

## **Report on Councillor Mark Grimes' actions relating to Adamson Barbecue**

**Date:** January 26, 2022

**To:** City Council

**From:** Jonathan Batty, Integrity Commissioner

**Wards:** All

### **SUMMARY**

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In December 2020, the Integrity Commissioner received a complaint that Councillor Mark Grimes had breached the *Code of Conduct for Members of Council* (the "Code of Conduct") by interfering with the City's response to Adamson Barbecue operating from November 24 to 26, 2020.

The complaint alleged that Councillor Grimes' statements to the media about the City's response show he was improperly directing how officials were managing this situation.

There were grounds to investigate whether Articles XII (Conduct Respecting Staff) and XIV (Discreditable Conduct) had been broken. Having investigated, the Integrity Commissioner found there was no evidence Councillor Grimes broke the Code of Conduct. A third allegation, that Article VIII (Improper Use of Influence) was broken, was dismissed without investigation as the complaint provided no grounds alleging that any personal benefit was obtained.

### **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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### CONTEXT

On November 23, 2020, in response to the worsening of the COVID-19 pandemic, Toronto restaurants were required to restrict themselves to offering take-out and delivery. In protest, the owner of Adamson Barbecue announced on social media he would not observe these public health requirements. Over the next three days, City officials needed the help of the Toronto Police Service to enforce these requirements and manage the resulting on-site public protest.

Following these events, the Integrity Commissioner received a complaint from a member of the public who had been following these events in the media. Based on the information in the media, the complaint alleged that, Councillor Grimes, who had been on-site, had interfered with City staff and had acted inappropriately towards the owner.

### THE COMPLAINT AND FINDINGS

#### **Article XII (Conduct Respecting Staff)**

The Integrity Commissioner found that Councillor Grimes did not violate Article XII (Conduct Respecting Staff).

Members of Council must not interfere with the enforcement activities of City officials, even in the course of an emergency. The City of Toronto's response to the pandemic has been managed in accordance with the City's Emergency Plan, which includes a process for Councillors to escalate their concerns to staff. The Integrity Commissioner found that Councillor Grimes complied with that process.

Members of Council must be careful that their dealings with officials at the site of an emergency does not interfere with the work of those officials. Members must also be careful that their public statements are clear that they are not directing the on-site work of officials. In this case, based on the evidence from the officials involved, the Integrity Commissioner found that Councillor Grimes did not interfere with their work.

#### **Article XIV (Discreditable Conduct)**

The Integrity Commissioner found that Councillor Grimes did not violate Article XIV (Discreditable Conduct).

The Integrity Commissioner found that Councillor Grimes' statements to the media about what the owner of Adamson Barbecue was doing were proportional given the context.

Councillor Grimes' comments about the penalty he believed the owner of Adamson Barbecue should face in connection with one of the 12 charges laid by City staff were, in this case, also permitted under the parameters of the Code of Conduct.

## **CONTACT**

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## **SIGNATURE**

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Jonathan Batty  
Integrity Commissioner

## **ATTACHMENTS**

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Attachment 1: Report on Councillor Mark Grimes' actions relating to Adamson Barbecue