



OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

Jonathan Batty
Integrity Commissioner
375 University Ave., Suite 202
Toronto, ON M5G 2J5
416-397-7770 | Jonathan.Batty@toronto.ca

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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: Integrity Commissioner reports submitted to the July 2024 Council Meeting

Dear Members of Council,

You will note reviewing the agenda items posted for the July 24 and 25, 2024 Council meeting that I have submitted four investigation reports concerning the Code of Conduct for Members of Council (the “Code of Conduct”).

As this is only the second time in the history of my Office that so many reports have been submitted to one meeting, I want to explain to you why this was necessary.

As my 2023 Annual Report noted, having a mayoral by-election so soon after the 2022 municipal election posed unforeseen challenges. In the two months leading up to a regular election, the *City of Toronto Act, 2006* prohibits my Office from receiving, investigating and reporting to Council on Code of Conduct complaints. While these requirements do not formally apply to by-elections, it became clear in 2023 that the rules governing by-elections were not designed for a mayoral by-election in the City of Toronto. For that reason, it was fair for my Office to follow the same practices for investigating and reporting on election-related complaints during the 2023 mayoral by-election as were in place for the 2022 regular election. I advised members of Council and the public about this in my Office’s 2023 Mayoral By-election Interpretation Bulletin.

As it was important to have election-related investigation reports considered by Council at the same time, this has required election-related matters from 2022 and 2023 to be reported together.

Three reports deal with election-related matters:

- One concerns a member of Council’s flyer that advertised events before Voting Day in the October 2022 election and was sent out after the distribution ban imposed by Council policy.

- Two concern the use of constituent contact information for election purposes without constituents' consent. This occurred in the 2022 election and the 2023 mayoral by-election.

I received complaints from constituents about all these matters. However, because of the confidentiality requirements in the *City of Toronto Act, 2006*, I could not advise and update the complainants or members of Council that other election-related investigations were underway.

I especially thank the complainants and the members of Council whose matters date from 2022, for their patience. The investigation in connection with the 2023 mayoral by-election was completed last month so I am now able to report on all election-related matters.

In the first report, in addition to receiving a complaint, the member of Council also self-reported the matter and fully mitigated the issue. For that reason, while finding the rules in the Code of Conduct were not followed, I am not recommending Council impose any penalty.

In the second and third reports, the members of Council have acknowledged that some constituent contact information from their offices was used for election purposes, without the consent of those constituents. This is a breach of the Code of Conduct. I am recommending Council reprimand these two members.

When people share their personal information with their member of Council, they have the right to expect it will be used only for the purpose it was provided. If due care is not exercised in protecting this information, it erodes public trust. The unauthorized use or disclosure of personal information by governments, businesses or other organizations is a serious public concern. It is important to investigate and report to Council on such matters, as I have done. I encourage all members of Council to review the policies and guidance governing the protection of constituent contact information.

My fourth report dealt with a complaint made a few months after the mayoral by-election. It alleged someone hired in the new Mayor's Office had a conflict of interest. The complaint alleged that the staff person continued to work for an organization, which was lobbying the Mayor's Office, that they had been involved with before being hired. I investigated the matter and have dismissed the complaint. Appropriate measures to protect against conflicts of interest were in place and respected. While the policy preferences of that organization may have aligned with those of the new Mayor, there was no evidence the staff person continued to work for it.

I hope this context is helpful as you review these investigation reports.

Yours truly,

A handwritten signature in black ink, appearing to read "Jonathan Batty". The signature is fluid and cursive, with the first name being more prominent.

Jonathan Batty
Integrity Commissioner