

Report on Councillor Chris Moise's Comments to a Constituent

Paul Muldoon
Integrity Commissioner

March 18, 2026



TABLE OF CONTENTS

| | |
|--------------------------------------|----|
| Executive Summary | 2 |
| A. Context is Critical | 3 |
| B. The Complaints | 4 |
| C. Investigative Process | 5 |
| D. Response to the Complaints..... | 6 |
| E. Evidence | 8 |
| F. Analysis and Findings | 10 |
| G. Recommendation as to Penalty..... | 18 |

Executive Summary

1. This report describes my investigation into comments made by Councillor Chris Moise (Respondent), undertaken after two complaints were made under the Code of Conduct for Members of Council (Code of Conduct). One complaint came from the individual personally involved in the interaction, (Complainant) and the other from a third party who saw the incident through the media (third party Complainant).
2. The Respondent is the City Councillor for Ward 13-Toronto Centre. He has championed several City initiatives related to equity, diversity and inclusion (EDI), including the renaming of Dundas Square to Sankofa Square. The City's decision to rename the square was made prior to the Respondent's election to City Council and based on the City's assessment of Henry Dundas's position on slavery abolition.
3. The Complainant is a constituent and vocal critic of the Respondent and has publicly opposed the renaming of the square. The Complainant opposes the Respondent's support of EDI initiatives and, in particular, the Councillor's involvement in the decision to rename the square, "Sankofa Square," drawn from a Ghanaian word that expresses the wisdom of learning from the past. This dispute takes place in a politically charged environment where questions of race and equity underpin the disagreements between the parties.
4. On the evening of January 16, 2025, the Respondent and the Councillor for Ward 10-Spadina Fort York, held a budget town hall meeting for the residents of their two wards. The meeting took place in a committee room at City Hall.
5. The Complainant attended the meeting as an observer. After the meeting ended, he approached the Respondent, video-recording the conversation on his phone.
6. During the post-meeting exchange, the Complainant asked the Respondent: "so what are you doing this year, in [20]25, relating to renaming things that hurt your feelings for whatever reason?"
7. In the videorecording, the Respondent is trying to leave the meeting as the Complainant continues to ask him questions. The Respondent says the Complainant has been harassing him and his staff and that the Complainant has "a white supremacy view." The Complainant asks him to apologize for "calling [him] a white supremacist" and the Respondent responds he will never apologize, "because you are."

8. After reviewing the evidence and submissions, I find the Respondent violated Article 14 (Discreditable Conduct) of the Code of Conduct, because he acted in a derogatory manner towards an individual, while in his official role. However, I do not recommend a penalty because of the context that surrounded the comments. The Councillor was caught in a brief reactive exchange with one of his most vocal critics, who was persistently pursuing the Councillor in a manner likely to elicit an emotional response. In his submission, the Respondent said that, as a Black man who has experienced racism and hate throughout his life, the Complainant's persistent criticisms of equity-based projects, and of the Councillor himself, are connected to racism.
9. While under no obligation to engage with the Complainant, the Respondent decided to do so and his conduct in this interaction crossed the line; his words targeted the Complainant personally. I found the Respondent engaged with a member of the public in a derogatory manner and thus violated the Code of Conduct.

A. Context is Critical

10. Political debate, whether at the federal, provincial or municipal level, has coarsened recently. Opinions are more polarized and there is less tolerance for opposing views. The political environment is charged and social media amplifies the conflict.
11. Commentators have noted how debates at civic forums deteriorate from respectful interchanges to arenas for shouting, personal attacks and harassment.¹ In one study, 63% of local politicians said “they had experienced some form of harassment during their term or campaign.”² As the Federation of Canadian Municipalities notes, “critique, dissent and vigorous debate are essential” to healthy democracy, but adds that “extremism in the current landscape, particularly online, is unacceptable.”³
12. Within a charged political environment, the forceful expression of opinions has become a given; people expressing difficult, controversial, or objectionable views

¹ [Understanding and Counteracting Incivility in Canadian Municipal Politics](#), *Ivey Executive Education*, June 19, 2025

² [Harassment in Municipal Politics: Experiences of Local Politicians](#), *Canadian Municipal Barometer*, March 7, 2025

³ [Harassment of Elected Municipal Officials](#), Resolution, Federation of Canadian Municipalities, May 23, 2024. See also [The incivility continuum - Municipal World](#)

can be fierce advocates for their cause. Their persistence can be relentless and at times, personal. This sets the stage for elected officials, confronted in a charged exchange, to act in a way that falls short of the high standards they are held to.

13. Article 14 of the Code of Conduct states members cannot “...engage with others, including the public, City staff and other members, in a manner that is abusive, bullying, intimidating or derogatory.” However, the context must always be examined. In some cases, confrontational exchanges result in complaints to my Office, drawing the Office’s complaints process into an ongoing political dispute.
14. While all members of Council have a right to free speech, Canadian courts have found those rights can be reasonably constrained by obligations in a Code of Conduct.
15. We must all do our best to fight toxic political discourse. In practical terms, this means encouraging respectful dialogue and refusing to engage in name-calling. I hope this report will highlight the responsibility of members of Council to model respectful conduct and refrain from personal attacks.

B. The Complaints

16. The Complainant filed a complaint with my Office on January 22, 2025, alleging the Respondent engaged in discreditable conduct at a budget town hall at City Hall on the evening of January 16, 2025. This event was co-hosted by the Respondent and the Councillor for Spadina Fort York - Ward 10.⁴
17. The complaint said the Respondent refused to answer the Complainant’s questions after the meeting and instead, “resorted to an unprovoked personal attack.” He provided a link to a YouTube video recording of the exchange⁵, which he had filmed and provided to the Toronto Sun, along with a Toronto Sun article for which he was interviewed about this experience.⁶
18. The video showed the Respondent accusing the Complainant of having “a white supremacy view” and when the complainant asked him to apologize for “calling

⁴ The event began with remarks from the Mayor and the Budget Chief, focused on the staff-prepared budget and was part of the City’s public consultation process for the 2025 budget.

⁵ Video link here: <https://www.youtube.com/watch?v=Wrm2XV1crZ4>

⁶ Toronto Sun, “[Never Apologize: Security called as feud between Chris Moise, constituent flares up](#)”

[him] a white supremacist,” the Respondent said he never would, “because you are.”

19. The Complainant alleged these comments violated Articles 11 (Conduct at Council and Committee Meetings) and 14 (Discreditable Conduct) of the Code of Conduct. He said the language was “insulting or defamatory” and, as it was directed at a constituent, a breach of the Code of Conduct. He argued it undermined the principles of respect and civility essential to public discourse and that the language was abusive and intimidating.
20. With respect to Article 14, the Complainant submitted that an elected representative directing insulting remarks at a constituent⁷, particularly in a public setting, erodes public trust in municipal governance.
21. A third-party Complainant filed a separate complaint with my Office five days later, on January 27, 2025. He said he was troubled by the Respondent’s “use of the terms “racism,” “harassment” and “white supremacy” to dismiss and silence differing points of view expressed by others...”
22. The third-party Complainant, unlike the primary Complainant, was not personally involved in the incident: rather, he became aware of it because of the media coverage and/or the social media posts by the Complainant.

C. Investigative Process

23. Upon receiving the complaints, my Office followed its [Complaint and Application Procedures](#).⁸ At intake, I dismissed the allegations under Article 11 which requires members to “conduct themselves with decorum at Council and committee meetings in accordance with the Council Procedures By-law.” The exchange occurred after a town hall meeting, not during a chaired meeting of Council or a committee.

⁷ The Complainant also alleged the statements were defamatory. Defamation is a civil matter outside my jurisdiction and I am unable to make findings on whether any comment would constitute defamation.

⁸ I require only a single complaint raising sufficient jurisdictional grounds to launch an investigation. As a result of petition-style complaints which are beyond my Office’s limited resources, to address, we introduced a new procedure where we respond only to the first properly filed complaint, unless others are personally affected. However, in this case, there were only two complaints, with differently worded complaints, I accepted and treated each as a unique complaint.

24. I also explained that defamation is a civil matter over which I have no jurisdiction to review or make any findings.
25. There were sufficient grounds to investigate the interaction under Article 14 (Discreditable Conduct). As the complaints were materially the same, I joined them, as allowed by section 29 of the Complaint and Application Procedures.
26. I provided the parties with Notices of Investigation and invited the Respondent to provide a response.
27. With the assistance of counsel, the Respondent filed a response and sat for an interview. His counsel provided additional submissions after the interview.
28. Finally, as required by our investigative procedures, I provided the Respondent with a Statement of Proposed Findings and Recommendations (proposed findings) for his review and comment. He responded through his counsel. He disagrees with my analysis and maintains the context should have led me to find no violation.

D. Response to the Complaints

29. The Respondent does not contest the incidents in the recorded exchange with the Complainant. The Respondent provided detailed submissions, which I summarize here.
30. Although the Respondent does not dispute the words he used when speaking to the Complainant, he provided context so I could better understand the nature of the exchange. He says the comments at issue did not occur in isolation but should be viewed against the backdrop of a prolonged and highly publicized dispute surrounding the renaming of Yonge-Dundas Square to Sankofa Square and disputes about other City equity initiatives he has championed. The Respondent notes the Complainant is a vocal opponent of the renaming, a decision made by City Council before he was a member, but one in which he had a direct role in implementing.
31. The Respondent explained the Complainant was involved in a petition to stop the public square's renaming. He notes the Complainant is the executive director of a public advocacy group with a large online presence (advocacy group), and has been a persistent critic of the Respondent's leadership on not just the renaming of the square but on several EDI initiatives as well. The Respondent states his

relationship with the Complainant is one of open tension and ideological opposition. He alleges this complaint weaponizes the mandate of my Office.

32. The Respondent submitted his remarks reflected an honest expression of his informed perspective, shaped by his lived experience and an understanding of how racism operates in both its overt and subtle forms. He says his words reflected his assessment of these issues and his ongoing political disagreement with the Respondent and were not an indication of personal hostility.

33. The Respondent says the exchange was not neutral or spontaneous but was initiated by actions the Complainant calculated to provoke him. He described being approached after the meeting by his critic, holding a camera-phone mere inches from his face. He noted that the Complainant asked a sarcastic question: “What are you doing this year, in [20]25 relating to renaming things that hurt your feelings for whatever reason?”

34. The Respondent says the Complainant’s language and tone were confrontational and his comments not made in good faith, but rather in an effort to elicit and catch on video a reaction, what the Councillor’s legal counsel described as a “gotcha moment.”

35. The Respondent further states:

...the views repeatedly expressed by [the Complainant], particularly his unabated opposition to EDI initiatives and to the renaming of City assets in recognition of marginalized histories, reflect, in the Councillor’s assessment, the patterns and logic of white supremacy as understood in contemporary scholarship and human rights discourse. The Councillor’s remarks were not meant in the narrow, individualized sense of branding [the Complainant] as racist or extremist, but rather in the broader sense of identifying how certain positions, when repeated and defended, perpetuate inequity and exclusion.

... It is through this historical lens that Councillor Moise, a Black man whose personal and professional life has been shaped by this legacy, interprets contemporary opposition to EDI initiatives. His lived experience provides him with a particular insight into how certain attitudes and policy positions, however framed, can reproduce exclusionary dynamics that have historically disadvantaged Black and other racialized communities.

36. The Respondent argues the words he used were not an act of bullying, intimidation, or harassment within the meaning of Article 14 of the Code of

Conduct. He says it was the articulation of a viewpoint while responding to repeated provocation by a constant critic of the Councillor and City Council's efforts to become more inclusive. He submits his words were neither abusive nor derogatory; they reflected a moment of frustration in the face of provocation by an individual intent on confrontation, not conversation.

37. A second submission by the Respondent expanded on the argument that the Complainant had problematic views on EDI which are tantamount to racism.

38. In answer to my questions about how the Complainant had harassed the Respondent and his staff, as alleged in the recorded incident, the Respondent explained the Complainant would attend every community meeting the Respondent holds, and record it in its entirety, to cut excerpts from later to post online. He said the Complainant had twice showed up at his office and was turned away. He pointed to several of the Complainant's social media posts critical of the Respondent.

E. Evidence

39. The Complainant, a constituent in the Respondent's ward, is a persistent public critic of the Respondent's work and of the City's EDI initiatives. As summarized above, he is the executive director of an advocacy organization active in municipal politics and online engagement. Because race forms part of the context for the parties' interactions, I note that the Complainant is white and the Respondent is Black.

40. As noted above, the events in question took place the evening of January 16, 2025, at a budget town hall meeting at Toronto City Hall. The budget town hall was co-hosted by the Respondent and the Councillor for Ward 10- Spadina-Fort York, for residents of their two wards, and held in a committee room at City Hall.

41. The Complainant attended as an observer during the formal portion of the meeting. After the meeting concluded, as the Respondent was leaving the committee room, the Complainant approached him while using his phone to record the interaction. A video recording of a portion of the exchange was later posted on YouTube by the *Toronto Sun*⁹.

42. My Office transcribed the two- minute interaction and reproduced it here:

⁹ <https://www.youtube.com/watch?v=WvM2XV1crZ4>

Complainant: And what's your budget for renaming things next year? What's on the hopper for renames?

Respondent: Not audible

Complainant: So, you spent a lot of public resources on renaming Dundas Square. Section 37—hold, let me finish. Section 37, Public Resources.

The administrative cost to run the new Dundas Square are now up, plus the bureaucratic cost for this entire renaming that you architected last year— that nobody in the City wanted.

So, my question to you is— that already demonstrates that you lacked financial care of our resources— so what are you doing this year, in [20]25, relating to renaming things that hurt your feelings for whatever reason?

What else is on your list to rename, and what are the costs associated with those renamings?

Respondent: Mr. [Complainant], I know you and I have different opinions on many things.

Complainant: I just asked you a question. What are you planning to rename in [20]25, and what is the cost of it?

Respondent: I know you have a different view than I do. I know you have a white supremacy view. I don't support your views.

Anonymous: Hold on— you're pulling out the race card— he's asking about...

Respondent: I know this guy...he's not a very

Anonymous: Doesn't matter.

Complainant: Did you just call me a white supremacist, Councillor Moise? That's an appalling thing to say to a constituent.

Respondent: You have been a problem (*repeated a few times in the background*)

Complainant: My city councillor just called me a white supremacist and that's an appalling thing to say.

Respondent: I find you appalling.

Complainant: and that is, again, a disgusting trend.

Respondent: I find you appalling.

Complainant: I am a taxpayer. You represent me, Sir.

Respondent: You have come to my office (*repeated*)

Complainant: I pay your salary and you should show some respect to the people you are elected to represent.

Respondent: You know what. Respect our staff. You have harassed my staff (repeated) You have harassed me.

Complainant: All you do is put your foot in your mouth. Do you realize how the perception of you is? No, I've only asked, I've not harassed. I've asked you questions.

Respondent: You have harassed me for months. (repeated)

Complainant: I have asked questions, and you have the inability to answer questions.

Respondent: You have harassed me for months and you are harassing me now.

Complainant: Will you apologize for calling me a white supremacist? (repeated)

Respondent: I will never apologize.

Complainant: Will you apologize for calling me a white supremacist?

Respondent: Because you are.

43. The Complainant told my Office he shared the video with the *Toronto Sun*, which led to its publication on their YouTube page. He also shared a January 22, 2025, *Toronto Sun* article about the interaction which included comments from the Complainant. In it, he stated, "Sure, I was picking on Moise, but I wasn't slandering him, I wasn't calling him names," and acknowledged he (the Complainant) can adopt an "aggressive" tone.¹⁰

F. Analysis and Findings

44. My role is not to evaluate the conduct or motivation of the complainants, though the actions of one of them may offer relevant context. My responsibility is to assess a Member of Council's conduct by applying the standards in the Code of Conduct and its provisions concerning discreditable conduct. Those standards explicitly prohibit engaging with others in a "derogatory" manner.

45. I must determine if the Respondent violated Article 14 (Discreditable Conduct) by engaging in a derogatory manner with a member of the public. To do so I must answer these questions:

- a. Did the Respondent "engage with the Complainant in a derogatory manner"?

¹⁰ Toronto Sun, "[Never Apologize: Security called as feud between Chris Moise, constituent flares up](#)"

- b. Does Section 2b of the *Canadian Charter of Rights and Freedoms* protect the Respondent’s right to freedom of expression in this case or does the Code of Conduct impose a reasonable limit?
- c. Does the context surrounding the incident go to liability or to penalty?

46. In making my findings, I have applied a “balance of probabilities” as the standard of proof. This is the standard integrity commissioners use to decide if someone has breached the Code of Conduct. Proving something on a balance of probabilities means something is more likely than not to have occurred. In applying this standard, I have considered the evidence from the perspective of an objective observer and the reasonable conclusions they would make when apprised of the circumstances.

a. Did the Respondent “engage with the Complainant in a derogatory manner”?

47. Article 14 of the Code of Conduct states members must not “...engage with others, including the public, City staff and other members, in a manner that is abusive, bullying, intimidating or derogatory.”

48. In 2022, Toronto City Council approved revisions to its Code of Conduct. Before then, Article 14 required that Members treat others “appropriately” and without bullying, abuse or intimidation. However, the meaning of “appropriately” was vague. City Council replaced the term and added a requirement that members of Council must not engage with others in “a manner that is abusive, bullying, intimidating or *derogatory*.”

49. In his policy report to Council on the proposed updates to the Code of Conduct,¹¹ former Integrity Commissioner Jonathan Batty explained why the addition of “derogatory” was necessary:

“In the performance of their duties, members of Council, members of local boards and members of adjudicative boards are expected to meet high ethical standards. This applies not only with respect to what they advocate for and decide, but how they interact with others.

I recommend that the “discreditable conduct rule” in the Codes of Conduct be amended to:

¹¹ Commissioner Batty’s report to Toronto City Council, June 2022 (at pp. 6- 7).

- 1) clarify that the rule applies to activity that is connected with a member's performance of their official duties and their dealings with others; and,
- 2) better define what conduct is prohibited by removing the term "appropriate," as it is vague, but add the term "derogatory" to the list of prohibited conduct that includes the terms "abusive, bullying and intimidating

...Derogatory remarks attack someone's character, reputation or standing. These amendments are consistent with the intent and purpose of this rule and would set a clearer threshold about what is not acceptable."¹²

50. "Derogatory" is now included beside abusive, bullying and intimidating, in recognition that a member of Council should not abuse their authority in any of these ways.
51. Because municipalities' Codes of Conduct differ, not all include a prohibition about acting in a manner that is "derogatory."¹³ A basic search shows that "derogatory" refers to language that is insulting, disrespectful, or demeaning.¹⁴
52. Reports from other Integrity Commissioners within the province have confirmed that racist language can be contrary to municipal Codes of Conduct that prohibit discreditable conduct.¹⁵ It is not excusable for members of Council to engage in hate speech.
53. What happens then, when a Member of Council calls out racism?
54. In one Ontario municipal Integrity Commissioner's report, there was a complaint where a Mayor posted a thread of anti-racism posts on social media ending with one stating "Nazi punks [f-] off". The Integrity Commissioner found no violation because the remark was directed at a broad, nonspecific group rather than an

¹² Commissioner Batty's Report also noted:

The current rule acknowledges the Ontario Human Rights Code applies to members and requires them to abide by the City's Human Rights and Anti-harassment/discrimination Policy (HRAP) and Hate Activity Policy. Those policies address derogatory conduct:

- HRAP prohibits "slurs and derogatory remarks."
- The Hate Activity Policy prohibits communicating a message that implies someone be despised, scorned, denied respect and made subject to ill treatment on the basis of a group affiliation.

¹³ *Pomponi v Eddy et al.*, 2017 ONMIC 11 (CanLII), <<https://canlii.ca/t/hv1tn>>, retrieved on 2025-10-29; *Vander Doelen (Re)*, 2021 ONMIC 8 (CanLII), <<https://canlii.ca/t/jghxh>>, retrieved on 2025-10-29; *Mulcahy v Leahy and Mitchell*, 2021 ONMIC 38 (CanLII) <<https://canlii.ca/t/jlrxc>>

¹⁴ For example: [Derogatory - Definition, Meaning & Synonyms | Vocabulary.com](https://www.vocabulary.com/dictionary/derogatory)

¹⁵ *Vander Doelen (Re)*, 2021 ONMIC 8 (CanLII); *Singh v Sprovieri*, 2018 ONMIC 20 (CanLII), *Sheen (Re)*, 2024 ONMIC 13 (CanLII); *Parrish (Re)*, 2018 ONMIC 31 (CanLII).

identifiable individual. The report noted that the Mayor's wording referred to "unidentified "Nazis" to whom the word actually applied and not to a specific person."¹⁶

55. The Integrity Commissioner for the City of Barrie found a Councillor violated their Code of Conduct when he publicly posted on social media that a local Member of Parliament was "playing footsies with white supremacists." The Commissioner found the allegation was unsupported by evidence and caused unjustified harm to the MP's reputation. In that case, the violation was only alleging the complainant had *associated* with white supremacists.¹⁷
56. What happens if a member of Council publicly alleges a specific person is racist? In a recent report,¹⁸ the Integrity Commissioner for Whitby found two councillors, who publicly accused other members of Council of racism without persuasive evidence, had violated their code of conduct, even though the allegations were made in good faith.
57. Counsel for the Respondent submitted that this case can be distinguished from those above, because there is adequate evidence of the Complainant's world views in his "statements, writings and affiliations" to justify the Respondent's statements. While some of the Complainant's statements may be interpreted as signaling extremist viewpoints, the content the Respondent presented to me does not itself cross into an endorsement of extremist positions that justifies being labelled a white supremacist.
58. The Respondent's remarks were directed at a specific individual. The Complainant has asserted, and it is reasonable to conclude, that being labelled a white supremacist could cause reputational harm. This characterization singled out a constituent without evidence of a connection to white supremacist movements or beliefs. Such a label would typically be understood as a serious insult and an attack on personal character, making the Respondent's comment a derogatory statement under Article 14.
59. I recognize systemic racism is real, pervasive, and difficult to identify with precision in any interaction; rarely will someone acknowledge that their conduct is rooted in racism. I also take notice that Black people, including the

¹⁶ *Ayotte v Therrien*, 2022 ONMIC 10 (CanLII), <<https://canlii.ca/t/jrg2q>>, at para. 133.

¹⁷ [May 22, 2019, Complaint Investigation Report under the Barrie Council and Committee Code of Conduct](#) attachment 1 to agenda.

¹⁸ [March 11, 2025, Whitby Council, Report of Principles Integrity](#)

Respondent, can experience cumulative effects from a lifetime of racist micro-aggressions. Sometimes, a single exchange can feel like “the final straw.”

60. The Respondent alleged the Complainant harassed him and his staff through persistent online criticism, video-recording his public meetings for later online use, and made two unwelcome visits to the Respondent’s office. The Respondent’s counsel submitted that “While any single statement, viewed in isolation and individually, may not appear to rise to the level of harassment, [the Complainant’s] conduct must be assessed in its cumulative context.”
61. Of the thirteen public posts the Respondent referenced in his response to my proposed findings, five were made after the incident. The remaining eight only urged people to contact their Councillor to express opposition to the renaming of the public square. These posts reflected ordinary political criticism of an elected official, not harassment.
62. While I can understand why this constituent is a particular “thorn” in the side of the Respondent, he is entitled to criticize his elected representative, and I have no evidence that he crossed the line leading up to the interaction. I do not have the evidentiary basis to conclude there was harassment, only that the Complainant’s advocacy is persistent.
63. In his response to my proposed findings, the Respondent’s counsel alleged I placed a “reverse onus” on the Respondent to prove harassment. However, the Respondent claimed the Complainant harassed him and that this justified his conduct towards the Complainant. The Respondent must demonstrate his defence (i.e., the harassment) for me to consider whether it excuses his conduct. The Respondent demonstrated only persistent criticism of him as a Councillor, by someone with opposing views.
64. I find that the Respondent engaged with the Complainant in a derogatory manner under the Code of Conduct. The Code of Conduct holds elected officials to higher standards, and does not provide exceptions for brief reactive exchanges, although the human condition makes us all vulnerable to errors in judgment in times of intense stress.
65. I have also considered the fact that the Respondent did not actually call the Complainant a “white supremacist”. Instead, he said to the Complainant “you have a white supremacy view”, “I find you appalling” and then refused to apologize when the Complainant alleged he had called him a white supremacist. The Respondent responded stating “I will never apologize...because you are”. In the context of the Code, I find there is no meaningful difference between stating

directly that the Complainant is a white supremacist and implying the Complainant is a white supremacist by his response to a direct question. Both amount to engaging with a member of the public in a derogatory manner.

66. The Code of Conduct does not restrict members of Council from participating in political debate (and in fact may encourage it). However, it sets a standard of conduct for how members of Council express their views. Such limits are designed to encourage public debate in a respectful manner, without personal attacks or intimidation. A recent Divisional Court decision noted:

The Code of Conduct's stated purpose is to "establish a standard of conduct and a mechanism for managing inappropriate conduct" for trustees in discharging their duties. The Code of Conduct does not restrict trustees from expressing views but limits the manner in how they express those views. It requires civility and respect in expressing those opinions.¹⁹

b. Does Section 2b of the *Canadian Charter of Rights and Freedoms* protect the Respondent's Right to Freedom of Expression in this case or does the Code of Conduct impose a reasonable limit?

67. The Respondent did not specifically submit that his comments were protected by the right to free speech guaranteed in the *Canadian Charter of Rights and Freedom* (Charter).²⁰ However, I will address the issue briefly here. Municipal integrity commissioners have concluded, and the Courts have upheld that Codes of Conduct place reasonable limits on a member of Council's freedom of expression.

68. The Supreme Court of Canada has repeatedly held that rights under the Charter can be limited by administrative decisions where the limit is proportional to the statutory objective fulfilled by the administrative agency. If, in exercising its statutory discretion, the decision-maker has properly balanced the relevant Charter value with the statutory objectives, the decision will be found to be reasonable.

69. In *Robinson v. Pickering (City)*, the Court referred to the Councillor's right to freedom of expression as limited by the code of conduct. The Court accepted that the Integrity Commissioner had balanced the Charter right against the Commissioner's statutory mandate to enforce the code of conduct:

¹⁹ *Kaplan-Myrth v. Ottawa Carlton District School Board*, 2024 ONSC 4280 (para. 48).
<https://canlii.ca/t/k71dv>

²⁰ *The Constitution Act, 1982*: <https://laws-lois.justice.gc.ca/eng/Const/page-12.html>

...the Commissioner properly recognized that freedom of expression is not an absolute, unfettered right: “it is limited by reasonable restrictions, including by requirements to protect the rights and freedoms of other persons.” Moreover, while acknowledging the important role that elected representatives play as “conduits for the voices of their constituents,” the Commissioner was sensitive to the need not to countenance unlimited and possibly harmful expression by allowing an elected official to justify their position as “merely reflecting the views of her constituents.” The Commissioner reasoned that it would be “completely unacceptable for a Councillor to publicly make statements in support of spousal abuse, antisemitism or slavery, regardless of whether these were the ardently held views of one’s constituents.”²¹

70. In *Jubenville v. Chatham-Kent (Municipality)*,²² the Divisional Court upheld the Integrity Commissioner’s finding that a Councillor breached s. 15 of the municipality’s Code of Conduct by making statements which were “abusive, bullying, and intimidating.” The Councillor asserted the Integrity Commissioner had failed to appropriately consider her Charter right to freedom of expression. The Divisional Court upheld the Commissioner’s finding of a violation of the Chatham-Kent’s Code of Conduct (similar to Article 14). The Court wrote:

“In the context of the emotionally charged environment that arose before and after the motion that the Applicant brought to Council, the Integrity Commissioner’s decision that the Applicant breached s. 15 of the Code was a reasonable one. It was a decision that, based upon the evidence before her, fell within the reasonable array of outcomes available to the Integrity Commissioner.”

71. Recently, the Integrity Commissioner for Cambridge found a Councillor posting a meme making fun of non-binary pronouns was contrary to their Code of Conduct, despite Charter freedom of expression rights and even though it was not posted on an official social media account.²³

72. The statutory objective of Toronto’s Code of Conduct is to regulate, in the public interest, Members’ conduct and to promote accountability and transparency in the work of elected members of Council. It may limit a Member’s freedom of expression, but these limits serve key public purposes: they foster respectful dialogue, support meaningful participation, and prevent intimidation that discourages public debate. Reasonable restrictions, such as prohibiting

²¹ *Robinson v. Pickering (City)*, 2025 ONSC 3233 (para 124 – 127).

²² *Jubenville v. Chatham-Kent (Municipality)*, 2025 ONSC 3598 at para 39.

²³ [October 7, 2025. Integrity Commissioner Report for the Corporation of the City of Cambridge.](#)

name-calling or harassment, do not hinder meaningful expression and are outweighed by the public benefits of ensuring civil engagement.

C. Does the context surrounding the incident go to liability or to penalty?

73. Counsel for the Respondent submits that the context surrounding this matter cancels out the Respondent's liability. In other words, he argues the Respondent's remarks are not discreditable conduct in this specific context. For such an argument to succeed, I would have to conclude that, when viewed in context, Respondent's conduct does not meet the definition of "derogatory" at all.
74. To apply such an interpretation, I would have to give great weight to factors such as the fact that the Respondent was trying to leave a meeting and was being followed by an individual recording him on a phone while posing provocative questions about what might "hurt his feelings" next year. I would also give great weight to the context that a Black elected official was being persistently questioned by a white constituent about decisions aimed at addressing the historical legacy of slavery. Viewing the Complainant's prolonged and persistent criticism of the Respondent's position on equity, diversity and inclusion, and the Respondent's lived experience with racism, counsel argues, I would see not derogatory conduct, but a defensive reaction.
75. However, while I do weigh the context heavily, I cannot use it to interpret the Code of Conduct in a manner that permits a Councillor to apply a derogatory label to a specific individual, even in circumstances where the member is upset, angry, or being pursued. That is not an exception listed explicitly or hinted at by the Code. Members of Council are held to a higher standard of conduct. In such situations, a member should walk away, even when it is very difficult to do so.
76. While the Complainant's behaviour in this instance may have been aimed at eliciting a reaction, such encounters are not unusual in modern politics. Elected officials frequently face critics who engage in sharp rhetoric. Those in public office must manage these situations with restraint and in a way consistent with the Code of Conduct.
77. For these reasons, I find the surrounding context cannot cancel liability but should properly be weighed in determining the appropriate penalty, which I address below.

G. Recommendation as to Penalty

78. If Council adopts a report finding that a member has violated the Code of Conduct, Council may, pursuant to its authority under s. 160(5) of the *City of Toronto Act, 2006*, impose no penalty or impose a reprimand and/or suspend the remuneration paid to the member in respect of their services for a period of up to 90 days.
79. I have found that the Respondent acted towards a member of the public in a derogatory manner, contrary to Article 14 of the Code of Conduct.
80. I accept the Respondent's submissions that it is important to consider the context in the circumstances surrounding this complaint. It was likely inevitable that the Complainant's relentless pursuit of his agenda, often focussing on the Respondent, would result in tense exchanges between the Complainant and the Respondent. I understand the Respondent's submission that the on-camera pursuit and questioning he was subjected to while leaving a meeting on January 16, 2025 was a "gotcha moment."
81. I appreciate the challenges of political life and the perspectives gained from lived experiences. In the same way the Complainant is a relentless advocate for his agenda, the Respondent has a long and consistent history of serving the needs of racialized and 2SLGBTQ+ communities. In context, the Respondent's response appears to be the result of a simmering tension between the two men with deeply divided views. While I find that the Respondent's words did cross the line, I have taken the context into account in my recommendations as to penalty.
82. The mitigating factors include:
- The Respondent was being pursued by the Complainant, who was actively criticizing him and recording the interaction, all while the Respondent was trying to leave a meeting;
 - The Complainant is a persistent and vocal critic of the EDI positions of City Council and the Toronto Public Service, and has focused much of his criticism on the Respondent;
 - The lived experience of the Respondent as a racialized person in a world where we acknowledge systemic racism is real and persistent;
 - The remark occurred once in a brief interpersonal exchange and was not intentionally publicized by the Respondent; it became public only because the Complainant shared the video with the media; and,

- this is the first time my Office has investigated allegations of discreditable conduct by the Respondent.

83. As a result, I recommend Council impose no penalty.

84. In closing, this matter serves as a reminder that while disagreement is inevitable in a vibrant democracy, the way we engage with one another matters. Members of Council hold positions of public trust, and with that, the responsibility to model high standards of respectful conduct.

85. At times, this means choosing not to engage at all. When confronted with behaviour intended to provoke a reaction, the wisest course may be to simply walk away. By choosing civility and de-escalation, members of Council can help counter toxic political discourse.

Respectfully submitted,

“Paul Muldoon”

Paul Muldoon, Integrity Commissioner

About the Office of the Integrity Commissioner Toronto

The Integrity Commissioner is a neutral, independent officer who oversees the conduct of City of Toronto's elected and appointed officials. The Commissioner is appointed by City Council for a five-year term and operates independent of Council and the Toronto Public Service.

The standards of conduct expected of elected and appointed officials is documented in the Codes of Conduct and the Municipal Conflict of Interest Act (MCIA). Members of Council and local boards must serve the public interest by upholding the letter and spirit of these standards.

The Integrity Commissioner has four core functions:

Advisory: providing confidential advice to members of Council and members of local boards;

Investigative: investigating allegations that conduct standards have been breached;

Policy: providing policy advice to Council and local boards on ethics and integrity issues; and,

Educational: providing education on members' ethical obligations.

The Integrity Commissioner is one of the City of Toronto's four accountability officers, the duties of each be set out in Chapter 3 of the Toronto Municipal Code.

Code of Conduct Investigations

The Commissioner can investigate after receiving a complaint from an individual or a request from Council or a Local Board (s. 160 (1) City of Toronto Act, 2006) if the matter is within his jurisdiction and raises sufficient grounds to investigate.

After investigating, the Commissioner can make findings on whether a member has violated the Code of Conduct. If the Commissioner finds a violation, he reports to Council or the local board and can recommend penalties and remedial action.

The penalties available to the Commissioner to recommend are a reprimand, and, for Members of Council and local boards who are paid for their work, suspension of pay for up to 90 days (s. 160 (5) City of Toronto Act, 2006).

Council or the board cannot alter the Commissioner's findings, but they choose whether to adopt, reject or alter recommendations (s. 160 (6) City of Toronto Act, 2006).