



OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

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Sent via Email (No Original to Follow)

Members of Council
City of Toronto
Toronto City Hall
100 Queen St. W.
Toronto, ON M5H 2N2

Dear Members of Council:

Re: March 23, 2020 Declaration of an Emergency and the Code of Conduct

This is an extraordinarily difficult time for the people of Toronto and I know that they are turning to you and your staff for help.

I am writing as I have had some inquiries from members of Council concerning timely issues engaging the *Code of Conduct for Members of Council* (the “Code”). The Code is still in place and, as always, has to be understood in terms of our contemporary context. This is an unprecedented time, and, as the leaders of the City, I know you are being called on to help with landlord and tenant matters, access to necessary services in the community, physical distancing, and fundraising initiatives to name a few.

I do want to briefly comment on these issues for purposes of the Code.

Landlord and Tenant Issues

Many residential and commercial tenants and landlords are facing serious financial challenges and there are various policy responses being considered and adopted by the City, the Province, and the Federal Government. I know you are being asked to intervene in compelling situations. You are uniquely placed as elected leaders to facilitate understanding between individuals and to educate those who are being unreasonable, making ill-informed decisions, or demonstrating ignorance of public health concerns. When dealing with specific cases, you may not need to “take a side” to offer information and to promote reasonable compromises. You want to be sure that you are not perceived as aggressive, threatening, or harassing as you want to be careful that your involvement is not misunderstood as a threat of retribution in respect of someone’s dealings with the City.

Referral to Goods and Service Providers

There are many residents who require assistance in obtaining goods and services, and people may be provided with the information found by contacting 211. Beyond the information the City

is providing, if you wish to refer someone to a private goods or services provider, it is a best practice to name more than one name or company to be even-handed and avoid the appearance of favouritism.

Enforcing Physical Distancing

As always, matters regarding non-compliance with by-laws and City orders should be reported to City staff. You and your staff should not be personally intervening in such situations.

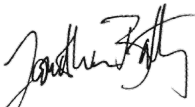
Fundraising Initiatives

The letter and spirit of the Code does not prohibit you, in response to the current emergency, from participating in fundraising for humanitarian and economic relief. You do want to be careful that you are not placing either yourself or the contributor in breach of any legal requirements and, for purposes of the Code, you want to avoid the appearance of offering a *quid pro quo* to contributors in terms of access, preference, or future consideration in matters involving the City. My advice concerning participation in fundraising at this time is a departure from the general advice provided in the past by the Office of the Integrity Commissioner. At the start of my term I recommended that the Code needs to be updated and, once the current emergency ends, this is a topic that requires further review.

These are challenging times and members of Council and City staff have risen to this challenge. Patience and respect when working together is especially appreciated to address the challenges we all face.

In addition to the requirements of the Code, it is also important to remember that the requirements of the *Municipal Conflict of Interest Act* (the "MCIA") are in effect and apply to your activities. When Council meets April 30, 2020, members of Council need to remember to consider whether they need to declare any pecuniary conflicts of interest in respect of agenda items. As always, my Office is available to help you and provide advice on any matters under the Code and the MCIA and I can be reached at Jonathan.Batty@toronto.ca or 416-397-7770.

Yours truly,



Jonathan Batty
Integrity Commissioner

c.c.: Ulli Watkiss, City Clerk
Chris Murray, City Manager
Wendy Walberg, City Solicitor