

Entertainment, Gifts and Benefits — Prohibition Guidance

Purpose

This Bulletin provides interpretive guidance on the prohibition against offering or providing entertainment, gifts, meals, trips, or favours to public office holders.

It explains the scope, purpose, and application of §140-42A of Chapter 140 (Lobbying) of the Toronto Municipal Code.

Legislative Provision

§140-42A — Entertainment, Gifts, Meals, Trips or Favours

No lobbyist or client of a lobbyist, or any parent, subsidiary, affiliate, officer or employee of a 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.

Interpretation

Providing entertainment, gifts, meals, trips, or favours to a public office holder is improper conduct.

Such benefits may:

- Create goodwill for current or future lobbying activities;
- Be perceived as gratitude for past support;
- Create an appearance of personal obligation; or
- Place a public office holder in an actual or apparent conflict of interest.

The prohibition applies whether the benefit is provided directly or indirectly.

The prohibition applies to:

- Lobbyists;
- Clients of lobbyists; and
- Any parent, subsidiary, affiliate, officer, or employee of a lobbyist or client.

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Purpose of the Prohibition

The purpose of §140-42A is to prevent influence peddling and protect public confidence in the integrity and independence of City decision-making.

Providing benefits to public office holders undermines public trust and is incompatible with transparent, merit-based public sector decision-making.

This principle was articulated by Commissioner Denise E. Bellamy:

- 100. No lobbyist should ever practise influence peddling. Councillors and staff should not risk compromising their positions by accepting any benefits of any kind from lobbyists.**

No lobbyist should ever practise influence peddling. Councillors and staff should not risk compromising their positions by accepting any benefits of any kind from lobbyists.

Influence peddling includes giving gifts, buying meals, entertaining, bestowing favours, trading secrets, or taking steps to create a relationship of personal obligation. This is the heart of misconduct for a lobbyist.

Entertainment-based influence and relationship building have no place in lobbying the public sector. They undermine public trust in independent public sector decision-making and serve no public interest purpose.

Practices may be subtle or indirect. Invitations to dinners, vendor-hosted events, information sessions, receptions, performances, sporting events, concerts, cruises, or tournaments may appear routine but constitute improper benefits when provided by lobbyists or vendors.

Suppliers and lobbyists who fund entertainment expect influence in return. This amounts to acquiring influence through favours or benefits and is inappropriate in the public sector.

The responsibility to prevent such practices rests primarily with public officials, who should decline such offers and support policies discouraging them. Lobbyists and businesses must respect these standards and promote their interests based on merit rather than hospitality.¹

¹ See *Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry, Report, Vol. 2, Good Government* (2005), pp. 82–83.

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Examples of Prohibited Benefits

The following are examples of benefits that are prohibited under §140-42A (non-exhaustive):

- Tickets to sporting, cultural, or entertainment events;
- Meals, receptions, hospitality events, or hosted gatherings;
- Travel, accommodations, or sponsored trips;
- Gifts of any value;
- Donations to council-member-organized community events;
- Donations to charities established by, closely connected to, or clearly identified with a public office holder;
- Donations to fundraisers benefiting a public office holder;
- Event hospitality, premium seating, upgrades, or similar advantages.

Exception — Political Contributions

A lawful political contribution made in compliance with the *Municipal Elections Act, 1996* is not considered a prohibited gift under §140-42A. Separate guidance applies to political fundraising and lobbying conduct.

Key Principles

- **No Gifts Rule:** The City maintains a strict prohibition on lobbyist-provided benefits to public office holders.
- **Direct and Indirect Benefits Covered:** Benefits provided through third parties or intermediaries are prohibited.
- **Appearance Matters:** An actual conflict is not required. The appearance of obligation or influence is sufficient.
- **Merit-Based Advocacy:** Lobbying must focus on policy and substantive merits, not hospitality or personal relationships.

Questions

If you are uncertain whether an activity may engage the Lobbying By-law, seek guidance before proceeding.

Website: www.toronto.ca/lobbying

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Authority

This guidance is issued pursuant to the Lobbyist Registrar’s authority under Chapter 140 of the Toronto Municipal Code and Part V of the *City of Toronto Act, 2006* to interpret and administer the Lobbying By-law.

This Bulletin provides general interpretive guidance. It does not amend the By-law and is not a substitute for the legislation. The application of the Lobbying By-law and the Lobbyists’ Code of Conduct depends on the specific facts of each case.

Lobbyists and other stakeholders are encouraged to seek advice from the Lobbyist Registrar regarding their specific circumstances.

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