



Tribunals Nominating Panel

Jonathan Batty, Integrity Commissioner

April 21, 2023



Agenda

1. Introduction
2. Accountability Principles for Board Members
3. Formal Requirements
4. Important Considerations
5. Common Questions
6. Resources



Introduction

Mandate of the Integrity Commissioner

- To provide confidential advice
- To educate
- To provide policy advice
- To resolve and investigate complaints

Accountability Principles

- You are public office holders.
- You are expected to:
 - Act in accordance with standards of conduct for public office, not private business.
 - Prioritize the public interest.
 - Promote trust and confidence in the Board.
- To perform your functions with integrity, you must:
 - Serve and be seen to serve in a conscientious and diligent manner.
 - Avoid improper use of influence and conflicts of interest.
 - Uphold both the letter and spirit of your Code of Conduct, the MCIAT, Council policies.

Formal Requirements

- *Code of Conduct for Members of Council*
 - Approved by Council, applicable to members of Council.
- ***Code of Conduct for Members of Local Boards (Restricted Definition)***
 - **Approved by Council, applicable to Local Board members.**
- *Code of Conduct for Members of Adjudicative Boards*
 - Approved by Council, applicable to tribunal members.
- ***Municipal Conflict of Interest Act [MCIA]***
 - **Ontario legislation applicable to all municipal councils and their boards.**

Formal Requirements

Code of Conduct

- Do not accept gifts/benefits connected with your role (Article 4).
- Do not disclose confidential information or use it for personal gain (Article 5).
- Do not use Board resources for personal or business-related purposes or to support candidates in any election campaign (Articles 6 and 7).
- Do not use your position to obtain personal gain or benefits, or personal gains and benefits, for friends and business associates (Article 8).
- Do not supply goods or services to your board (Article 9).

Formal Requirements

Code of Conduct (cont'd)

- Do not allow future employment to affect how you carry out your duties (Article 10).
- Do not take on a role or job that conflicts with your duties (Article 9).
- Treat Staff, other Members, and the Public with respect. Act with decorum. Do not abuse, harass, bully, or intimidate (Articles 11 and 12).
- Do not communicate with lobbyists who are not registered on the Toronto Lobbyist Registry (Article 13).
- Follow City and Board policies (Article 15).

Formal Requirements

Municipal Conflict of Interest Act

- Do not participate in votes or any actions leading to a vote if you (or your parent, child or spouse) have a pecuniary interest (Section 5).
- Disclose your pecuniary interests verbally and in writing (Section 5.1).
- Do not use your position to influence decisions if you (or your parent, child or spouse) have a pecuniary interest. (section 5.2).

Important Considerations

- The Tribunals Nominating Panel has a key role in the appointment process
- Potential appointees need to:
 - disclose conflicts of interest (business, employment, family and personal interests).
 - disclose changed circumstances.
- Potential appointees need to understand the roles they are being called on to perform as a member of a City of Toronto tribunal:
 - *Code of Conduct for Members of Adjudicative Boards* (e.g. rules about *ex parte* communications, speaking with the media, independence from Council)



Common Questions

- Who do I ask if I have a question about the Code of Conduct or MCIA?
- When should I ask for advice about the Code of Conduct or MCIA?
- What do I do if I think someone has breached the Code of Conduct or MCIA?
- What happens if I breach the Code of Conduct or MCIA?
- How do I declare a pecuniary interest under the MCIA?

Resources: www.toronto.ca/integrity

Integrity Commissioner



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Do you have conduct concerns about a member of Council or a local board?

[How to Make a Complaint](#)

The Integrity Commissioner is responsible for providing advice, complaint resolution and education to members of City Council and local boards (restricted definition) on the application of the City's codes of conduct, the Municipal Conflict of Interest Act (MCIA) and other bylaws, policies and legislation governing ethical behaviour. The Integrity Commissioner also provides policy recommendations to City Council, local boards (restricted definition) and City staff. Please note that at its June 2022 meeting, City Council approved updated codes of conduct, to take effect August 1, 2022.

The Office of the Integrity Commissioner

- [About the Office](#)
- [Twitter Use Policy](#)
- [Expense Disclosure](#)

Publications

- [Integrity Commissioner Reports](#)
- [Gift Disclosure Registry for Members of Council](#)
- [Integrity Commissioner Announcements](#)

Resources

- [Members of Council](#)
- [Members of Local Boards](#)
- [Members of Adjudicative Boards](#)
- [Complaint and Application Procedures](#)
- [Advice and Case Summaries](#)

Codes of Conduct

- [Code of Conduct for Members of Council](#)
- [Code of Conduct for Members of Local Boards](#)
- [Code of Conduct for Members of Adjudicative Boards](#)

Contact Information

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Email: integrity@toronto.ca

Integrity Commissioner
Jonathan Batty
Email: Jonathan.Batty@toronto.ca

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Related Information

[City of Toronto Act, 2006](#)

[Toronto Municipal Code: Chapter 2](#)

[Memorandum of Understanding: Four Accountability Offices](#)

Resources: www.toronto.ca/integrity

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Members of Local Boards (Restricted Definition): Conduct Standards & Resources

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Conduct Standards

Guidance

List of Local Boards (Restricted Definition)

Sample Advice

The public expects the highest standards of conduct from citizen members who are appointed to local boards by Council to act on its behalf. The standards are set out in the [Code of Conduct for Members of Local Boards \(Restricted Definition\)](#) and the [Municipal Conflict of Interest Act](#).

The Integrity Commissioner is available to members of Local Boards (Restricted Definition) to answer questions and provide advice about meeting the standards.

Local Board appointees can seek advice by calling or emailing the Integrity Commissioner or the Office as follows:

- Call or email the Office at 416-392-3826 or integrity@toronto.ca
- Call or email the Commissioner directly at 416-397-7770 or Jonathan.Batty@toronto.ca.

In This Section

[Resources for Elected & Appointed Officials](#) —

[Advice & Case Summaries](#)

[Members of City Council:
Conduct Standards & Resources](#)

**[Members of Local Boards
\(Restricted Definition\): Conduct
Standards & Resources](#)**

[Members of Adjudicative Boards:
Conduct Standards & Resources](#)

Contact Information

Office Contact

375 University Ave., Suite 202
Toronto ON

Resources: Declaring an Interest

<https://www.toronto.ca/wp-content/uploads/2019/02/9632-2019-02-14-MCIA-Interpretation-Bulletin.pdf>



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Interpretation Bulletin
Municipal Conflict of Interest Act
Members of Council & Local Boards (Restricted Definition)

Identifying and Declaring Pecuniary Interests at Meetings

Purpose and Scope of the Bulletin

1. The purpose of this Interpretation Bulletin is to assist members of Council and local boards (restricted definition) (referred to as "a member" or "members" in this Bulletin) to understand their duty to identify, recuse themselves from and disclose pecuniary (or financial) interests.
2. This Bulletin provides guidance about members' obligations set out in sections 5 and 5.1 of the *Municipal Conflict of Interest Act* ("MCIA" or "Act").
3. This Bulletin does not address members' other duties under section 5.2 of the MCIA which prohibits members from using their office to attempt to in any way influence any decision or recommendation in matters in which they have a pecuniary interest, or the applicable code of conduct.
4. Members should seek confidential advice from the Integrity Commissioner to address their specific interests and concerns, as they arise. The Act indicates that when reviewing MCIA complaints, a Court may consider whether the member sought and followed the advice of an Integrity Commissioner.



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Resources: Declaring an Interest

A fillable version of the form can be found at this link:
https://www.toronto.ca/wp-content/uploads/2019/02/9610-CCO_Declaration-of-Interest-Form_fillable.pdf



Fact Sheet

February 12, 2019

Guidelines for Making a Declaration of Interest

1. Plan ahead

- Review agenda materials in advance to identify items in which you have a direct or indirect pecuniary interest.
- Allow enough time to seek the advice of your own counsel or the Integrity Commissioner if you are unsure.
 - The Clerk, secretary, or solicitor for the City or board cannot give you this advice.
 - *Exception:* The Integrity Commissioner does not have authority for members of the library board, police services board or board of health.
- Prepare your written declaration in advance. Use the form provided if available to ensure all of the required information is collected.

2. Make Your Declaration in the Meeting

- If you prepare your written declaration in advance, you can read from it to make your verbal declaration at the appropriate time in the meeting.
- If you make your verbal declaration before preparing a written declaration, be sure to complete the written declaration and hand it to the clerk/secretary before you leave the meeting.
 - If you board is supported by the City Clerk's Office, the secretary will be able to provide a blank form.

3. How is it recorded?

- Your declaration is recorded in the minutes of the meeting at which you make the declaration.
 - For those bodies where agendas and minutes are posted by the City Clerk to [toronto.ca/council](https://www.toronto.ca/council), your written declaration will be attached to the minutes for viewing online.
- In addition, the City or board is required to maintain a public register of declared interests.
 - The City Clerk makes the registry available online at [toronto.ca/council](https://www.toronto.ca/council) for bodies the City Clerk supports.
 - For other boards, check with the secretary for information about the register.

4. If you leave the meeting without completing the written declaration

- Complete and submit the written declaration to the Clerk/secretary as soon as possible after the meeting for processing.



Declaration of Interest

Member's Name	
Meeting Date	Name of Committee or Board
Item Number	Agenda Item Title

I declare a direct or indirect pecuniary interest in the agenda item noted above in accordance with section 5 of the Municipal Conflict of Interest Act.

The nature of my interest is as follows:

Declaration Date	Signature of Member
------------------	---------------------

Clerk/Secretary Use Only:

Received (Date and Time)	Received by
--------------------------	-------------

The Integrity Commissioner is available to provide advice on a Member's obligations under the Municipal Conflict of Interest Act.
Contact: 416 392-3826 | integrity@toronto.ca

Contact Information

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