



OFFICE OF THE
**INTEGRITY
COMMISSIONER**
TORONTO

Paul Muldoon
Integrity Commissioner
375 University Ave., Suite 202
Toronto, ON M5G 2J5
[416-397-7770](tel:416-397-7770) | Paul.Muldoon@toronto.ca

Submissions with respect to Bill 9, *Municipal Accountability Act, 2025*
from the
Office of the Integrity Commissioner Toronto

July 8, 2025

Paul Muldoon
Integrity Commissioner

Kate Zavitz
Legal Counsel

Introduction and Background

Paul Muldoon is the Integrity Commissioner for the City of Toronto, an appointment he has held since December 1, 2024. In this role he is independent from Toronto City Council and the City administration. Kate Zavitz is Legal Counsel to the Integrity Commissioner and has been in this role for over five years. These submissions are our views and, to the best of our ability, represent the Office of the Integrity Commissioner Toronto's (ICT) 20 years experience.

The ICT is a key part of the most well-developed municipal accountability framework in Canada. The Office was created in response to a judicial inquiry into a procurement scandal following the City's 1998 amalgamation. Toronto was the first Canadian municipality to appoint an integrity commissioner, prior to a legislative requirement to do so. The Office has a rich history and celebrated its 20th anniversary in 2024.

Toronto City Council has a bylaw¹ with safeguards for the independence of its accountability officers, providing clarity on and expanding the roles and responsibilities of the Integrity Commissioner, Auditor General, Lobbyist Registrar and Ombudsman. In Toronto, the Integrity Commissioner's independence is further protected by their fixed term five-year appointment. The Commissioner is employed in this role full-time and has in-house legal counsel. The Office oversees three separate codes of conduct, and more than 120 local and adjudicative boards, with over 1,000 members subject to City Codes of Conduct. Those members seek and receive advice from this Office and are subject to fair complaint investigation procedures. This is a system that works.

Summary of ICT Response to Bill 9

Ontario's municipal integrity commissioner system is designed to ensure ethical oversight and accountability for members of municipal councils and local boards. For 444 municipalities, the *Municipal Act, 2001* provides the statutory framework. For the City of Toronto, it is the *City of Toronto Act, 2006* (COTA).

The ICT welcomes efforts by the province to address several issues that have arisen since 2019 when the province required all municipalities to have a municipal integrity commissioner role. There have been challenges in some municipalities and inconsistencies in implementing the integrity commissioner function. The ICT recognizes the need to evolve the regime, and Bill 9 proposes new directions to do so. We respectfully submit these comments on the proposal.

While the ICT recognizes the overall municipal integrity commissioner framework in Ontario requires enhancements, some of the provisions in Bill 9 raise concerns about weakening systems in municipalities that already uphold rigorous Codes of Conduct and follow best-practice investigative procedures. Over the past twenty years, the City of Toronto City Council has evolved its Code of Conduct and its investigatory procedures

¹ Chapter 3 of the Toronto Municipal Code.

such that we submit that the Code and its processes represent the gold standard. For example, the former Integrity Commissioner of Ontario submitted a report² to the Province, at the Premier's request, outlining the elements of an "Effective Municipal Framework." As outlined in Appendix A, the City of Toronto's Integrity Commissioner regime meets all elements outlined in that report.

It is our best professional advice that the provincial government should not undertake actions that would weaken or diminish the effectiveness of this twenty year effort.

The Province's objective should not be uniformity for its own sake, but rather the elevation of baseline standards across the board. the legislation should allow municipalities to enhance the legislated requirements beyond minimum standards.

A universal code should establish minimum standards and allow enhancements

Under s. 1(1) of the Bill, the City of Toronto's Codes of Conduct, established and updated by Toronto City Council, would be repealed and replaced. Bill 9 states the Lieutenant Governor-in-Council may make regulations:

(a) prescribing a code of conduct for members of city council and of local boards (restricted definition) and requiring such members to comply with the code of conduct; ...

The City of Toronto's Code of Conduct has evolved over twenty years through regular reviews by Toronto City Council, and the buy-in of the members of Council subject to that Code. No provincial agency has criticized the Code. Toronto's Code of Conduct was reviewed and approved in 2022 by City Council. Many other municipalities have used it as a model. There is no reason to substitute a different and potentially less rigorous set of standards or ones not tailored to a large municipal government context. We submit that the legislation should establish a set of minimum standards and allow Toronto to enhance its Code of Conduct beyond those standards.

A literal reading of this section suggests there will be a "universal" Code of Conduct applicable to 444 municipalities. While this would create consistency, that may not be the goal to which the province should aspire.

Ontario's municipalities differ widely in size, sophistication and priorities. Some small municipalities' elected officials are employed outside their elected position and in their elected role have no staff and a narrow mandate including road and waste management and community events. Elected officials in large municipalities work in that capacity full time, are appointed to multiple boards, have their own professional staff and vote on complex, large-scale projects. Their policy scope includes transit systems, social housing and social services.

² Integrity Commissioner of Ontario, Advice and Recommendations on the Ontario Municipal Integrity Commissioner Framework, September 30, 2024.

A one-size-fits-all approach is not appropriate. While certain “core” provisions can be applied to all 444 municipalities, the Codes of Conduct for Toronto (or any large municipality) may need to be different from smaller municipalities and enhanced for important reasons, and these enhancements should be respected. A universal Code of Conduct may “water down” the Codes of Conduct in experienced municipalities.

It appears Bill 9 intends to address the fact that some municipalities’ codes of conduct are lacking key elements the Province would like included. The Province previously mandated³ all codes of conduct include provisions on four subjects: gifts, respectful conduct, confidential information, and the use of municipal property.

The Ombudsman of Ontario⁴ recommended the Province could apply the same approach to other deficiencies. Ombudsman Dubé recommended legislating more mandatory code of conduct provisions on subject matter such as non-*Municipal Conflict of Interest Act* conflicts of interest, conduct during meetings, and remedial measures.

Rather than a universal Code of Conduct, the province should provide only a minimum standards model or floor which municipalities could adapt to their own circumstances. More specifically, Bill 9 should be reworded to establish that the proposed universal Code of Conduct provides a “floor” or a minimum that allows larger or more sophisticated municipalities like Toronto to enhance their Code.

The implementation of a broader floor for municipal Codes of Conduct, rather than the implementation of a universal Code of Conduct would better serve to address systemic deficiencies, while allowing municipalities regional flexibility.

Bill 9 is also silent on how a universal Code of Conduct could be updated. Requiring provincial approval for enhancements would place a burden on both levels of government to make, consider and respond to requests. Municipalities should be able to enhance and tailor their Codes of Conduct to local needs. We submit that if someone is concerned that a municipality’s amendment to the Code of Conduct is weakening it, a complaint can be made to the Integrity Commissioner of Ontario.

Recommendation:

Bill 9 should establish minimum standards for a Code of Conduct with the authority for the City of Toronto (and other municipalities) to enhance the Code.

The City of Toronto should be directly consulted on Bill 9’s proposed changes

Although the City of Toronto is the largest City in Ontario, a larger government than most provinces, and the only one to have its own legislation, it was not consulted on Bill 9. In fact, it does not appear there has been any direct consultation with municipalities, and although there has been reference made to municipal associations, these are not a substitute for direct consultation. In addition, those groups appear to have only signaled

³ [Regulation 58/18](#) to the *City of Toronto Act, 2006* (Regulation 55/18 in the *Municipal Act*).

⁴ August 25, 2021 Ontario Ombudsman’s [Submission to the Ministry of Municipal Affairs and Housing - Ontario Ombudsman](#)

their agreement on the need for a municipal council member removal mechanism and have not provided detailed feedback on the actual substance of Bill 9.

In the [second reading of the Bill](#), Minister Flack referenced consultations with the Association of Municipalities of Ontario (AMO) and stated that AMO represents the views of all municipalities including Toronto. Umbrella organizations may offer aggregate or general views, but cannot speak to the specific needs of unique municipalities. Further, AMO itself has asked for revisions to the Bill 9 as noted in their letter [to the Minister on April 1, 2025](#) asking for changes to the proposed legislation.

Similarly, Minister Flack cited Ontario's Big City Mayors, a group which includes Toronto. Big City Mayors has been generally supportive of legislative change but has focussed support on the addition of the ability to remove a Member for serious misconduct. To our understanding, the group [has not made submissions beyond that](#).

Recommendation:

Municipalities, and their integrity commissioners should be directly consulted on any proposed Code of Conduct in its development and implementation.

Bill 9 should set minimum procedural standards and allow enhancements

In addition to establishing a universal or common Code of Conduct, Bill 9 also seeks to establish uniform complaint investigation procedures.

Bill 9 amends section 160 of COTA as follows:

(10) The Minister of Municipal Affairs and Housing may make regulations prescribing content requirements, standards and process requirements for inquiries conducted under this section, including prescribing,
(a) the manner in which complaints shall be provided to the Commissioner; and
(b) the types of complaints in respect of which the Commissioner may refuse to conduct or continue an inquiry.

The ICT has concerns about imposing uniform procedural requirements. Our Office has developed and refined best-practice investigative procedures for twenty years without challenge. The ICT submits there is no basis for Bill 9 to substitute a different set of processes for a regime that already contains best-practice procedures.

The Ontario Ombudsman has identified procedural fairness issues in certain Ontario municipal integrity commissioner investigations, but not in Toronto. The ICT's Complaint and Application Procedures are publicly posted, transparent, and built on recognized best practices. We share concerns about procedural fairness requirements and rigor in investigations; however, those concerns are do not apply to Toronto's industry-leading, well-established investigative model.

Bill 9, as currently drafted, provides no clarity as to whether the new procedural requirements would serve as a minimum standard or a hard ceiling. If the regulations

were to confirm these are baseline requirements only, then Toronto must retain the authority to enhance its processes in areas where Council finds that there is need to enhance the Code provisions. Toronto's size, complexity, and institutional capacity require flexibility rather than restrictions.

Recommendation:

Bill 9 should establish minimum investigative procedural requirements with the ability for the City of Toronto, and other municipalities to enhance those requirements.

A supermajority should be the standard for council member removal votes

One of the central objectives of Bill 9 is to establish a process by which an elected member of Council can be removed from office in rare, but serious, cases of misconduct that have caused harm to an individual's health, safety, or overall well-being. However, the requirement for a *unanimous* Council vote to remove a member sets an almost insurmountable threshold, undermining the Bill's purpose.

In practice, achieving unanimity on any issue before Council, even relatively routine matters, is exceedingly difficult. At least one member might presumably object to the idea of removal on principle, believing that only the electorate should have the power to remove an elected official, regardless of the severity of the misconduct. This makes the removal provision in Bill 9 effectively unworkable, even in cases of egregious behavior.

To preserve the integrity of Council while also ensuring a realistic enforcement mechanism, the threshold should be revised to a high, but attainable standard. We recommend a supermajority (2/3 majority) as used for more significant or sensitive decisions of Council than the usual simple majority. This would still require significant consensus while avoiding the paralysis created by the need for unanimity. Notably, this position aligns with that of AMO. As a point of comparison, in Toronto, a two-thirds majority is required to appoint or remove an Accountability Officer.⁵

Recommendation:

(a) Replace the unanimity requirement for removal with a two-thirds council vote.

Bill 9 should allow lesser sanctions when a removal vote fails to pass

Bill 9 appears to contain a critical legislative gap that may lead to counterproductive consequences. As currently drafted, if both the municipal and provincial integrity commissioners determine that a Council member's misconduct is serious enough to merit removal, but Council fails to achieve unanimous support to vacate the seat, there is no alternative penalty available. This creates a legal and procedural vacuum. Under the standard *Municipal Act, 2001* and *City of Toronto Act, 2006* regime, integrity commissioners can recommend penalties of a reprimand or suspension of pay for up to 90 days. However, under Bill 9, if Council does not unanimously adopt a

⁵ Toronto Municipal Code Chapter 3 (Accountability Officers) 1.3 Appointment, removal and resignation

recommendation for removal, no alternate penalty may be imposed, even though the misconduct would have to be serious to arrive at such a vote.

Integrity commissioners, aware that Council unanimity is highly unlikely, may be reluctant to recommend removal, without an opportunity to recommend a lesser sanction, should council not vote unanimously. This undermines the accountability framework in cases of serious misconduct. The legislation should be amended to ensure that, if removal is not approved, other appropriate penalties remain available. Doing so would ensure misconduct is not left unaddressed due to procedural barriers.

Recommendations:

- (a) The Province should preserve alternative penalties if removal is not approved by Council.*

The Ontario Integrity Commissioner should conduct administrative reviews

In addition, the ICT requests legislative clarification of the review the Provincial Integrity Commissioner would conduct in removal cases. From Bill 9's wording, it is unclear if the inquiry would be a *de novo* investigation, requiring documentary evidence collection, witness interviews and forensic analysis, or if it would be an administrative review of the municipal commissioner's report. If the latter, what standard of review would the Provincial Commissioner apply? Must the findings be only reasonable, or correct?

In making this assessment of whether to sustain the municipal integrity commissioner's findings and recommendations, the Integrity Commissioner of Ontario should not conduct a *de novo* hearing and should instead conduct a review that would consider errors of law, jurisdiction and procedural fairness.

In cases of harassment, discrimination and other misconduct that has harmed someone, re-investigation can re-traumatize the person targeted by that treatment. The Province should take a trauma-informed approach and not subject the survivor to further questioning. Through an administrative review of the municipal integrity commissioner's report, the Integrity Commissioner of Ontario can ensure the findings and recommendations were properly reasoned without reopening the investigation or re-interviewing those involved, thereby minimizing the risk of further harm to the survivor.

Recommendation:

Clarify that in the review of recommendations to remove a member the Integrity Commissioner of Ontario's role is akin to judicial review, considering errors of law, jurisdiction, and fairness, and not a de novo hearing of evidence.

Require centralized filing of reports and provide resources for training

One of its recommendations not taken up in Bill 9, but that the ICT endorses is that municipal integrity commissioners be required to file investigation reports on a central database. This would be a welcome addition and improve the quality of decisions.

The logic for this proposal is simple. If a universal Code of Conduct is implemented, it makes sense that there be a centralized repository for investigation reports. Such a resource would help Integrity Commissioners achieve consistency in applying and interpreting the Code. Such an approach would also provide a resource for members of municipal council seeking guidance or clarification regarding the Code.

There is no need to create and resource a new database: CanLII includes a section for Municipal Integrity Commissioner reports with links to the final Council decisions. However, only a handful of municipal integrity commissioners contribute to this, leaving a gap in the jurisprudence. A mandatory repository of reports would add consistency and rigor in municipal integrity commissioner reports.

In addition, the ICT notes section 157(1) of Bill 9 permits regulations requiring municipal integrity commissioners to provide training or education to members. If the province imposes new Code of Conduct and process requirements, the province should resource any training on this.

Recommendations:

- (a) Bill 9 should include a requirement all Integrity Commissioners' reports be filed in a central database; and*
- (b) If training is required for Bill 9, resources should be provided to the bodies responsible for delivering that training.*

Invite our Office for further consultation

The ICT recognizes the need to ensure all 444 Ontario municipalities have a robust and generally consistent regime pertaining to furthering municipal integrity goals. However, Bill 9 and its supporting documents do not provide a rationale as to why the Province would impose a new Code of Conduct and investigative protocol on the City of Toronto, when the City is the industry leader in these same subjects. Other municipalities with sophisticated municipal integrity regimes should similarly not have to sacrifice best practices to adopt lesser requirements.

Our Office would be pleased to provide further assistance and collaborate on the specific drafting of the Act and its Regulations to ensure they effectively support the goals of municipal accountability.

APPENDIX A

Integrity Commissioner of Ontario's "Effective Municipal Framework"	Integrity Commissioner Toronto: Current Regime
1) Commissioner independence <ul style="list-style-type: none"> a. Legislation clearly establishes the independence of the appointed integrity commissioner b. The commissioner is appointed by the whole of council following an application and vetting process c. The commissioner is appointed for a set period, with an option to be reappointed, though term limits could be specified d. The commissioner does not provide other paid services for the municipality beyond those set out under Part V.1 of the <i>Municipal Act</i>. 	<p>Currently in place</p> <p>Currently in place</p> <p>Currently in place</p> <p>Currently in place</p>
2) Rules-based Code of Conduct Codes of conduct are standardized and are primarily rules-based rather than principle-based	<p>Currently in place</p>
3) Provision of Expert and Timely Advice Commissioners must provide timely case-specific and confidential advice so members can meet their obligations under the code of conduct and the MCIA.	<p>Currently in place</p>
4) Transparent and accessible processes <ul style="list-style-type: none"> a. Information is made available about the role of the commissioner and the complaint process b. Complaints can be filed directly with the integrity commissioner, rather than through the municipality c. Complainants who follow the process are provided with a response on whether their complaint will be investigated d. There is no fee, or a nominal fee, for filing a complaint e. Commissioner reports are publicly available and easily accessible. 	<p>Currently in place</p> <p>Currently in place</p> <p>Currently in place</p> <p>Currently in place</p> <p>Currently in place</p>