaints .....	19
Formal Complaints and MCIA Applications.....	19
Investigations .....	27
Informal Complaints .....	29
Section 3: Outreach Activities.....	30
Local Board Outreach .....	30
Outreach to Members of Council .....	30
Public, Staff and Media Inquiries .....	30
Town of Collingwood Judicial Inquiry.....	32
City of Toronto Outreach .....	32
External Outreach .....	32
Office Website.....	32
Twitter .....	32
Section 4: Associations .....	33
Section 5: Budget and Financial Information .....	33
Appendices .....	34
Appendix 1 .....	35
Appendix 2.....	43

# Commissioner's Message

## Introduction

As the pandemic unfolded over the course of 2020, governments around the world faced a public health crisis not seen for generations. The human and societal costs will continue to have far reaching consequences. The last year also highlighted some of the long-standing inequities in our society related to poverty, racism, and discrimination, including anti-Indigenous racism, anti-Black racism, and anti-Asian racism.

Other reports will be better placed to more comprehensively analyse these specific impacts on the City of Toronto's government.

This report tells the story of 2020 from the perspective of my Office and its mandate. In doing so, there are a couple of things we are introducing.

- We are trying to use more plain language, and provide more factual detail, to make our case and advice summaries more accessible.
- We are using gender-neutral language. I use he/him pronouns. In this report, where there are specific references to me or my personal decisions, there are references to my gender. Where there are general references to the position of Integrity Commissioner, a non-gendered reference is used. Similarly, where in an anonymized summary a member of Council, board member, or member of the public is referred to, we do not identify personal characteristics unless relevant, for example where a complaint alleges discrimination on an enumerated ground.

## Office Operations

The first Integrity Commissioner was appointed in 2004 and served on a part-time basis. In 2014, Council decided to fill the position on a full-time basis. Over the years, the Office has had a small support staff. At the end of 2019, the Office was supported by an Intake and Office Assistant and was approved to hire a full-time legal counsel.

Kate Zavitz began work as Legal Counsel for the Office in February 2020, and her experience and insight are a tremendous benefit to the work of the Office.

Having, myself, been appointed two months before, we relied on Caroline Teigné, the Office's Intake and Office Assistant as our operational mainstay. In order to better reflect her contribution to the Office, in 2020, I asked that her title be amended to Coordinator, Administration and Operations.

What initially began as a transitional period for the three of us at the start of 2020 became a new remote working environment for the remainder of the year. I wish to thank my team for their

diligence and dedication to public service over this difficult and rapidly changing time. I would also like to thank the teams in the City Clerk's Office and the City Manager's Office for their help supporting our operations.

Our manner of work changed from operating as an in-person environment to a mostly remote-based one. After workplace restrictions were imposed, we did not attend the office on a regular basis together and stopped all in-person meetings with others.

We experienced some operational challenges in the early weeks of the emergency response. We needed to set up remote workstations and use new applications, which increased our reliance on the City's IT network for our day to day tasks.

We paused investigative activities for a short period of time in recognition of the fact that complainants, respondents, and witnesses were dealing with emergency-related matters of immediate public priority. When we resumed investigations, we did our interviews using video conferences.

At the outset of my term, I was briefed as a matter of course on the City's emergency management response model. Shortly after that, the City of Toronto's Emergency Operations Centre was activated. In the early days of the public health emergency, a telephone conference briefing was held at the start of each day to update the City's divisions as to how Toronto was addressing this crisis. It was especially helpful as an Accountability Officer to be included in these briefings and receive this information as it helped the operation of my Office and our ability to respond to inquiries from the public.

The origins of my Office trace back to the Bellamy inquiry which examined events flowing from another challenging time for the City's government: the amalgamation of the City of Toronto in 1998. Any time there is unexpected or rapid change, ethical safeguards may be challenged. Risks may arise when best practices are compromised by a perceived need for expediency. In novel situations, appropriate lines of authority may be unclear. Patience and effective cooperation may also be tested. I was very cognizant of these things in fulfilling my mandate in 2020.

Over the year, I exercised my discretion to provide general advice to senior officials about how to ensure the City of Toronto maintains the highest ethical standards in government. That advice included:

- An open letter to members of Council in April 2020. It noted this was an extraordinarily difficult time for the people of Toronto and recognized they were turning to members of Council and their staff for help. We had inquiries from members of Council concerning the obligations in the Code of Conduct in light of the pandemic. I advised the Code of Conduct had to be interpreted in a contemporary context. Specifically, I provided advice in respect of landlord and tenant matters, access to necessary services in the

community, physical distancing, and fundraising initiatives. This proactive advice is likely to have addressed many of the questions for which advice may have been requested. A copy of that letter is included in Appendix 1.

- Meeting with the Chief Recovery and Rebuild Officer, who was appointed from the private sector, to lead the Toronto Office of Recovery and Rebuild. Prior to being appointed to his role, he had a prominent history in the provincial government and its agencies. I felt it important to review the requirements of the City's accountability framework, my Office's role, and also to better understand the ethical framework governing his position.

With those things described, there are a number of other matters from the past year that are important to mention.

### **Operational Budget**

For many years, the Office has identified that it requires the flexibility to retain external legal and investigative resources to supplement its in-house resources. This was because some investigations require specialized forensic and other skills, and complex and concurrent investigations may require such additional resources. Before 2020 the Office needed to budget for this as a full contingency each year, although such funds might not be fully spent each year. The Office was unable to set aside funds to address these needs in a flexible manner. Creating a pool of funds, in essence a reserve fund, to cover these contingencies is a more cost-effective and consistent way of supporting the Office's work. On December 16, 2020, Council approved and funded such a reserve. This is an important recognition of the value and contribution of the Office of the Integrity Commissioner to the City of Toronto's accountability framework.

### **Operational Performance**

Under the *City of Toronto Act, 2006*, the mandate of my Office is to:

- Increase member and public awareness about the rules in the elected and appointed members' Codes of Conduct and the *Municipal Conflict of Interest Act* (MCIA) so they understand the high standards of conduct members are required to meet.
- Give proactive advice to elected and appointed members to help them perform their duties in a way that best serves the public and protects and maintains the City of Toronto's reputation and integrity.
- Resolve complaints fairly and impartially to ensure that allegations of member misconduct are evaluated, investigated, and concluded in a timely manner so that, if there is found to be misconduct, it can be reported to the court, City Council, or the local board to impose a penalty or order remedial action.

- Provide Council and City staff with expert policy advice about matters dealing with ethics and integrity to improve the City of Toronto's public administration and governance.

As reflected in this report, some of the key points of the past year in respect of raising awareness include:

- Meeting members of Council to review the purpose and objectives of the Office of the Integrity Commissioner and the services it provides (23 of 26 members met with me).
- Meeting with members of local boards to provide information on their obligations under the *Code of Conduct for Members of Local Boards* and the *Municipal Conflict of Interest Act*. Fewer presentations were conducted due to the pandemic response and local boards adjusting to the virtual meeting format and their pressing issues.
- Answering inquiries from the public, City staff, and the media. As is noted in the report, fewer inquiries were received. Notable decreases were observed at the beginning of the pandemic.
- Providing general advice to members of Council about Environment Days 2020 and how to deal with unsolicited requests and donations.
- Providing general advice to the board of CreateTO on the jurisdiction and complaint procedures of the Office of the Integrity Commissioner, as questions about this arose at one of its meetings.
- Presenting to a leadership training session for Toronto Fire Services about the City's Codes of Conduct, the *Municipal Conflict of Interest Act*, and the role of the Integrity Commissioner.
- Hosting two virtual meetings of the Municipal Integrity Commissioners of Ontario (MICO) group.
- Partnering with the Community Research Partnerships in Ethics (CRPE) program at the University of Toronto and working with two students for the 2020/21 academic year.
- Meeting with provincial and federal accountability officers to plan the 2021 Public Sector Ethics Conference.

In respect of providing advice:

- I gave advice on 74 questions from members of Council and 27 questions from members of local boards. The advice involved both complex and straightforward issues, several of which have been summarized in this report where it is possible to do so. Response times were longer, especially at the beginning of the pandemic, due to operational constraints.
- The Office processed 13 gift declaration forms. This was fewer than prior years due to community events and non-essential travel being prohibited during the pandemic.

In respect of complaints:

- The Office received almost twice the number of formal complaints it did in 2018. In comparison to past years, this increase did not appear to be directly attributed to the pandemic as only five complaints dealt with pandemic-related matters.
- Of the complaints received in 2020, the Office closed 76% of them.
- The average and median number of days to complete an investigation were 282 and 249, respectively. This was comparable with 2019.
- The average and median number of days to close a complaint at the intake stage were 52 and 32 respectively. This was improved from previous years.

In conjunction with the Auditor General, the Ombudsman, and the Toronto Lobbyist Registrar, we updated and renewed our Memorandum of Understanding, which is key to supporting the City's accountability framework.

Finally, the Office participated in a review and update with the City's Human Rights Office of the Human Rights and Anti-Harassment/Discrimination (HRAP) – Complaint Procedures for complaints against senior City officials.

### **Future Activities**

For the upcoming year, as part of our efforts to use more plain language and be more accessible, we will be revising and simplifying our complaint forms.

We will also be undertaking Confronting Anti-Black Racism training, and other diversity training, to improve our awareness and help us re-examine how we do our work.

The review of the Codes of Conduct for Council, local boards, and adjudicative boards will be a major priority for 2021. Council adopted them in 2008, and they have not been substantively reviewed and updated since then.

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, MCIA 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, MCIA 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 the MCIA .

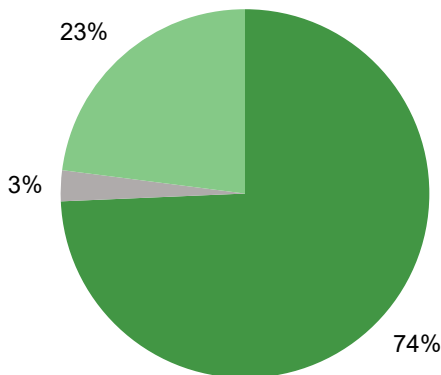


## Section 1: Providing Timely Advice to Members of Council and Local Boards

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.

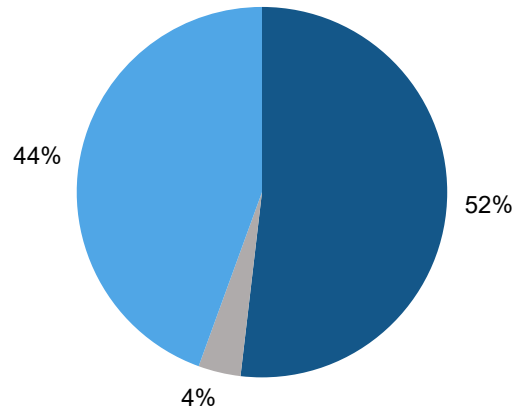
In 2020, members of Council and local boards received advice via telephone, in writing, and by video conference instead of in person. Advice included requests for information, referrals to other resources, and application of the Codes of Conduct, the MCIA or City policies in specific circumstances. Formal advice was issued in writing to comply with section 159(2.2) of the *City of Toronto Act, 2006*.

*Advice Response Time: Members of Council*



- Advice Provided in 2 Days or Less
- Advice Provided in 3 Days
- Advice Provided in 4 Days or More

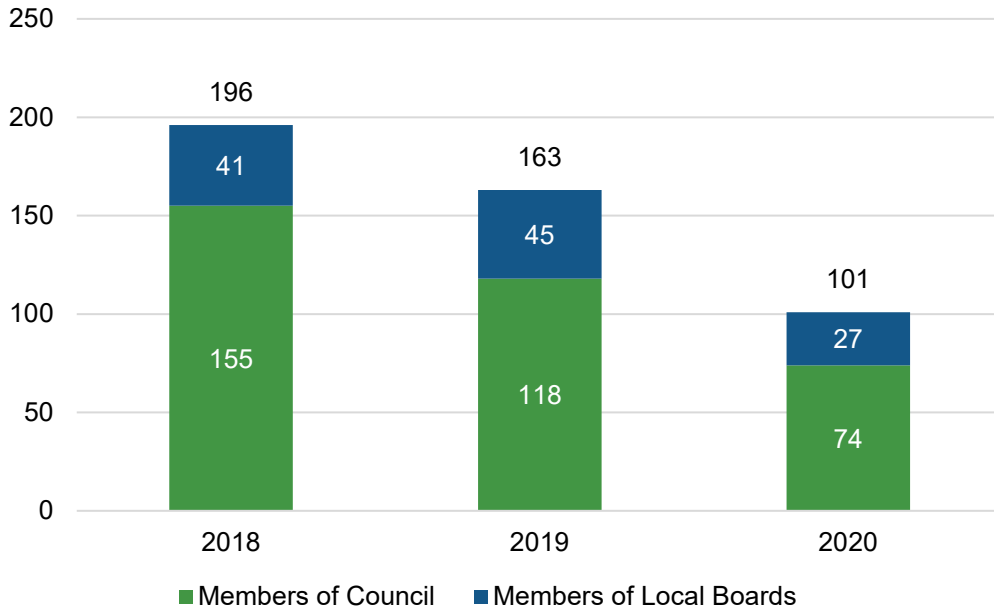
*Advice Response Time: Members of Local Boards*



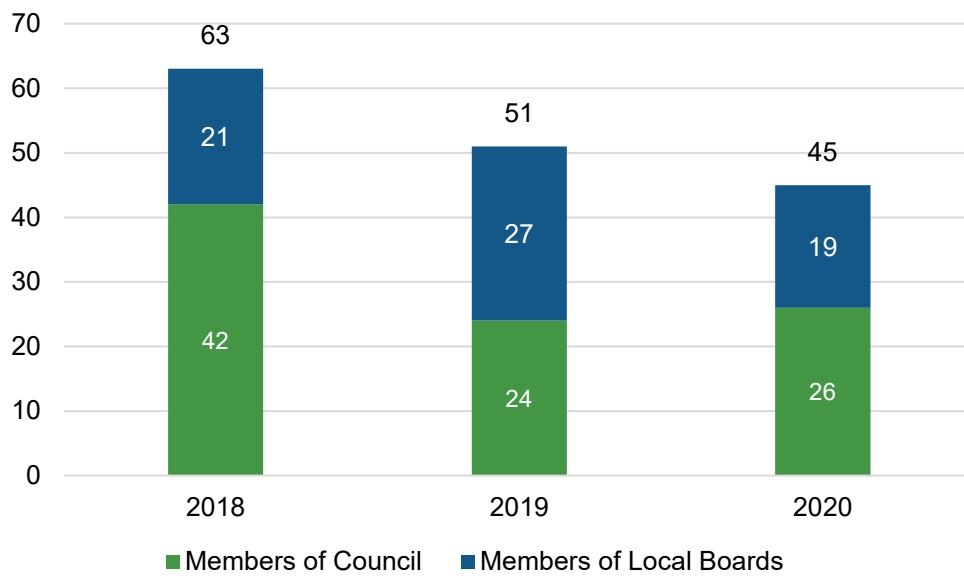
- Advice Provided in 2 Days or Less
- Advice Provided in 3 Days
- Advice Provided in 4 Days or More

I provided 101 pieces of advice during this reporting period. Advice was provided in two days or less to members of Council 74% of the time and to members of local boards 52% 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.

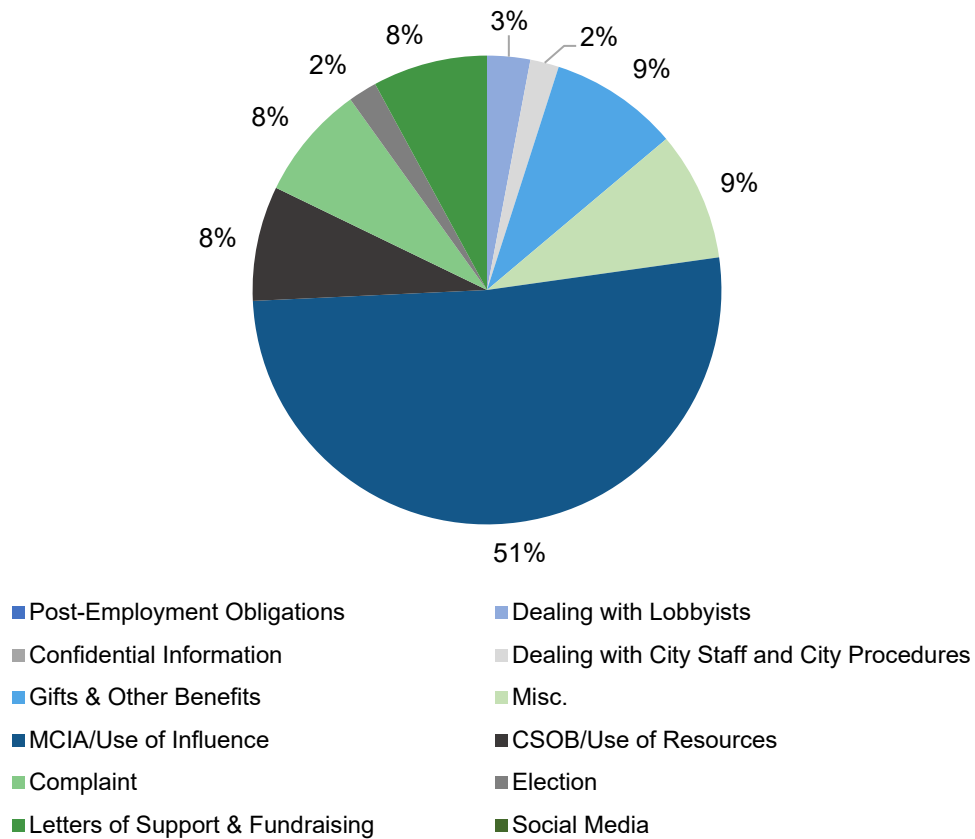
*Pieces of Advice Issued to Members of Council and Local Boards*



*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 2020. These summaries are intended to help elected and appointed members identify possible issues under the relevant Code of Conduct or the MCI, but they are not a replacement for advice applicable to specific circumstances.

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

#### Sample 1: Providing a Letter of Support to a Constituent Appealing a Permit Denial

***A member asked if they could provide a letter of support to a constituent to be submitted to the Hearing Board of the Toronto and Region Conservation Authority (TRCA) for the constituent's appeal of a permit denial.***

I advised that the member should not issue a letter of support. Once a member sends a letter to a constituent, the member does not have control over how the constituent interprets or frames the support. As a general principle, members of Council should not write to, or appear before,

bodies to which Council appoints members, and should seek advice from my Office about the particular circumstances.

Sample 2: Signing a Letter of Support for Rent Forgiveness

***A member asked about signing a letter drafted by owners of a local business, to send to their landlord, requesting rent forgiveness due to the impact of COVID-19-related closures.***

I advised that the member should not sign the letter. Members of Council should not sign letters drafted by others and should not get involved in private disputes. I referred the member to my April 2020 letter to members of Council that outlined what support members' offices could offer. A more appropriate action would be to write an open letter advocating for reasonable and mutual accommodations to landlords and tenants in the member's ward.

Sample 3: Promoting a Crowd Funding Campaign for Staff

***A member asked if they could use their office resources to promote a crowd funding campaign to support the family of one of their employees, who was experiencing a difficult time. The fundraiser was not organized by the member.***

I advised that the member should not use office resources to encourage public donations to a staff member. This could be considered soliciting a benefit tied to the office. I suggested that questions from the public about how to help be directed to the family, as it was dealing with other offers of help directly.

Sample 4: Conducting Business in Other Wards

***A member asked if they could participate in a public interest project in another member's ward. They asked whether they should first give the ward councillor a courtesy call.***

I explained that the member was not required to make a call to the ward councillor as the business was an initiative serving a public purpose. However, a courtesy call is advised if a member steps in to deal with a constituent matter in another ward because its councillor decided not to assist.

Sample 5: Participating in a Campaign by a Private Company

***A member wondered if they could take part in a campaign launched by a credit card company to support local businesses. The credit card company offered to provide the member with social media messaging and a photographer.***

I advised that that the member should not participate as it appeared to mainly be an advertising campaign promoting the company's credit card. This would only provide minor benefit to those

local businesses accepting this credit card. The City of Toronto had its own economic recovery efforts, and this did not appear to be aligned with them. Members should avoid appearing to endorse and show preference for a private company. Using free media services provided by the company for the campaign could meet the Code of Conduct's description of a prohibited gift or benefit.

The materials sent by the credit card company may be lobbying but the company was not listed in the Toronto Lobbyist Registry. I advised that the member's office should not respond until the lobbying matter was addressed.

#### Sample 6: Participating in a Promotional Video for a Developer

***A member asked about joining in a video celebrating the finish of a private building development.***

I advised that the member not participate in the video as it was being put together by the developer to promote sales. A reasonable observer could think that the member was using their office to advance the company's private commercial interests.

#### Sample 7: Meeting and Supporting a Union

***A union asked a member to write to an employer asking them to adopt a new collective agreement. The union's members are not City employees but work for an agency that receives funding from the City of Toronto. The member asked if they could meet with the union representative to discuss this.***

I advised that the member should not meet with the union representative. The meeting was not requested by a constituent and was a private labour matter. The union agent should first ask the Toronto Lobbyist Registrar whether they need to register as a lobbyist. Members of Council and their staff should not meet with an unregistered lobbyist.

I advised that the member should not provide a letter of support to the union as it may look like pressure from one of the employer's major funders – an improper use of influence.

#### Sample 8: Receiving and Distributing PPE

***A member asked if they could get involved in the distribution of personal protective equipment (PPE) from a developer working in the member's ward.***

I referred the member to my April 2020 letter on providing assistance to the community during the public health emergency. The member's office could assist with coordination but should not be the receiver and distributor of PPE. This could look as though the donor was trying to win the favour of the member's office. I also warned that the member could not guarantee the quality of the PPE.

### Sample 9: Supporting a Candidate in a By-Election

***A member asked if they could help solicit votes and contributions for a candidate in a by-election, using email and social media.***

I advised this would be permitted so long as the member used their personal email or social media accounts. The message could not include the official title of the member or mention their role on Council.

### Sample 10: Participating in an IT Pilot Project

***A member asked me if their office could accept software as part of a local company's pilot project. The application would be free during the pilot project and offered at a reduced priced afterwards.***

I advised that accepting the software for free would be a prohibited gift. The discount offered after the pilot period ended would also be a prohibited gift. I flagged that this company may need to register as a lobbyist. If the member chose to purchase the product, they would need to consult with the City's IT department to ensure it met City standards for privacy and security.

### Sample 11: Dealing with Inappropriate Behaviour

***A member asked for advice on dealing with a constituent who frequently called and used racist language towards staff.***

I suggested that the member consult with the City Clerk's Office and the City Solicitor's Office about implementing appropriate service restrictions and providing support to the staff members subjected to these comments. I reminded the member that under the Human Resources Management and Ethical Framework for Members' Staff, members are responsible for providing a safe, professional, and respectful work environment.

## **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: Accepting an Invitation to a Gala

***A member asked if they could accept an invitation to a gala from a supplier doing business with the board.***

I advised that the member should decline the invitation as the company was a registered lobbyist in the Toronto Lobbyist Registry. Article IV (Gifts and Benefits) of the Code of Conduct

prohibits members from accepting a gift or benefit from lobbyists or their clients or employers. The member was offered the invitation due to their role on the board.

#### Sample 2: Facilitating Meetings on Behalf of Clients

***After a member emailed staff encouraging them to meet with one of the member's business clients, a registered lobbyist, the member wondered if they had made a mistake and contacted me for advice.***

I advised that the member had used their position on the board to facilitate a meeting to establish a business relationship between the board and the member's private client. I stated that these activities did not comply with the rules set out in the Code of Conduct and the MCIA.

I advised that the member take steps to address the error. They were told to disclose to staff and the board what had occurred and my advice. I recommended setting up an ethical screen to prevent the member's further involvement in the matter and directed the member to further consult me if the board decided to do business with the member's clients.

#### Sample 3: Providing Legal Representation to a Client

***A member of an adjudicative board asked if they could represent a client under the Highway Traffic Act and Compulsory Automobile Insurance Act.***

I advised that the member did not have a conflict because the member was not appearing before a City adjudicative board, and this was not a matter involving City enforcement officials.

#### Sample 4: Working at a Banking Institution

***A BIA board member who worked at the bank branch at which the BIA's bank accounts were located asked if they were in a conflict.***

I advised that the member's current employment did not violate Article IX (Business Relations) of the Code of Conduct. The member was a salaried employee of the bank and received no financial benefit from the accounts being located at their branch. This had been the BIA's home bank branch prior to the member joining the board and the BIA received no special treatment for having the accounts located there. Also, the member would require a second signature to make a BIA transaction and did not manage the BIA's accounts at the branch.

#### Sample 5: Declaring an Interest at Meetings and Establishing a Screening Process

***A board member was an employee of an organization that sometimes has matters before the board. They sought advice about how to screen themselves from receiving materials about their employer's organization and how to declare the conflict during meetings.***

I advised that the member needs to ensure that they are screened from receiving communications about their employer from staff and other board members. I explained that declarations of interest need to be submitted at the outset of each board meeting for agenda items involving the member's employer. If the matter unexpectedly arises, the member should immediately declare the conflict. The member must leave in-camera meetings or when such matters are being discussed. I referred the member to the [February 2019 Interpretation Bulletin](#) on identifying and declaring pecuniary interests at meetings.

#### Sample 6: Addressing Undeclared Conflicts of Interest

***A member asked whether another board member was acting in a conflict of interest and what a board can do if it believes a member did not declare a conflict of interest when they should have.***

I explained that I can only provide advice directly to the person concerned so all the relevant personal information is obtained, and to maintain confidentiality. A third party may not be aware of all relevant information and to provide it would breach another's confidentiality.

I advised that the member could politely raise their concern with the other board member and suggest they might want to consult me. If a member believes another member is in a conflict of interest, they can file an informal complaint to facilitate a settlement of the issue, or a formal complaint to have the matter investigated.

#### Sample 7: Representing a Client for a Matter Before their Board

***A member of an adjudicative board asked if their company could represent a client as an applicant before their board, even if they were not involved.***

I advised the member that their client would have to hire another company to represent them. The MCIA requires members to avoid using their positions to influence the decisions or recommendations of a City body. In this case, it could appear that the member's firm was benefitting from the member's appointment to the board.

Similarly, the *Code of Conduct for Members of Adjudicative Boards* prohibits members from appearing to use the influence of their office for their personal or professional benefit. A reasonable observer could suspect the client had an unfair advantage and received preferential treatment. The Code of Conduct also prohibits members from acting as a paid agent before their board. This prohibition applies to all a firm's employees.

#### Sample 8: Applying for a Job at the Organization Run by the Board

***A member wanted to apply for a job with their board and wanted advice about how they could do so.***



I advised the member would be in a conflict of interest if the member were to apply for the position even if they were to take a leave of absence or resign.

The member was present in confidential meetings where the board discussed the terms of employment and the selection process, which engages Article V (Disclosure and Use of Confidential Information). Even though the member did not actively participate, no one else was aware the member was interested in the job, and the member did not make a declaration of interest or leave meetings where the board discussed the hiring.

I advised that a reasonable person could conclude that the member's position on the board meant they had inside knowledge of the board's business and financial affairs that would make for an unfair advantage. This could breach the MCIA, as it would affect the member's financial interests. It could also appear the member was using their influence for their own personal benefit which is prohibited by Article VIII (Improper Use of Influence) and Article X (Conduct Respecting Current and Prospective Employment).

Taking a leave of absence or resigning from the board would not solve the conflict. Applying for a job just after leaving the team of hiring decision-makers would appear to be putting one's own interest above public duty, contrary to the good governance of the organization.

#### Sample 9: Running for Elected Office

***A member asked what actions to take if they decided to run for elected office. They asked if taking a leave of absence was necessary.***

As the member had not yet been nominated as a candidate, I advised that there was not yet a need to take a leave of absence. I advised they should be careful it did not look like they had used board resources or influence to support a future campaign.

I also encouraged the member to contact the City Clerk's Office to clarify whether the Public Appointments Policy refers to a party's internal selection process or the nomination of the party after they selected their candidate.

#### Sample 10: Serving as a BIA Board's Landlord

***A member asked if they could be the landlord for the BIA's office.***

I advised the member this was not permitted. Article IX (Business Relations) of the Code of Conduct prohibits most business transactions between board members and their boards.

The MCIA also prohibits members of local boards from engaging in the decision-making process in respect to matters in which they have a personal economic interest. That was engaged by the landlord-tenant relationship in this case.

Sample 11: Interpreting Article IX (Business Relations)

***A member asked if there could be a minimum dollar amount below which the members could sell services to their board. For example, could they be reimbursed for their business providing food or services to the board?***

I explained Article IX does not contain such thresholds. Members' businesses should not provide goods and services to their board. It gives the appearance of unfair advantage, and other businesses might not have the same opportunity for these small contracts. However, a board could take careful steps to develop a roster of local suppliers to ensure equal access. Board members must seek advice from my Office about setting up a roster.

**Reporting of Gifts and Benefits**

In 2020, 13 disclosures for sponsored travel and donations to council member-organized community events were submitted. This is fewer than previous years and can be attributed to the travel and gathering restrictions in response to COVID-19. 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*

	2018	2019	2020
Member-Organized Community Event Donor Declaration Forms	14	39	8
Travel Declaration Forms	6	8	5
General Gifts and Benefits Declaration Forms	0	0	0
<b>Total</b>	20	47	13

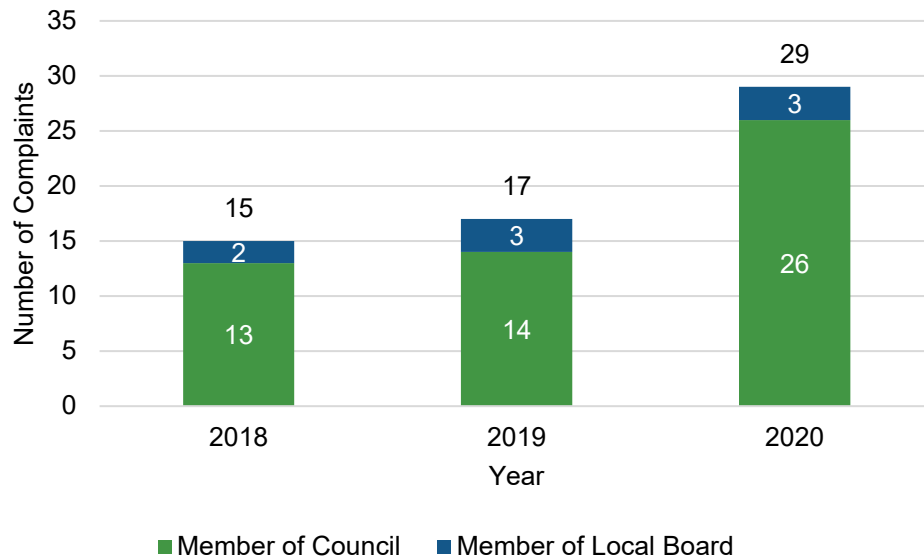
## Section 2: Receiving, Reviewing and Investigating Complaints

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.

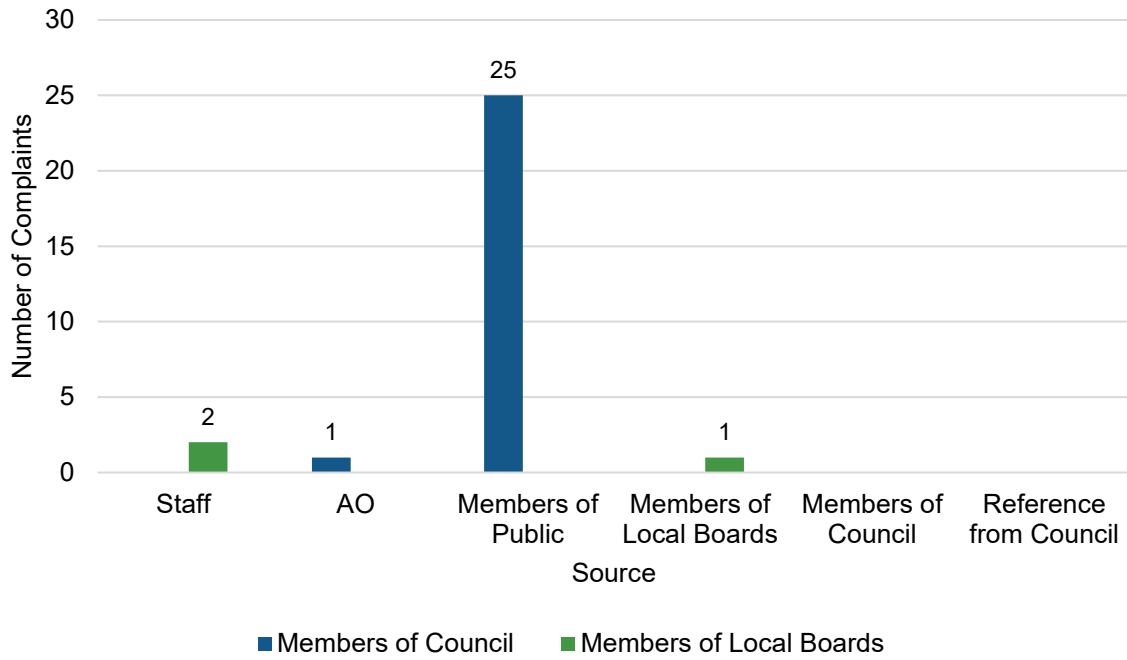
### Formal Complaints and MCIA Applications

The Office received 29 formal complaints and no MCIA applications in 2020. Eighty-six percent of those were filed by members of the public, and 76% of the complaints received in 2020 were completed in the same year.

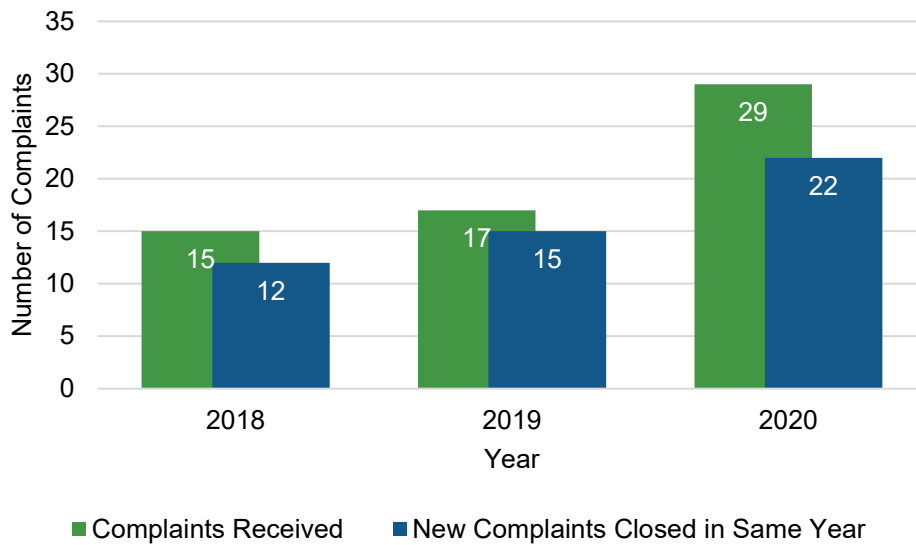
*Number of New Formal Complaints Received about Members of Council and Local Boards*



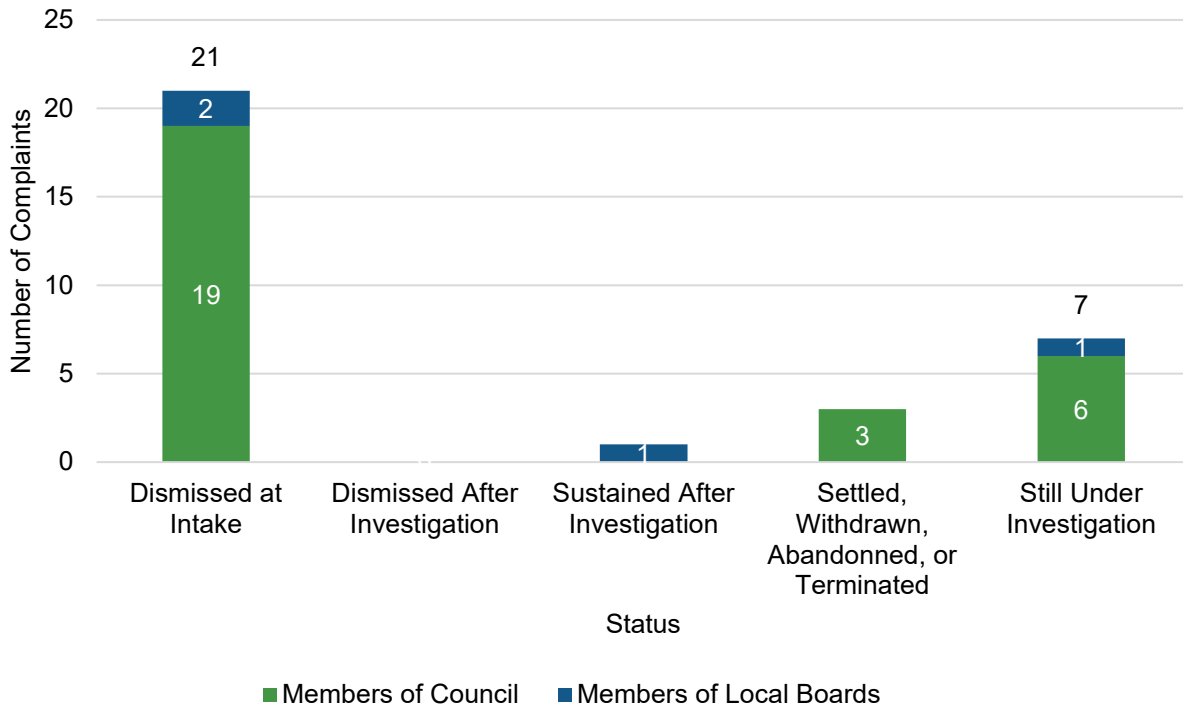
Source of Formal Complaints Received in 2020



Proportion of New Formal Complaints Closed in the Year Received



*Disposition and Status of Formal Complaints (2020)*



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 table.

*Average and Median Time to Close Formal Complaints and MCIA Applications Received Post-January 1, 2015<sup>1</sup>*

Complaint Type	Number of Complaints	Average Number of Days	Median Number of Days	Least Number of Days	Most Number of Days
Investigated Complaints	26	282	249	67	704
Dismissed without Investigation	71	52	32	3	383

<sup>1</sup> 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 2020, 21 formal complaints 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*.

### *Case Summary 1*

A member of City staff complained that a member of Council broke Articles XII (Conduct Respecting Staff) and XIV (Discreditable Conduct) of the Code of Conduct when the member phoned the staff, unhappy that the City office had released some information. While agitated, the member twice used a lewd phrase, describing the harm the member believed could arise from releasing this information.

I dismissed the complaint. While the complaint raised valid concerns, the member's conduct did not breach the Code of Conduct and the profanity was not directed at the member of staff. I also exercised my discretion to write to the member to inform them of the decision and advise that further examples of using fowl language in heated calls to City staff could constitute a pattern of behaviour under the City's Human Rights and Anti-Harassment/Discrimination Policy and the Ontario *Human Rights Code*. While the manager for the staff member was aware of this event, and raised it with the member of Council, the manager did not file a complaint. This raises the question about the role of managers and their obligation to report improper conduct by members of Council to the Integrity Commissioner.

### *Case Summary 2*

A person complained that a member of a local board contravened Article XIV (Discreditable Conduct) of the *Code of Conduct for Members of Local Boards* because they asked for security after the complainant's deputation. The complaint alleged the action was a result of anti-Black racism. The complainant stated that a recording of the proceeding established the grounds for the allegation. A review of the proceeding showed that the complainant was disruptive and uncooperative. It also showed the member tried to facilitate the complainant's presentation and was unsure how to call upon City Hall security. The complainant also advised he had no interaction of any kind with City Hall security at, or after, the meeting or a subsequent meeting at City Hall.

I decided not to investigate the complaint as there were insufficient grounds to warrant an investigation. However, I exercised my discretion to advise the member to personally review the City's policies and procedures in respect of dealing with the public and City Hall's security procedures because the member seemed to be unclear on them.

I acknowledged the seriousness of the complainant's concerns as he explained that, given the systemic prejudice experienced by Black men with police and security personnel, he was scared to return to City Hall due to possible interactions with City Hall security. I do not have jurisdiction over City Hall security. Even though the complainant had no interaction with City Hall security staff, his concern about future interactions given his own personal experiences and this history was understandable. For this reason, I advised the complainant to raise his concerns about City Hall security staff or City Hall's security procedures with the City's Human Rights Office as it has the responsibility to consider and answer questions about the City's compliance with the Ontario *Human Rights Code*.

### *Case Summary 3*

A member of a local union filed a complaint alleging that four members of Council contravened Article XV (Failure to Adhere to Council Policies and Procedures) of the Code of Conduct when they Tweeted responses to a video posted on social media of a physical fight between TTC employees and a member of the public. The complaint alleged that two of the four members' conduct also contravened Article XIV (Discreditable Conduct). The complaint alleged that: the members publicly attacked the TTC employees; their criticism was unsubstantiated, demeaning and insulting; and incited the public to assault and threaten TTC employees. The complaint claimed TTC employees experienced harassment as a direct result of these critical Tweets. I dismissed the complaints as members of Council are entitled to express their opinions on matters of public debate. These Tweets did not use inappropriate or harassing language and were not demeaning. There was not a sufficient basis to link the Tweets in question to harassment experienced by TTC employees, so no investigation was warranted.

### *Case Summary 4*

A person alleged that a member of Council contravened Articles VIII (Improper Use of Influence) and Article XIV (Discreditable Conduct) of the Code of Conduct. The complaint alleged the member's staff provided an inappropriate referral to a shelter/supportive housing, refused to refer the complainant to, the City staff involved and refused to arrange for a meeting with the member. The staff then called security to remove the complainant from City Hall.

I dismissed the complaint, as a mistaken referral, or a refusal to meet someone, is not contrary to the Code of Conduct. It raised the issue about how complaints about members' staff are resolved by a member. Staff are often the first point of contact, which is a generally acceptable practice. Members' offices should have a clear complaints process to ensure that individuals are able to escalate concerns about staff. Members are responsible for the actions of their staff.

### *Case Summary 5*

A person filed a complaint against a member of Council alleging misuse of City funds, without specifying any provision in the Code of Conduct. This was the complainant's eighth formal complaint about the same member and the same topic.

I dismissed the complaint. It was not substantially different from the seven previous complaints, which two previous Commissioners found did not warrant an investigation. I agree with those decisions and encouraged the complainant to review them. I also cautioned that should the same complaint against the same member of Council be filed in future, it would be deemed to be vexatious and automatically dismissed. Complaints must be filed in accordance with the Office's Complaint and Application Procedures and must be supported by some evidence.

### *Case Summary 6*

A person filed a complaint alleging that a member of Council contravened the Code of Conduct when the member posed for photos close to people outside their household, contrary to physical distancing guidelines. They also alleged that the member inappropriately wrote to City staff about enforcement issues. The complaint alleged this violated the Preamble and the substantive requirements of Articles VIII (Improper Use of Influence) and XII (Conduct Respecting Staff).

I dismissed the complaint. The complaint provided very clear and specific information, but it did not establish sufficient grounds to warrant an investigation about any improper use of influence or misconduct towards staff. The member's communication to City staff was a reasonable expression of opinion from an elected official on a matter of public policy concerning how best to protect public health and safety. Regarding the allegations the member failed to respect public health distancing requirements, that was something the complainant was advised was an issue best raised with the responsible enforcement agencies.

### *Case Summary 7*

A person filed a complaint alleging that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct. The person received a call from a member from a blocked number on a Sunday evening and allegedly said, "you're just a...well I won't say that word out loud." The phone call was in response to a short email that the complainant sent to the member's office shortly before receiving this call. The member was called a "lying cheating creep" in the email. The complainant alleged that the call received in reply to the email was unprofessional and a reaction that was meant to intimidate the complainant. No further communications took place between the two.

I dismissed the complaint. While the member's response was a little uncivil, it was said in response to a rude and insulting message. For that reason, there was no basis to investigate the member for having engaged in discreditable conduct. I have included the words in this



exchange for a reason. While elected officials and their staff are accountable to the public and required to maintain high ethical standards, communications with their offices ought to be civil. In reviewing matters such as this, it is fair and reasonable that I consider the communications sent and received by all parties.

#### *Case Summary 8*

A person filed a complaint alleging that a member of Council contravened the Preamble of the Code of Conduct when they failed to be adequately responsive to the complainant's requests for help applying for a reduction in tax charges.

I dismissed the complaint. Complaints must be grounded in an alleged violation of one or more of the Articles of the Code of Conduct. The Preamble cannot be the sole basis for a Code of Conduct complaint. Neither the Code of Conduct nor the MCI impose performance standards about how quickly a member's office should respond to someone. They also do not require a member to meet with constituents. Members of Council have considerable discretion when it comes to how they choose to run their offices and can choose how to interact with constituents, unless their conduct violates an Article of the Code of Conduct.

#### *Case Summary 9*

A person alleged that a member of Council contravened Articles XIV (Discreditable Conduct) and XV (Failure to Adhere to Council Policies and Procedures) of the Code of Conduct. The complaint alleged the member and their staff treated the complainant's family unfairly. The complaint alleged the member did not act fairly and transparently by siding with another constituent about the installation of a sidewalk. The complainant was opposed to having a sidewalk installed in front of their house to connect to the existing sidewalks on either side of their property.

I dismissed the complaint. The complaint did not involve a decision under the individual control of the member. The installation of the sidewalk, and the application of the relevant City policies, was the subject of consideration and debate at Community Council. While the member did bring a motion in respect of this matter before Community Council, that was entirely consistent with the public duties of a member. The decision in respect of the sidewalk was not the member's, it was the decision of Community Council. The member was entitled to consult with City staff and move a motion in respect of the sidewalk. I have no jurisdiction to weigh the policy merits of a decision made by Council or a committee. The concerns raised did not provide grounds to warrant an investigation under the Code of Conduct.

### Case Summary 10

A person alleged that a member of an adjudicative board contravened Article XVII (Discreditable Conduct) of the *Code of Conduct for Members of Adjudicative Boards*. The complainant requested an adjournment due to having an ill child, and the member denied the request. The complaint alleged that the member failed to accommodate them under a prohibited ground of the *Human Rights Code*, or the City's Human Rights and Anti-Harassment Policy (HRAP).

I dismissed the complaint. The person had also filed a complaint about this with the Human Rights Tribunal of Ontario. The person was seeking remedies beyond my authority and were ones that the tribunal had authority to order.

### Case Summary 11

A person alleged that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct. The complaint alleged the member intentionally misdirected constituents opposing a housing project in the complainant's neighbourhood. The complaint alleged that the member told the community to send letters of concern to the member's office or the City project email address and then deliberately excluded those communications from the list of those put before City Council. The complaint claimed that the member also "hijacked" the consultation process by encouraging affordable housing advocates to attend.

I dismissed the complaint as the facts included in the complaint did not constitute a breach of the Code of Conduct. The supporting facts did not raise a question about harassment or discrimination. The information in the complaint supplied no grounds to believe the member misled any constituents about the legislative process. Members do not gather and file constituent submissions to Council and committees. The information on how to post a letter to Council or its committees is publicly available on the Toronto Meeting Management Information System (TMMIS) website. Members of Council may take positions on matters with which some of their constituents may disagree. Even assuming advocates for a particular proposal were invited to attend a meeting, that does not constitute harassment or discrimination. The disagreement between the complaint and the member was a political matter rather than one governed by the Code of Conduct.

### Case Summary 12

A person alleged that all 26 members of Council contravened the Preamble of the Code of Conduct when Council adopted the City's Hate Activity Policy. The complainant believed it was contrary to the International Covenant on Civil and Political Rights and the *Canadian Charter of Rights and Freedoms*.

I dismissed the complaint as it was outside of my jurisdiction. I do not have power to declare a policy adopted by Council to be constitutionally invalid or in breach of Canada's international

legal obligations. Additionally, there was no allegation that any specific Article of the Code of Conduct was breached by any member(s) of Council. I recommended the person consult a lawyer about these complaints.

### *Case Summary 13*

A person filed a complaint alleging that a member of Council broke Article XIV (Discreditable Conduct) of the Code of Conduct. An email from the member stated they had “witnessed a pattern of abusive behaviour and language” and imposed a service restriction on the complainant, directing them to 311 for any future concerns. The complainant provided me with one email exchange.

I dismissed the complaint. The short email exchange provided did not constitute a violation of Article XIV (Discreditable Conduct). I asked the complainant to provide more information about previous contact between them and the member, but the complainant declined to provide it. Although the complainant may not have agreed with the member’s characterization of their communication, it was business-like and did not rise to the level of being abusive, bullying, intimidating or in violation of the *Human Rights Code*, the City’s Human Rights and Anti-Harassment/Discrimination Policy or the City’s Hate Activity Policy.

## **Investigations**

I follow the process set out in the Complaint and Application Procedures. I conduct an initial review of the complaint, to determine if the complaint is within my jurisdiction and sets out sufficient grounds alleging that a member violated the Code of Conduct. The complaint will be dismissed if these requirements are not met. If they are met, I begin an inquiry, first providing the particulars of the complaint to the member for their response. The complainant may then be provided with the response and an opportunity to provide a reply. An investigation is started and may include research, compelling City and witness records, reviewing documents and conducting interviews, often under oath.

If I conclude that a member of Council or a local board contravened the Code of Conduct, they are required to bring the report to Council or to the local board, as well as to the complainant and respondent. If they find that the Code of Conduct was not contravened, I am 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 and are also available 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 2020, I upheld one complaint after an investigation with findings that a member of a local board contravened the *Code of Conduct for Members of Local Boards (Restricted Definition)*. The applicable local board rejected the recommendations on penalty but accepted my recommended remedial actions to be taken in this case.

### Complaints Dismissed After Investigation

In 2020, no complaints were dismissed after investigation.

### Complaints Settled, Withdrawn, Abandoned, or Terminated

In 2020, three complaints were settled, withdrawn, abandoned, or terminated.

In one of these cases, I [reported to City Council my decision](#) to terminate an investigation. This is not the regular practice, but I exercised my discretion to do so as it was in the public interest. City Council accepted my report for information.

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

#### *Case Summary 1*

A person filed a complaint alleging that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct. The complainant alleged staff in the member's office was rude and hung up on the complainant and failed to appropriately accommodate their communication difficulties that are part of their disability. After receiving an appropriate apology from the member's office, the person withdrew their complaint. The apology was offered without the intervention of my Office. The complainant did consult me as to whether or not I believed the apology was consistent with the requirements of the Code of Conduct, which I did. I encourage members and their staff to undertake training to appropriately respond to, and accommodate, inquiries from the public. I also recommend members establish complaints procedures for their staff so that, in cases such as these, a suitable resolution can be attained without my Office needing to investigate the matter.

#### *Case Summary 2*

A person filed a complaint alleging that a member of Council contravened Article XIV (Discreditable Conduct) of the Code of Conduct. The complainant was inadvertently copied on an email written by the member to their staff that included remarks about the complainant that they found disparaging. I was able to settle the complaint. The member wrote an appropriate letter of apology which the complainant accepted and then decided to withdraw their complaint. I

remind all members that they should be respectful in their communications and be careful about their distribution.

### Case Summary 3

I received a referral from the Auditor General’s Office under the [Memorandum of Understanding between the Four Accountability Offices](#). The Auditor General’s Office received an anonymous complaint through the Fraud and Waste Hotline which alleged unspecified misconduct on the part of a member of Council, including improper use of influence and misconduct towards City staff. The Auditor General’s Office, at my request, followed up with the anonymous complaint to direct them to my Office to give particulars of the alleged misconduct. The hotline allows such communication while at the same time maintaining the anonymity of the complainant. The complainant did not come forward with any further information or offer to communicate further. Consequently, I determined there was insufficient information to proceed further.

### Complaints Still Under Investigation, Suspended or Deferred

At the end of 2020, seven cases remained open.

## 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 ideal 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. I was not engaged in any informal complaints during 2020.

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

Complaint Type	2018	2019	2020
Members of Council	4	1	0
Members of Local Boards	0	1	0

## Section 3: Outreach Activities

### Local Board Outreach

In 2020, I provided three presentations to local boards to increase awareness about the Codes of Conduct. I also sent an open letter to the Board of CreateTO, explaining my jurisdiction and complaint procedures after those questions arose at one of its meetings.

February 14: Presentation – Toronto Atmospheric Fund  
September 30: Presentation – St. Lawrence Market BIA  
November 5: Presentation – Lawrence Ingram Keele BIA

### Outreach to Members of Council

As in previous years, I sent members of Council periodic reminders and updates about Code of Conduct and City policy obligations.

March 6: Letter – Environment Days 2020  
April 27: Letter – Declaration of an Emergency and the Code of Conduct  
December 2: Letter – Gifts in the 2020/2021 Holiday Season

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

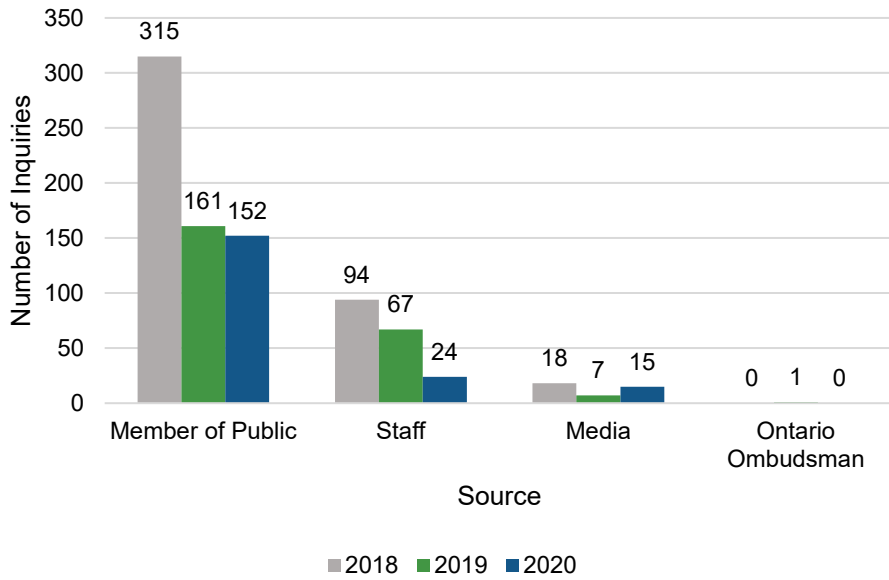
I continued to meet with members of Council. I undertake to meet with members of Council on an annual basis to discuss the Code of Conduct and the *Municipal Conflict of Interest Act* and review the services the Office provides.

### Public, Staff and Media Inquiries

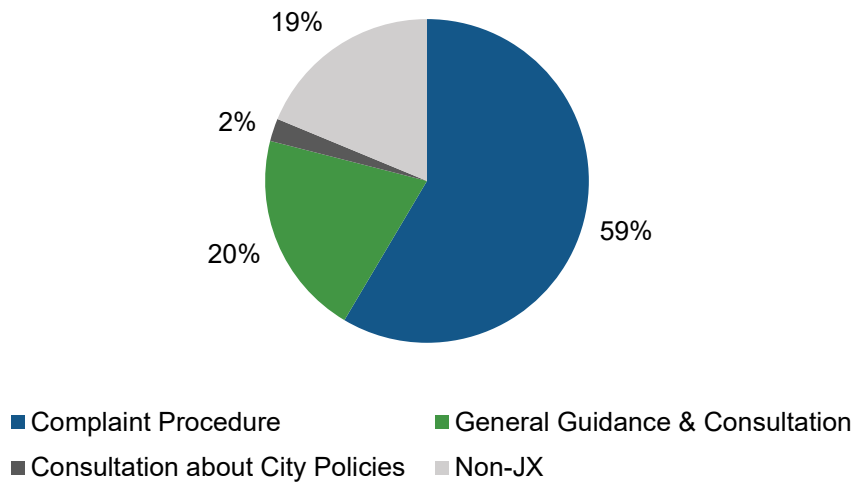
The Office responds to daily inquiries from the public, City staff and members of the media. The Office handles requests for information from members of the public, staff, and the media about topics such as how to make a complaint, how complaints are handled through the formal and informal procedures 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 my jurisdiction. All of these inquiries are reported below.

In this reporting period, the Office responded to 191 such inquiries.

*Intake Inquiries*



*Nature of Inquiries<sup>2</sup>*



<sup>2</sup> Tracked for those from members of the public and staff only.

## Town of Collingwood Judicial Inquiry

Associate Chief Justice Marrocco's Collingwood Judicial Inquiry Report, *Transparency and the Public Trust*, was released on November 2, 2020. It is very comprehensive and offers a number of important recommendations.

While the judicial inquiry was requested by the Town of Collingwood, its analysis and recommendations are relevant for municipalities across Ontario – including the City of Toronto.

The report recommends changes to provincial legislation to enhance transparency and accountability in municipal government. Among other things, it recommends that municipalities enhance their Codes of Conduct for Members of Council. It also recommends proactive and regular disclosure of the financial interests of members of Council to their integrity commissioner. Many of the recommended policies and practices are already in place in the City of Toronto, and those which are not, deserve consideration.

The adoption of recommendations from past judicial inquiries has been important for fostering integrity in government and accountability to the public, and I welcome the recommendations of the Collingwood Judicial Inquiry Report. I have reviewed them and their application to the City of Toronto.

## City of Toronto Outreach

In October 2020, I gave a presentation about Code of Conduct and MCIA obligations for a leadership training session for Toronto Fire Services.

## External Outreach

In 2020, I responded to a survey about Best Practices in Values and Ethics Delivery for Employment and Social Development Canada. The Office was pleased to work with two students as part of the Community Research Partnerships in Ethics (CRPE) program with the University of Toronto.

## Office Website

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.

## Twitter

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



## Section 4: Associations

I hosted two virtual 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 [155 decisions published on CanLII](#) from various municipalities in Ontario. This is an increase of 27 reports from 2019.

## Section 5: Budget and Financial Information

The 2020 approved budget for the Office was \$762,406.78. The expenditures for 2020 were \$615,468.31. Details of the expenditures of the Office during 2020 are attached to this report as Appendix 2.

# Appendices

Appendix 1 – Letters to Members of Council

Appendix 2 – Financial Information

## Appendix 1

March 6, 2020

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 2020

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 sometime 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 [Jonathan.Batty@toronto.ca](mailto:Jonathan.Batty@toronto.ca) or 416-397-7770.

Best wishes for a successful Environment Day season!

Yours truly,

Jonathan Batty  
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](mailto:Derek.Tung@toronto.ca)). Thank you for taking part in the City of Toronto Community Environment Day program.

April 27, 2020

Sent via Email (No Original to Follow)

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

Dear Members of Council:

**Re: March 23, 2020 Declaration of an Emergency and the Code of Conduct**

This is an extraordinarily difficult time for the people of Toronto and I know that they are turning to you and your staff for help.

I am writing as I have had some inquiries from members of Council concerning timely issues engaging the *Code of Conduct for Members of Council* (the “Code”). The Code is still in place and, as always, has to be understood in terms of our contemporary context. This is an unprecedented time, and, as the leaders of the City, I know you are being called on to help with landlord and tenant matters, access to necessary services in the community, physical distancing, and fundraising initiatives to name a few.

I do want to briefly comment on these issues for purposes of the Code.

**Landlord and Tenant Issues**

Many residential and commercial tenants and landlords are facing serious financial challenges and there are various policy responses being considered and adopted by the City, the Province, and the Federal Government. I know you are being asked to intervene in compelling situations. You are uniquely placed as elected leaders to facilitate understanding between individuals and to educate those who are being unreasonable, making ill-informed decisions, or demonstrating ignorance of public health concerns. When dealing with specific cases, you may not need to “take a side” to offer information and to promote reasonable compromises. You want to be sure that you are not perceived as aggressive, threatening, or harassing as you want to be careful that your involvement is not misunderstood as a threat of retribution in respect of someone’s dealings with the City.

**Referral to Goods and Service Providers**

There are many residents who require assistance in obtaining goods and services, and people may be provided with the information found by contacting 211. Beyond the

information the City is providing, if you wish to refer someone to a private goods or services provider, it is a best practice to name more than one name or company to be even-handed and avoid the appearance of favouritism.

### **Enforcing Physical Distancing**

As always, matters regarding non-compliance with by-laws and City orders should be reported to City staff. You and your staff should not be personally intervening in such situations.

### **Fundraising Initiatives**

The letter and spirit of the Code does not prohibit you, in response to the current emergency, from participating in fundraising for humanitarian and economic relief. You do want to be careful that you are not placing either yourself or the contributor in breach of any legal requirements and, for purposes of the Code, you want to avoid the appearance of offering a *quid pro quo* to contributors in terms of access, preference, or future consideration in matters involving the City. My advice concerning participation in fundraising at this time is a departure from the general advice provided in the past by the Office of the Integrity Commissioner. At the start of my term I recommended that the Code needs to be updated and, once the current emergency ends, this is a topic that requires further review.

These are challenging times and members of Council and City staff have risen to this challenge. Patience and respect when working together is especially appreciated to address the challenges we all face.

In addition to the requirements of the Code, it is also important to remember that the requirements of the *Municipal Conflict of Interest Act* (the "MCIA") are in effect and apply to your activities. When Council meets April 30, 2020, members of Council need to remember to consider whether they need to declare any pecuniary conflicts of interest in respect of agenda items. As always, my Office is available to help you and provide advice on any matters under the Code and the MCIA and I can be reached at [Jonathan.Batty@toronto.ca](mailto:Jonathan.Batty@toronto.ca) or 416-397-7770.

Yours truly,

Jonathan Batty  
Integrity Commissioner

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



December 2, 2020

Dear Members of Council and Staff:

### **Re: Gifts in the 2020/2021 Holiday Season**

In prior years, as the holiday season has approached, our Offices have provided advice about receiving gifts and attending events during the holidays. Obviously, this year will be different as in-person events will not be held, but members of Council may still be offered or sent gifts. Please remember that:

- Under the [Lobbying By-law](#), no lobbyist or client of a lobbyist, or any parent, subsidiary, affiliate, officer or employee of any lobbyist or client of a lobbyist shall directly or indirectly offer, provide or bestow entertainment, gifts, meals, trips or favours of any kind to a public office holder.
- 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 benefit of any value, 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 benefits. Please review the [Gifts and Benefits Procedure at-a-Glance](#) for more information about the process.

Members of Council should contact the Integrity Commissioner at [Jonathan.Batty@toronto.ca](mailto:Jonathan.Batty@toronto.ca) or 416-397-7770 for specific advice about receiving gifts or soliciting donations for community events (even if the event is not an in-person activity). When planning to hold a community event, advice should be sought before asking for or accepting donated gifts and benefits from individuals and organizations (including agencies and organizations of the City of Toronto).

Please contact the Lobbyist Registrar, Cristina De Caprio at [Cristina.DeCaprio@toronto.ca](mailto: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.



OFFICE OF THE  
INTEGRITY  
COMMISSIONER  
TORONTO

Yours truly,

Jonathan Batty  
Integrity Commissioner

Cristina De Caprio  
Lobbyist Registrar

c.c. Chris Murray, City Manager  
John Elvidge, Interim City Clerk

# Appendix 2

Appendix 4														
City of Toronto														
Integrity Commissioner Office Expense Budget														
Actuals January - December 2020														
Charged to Cost Centre IG0001														
OFFICE OF THE INTEGRITY COMMISSIONER														
Cost Element	Cost Element Name	January '20	February '20	March '20	April '20	May '20	June '20	July '20	August '20	September '20	October '20	November '20	December '20	January - December '20
		Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Actuals	Totals
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
1015	Full Time Regular Pay	10,879.01	21,758.04	29,184.69	32,369.94	32,065.68	48,098.81	33,829.80	32,317.80	32,317.82	32,317.80	32,317.80	67,867.40	405,324.59
1050	Permanent - Performance Bonus							2,807.81						2,807.81
1711	Comprehensive Medical	232.16	464.32	719.93	805.14	805.14	1,207.71	805.14	805.14	805.14	805.14	805.14	1,690.79	9,950.89
1712	Dental Plan	125.26	250.52	388.97	435.12	435.12	652.68	435.12	435.12	435.12	435.12	435.12	913.75	5,377.02
1720	Long Term Disability	235.32	470.64	631.29	700.17	693.60	1,040.40	731.82	699.06	699.06	699.06	699.06	1,468.03	8,767.51
1730	Group Life Insurance	81.25	162.50	218.05	242.09	239.72	359.58	253.72	241.72	241.72	241.72	241.72	507.61	3,031.40
1740	Employment Insurance	461.00	461.00	598.31	426.87	294.34	272.58	136.28	108.32	82.69				2,841.39
1745	EI Rebate	4.26	8.52	16.05	24.51	24.20	22.42	11.18	8.90	6.79			29.87	156.70
1750	Ontario Health Tax	213.81	427.62	573.67	636.35	630.44	945.38	719.34	635.08	635.04	634.92	634.92	1,333.91	8,020.48
1760	Canada Pension Plan	1,123.02	1,123.02	1,505.40	1,207.63	814.64	861.68	375.47	296.08	295.97	92.67			7,695.58
1770	Pension Plan (OMERS)	1,347.33	2,694.66	3,851.89	4,002.18	3,958.00	5,937.00	4,625.69	3,995.10	3,995.10	3,995.10	3,995.10	8,367.22	50,764.37
	<b>Total Salaries and Benefits</b>	<b>14,702.42</b>	<b>27,820.84</b>	<b>37,688.25</b>	<b>40,850.00</b>	<b>39,960.88</b>	<b>59,398.24</b>	<b>44,731.37</b>	<b>39,542.32</b>	<b>39,514.45</b>	<b>39,221.53</b>	<b>39,128.86</b>	<b>82,178.58</b>	<b>504,737.74</b>
2010	Stationery												444.89	444.89
2020	Books & Magazines													-
2040	Paper & Print Supplies													-
2082	Health & Safety Supplies		23.81								48.54			72.35
2570	Janitorial Supplies				10.17									10.17
2610	Kitchen Supplies				20.34									20.34
2999	Miscellaneous Materials	105.68						48.54			(48.54)			105.68
3410	Computers - Hardware	(0.01)								127.15				127.14
3420	Computers - Software							553.78					193.75	747.53
4010	Professional Services - Legal													-
4015	Professional Services - Audit													-
4078	Consulting Services - Technical													-
4086	Translation & Interpreters													-
4122	Transcripts			235.37										235.37
4132	Conduct Money												50.00	50.00
4144	Investigative Expense													-
4199	Professional & Technical Services					284.92								284.92
4256	Conference/Seminar - Registration Fee										595.30			595.30
4310	Training & Development - External				213.70		127.20				605.47			946.37
4340	Tuition Fees		(327.15)	327.15				1,240.15						1,240.15
4416	Transfer, Haulage & Storage												716.14	716.14
4424	Contracted Services - General													-
4473	Managed Print Charges						11.41					6.98	14.99	33.38
4760	Membership Fees	606.13	10.67		963.59							963.59		2,543.98
4804	Wireless Devices					43.73							69.65	113.38
4805	Postage						93.62				11.44			105.06
4811	Cellular Phones			160.87	110.62		87.97			292.51	58.57		202.72	913.26
4961	Refund of Fees			20.00										20.00
4995	Other Expenses													-
6030	Contribution to Reserve Funds												100,000.00	100,000.00
6031	Contribution - Insurance Reserve Fund						1,405.16							1,405.16
7030	IDC - Printing													-
	<b>Total Office Expenditures</b>	<b>\$ 711.80</b>	<b>\$ (292.67)</b>	<b>\$ 743.39</b>	<b>\$ 1,318.42</b>	<b>\$ 328.65</b>	<b>\$ 1,725.36</b>	<b>\$ 1,842.47</b>	<b>\$ -</b>	<b>\$ 419.66</b>	<b>\$ 1,270.78</b>	<b>\$ 970.57</b>	<b>\$ 101,692.14</b>	<b>\$ 110,730.57</b>
	<b>Total Monthly Expenditures</b>	<b>\$ 15,414.22</b>	<b>\$ 27,528.17</b>	<b>\$ 38,431.64</b>	<b>\$ 42,168.42</b>	<b>\$ 40,289.53</b>	<b>\$ 61,123.60</b>	<b>\$ 46,573.84</b>	<b>\$ 39,542.32</b>	<b>\$ 39,934.11</b>	<b>\$ 40,492.31</b>	<b>\$ 40,099.43</b>	<b>\$ 183,870.72</b>	<b>\$ 615,468.31</b>