

TORONTO MUNICIPAL CODE
CHAPTER 140, LOBBYING

Chapter 140

LOBBYING

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[History: Adopted by the Council of the City of Toronto February 6, 2007 by By-law 150-2007.¹ Amendments noted where applicable.]

General References

City of Toronto Act, 2006 - See S.O. 2006, c. 11, Sched. A.
Municipal Act, 2001 - See S.O. 2001, c. 25.

¹ Editor's Note: This by-law was passed under the authority of sections 165 to 169 of the City of Toronto Act, 2006, S.O. 2006, c. 11. By-law 87-2008, enacted January 30, 2008, amended Section 2 of By-law 150-2007 to indicate that By-law 150-2007 comes into force on February 11, 2008.

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ARTICLE I
General

§ 140-1. Definitions.

[Amended 2014-08-28 by By-law 1008-2014²]

As used in this chapter, the following terms shall have the meanings indicated:

AWARD - Has the same meaning as Chapter 195, Purchasing.

BOARD OF HEALTH - Board of Health for the City of Toronto Health Unit.

BUSINESS DAY - A day when the offices of the City or a local board are open during its regular hours of business, other than a Saturday or a Sunday or other holiday.

CALL - Has the same meaning as Chapter 195, Purchasing.

CODE OF CONDUCT - The Lobbyists' Code of Conduct set out in Article VI.

COMMITMENT - Has the same meaning as Chapter 195, Purchasing.

COMMUNICATION - Any form of expressive contact, and includes oral, written or electronic communication.

CONSTITUENT:

A. With respect to the Mayor:

- (1) An individual who resides in the City.
- (2) An owner or operator of a business or other entity located in the City.

B. With respect to a member of council for a City ward:

- (1) An individual who resides in the ward.
- (2) An owner or operator of a business or other entity located in the ward. **[Amended 2008-01-30 by By-law 87-2008³]**

CO-OPERATIVE PURCHASING - Has the same meaning as Chapter 195, Purchasing.

GRASS-ROOTS COMMUNICATION: **[Amended 2008-07-17 by By-law 852-2008⁴]**

A. Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.

² Editor's Note: By-law 1008-2014 came into force December 31, 2015.

³ Editor's Note: This by-law came into force February 11, 2008.

⁴ Editor's Note: This by-law came into force July 7, 2008.

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- B. Without limiting Subsection A, includes appeals as described in Subsection A where the members of the public being targeted by the appeal are members of an organization or a special interest group or otherwise have a common or shared interest in a subject matter.

LOBBY - To communicate with a public office holder on any of the following subject matters: **[Amended 2008-01-30 by By-law 87-2008⁵; 2008-07-17 by By-law 852-2008⁶]**

- A. Development, introduction, passage, defeat, amendment or repeal of a by-law, bill or resolution on any matter, by Council, a local board (restricted definition), the Board of Health, or a committee, another body or individual under delegated authority.
- B. Without limiting Subsection A, the following:
- (1) Development, approval, amendment or termination of a policy, program, directive or guideline.
 - (2) Procurement of goods, services or construction and awarding a contract.
 - (3) Approving, approving with conditions, or denying an application for a service, grant, planning approval, permit or other licence or permission.
 - (4) Awarding any financial contribution, grant or other financial benefit by or on behalf of the City, a local board (restricted definition) or the Board of Health.
 - (5) Transferring from the City, a local board (restricted definition) or the Board of Health any interest in or asset of any business, enterprise or institution.
 - (6) Determining the model and method of delivering a service.
- C. The matters noted in Subsections A and B with necessary modifications, if considered by a local board (restricted definition), the Board of Health or another body or individual under delegated authority.
- D. In relation to a consultant lobbyist referred to in Article II or an individual as referred to in § 140-28B, to arrange a meeting between a public office holder and any other person.

LOBBYIST:

- A. A consultant lobbyist as defined in § 140-11.
- B. An in-house lobbyist as defined in § 140-20.
- C. A voluntary unpaid lobbyist as defined in § 140-27.

LOCAL BOARD - For the purposes of §§ 140-3A(4) and 140-38C, the same meaning as a local board as defined in subsection 3(1) of the City of Toronto Act, 2006.

⁵ Editor's Note: This by-law came into force February 11, 2008.

⁶ Editor's Note: This by-law came into force July 7, 2008.

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LOCAL BOARD (RESTRICTED DEFINITION) - The same meaning as a local board (restricted definition) as defined in section 156 of the City of Toronto Act, 2006. [**Amended 2008-01-30 by By-law 87-2008**⁷]

ORGANIZATION:

- A. A government, other than the City.
- B. An organization related to professions, labour groups, business, industry or for-profit entities as defined in § 140-27.
- C. A not-for-profit organization that is not included in Subsection B.

PAYMENT - Money or anything of value and a contract, promise or agreement to pay money or anything of value.

PERSON WITH SIGNIFICANT CONTROL: [**Added 2016-05-05 by By-law 418-2016**]

- A. Any person who holds, directly or indirectly, 25 percent or more of the shares of a corporation, partnership, coalition or organization;
- B. Any person who holds, directly or indirectly, 25 percent or more of the voting rights of a corporation, partnership, coalition or organization;
- C. Any person who holds the right, directly or indirectly, to appoint or remove a majority of the board of directors of a corporation, partnership, coalition or organization;
- D. Any person who has the right to exercise or actually exercises significant influence or control of a corporation, partnership, coalition or organization;
- E. Any person who is a trustee of a trust that holds, directly or indirectly, 25 percent or more of the shares of a corporation, partnership, coalition or organization;
- F. Any person who is a trustee of a trust that holds, directly or indirectly, 25 percent or more of the voting rights of a corporation, partnership, coalition or organization;
- G. Any person who is a trustee of a trust that has the right to exercise or actually exercises significant influence or control of a corporation, partnership, coalition or organization; or
- H. Any person who has the right to exercise, or actually exercises, significant influence or control over the activities of a trust that meets any of the requirements of Subsections E to G.

PUBLIC OFFICE HOLDER: [**Amended 2008-01-30 by By-law 87-2008**⁸]

- A. The same meaning as a public office holder as defined in section 156 of the City of Toronto Act, 2006.
- B. A member of the Board of Health.

⁷ Editor's Note: This by-law came into force February 11, 2008.

⁸ Editor's Note: This by-law came into force February 11, 2008.

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- C. Individuals appointed by Council, a Standing Committee or a Community Council under delegated authority, or a local board (restricted definition) to an advisory body to provide advice to Council, the Standing Committee, the Community Council or the local board (restricted definition) or to employees of the City or local board (restricted definition).

PURCHASING INVOLVED EMPLOYEE - any City employee who is involved in or participates in a purchasing process including where applicable any senior public office holder but shall not include, the Auditor General, Integrity Commissioner, Lobbyist Registrar or Ombudsman appointed by Council under Part V, Accountability and Transparency, of the City of Toronto Act, 2006.

PURCHASING PROCESS - A call, co-operative purchasing or solicitation that is issued with the expectation of a commitment or award and shall continue from the issuance of the call, co-operative purchasing or solicitation until the commitment or an award is made or the call, co-operative purchasing or solicitation is rescinded or revoked.

REGISTRAR - The person appointed as the Lobbyist Registrar under section 168 of the City of Toronto Act, 2006.

SENIOR PUBLIC OFFICE HOLDER:

- A. A member of City Council and any person on his or her staff.
- B. The following City officials and employees:
- (1) The City Manager, the Chief Financial Officer and Treasurer, a Deputy City Manager. [**Amended 2018-07-27 by By-law 1206-2018; 2018-12-13 by By-law 17-2019⁹**]
 - (2) The Auditor General, Integrity Commissioner, Investigator (as appointed under section 190.2 of the City of Toronto Act, 2006), Registrar and Ombudsman.
 - (3) The City Clerk, the City Solicitor, the Medical Officer of Health and the Controller (in the City's administrative organization and Deputy City Treasurer under section 138 of the City of Toronto Act, 2006 or its predecessor, section 286 of the Municipal Act, 2001). [**Amended 2018-12-13 by By-law 17-2019¹⁰**]
 - (4) A general manager, executive director or director.
 - (5) A person authorized to act in the place of an official listed in Subsections B(1) to (4) by Council or by the City Manager or another official under delegated authority. [**Amended 2008-01-30 by By-law 87-2008¹¹**]
 - (6) Employees in other management positions who are in a position to influence programs and services and have direct contact with members of Council or the Board of Health.

⁹ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

¹⁰ Editor's Note: By-law 17-2019 is deemed to have come into force on October 23, 2018.

¹¹ Editor's Note: This by-law came into force February 11, 2008.

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- (7) Employees who are not in management positions but who are in direct contact with members of Council or the Board of Health and whose work for the City includes the following:
 - (a) Advice to members of Council or the Board of Health, or to Council or the Board of Health, including, but not limited to, employees who provide legal, financial, personnel and policy advice.
 - (b) Approval or enforcement services, including, but not limited to, employees who provide planning, building, licensing, inspection, grants and purchasing services.
- (8) Employees who are in direct contact with members of Council in the operation of Council and committees of Council.
- (9) Employees who work on municipal elections in a supervisory capacity or who are employed in the Elections Services section of the City Clerk's Office.
- C. A member of a local board (restricted definition) and any person on his or her staff.
- D. A member of the Board of Health.
- E. An official or employee of a local board (restricted definition) who is in a similar management position or whose services for the local board (restricted definition) are similar to the positions or to the services provided by the City officials and employees as described in Subsection B.

SOLICITATION - Has the same meaning as Chapter 195, Purchasing.

§ 140-2. Subsidiary corporation.

For the purposes of this chapter, a corporation is a subsidiary of another corporation if:

- A. Securities of the corporation, to which are attached more than 50 percent of the votes that may be cast to elect directors of the corporation, are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and
- B. The votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

§ 140-3. Restriction on application (persons and organizations).

This chapter does not apply to any of the following persons when acting in their official capacity:

- A. Government or public sector, other than the City.
 - (1) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members.

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- (2) Members of a First Nation council as defined in the Indian Act (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members.
 - (3) Employees of the Government of Canada, the government of a province or territory, or a First Nation council.
 - (4) Members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the City, persons on the staff of the members, or officers or employees of the municipality or local board, but excluding a statutory body that is: **[Amended 2008-01-30 by By-law 87-2008;¹² 2008-07-17 by By-law 852-2008]**
 - (a) A municipally controlled corporation as defined in section 223.1 of the Municipal Act, 2001; and
 - (b) With necessary modifications, a similar municipally controlled corporation for a municipality that is not located in Ontario.
 - (5) Members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.
 - (6) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit international organization that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
 - (7) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit national or sub-national domestic organization in Canada that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
 - (8) Subject to the exceptions in § 140-4B, C, D and E, members of a quasi-governmental or broader public sector organization that provides services to the public, persons on the staff of the members, or officers or employees of the organization.
- B. Without limiting the generality of Subsection A, members, persons on the staff of the members, or officers or employees of the following school boards: **[Amended 2008-01-30 by By-law 87-2008¹³]**
- (1) Conseil scolaire de district catholique Centre-Sud.
 - (2) Conseil scolaire de district du Centre Sud-Ouest.
 - (3) Toronto Catholic District School Board.
 - (4) Toronto District School Board.

¹² Editor's Note: This by-law came into force February 11, 2008.

¹³ Editor's Note: This by-law came into force February 11, 2008.

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- C. City; other bodies; employee representatives.
- (1) Public office holders.
 - (2) Members, persons on the staff of the members, or directors, officers or employees of the corporations or other bodies listed in Schedule A.
 - (3) Persons making representations: **[Amended 2018-05-24 by By-law 642-2018]**
 - (a) On behalf of employee or labour groups identified in Schedule B, when representing employees of the City or a local board (restricted definition) in a manner permitted by a collective agreement or relationship protocol; or
 - (b) On behalf of employee or labour groups identified in Schedule B, when representing employees of the City or a local board (restricted definition) and communicating about the negotiation and administration of collective agreements or a relationship protocol.
- D. Members, persons on the staff of the members, or officers or employees of provincial or federal crown corporations, crown-controlled corporations or agencies, except for those listed in Schedule C, at the end of this chapter, that are required, or, to the extent the corporation or agency would be exempt as a crown agency, are requested to comply with this chapter. **[Amended 2008-01-30 by By-law 87-2008¹⁴]**

§ 140-4. Restriction on application (not-for-profit organizations); exceptions.

- A. This chapter does not apply to members, persons on the staff of the members, or officers or employees of a not-for-profit corporation or other not-for-profit organization when acting in their official capacity, subject to the exceptions in Subsections B, C, D and E.
- B. Subsection A does not apply to an organization referred to in Subsection B of the definition of organization in § 140-1.
- C. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is funded by a for-profit entity as defined in § 140-27 to advance the financial or commercial interests of the for-profit entity.
- D. If the not-for-profit corporation or other not-for-profit organization engages a consultant lobbyist as defined in § 140-11 to act on its behalf, the consultant lobbyist is still required to comply with the requirement to file a return in Article II. **[Amended 2008-01-30 by By-law 87-2008¹⁵]**
- E. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is communicating with public office holders with respect to a grant application, award or other financial benefit outside of the established administrative review, approval or appeal processes for the grant application, award or other financial

¹⁴ Editor's Note: This by-law came into force February 11, 2008.

¹⁵ Editor's Note: This by-law came into force February 11, 2008.

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benefit, and Article III must be complied with. **[Amended 2008-07-17 by By-law 852-2008]**

- F. Subsection E does not apply to an organization as defined in Subsection C of the definition of "organization" in § 140-1 that is a not-for-profit community services sector organization and, for greater certainty, is not a not-for-profit organization described in Subsection C. **[Added 2008-07-17 by By-law 852-2008; amended 2008-12-03 by By-law 1302-2008]**

§ 140-5. Restriction on application (communication).

This chapter does not apply in respect of:

- A. A communication that occurs as part of a meeting of Council, a local board (restricted definition), the Board of Health or their committees, for example: **[Amended 2008-01-30 by By-law 87-2008;¹⁶ 2008-07-17 by By-law 852-2008]**
- (1) A written communication that is filed with the meeting administrator (for example the City Clerk) before or during the meeting, and includes a communication received after the meeting that is processed for consideration at another meeting.
 - (2) An oral communication to Council, a board or a committee that in the case of the City is usually referred to as a "deputation."
- B. A communication on a subject matter that is submitted to or occurs during a public process related to the subject matter as follows: **[Amended 2008-01-30 by By-law 87-2008;¹⁷ 2008-07-17 by By-law 852-2008]**
- (1) A public meeting, hearing, consultation, presentation, open house or media event held or sponsored by the City, a local board (restricted definition), the Board of Health or a public office holder with respect to the subject matter.
 - (2) A public meeting, hearing, consultation, presentation, open house or media event that is part of the administrative review process with respect to an application or approval under § 140-5F.
- C. A communication that is restricted to a request for information.
- D. A communication that is restricted to compliments or complaints about a service or program.
- E. Subject to Subsections F and G, a communication to a public office holder by an individual on behalf of an individual, business or organization, about:
- (1) The enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization.

¹⁶ Editor's Note: This by-law came into force February 11, 2008.

¹⁷ Editor's Note: This by-law came into force February 11, 2008.

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- (2) The implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business or organization.
 - (3) A personal matter of the individual, business or organization, unless the communication is in respect of a matter, described in Subsection A of the definition of lobby in § 140-1, that is for the special benefit of the individual, business or organization.
- F. A communication by the applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other licence or permission: **[Amended 2008-01-30 by By-law 87-2008;¹⁸ 2008-07-17 by By-law 852-2008]**
- (1) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), or a member of Council, a local board (restricted definition) or the Board of Health; if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process.
 - (2) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), if the communication is for the purposes of filing an application or part of the administrative review process for an application.
- G. Submitting a bid or proposal as part of the procurement process, and any communication with designated employees of the City, a local board (restricted definition) or the Board of Health (including a City employee when working as a designated employee for a board), as permitted by Chapter 195, Purchasing, in the procurement policies and procurement documents of the City, local board (restricted definition) or Board of Health. **[Amended 2008-07-17 by By-law 852-2008; 2018-05-24 by By-law 642-2018]**
- H. A communication to a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder.
- I. A member service or member communication by an organization or a not-for-profit corporation to a public office holder who is a member of the organization or not-for-profit corporation.
- J. Casual communication at a public gathering such as a charitable event, community or civic event, or festival, in keeping with protocol for the event and if the communication does not materially advance a matter as referred to in Subsection B of the definition of lobby in § 140-1.

¹⁸ Editor's Note: This by-law came into force February 11, 2008.

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§ 140-6. Restriction on application (ward constituent communications); exceptions.

- A. This chapter does not apply in respect of a communication to a member of Council by a constituent of the member of Council, or an individual on behalf of a constituent of the member of Council on a general neighbourhood or public policy issue, subject to the exceptions in Subsections B and C. [Amended 2008-07-17 by By-law 852-2008]
- B. Subsection A does not apply if the communication is in respect of a matter, described in Subsection A of the definition of lobby in § 140-1, that is for the special benefit of the individual, business or organization.
- C. If the constituent engages a consultant lobbyist as defined in § 140-11 to act on the constituent's behalf, the consultant lobbyist is still required to comply with the requirement to file a return in Article II. [Amended 2008-01-30 by By-law 87-2008¹⁹]

§ 140-7. Protection of identity.

Nothing in this chapter shall be construed as requiring the disclosure of the name or identity of any individual if that disclosure could reasonably be expected to threaten the safety of that individual.

§ 140-8. Contingency fees prohibition.

- A. A person, on whose behalf another person undertakes lobbying activities, shall not make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- B. A person who lobbies a public office holder shall not receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

§ 140-9. Restriction on former senior public office holders.

[Amended 2008-01-30 by By-law 87-2008²⁰]

- A. Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health.
- B. Subsection A applies to any senior public officer holder who ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health on or after February 11, 2008.

¹⁹ Editor's Note: This by-law came into force February 11, 2008.

²⁰ Editor's Note: This by-law came into force February 11, 2008.

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§ 140-9.1. Duty to report for employees involved in a purchasing process.

[Added 2014-08-28 by By-law 1008-2014²¹]

- A. This section applies to any purchasing involved employee with respect to all activities occurring during the time period the purchasing involved employee is involved in or participates in a purchasing process.
- B. A purchasing involved employee upon having reasonable grounds to believe that a breach of this chapter has occurred or will occur, shall as soon as reasonably practicable:
 - (1) report the breach to the Lobbyist Registrar for investigation and resolution, by providing the basis for the belief that a breach of this chapter has occurred, or may occur; and
 - (2) provide the Lobbyist Registrar with any documents, information, or other evidence which the purchasing involved employee believes are or may be relevant to the breach.

§ 140-10. Registration requirement.

No person shall lobby a public office holder without being registered as required under Articles II, III or IV, unless otherwise exempted under this chapter.

§ 140-10.1. Grass-roots communication exemption period.

[Added 2008-07-17 by By-law 852-2008²²]

- A. If a lobbyist has registered an intention to lobby a public office holder by means of a grass-roots communication under § 140-15 or 140-22, the Registrar may approve an exemption period of not more than two weeks and shall specify the period in writing.
- B. The Registrar may approve extensions to the exemption period approved under Subsection A and each extension shall be not more than two weeks.
- C. Before approving an exemption period under Subsection A or an extension of an exemption period under Subsection B, the Registrar may require additional information on the proposed grass-roots communication as necessary to provide for additional transparency in the use of this communication technique.
- D. During the exemption period approved under Subsection A and any extension approved under Subsection B, communications with a public office holder by the members of the public targeted by the grass-roots communication do not have to be registered, if the communication is in support of the particular opinion in the grass-roots communication and is a direct result of the grass-roots communication.
- E. Except as provided in Subsection D, a member of the public must comply with the registration requirements of this chapter to communicate with a public office holder on a

²¹ Editor's Note: By-law 1008-2014 came into force December 31, 2015.

²² Editor's Note: This by-law came into force July 7, 2008.

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subject matter, unless the member of the public or the communication is otherwise exempt from the registration requirements.

ARTICLE II
Registration of Consultant Lobbyists

§ 140-11. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

CLIENT - An individual, corporation or other person, or a partnership or organization on whose behalf a consultant lobbyist undertakes to lobby.

CONSULTANT LOBBYIST - An individual who, for payment, undertakes to lobby on behalf of a client.

UNDERTAKING - An undertaking by a consultant lobbyist to lobby on behalf of a client.

§ 140-12. Consultant lobbyist exclusions.

The following individuals are excluded from the definition of consultant lobbyist in § 140-11, if the individual's services to the client are limited to the following services:

- A. An individual who for payment provides only translation services for the client.
- B. An individual who for payment accompanies an applicant or an applicant's representative, or both, to a meeting on the application with a public office holder, or participates electronically in the meeting, if:
 - (1) The application is for a service, grant, planning approval, permit or other licence or permission, as described in § 140-5F; and
 - (2) The individual provides technical or other background information on the application, but does not promote the merits of the application or advocate approval of the application.

§ 140-13. Restriction on application (in-house lobbyist activities).

This article does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, if his or her employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

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§ 140-14. Duty to file return; transitional.

[Amended 2008-07-17 by By-law 852-2008²³]

- A. Under § 140-10 (Registration requirement), a consultant lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.
- B. A consultant lobbyist shall not commence performance of an undertaking until:
 - (1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-15 other than the information required under § 140-15K, L and M;
 - (2) The contact information required under § 140-16A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the consultant; and
 - (4) The Registrar has assigned a registration number to the undertaking.
- C. A consultant lobbyist shall register in his or her return the information required under § 140-15K, L and M not later than three business days after the consultant lobbyist has lobbied a public office holder.
- D. A consultant lobbyist who undertakes to lobby is required to file only one return under Subsection B even though he or she may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other person.
- E. If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the Registrar not later than five business days after this section comes into force.

§ 140-15. Contents of return.

A consultant lobbyist shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the undertaking:

- A. The name, title, business address and telephone number of the consultant lobbyist and, if applicable, the name and business address of the firm where the consultant lobbyist is engaged in business. **[Amended 2008-01-30 by By-law 87-2008²⁴]**
- B. The name and business address of the client and the name and business address of any person, partnership or organization that, to the knowledge of the consultant lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.

²³ Editor's Note: This by-law came into force July 7, 2008.

²⁴ Editor's Note: This by-law came into force February 11, 2008.

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- C. If the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the consultant lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- D. If the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- E. If the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition.
- F. If, during the client's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the client received funding from a government or government agency, the name of the government or government agency and the ministry, department, or program, as the case may be, that provided the funding. **[Amended 2008-01-30 by By-law 87-2008;²⁵ 2008-10-30 by By-law 1129-2008²⁶]**
- G. If, to the knowledge of the consultant lobbyist, during the client's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the client received a contribution of \$750 or more to the consultant lobbyist's activities on behalf of the client: **[Amended 2008-10-30 by By-law 1129-2008²⁷]**
- (1) In the case of a contribution from an entity or organization that is not a government or government agency, the name of the entity or organization, the name of the contact person and the telephone number of the entity or organization;
 - (2) In the case of a contribution from an individual, the name and telephone number of the individual; and
 - (3) If, to the knowledge of the consultant lobbyist the contribution was made by a party described in Subsection G(1) or (2), on behalf of another entity, organization or individual:
 - (a) The name of the other entity or organization, the name of the contact person and the telephone number of the entity or organization; and
 - (b) The name and telephone number of the other individual.
- H. The name and business address of any person with significant control of a client²⁸. **[Amended 2016-05-05 by By-law 418-2016]**
- I. The subject matter in respect of which the consultant lobbyist has undertaken to lobby. **[Amended 2008-01-30 by By-law 87-2008²⁹]**

²⁵ Editor's Note: This by-law came into force February 11, 2008.

²⁶ Editor's Note: This by-law came into force November 4, 2008.

²⁷ Editor's Note: This by-law came into force November 4, 2008.

²⁸ Editor's Note: Former § 140-15H, which required that a consultant lobbyist include in the return the name and business address of any individual who made a contribution on behalf of an entity or organization, was repealed October 30, 2008 by By-law 1129-2008. See now § 140-15G. By-law 1129-2008 came into force November 4, 2008.

²⁹ Editor's Note: This by-law came into force February 11, 2008.

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- J. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or other licence or permission, grant, contribution, financial benefit or contract, including any report on or identifiable issue with any of these matters.
- K. The name of any division or program of the City, local board (restricted definition) or the Board of Health in which any public office holder is employed or serves, and the position title of any public office holder, whom the consultant lobbyist has lobbied. [**Amended 2008-01-30 by By-law 87-2008**;³⁰ **2008-07-17 by By-law 852-2008**³¹]
- L. If the consultant lobbyist has lobbied a member of the Council, a local board (restricted definition) or the Board of Health, in his or her capacity as a member or a person on the staff of a member of the Council, a local board (restricted definition) or the Board of Health, the name of the member or person. [**Amended 2008-07-17 by By-law 852-2008**³²]
- M. The techniques of communication that the consultant lobbyist has used to lobby a public office holder identified in the return under Subsection K or L, the date of the communication and the subject matter of the lobbying. [**Amended 2008-07-17 by By-law 852-2008**³³]
- N. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the members of the public who are the target of the appeal. [**Added 2008-07-17 by By-law 852-2008**³⁴]
- O. Particulars to identify any senior public office positions previously held by the consultant lobbyist with the City, a local board (restricted definition) or the Board of Health, and the latest date when he or she ceased to hold office or to be employed as a senior public office holder by the City, a local board (restricted definition) or the Board of Health. [**Amended 2008-01-30 by By-law 87-2008**³⁵]
- P. Declarations confirming the following information:
- (1) That the consultant lobbyist has read the Code of Conduct and that the consultant lobbyist shall comply with the Code of Conduct;
 - (2) That no communication with respect to the undertaking has commenced before the requirements in § 140-14B have been satisfied, unless § 140-14E applies; and [**Amended 2008-07-17 by By-law 852-2008**³⁶]

³⁰ Editor's Note: This by-law came into force February 11, 2008.

³¹ Editor's Note: This by-law came into force July 7, 2008.

³² Editor's Note: This by-law came into force July 7, 2008.

³³ Editor's Note: This by-law came into force July 7, 2008.

³⁴ Editor's Note: This by-law came into force July 7, 2008 and also provided for the re-designation of former Subsections N through Q as Subsections O through R, respectively.

³⁵ Editor's Note: This by-law came into force February 11, 2008.

³⁶ Editor's Note: This by-law came into force July 7, 2008.

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- (3) If § 140-14E applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed. [**Amended 2008-07-17 by By-law 852-2008**³⁷]

- Q. Acknowledgement of the public disclosure of information filed in the return.
- R. Any agreement required respecting electronic filing.

§ 140-16. Contact information.

- A. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information for the consultant lobbyist, the firm where the consultant lobbyist is engaged in business and the client.
- B. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-15, but not included in Subsection A, not later than two business days after the Registrar makes the request. [**Amended 2008-01-30 by By-law 87-2008**³⁸]

§ 140-17. Changes to information in return or contact information.

[**Amended 2008-07-17 by By-law 852-2008**³⁹]

A consultant lobbyist shall provide the Registrar with any change to the information in his or her return and any information required to be provided under § 140-15 or 140-16, the knowledge of which the consultant lobbyist acquired only after the return was filed, not later than three business days after the change occurs or the knowledge is acquired.

§ 140-18. Additional information.

A consultant lobbyist shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the consultant lobbyist has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

§ 140-19. Completion or termination of undertaking; update return.

[**Amended 2008-01-30 by By-law 87-2008**⁴⁰]

- A. A consultant lobbyist shall advise the Registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated

³⁷ Editor's Note: This by-law came into force July 7, 2008.

³⁸ Editor's Note: This by-law came into force February 11, 2008.

³⁹ Editor's Note: This by-law came into force July 7, 2008.

⁴⁰ Editor's Note: This by-law came into force February 11, 2008.

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by filing the form required by the Registrar to record this change on the return, not later than two business days after the completion or termination of the undertaking.

- B. A consultant lobbyist shall advise the Registrar that he or she is continuing an undertaking in respect of which he or she has filed a return by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the undertaking is continuing and the content of the return is up to date.

ARTICLE III
**Registration of In-house Lobbyists
(Includes Sole Proprietors and Partners)**

§ 140-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE - Includes an officer who is compensated for the performance of his or her duties.

IN-HOUSE LOBBYIST:

- A. An individual who is employed by an individual, corporation, organization or other person, or a partnership, a part of whose duties as an employee is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.
- B. An individual who is the sole proprietor of a business, when the individual is lobbying on behalf of that business.
- C. An individual who is a partner in a business, when the individual is lobbying on behalf of the partnership.

SENIOR OFFICER:

- A. Except in the case of an organization, the senior officer who is responsible for filing returns of an individual, corporation or other person, or a partnership, with the Registrar.
- B. In the case of an organization, the most senior officer or staff person of the organization who is compensated for the performance of his or her duties.

§ 140-21. Duty to file return; transitional.

[Amended 2008-01-30 by By-law 87-2008;⁴¹ 2008-07-17 by By-law 852-2008⁴²]

- A. Under § 140-10 (Registration requirement), the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for an in-house lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.

⁴¹ Editor's Note: This by-law came into force February 11, 2008.

⁴² Editor's Note: This by-law came into force July 7, 2008.

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- B. The senior officer shall file a return with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O, P and P.1(2) or, if applicable, amend a return already filed with the Registrar, before: **[Amended 2008-10-30 by By-law 1129-2008⁴³]**
- (1) An employee commences any duties as an in-house lobbyist; or
 - (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, commences lobbying activities on behalf of the sole proprietorship or partnership.
- C. An in-house lobbyist shall not commence any lobbying employment duties, or lobbying activities on behalf of the sole proprietorship or partnership, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, until:
- (1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O, P, and P.1(2) or, if applicable, amend a return already filed with the Registrar; **[Amended 2008-10-30 by By-law 1129-2008⁴⁴]**
 - (2) The contact information required under § 140-23A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the senior officer and to the in-house lobbyist; and
 - (4) The Registrar has assigned a registration number to the return or, if applicable, approved the amendment to the return.
- D. The senior office holder shall register in the return the information required under § 140-22N, O, P and P.1(2) not later than three business days after an in-house lobbyist or committee has lobbied a public office holder. **[Amended 2008-10-30 by By-law 1129-2008⁴⁵]**
- E. The senior officer is required to file only one return under Subsection B even though in-house lobbyists may communicate with one or more public office holders on one or more occasions, if the lobbying relates to the same subject matter.
- F. The senior officer shall file a return with the Registrar not later than five business days after this section comes into force if, on the coming into force of this section:
- (1) An in-house lobbyist is performing any employment duties that involve lobbying; or
 - (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, is lobbying on behalf of the sole proprietorship or partnership.

⁴³ Editor's Note: This by-law came into force November 4, 2008.

⁴⁴ Editor's Note: This by-law came into force November 4, 2008.

⁴⁵ Editor's Note: This by-law came into force November 4, 2008.

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§ 140-22. Contents of return.

[Amended 2008-01-30 by By-law 87-2008⁴⁶]

The senior officer shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the in-house lobbying activities:

- A. The name and title of the senior officer.
- B. The name and business address of the employer.
- C. The name, title, business address and telephone number of all in-house lobbyists.
- D. If the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the senior officer, has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer.
- E. If the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- F. The fiscal year of the employer. **[Amended 2008-10-30 by By-law 1129-2008⁴⁷]**
- G. A description in summary form of the employer's business or activities.
- H. If, during the employer's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the employer received funding from a government or government agency, the name of the government or government agency and the ministry, department, or program, as the case may be, that provided the funding. **[Amended 2008-10-30 by By-law 1129-2008⁴⁸]**
- I. If, to the knowledge of the senior officer, during the employer's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the employer received a contribution of \$750 or more toward the in-house lobbyist's activities on behalf of the employer: **[Amended 2008-10-30 by By-law 1129-2008⁴⁹]**
 - (1) In the case of a contribution from an entity or organization that is not a government or government agency, the name of the entity or organization, the name of the contact person and the telephone number of the entity or organization;
 - (2) In the case of a contribution from an individual, the name and telephone number of the individual; and
 - (3) If, to the knowledge of the senior officer the contribution was made by a party described in Subsection I(1) or (2), on behalf of another entity, organization or individual:

⁴⁶ Editor's Note: This by-law came into force February 11, 2008.

⁴⁷ Editor's Note: This by-law came into force November 4, 2008.

⁴⁸ Editor's Note: This by-law came into force November 4, 2008.

⁴⁹ Editor's Note: This by-law came into force November 4, 2008.

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- (a) The name of the other entity or organization, the name of the contact person and the telephone number of the entity or organization; and
 - (b) The name and telephone number of the other individual.
- J. (Reserved)⁵⁰
- K. If § 140-21F applies and the in-house lobbyist is lobbying at the time the return is filed, the subject matter in respect of which he or she is lobbying. [**Amended 2008-07-17 by By-law 852-2008**⁵¹]
- L. Each subject matter in respect of which the in-house lobbyist has lobbied or expects to lobby during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed. [**Amended 2008-07-17 by By-law 852-2008**⁵²]
- M. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or other licence or permission, grant, contribution, financial benefit or contract, including any report or issue with these matters.
- N. The name of any division or program of the City, a local board (restricted definition) or the Board of Health in which any public office holder is employed or serves, and the position title of any public office holder, whom the in-house lobbyist has lobbied during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed. [**Amended 2008-07-17 by By-law 852-2008**⁵³]
- O. If the in-house lobbyist has lobbied a member of the Council, a local board (restricted definition) or the Board of Health, in his or her capacity as a member or a person on the staff of a member of the Council, local board (restricted definition) or Board of Health during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed, the name of the member or person. [**Amended 2008-07-17 by By-law 852-2008**⁵⁴]
- P. The techniques of communication that the in-house lobbyist has used to lobby a public office holder identified in the return under Subsection N or O, the date of the communication and the subject matter of the lobbying, during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed. [**Amended 2008-07-17 by By-law 852-2008**⁵⁵]

⁵⁰ Editor's Note: Former § 140-22J, which required that a senior officer include in the return the name and business address of any individual who made a contribution on behalf of an entity or organization, was repealed October 30, 2008 by By-law 1129-2008. See now § 140-22I. This by-law came into force November 4, 2008.

⁵¹ Editor's Note: This by-law came into force July 7, 2008.

⁵² Editor's Note: This by-law came into force July 7, 2008.

⁵³ Editor's Note: This by-law came into force July 7, 2008.

⁵⁴ Editor's Note: This by-law came into force July 7, 2008.

⁵⁵ Editor's Note: This by-law came into force July 7, 2008.

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- P.1. If a committee of an organization meets as a committee with a public office holder, the senior officer may register the information required under Subsections L, N, O and P by committee instead of each individual in-house lobbyist, as follows: **[Added 2008-10-30 by By-law 1129-2008⁵⁶]**
- (1) Prior to the meeting, the senior officer holder⁵⁷ shall register for each subject matter the name of the committee and the date of the proposed committee meeting; and
 - (2) After the meeting, the senior officer shall register for each subject matter and committee the names of the committee members and public office holders who attended the meeting.
- Q. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the members of the public who are the target of the appeal. **[Added 2008-07-17 by By-law 852-2008⁵⁸]**
- R. Particulars to identify any senior public office positions previously held by any in-house lobbyist with the City, a local board (restricted definition) or the Board of Health, and the latest date when he or she ceased to hold office or to be employed as a senior public office holder by the City, a local board (restricted definition) or the Board of Health.
- S. Declarations confirming the following information:
- (1) That the senior officer and all in-house lobbyists have read the Code of Conduct and that the in-house lobbyists shall comply with the Code of Conduct;
 - (2) That no communication with respect to the proposed lobbying activities has commenced before the requirements in § 140-21B have been satisfied, unless § 140-21F applies or the communication is otherwise exempt under this chapter; and **[Amended 2008-07-17 by By-law 852-2008⁵⁹]**
 - (3) If § 140-21F applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed. **[Amended 2008-07-17 by By-law 852-2008⁶⁰]**
- T. Acknowledgement of the public disclosure of information filed in the return.
- U. Any agreement required respecting electronic filing.

⁵⁶ Editor's Note: This by-law came into force November 4, 2008.

⁵⁷ Editor's Note: A technical amendment is required to delete the word "holder."

⁵⁸ Editor's Note: This by-law came into force July 7, 2008 and also provided for the re-designation of former Subsections Q through T as Subsections R through U, respectively.

⁵⁹ Editor's Note: This by-law came into force July 7, 2008.

⁶⁰ Editor's Note: This by-law came into force July 7, 2008.

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§ 140-23. Contact information.

[Amended 2008-01-30 by By-law 87-2008⁶¹]

- A. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information for the senior officer, any in-house lobbyist and the employer.
- B. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-22, but not included in Subsection A, not later than two business days after the Registrar makes the request.

§ 140-24. Changes to information in return or contact information.

[Amended 2008-07-17 by By-law 852-2008⁶²]

The senior officer shall provide the Registrar with any change to the information in his or her return and any information required to be provided under § 140-22 or 140-23, the knowledge of which the senior officer acquired only after the return was filed, not later than three business days after the change occurs or the knowledge is acquired.

§ 140-25. Additional information.

The senior officer shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the senior officer has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

§ 140-26. Ceasing duties or employment; update return.

[Amended 2008-01-30 by By-law 87-2008⁶³]

- A. The senior officer shall advise the Registrar if an in-house lobbyist ceases to be an in-house lobbyist or to be employed by his or her employer by filing the form required by the Registrar to record this change on the return, not later than two business days after it occurs.
- B. The senior officer shall advise the Registrar that an in-house lobbying activity in respect of which he or she has filed a return is continuing by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the lobbying activity is continuing and the content of the return is up to date.

⁶¹ Editor's Note: This by-law came into force February 11, 2008.

⁶² Editor's Note: This by-law came into force July 7, 2008.

⁶³ Editor's Note: This by-law came into force February 11, 2008.

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ARTICLE IV

**Registration of Voluntary Unpaid Lobbyists Lobbying for For-Profit Entities
or Organizations (Includes Shareholders and Directors)
[Amended 2008-01-30 by By-law 87-2008⁶⁴]**

§ 140-27. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE - Includes an officer who is compensated for the performance of his or her duties.

FOR-PROFIT ENTITY - An individual, corporation, organization or other person, or a partnership, who or that carries on business or trade for profit or with a view to profit.

ORGANIZATION (RESTRICTED DEFINITION) - An organization referred to in Subsection B of the definition of organization in § 140-1.

VOLUNTARY UNPAID LOBBYIST:

- A. An individual, corporation, organization or other person, or a partnership, who or that, without payment, lobbies or causes an employee to lobby a public office holder on behalf of or for the benefit of the interests of a for-profit entity or organization (restricted definition).
- B. A director of a for-profit entity or organization (restricted definition), who is not an in-house lobbyist as defined in § 140-20, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity or organization (restricted definition).
- C. A shareholder of a for-profit entity, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity.

§ 140-28. Duty to file return.

[Amended 2008-07-17 by By-law 852-2008⁶⁵]

- A. Under § 140-10 (Registration requirement):
 - (1) If Subsection C applies, a voluntary unpaid lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.
 - (2) If Subsection E applies, the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for a voluntary unpaid lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.

⁶⁴ Editor's Note: This by-law came into force February 11, 2008.

⁶⁵ Editor's Note: This by-law came into force July 7, 2008.

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- B. A voluntary unpaid lobbyist shall comply with the registration requirements of this section, if the voluntary unpaid lobbyist intends to commence lobbying a public office holder:
- (1) On behalf of a for-profit entity or for the benefit of the interest of a for-profit entity;
or
 - (2) On behalf of an organization (restricted definition) or for the benefit of the interest of an organization (restricted definition).
- C. Unless Subsection E applies, the individual undertaking the lobbying shall comply with the provisions of Article II and the other provisions of this chapter that apply to a consultant lobbyist with necessary modifications. **[Amended 2008-10-30 by By-law 1129-2008⁶⁶]**
- D. In addition to the requirements under § 140-15:
- (1) The return shall identify that the return is being filed by or on behalf of a voluntary unpaid lobbyist.
 - (2) In the case of an employee as described in Subsection A of the definition of voluntary unpaid lobbyist in § 140-27, both the employee and the employer shall be identified as a voluntary unpaid lobbyist.
- E. In the case of an individual undertaking the voluntary lobbying activities as part of his or her duties as an in-house lobbyist as defined in § 140-20 or otherwise as an employee, a director or shareholder, the Lobbyist Registrar may permit the senior officer as defined in § 140-20 to register the individual as an in-house lobbyist under Article III, and Article III applies with necessary modifications.
- F. If Subsection E applies, the individual shall also comply with the other provisions of this chapter that apply to an in-house lobbyist with necessary modifications.
- G. If Subsection E applies, in addition to the requirements under § 140-22, the return shall also include the name and business address of the for-profit entity or organization (restricted definition) as described in Subsection B.

ARTICLE V

Administration of Registrations and Registry; Registrar

§ 140-29. Certification.

Every individual who submits a return or other document to the Registrar under this chapter shall certify that the information contained in it is true to the best of his or her knowledge and belief on the return or other document or, if it is submitted in electronic or other form, in the manner that is specified by the Registrar.

⁶⁶ Editor's Note: This by-law came into force July 17, 2008.

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§ 140-30. Form of returns; exemptions; manner of filing.

[Amended 2008-01-30 by By-law 87-2008⁶⁷]

- A. Returns to be filed with the Registrar and information and other documents to be given to the Registrar under this chapter must be in a form approved by the Registrar.
- B. The Registrar may permit exceptions from the requirements in §§ 140-15 and 140-22 for reasons of safety, harassment or similar matters.
- C. Returns, information and other documents must be submitted to the Registrar in a manner permitted by the Registrar.
- D. Returns must be updated, annually or periodically as determined by the Registrar, to indicate that the undertaking or lobbying activity is completed or continuing and the content of the return is up to date.

§ 140-31. Date of filing or receipt of information.

- A. The date on which a return is considered to have been filed for the purposes of this chapter is the date on which the Registrar has assigned a registration number to the return and notified the person who filed the return.
- B. The date on which the Registrar receives information or a document, other than a return, is the date on which the information or document is considered to have been provided to the Registrar for the purposes of this chapter.

§ 140-32. Storage.

Any return or other document that is received by the Registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

§ 140-33. Registrar.

- A. (Reserved)⁶⁸
- B. The Registrar is responsible for:
 - (1) Maintaining a lobbyist registration system and determining the form of returns and the manner of filing returns.
 - (2) Providing advice, opinions and interpretations pertaining to the administration, application and enforcement of this chapter.

⁶⁷ Editor's Note: This by-law came into force February 11, 2008.

⁶⁸ Editor's Note: Former § 140-33A, which provided that the Registrar reports directly to and is accountable to the Council, was repealed October 27, 2009 by By-law 1098-2009. See now Ch. 3, Accountability Officers.

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- (3) Reviewing submitted returns for acceptance.
- (4) Verifying returns and conducting reviews to ensure compliance with this chapter.
- (5) Conducting, in private, investigations or inquiries to determine whether contraventions of this chapter have occurred, as permitted under section 169 of the City of Toronto Act, 2006.
- (6) Suspending or revoking a registration.
- (7) The enforcement of this chapter.
- (8) (Reserved)⁶⁹
- (9) Advising Council on lobbying matters and recommending improvements and amendments to this chapter.
- (10) (Reserved)⁷⁰
- (11) Performing other duties as may be assigned by Council.

§ 140-34. Registry.

- A. The Registrar shall establish and maintain a registry in which shall be kept all returns filed under this chapter as revised by other documents submitted to the Registrar under this chapter.
- B. The registry shall be organized in the manner and kept in the form that the Registrar may determine.
- C. The registry shall be available for public inspection through electronic, web-based access at all reasonable times and in the manner that the Registrar may determine.

§ 140-35. Verification of information; investigation.

- A. The Registrar may verify the information contained in any return or other document submitted to the Registrar under this chapter.
- B. The Registrar may conduct an investigation or inquiry in respect of a request made by Council, a member of Council or a member of the public, including the Registrar, about compliance with this chapter. **[Amended 2008-01-30 by By-law 87-2008⁷¹]**

⁶⁹ Editor's Note: Former § 140-33B(8), which contained specific responsibilities of the Registrar, was repealed October 27, 2009 by By-law 1098-2009. See now Ch. 3, Accountability Officers.

⁷⁰ Editor's Note: Former § 140-33B(10), which contained specific responsibilities of the Registrar, was repealed October 27, 2009 by By-law 1098-2009. See now Ch. 3, Accountability Officers.

⁷¹ Editor's Note: This by-law came into force February 11, 2008.

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§ 140-36. Refusal to accept return or other document.

[Amended 2008-01-30 by By-law 87-2008⁷²]

- A. The Registrar may refuse to accept any return or other document submitted to the Registrar under this chapter that does not comply with the requirements of this chapter or that contains information or a statement not requested in the return or other document.
- B. The Registrar may suspend or revoke a return or other document submitted to the Registrar under this chapter that is subsequently found to not comply with the requirements of this chapter or to contain information or a statement that is inaccurate or no longer accurate.
- C. If the Registrar refuses to accept, suspends or revokes a return or other document under Subsection A or B, the Registrar shall inform the individual who submitted it of the refusal, suspension or revocation and the reason for the refusal, suspension or revocation in the manner that the Registrar determines.
- D. Despite the provisions of this chapter respecting times for filing a return or submitting another document, if a return or other document is refused by the Registrar under Subsection A and the individual cannot reasonably submit another by the time set out in this chapter for filing or submitting it, the Registrar shall provide the individual with a reasonable extension of time to file another return or submit another document.

§ 140-36.1. Temporary ban on communications.

[Added 2016-05-05 by By-law 418-2016]

- A. The Lobbyist Registrar may impose a temporary ban on communication in accordance with the following scheme if the Lobbyist Registrar finds that the requirements of this by-law have not been met:
 - (1) First breach: the lobbyist is banned from communicating with public office holders for one month;
 - (2) Second breach: the lobbyist is banned from communicating with public office holders for three months; and
 - (3) Third breach: the Lobbyist Registrar may ban the lobbyist from communicating with public office holders for a period of not more than two years.
- B. In determining whether to impose a temporary ban on communication under Subsection A and in determining the duration of a temporary ban on communication under Subsection A(3) the Lobbyist Registrar shall have regard to whether the temporary ban on communication will promote compliance with this chapter.
- C. If the Lobbyist Registrar believes that a person has not complied with a provision of this chapter, the Lobbyist Registrar shall inform the person:
 - (1) of the alleged contravention;

⁷² Editor's Note: This by-law came into force February 11, 2008.

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- (2) of the reason why the Lobbyist Registrar believes there has been a contravention; and
 - (3) that he or she may provide a written response within 15 days of receipt of this communication.
- D. The Lobbyist Registrar shall have regard to any response provided in Subsection C(3) prior to imposing a temporary ban on communication in Subsection A.
- E. If the Lobbyist Registrar decides to impose a temporary ban on communication, the Lobbyist Registrar shall inform the person:
- (1) of the suspension;
 - (2) of the reason for the suspension; and
 - (3) that he or she may request a reconsideration within 30 days of receipt of the communication.
- F. The Lobbyist Registrar shall take no further action with respect of the suspension, including providing notification under Subsection H, and the suspension shall not take effect until the later of the following:
- (1) The expiration of the period of time noted in Subsection E(3), where no request for reconsideration has been received;
 - (2) Where a request for reconsideration has been received, the date the Lobbyist Registrar makes a decision on the reconsideration; and
 - (3) If the Lobbyist Registrar is made aware of the initiation of proceedings to challenge the decision by the person, the date when the challenge has been withdrawn, dismissed, or otherwise resolved.
- G. In addition to Subsections B, C and D, the Lobbyist Registrar shall establish any processes that the Lobbyist Registrar considers necessary to facilitate adequate notice and consideration of any submissions.
- H. If the Lobbyist Registrar imposes a temporary ban on communication, the Lobbyist Registrar shall post notice of the temporary ban on the Lobbyist Registrar's website and notify:
- (1) the City Manager;
 - (2) the City Clerk;
 - (3) the City Solicitor;
 - (4) Members of Council; and
 - (5) any public office holder who the Lobbyist Registrar determines appropriate to notify.

§ 140-36.2. Conditions for registration, continued registration or a renewal of registration.

[Added 2016-05-05 by By-law 418-2016]

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- A. The Lobbyist Registrar may impose conditions for registration, continued registration or a renewal of registration of a lobbyist if the Lobbyist Registrar finds that the requirements of this by-law have not been met.
- B. Without limiting the generality of Subsection A, conditions for registration, continued registration or a renewal of registration of a lobbyist may include:
 - (1) a requirement to attend training and other educational courses;
 - (2) a requirement to respond to communications from the Lobbyist Registrar in a specified time period;
 - (3) a requirement to refrain from communication with specified public office holders on specified topics; or
 - (4) any other condition that the Lobbyist Registrar determines appropriate.

§ 140-37. Removal from registry.

- A. The Registrar may remove a return from the registry if the individual who filed the return:
 - (1) Fails to advise the Registrar of changes to information contained in the return or the contact information provided to the Registrar within the period required by §§ 140-17 or 140-24;
 - (2) Fails to give the Registrar any additional information or contact information requested relating to the return within the period specified by §§ 140-16, 140-18, 140-23 or 140-25; or
 - (3) Fails to advise the Registrar of the matters required by §§ 140-19 or 140-26 within the period required by the section.
- B. When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this chapter, not to have filed the return.

ARTICLE VI
Lobbyists' Code of Conduct

§ 140-38. Standard of behaviour.

- A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.
- B. Lobbyists shall observe and comply with the highest ethical and professional standards.
- C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards and public office holders.

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§ 140-39. Honesty.

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

§ 140-40. Disclosure of identity and purpose.

- A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

§ 140-41. Compliance with policies restricting communication.

- A. Lobbyists shall not communicate in relation to a procurement process except as permitted by Chapter 195, Purchasing, applicable procurement policies and procurement documents. **[Amended 2018-05-24 by By-law 642-2018]**
- B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.
- C. In the event of a conflict or inconsistency between Subsection A and any other provision of this chapter, Subsection A prevails. **[Added 2013-10-11 by By-law 1334-2013]**

§ 140-42. Prohibited activities.

- A. 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. **[Amended 2018-05-24 by By-law 642-2018]**
- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

§ 140-43. Information; confidentiality.

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

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- D. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

§ 140-44. Competing interests.

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

§ 140-45. Improper influence.

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.
- B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

ARTICLE VII
Offences and Penalties

§ 140-46. Offences.

[Amended 2008-01-30 by By-law 87-2008⁷³]

Every person who contravenes a provision of this chapter is guilty of an offence.

§ 140-47. Penalty.

Every person convicted of an offence under this chapter is liable on a first conviction to a fine of not more than \$25,000 and on each subsequent conviction to a fine of not more than \$100,000.

⁷³ Editor's Note: This by-law came into force February 11, 2008.

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§ 140-48. Commencement of a proceeding.

[Added 2017-07-07 by By-law 758-2017⁷⁴]

No proceeding shall be commenced in respect of an offence under this chapter more than two years after the time when the subject-matter of the proceeding arose.

⁷⁴ Editor's Note: By-law 758-2017 states that Section 140-48 does not apply if the subject matter of the proceeding arose more than six months before the date By-law 758-2017 was enacted, being July 7, 2017.

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SCHEDULE A

EXEMPTED MUNICIPAL LEVEL CORPORATIONS AND OTHER BODIES

§ 140-3C(2)

[Amended 2008-01-30 by By-law 87-2008;⁷⁵ 2009-08-06 by By-law 701-2009; 2013-12-17 by By-law 1644-2013]

- A. Board of Trustees of the Metro Toronto Pension Plan.
- B. Board of Trustees of the Metro Toronto Police Benefit Fund.
- C. Build Toronto Inc.
- D. Canadian National Exhibition Association.
- E. Casa Loma Corporation.
- F. Clean Air Partnership.
- G. Invest Toronto Inc.
- H. Lakeshore Arena Corporation.
- I. Toronto Association of Business Improvement Areas.
- J. Toronto Civic Employees' Pension and Benefit Fund Committee.
- K. Toronto Coach Terminal Inc.
- L. Toronto Community Housing Corporation.
- M. Toronto Economic Development Corporation (operating as Toronto Port Lands Company).
- N. Toronto Fire Department Superannuation & Benefit Fund Committee.
- O. Toronto Hydro Corporation.
- P. Toronto Pan Am Sports Centre Inc.
- Q. Toronto Police Services Board.
- R. Toronto Public Library Board.
- S. Toronto Transit Infrastructure Ltd.
- T. Toronto Waterfront Revitalization Corporation (operating as Waterfront Toronto).
- U. TTC Insurance Company Limited.
- V. York Employees' Pension and Benefit Fund Committee.

⁷⁵ Editor's Note: This by-law came into force February 11, 2008.

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SCHEDULE B

EXEMPTED EMPLOYEE AND LABOUR GROUPS

§ 140-3C(3)

[Amended 2008-01-30 by By-law 87-2008;⁷⁶ 2008-07-17 by By-law 852-2008]

- A. Amalgamated Transit Union, Local 113.
- B. Canadian Union of Public Employees, Local 1600 (Toronto Zoo).
- C. Canadian Union of Public Employees, Local 2 (electricians).
- D. Canadian Union of Public Employees, Local 2998 (AOCCs).
- E. Canadian Union of Public Employees, Local 2840 (Exhibition Place).
- F. Canadian Union of Public Employees, Local 79.
- G. Carpenters and Allied Workers, Local 27 (United Brotherhood of Carpenters and Joiners of America).
- H. City of Toronto Administrative, Professional, Supervisory Association, Incorporated (COTAPSAI).
- I. International Alliance of Theatrical Stage Employees (IATSE), Local 58.
- J. International Association of Bricklayers and Allied Craftsmen, Local 2.
- K. International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721.
- L. International Association of Heat and Frost Insulators and Asbestos Workers, Local 95.
- M. International Association of Machinists and Aerospace Workers (IAMAW), Lodge 235 (machinists and millwrights).
- N. International Brotherhood of Electrical Workers, Local 353.
- O. International Brotherhood of Painters and Allied Trades, Local 1819 (glaziers).
- P. International Brotherhood of Painters and Allied Trades, Local 557.
- Q. Labourers International Union of North America (LIUNA), Local 506 (labourers and cleaners).
- R. Sheetmetal Workers' International Association, Local 30.
- S. Toronto Civic Employees Union, Local 416.
- T. Toronto Police Association.
- U. Toronto Professional Fire Fighters Association, Local 3888.

⁷⁶ Editor's Note: This by-law came into force February 11, 2008.

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- V. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the USA and Canada, Local Union 46.

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SCHEDULE C

**CROWN CORPORATIONS OR CONTROLLED CORPORATIONS, AGENCIES
§ 140-3D**

A. Provincial level:

- (1) North Pickering Development Corporation
- (2) Ontario Development Corporation
- (3) Ontario Realty Corporation

B. Federal level:

- (1) Business Development Bank of Canada
- (2) Canadian Commercial Corporation
- (3) Canada Development Investment Corporation
- (4) Canada Lands Company Limited
- (5) Queens Quay West Land Corporation