

## Report on Former Mayor John Tory's Conduct concerning a Personal Relationship

**Date:** October 3, 2023  
**To:** City Council  
**From:** Jonathan Batty, Integrity Commissioner  
**Wards:** All

### SUMMARY

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The Integrity Commissioner investigated the conduct of John Tory concerning a personal relationship with Ms. A<sup>1</sup>, which began while he was Mayor of Toronto and she was on his political staff.

When he announced his intention to resign the Office of Mayor, Mr. Tory requested the Integrity Commissioner investigate his conduct under the *Code of Conduct for Members of Council* (the "Code of Conduct").

The appended report of the inquiry under s. 160 of the *City of Toronto Act, 2006* considers six issues:

- 1) Did Mr. Tory violate the City's Human Rights and Anti-harassment/discrimination Policy and, therefore, violate Article XIV (Discreditable Conduct)?
- 2) Did Mr. Tory fail to observe the terms of the Human Resources Management and Ethical Framework for Members' Staff and, therefore, violate Article XV (Failure to adhere to Council Policies and Procedures)?
- 3) Did Mr. Tory use his status as Mayor to improperly influence the senior executives of the Scarborough Health Network Foundation and/or Maple Leaf Sports and Entertainment to have Ms. A work for them after she left the Mayor's Office and, therefore, violate Article VIII (Improper Use of Influence)?
- 4) When Mr. Tory voted at Council on "EX31.3 – Update on Toronto's Bid to Participate in the FIFA World Cup 2026" and "EX34.8 – Hosting FIFA World Cup," did he violate Article VIII (Improper Use of Influence)?
- 5) Did Mr. Tory use his status as Mayor to improperly benefit Ms. A in the Mayor's Office and, therefore, violate Article VIII (Improper Use of Influence)?

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<sup>1</sup> This report anonymizes "Ms. A" to respect her privacy.

- 6) Did Mr. Tory improperly include Ms. A in his official trips and, therefore, violate Article VI (Use of City Property, Services and Other Resources)?

Based on the evidence set out in the report:

1. The Integrity Commissioner found that Mr. Tory contravened:
  - a. Article XV (Failure to adhere to Council Policies and Procedures) of the Code of Conduct as he failed to observe the terms of the Human Resources Management and Ethical Framework for Members' Staff.
  - b. Article VIII (Improper Use of Influence) as voting at Council on "EX31.3 – Update on Toronto's Bid to Participate in the FIFA World Cup 2026" and "EX34.8 – Hosting FIFA World Cup" violated this Article.
  
2. The Integrity Commissioner did not find that Mr. Tory contravened:
  - a. Article XIV (Discreditable Conduct) as he did not violate the City's Human Rights and Anti-harassment/discrimination Policy.
  - b. Article VIII (Improper Use of Influence) as he did not use his status as Mayor to improperly:
    - i. influence the senior executives of the Scarborough Health Network Foundation and/or Maple Leaf Sports and Entertainment to have Ms. A work for them after she left the Mayor's Office; or,
    - ii. benefit Ms. A in the Mayor's Office.
  - c. Article VI (Use of City Property, Services and Other Resources) as he did not improperly include Ms. A in his official trips.

## **RECOMMENDATIONS**

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The Integrity Commissioner recommends that:

1. City Council adopt the findings that Mr. Tory violated Articles VIII and XV of the Code of Conduct.

Mr. Tory is no longer a member of City Council, self-reported this matter and accepts the Integrity Commissioner's findings about his conduct. In these circumstances, the Integrity Commissioner does not recommend a penalty or remedial action as it would serve no purpose.

## **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

In considering a report from the Integrity Commissioner, Members of Council are required to keep an open mind and to be seen to keep an open mind. As the court has noted, the role of an elected representative and civic leader and the role of an adjudicator are not incompatible. In assigning such a role to Members of Council, the Legislature was confident they would act with an open mind as adjudicators<sup>2</sup>.

In considering a report from the Integrity Commissioner, Council may accept or reject the findings. If it rejects the findings, Council can decide to receive the report for information and the matter is concluded.

If Council accepts one or more of the Integrity Commissioner's findings, Council can accept, revise or reject the recommendation(s) on penalty. If Council wishes to revise or reject the recommendation(s) on penalty and impose its own, it may do so within the prescribed limits of imposing a reprimand or a suspension of remuneration of up to 90 days. In the past, Council has not imposed any penalty on a former Member of Council in accordance with the recommendation from the Integrity Commissioner.

Council does not have jurisdiction to make a finding of its own but may refer a matter back to the Integrity Commissioner for investigation.

Although not applicable to this matter as it concerns a former Member of Council, when Council considers a matter concerning the conduct of a sitting Member of Council, that Member may participate in debate, and attempt to influence voting, but in accordance with s. 5 (2.1) paragraph 1 of the *Municipal Conflict of Interest Act* (MCIA) may not vote when Council considers whether to suspend their remuneration.

## CONTACT

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<sup>2</sup> *Chiarelli v. Ottawa (City of)*, 2021 ONSC 8256 (CanLII)

## **SIGNATURE**

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Jonathan Batty  
Integrity Commissioner

## **ATTACHMENTS**

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Attachment 1: Report on Former Mayor John Tory's Conduct concerning a Personal Relationship