



July 13, 2021

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: Code of Conduct Consultations

I am writing to give you a short update regarding the review of the *Code of Conduct for Members of Council* ("Code of Conduct") which my Office is undertaking pursuant to Council's direction from April 7, 2021.

Following that direction, the Ontario Government also launched a survey on the topic of strengthening the legislation governing codes of conduct across Ontario. I want to draw this short survey to your attention if you had not already seen it. A link to the survey is here:

[Consultation: Strengthening accountability for municipal council members | Ontario.ca](#)

The survey, which closes July 15, 2021, asks two basic questions:

1. In addition to the legislative requirement in the *City of Toronto Act, 2006* and the *Municipal Act, 2001* that codes of conduct include rules about gifts, respectful conduct, confidential information, and use of municipal property, should provincial legislation require other matters to be addressed?
2. Should the current legislative penalties for non-compliance, reprimand or suspension of salary for up to 90 days, be strengthened? The survey seeks input regarding recommendations from the Association of Municipalities of Ontario that administrative monetary penalties could be considered as well as suspension and removal from elected office depending on the circumstances.

The survey also invites respondents to advise whether training for integrity commissioners should be improved and invites other suggestions.

My own responses to these questions, which I have included in my survey response, are as follows. Under the *City of Toronto Act, 2006*:

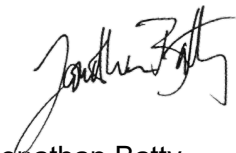
- City Council should remain entrusted with the authority to decide what, if any, additional matters should be prescribed in its Code of Conduct rather than have additional requirements prescribed by provincial legislation. City Council should also have greater authority to adopt, for example, additional accountability measures like rules requiring proactive annual financial disclosure.
- The adoption of administrative monetary penalties and temporary suspensions from office is a question that should be left to City Council to decide. If City Council were to adopt a system including such sanctions, the decision to impose such penalties should not be delegated to the Integrity Commissioner. Similarly, any decision to remove someone from office is best made by an independent entity rather than City Council or the Integrity Commissioner.
- City Council should be entrusted with broad remedial powers to remedy and provide restitution where a member of Council fails to meet the requirements of the Code of Conduct. At the same time, members should be indemnified, where appropriate.
- City Council should remain entrusted, as it is now, with the authority to decide what qualifications and professional expertise its Integrity Commissioner should have at the time of appointment.

You may also wish to complete the provincial survey. It only takes a few minutes. Apart from this survey, the provincial government has provided no further details about its consultative process or legislative timetable. Presumably, though, legislation will be introduced prior to the Ontario General Election in June 2022.

My Office consultation with members of Council, local boards, adjudicative boards and the public will begin shortly and be completed by the end of September. It will provide more detailed questions than the provincial consultation and will be well-placed to provide useful input into the revision of the Codes of Conduct for members of Council, local boards, and adjudicative boards and any legislative changes proposed by the provincial government.

I hope this information is of assistance and welcome any questions you may have.

Yours truly,



Jonathan Batty
Integrity Commissioner

c.c. Chris Murray, City Manager
John Elvidge, City Clerk
Wendy Walberg, City Solicitor