

September 28, 2026

Sent via Email (No Original to Follow): rob.flack@pc.ola.org

The Honourable Rob Flack
Minister of Municipal Affairs and Housing 17th Floor
777 Bay Street Toronto, ON M7A 1J3

Dear Minister Flack:

Re: Proposal for Regulations to Establish a Standardized Municipal Code of Conduct, Municipal Integrity Commissioner Processes, and Education and Training Requirements

As integrity commissioners for the cities of Toronto, Ottawa and Vaughan, we have strong codes of conduct for members of council and local boards. In addition, our complaint and investigative procedures have evolved over many years and have been upheld through judicial review. We are pleased to provide this joint submission, which in many respects reiterates comments made by us and other presenters at the consultation session on September 25.

We would like to note the work of the ministry to date in developing the new standardized code to be used by all Ontario municipalities. We are pleased to see the core principles of our existing codes reflected in the proposed regulations. However, we have identified several areas of concern. This letter outlines the most serious ones. Where possible, we offer suggestions for how these concerns could be addressed.

Municipalities will be differently affected by the coming into force of a new code. This is why in addition to our joint statement, we are providing separate letters to fully explain challenges we foresee in our own municipalities. This submission focuses on provisions that may reduce accountability, create uncertainty, or lead to inconsistent interpretation.

We continue to recommend a minimum-standards approach that permits municipalities to adopt stronger local requirements. We urge the province to consider that preferred option, even as we put forward other ideas for your consideration.

1. Proposed code and procedures do not include transition provisions

The proposed framework contains no transition provisions. The regulations should clarify how ongoing investigations, existing complaints, election-related suspensions, and pre-implementation conduct will be handled.

2. Drafting language requires greater precision

The proposed Code would benefit from more precise drafting and additional definitions.

Several important concepts are undefined or unclear, including "respectful conduct," "reasonable and infrequent," and "personal or political activities." In some cases, the draft Code specifies Members of Council and Local Boards and in others it does not. It is unclear whether only certain provisions apply to Local Boards or if this is a drafting error. Greater precision is necessary to promote consistent interpretation and enforcement.

3. No Conflict of Interest provision

The proposed Code does not include an enforceable prohibition against real or apparent conflicts of interest; this is mentioned only as a principle. This will be difficult for the public to understand, when they most frequently view the role of our Offices as addressing allegations of conflicts of interest.

Municipal codes have traditionally addressed apparent conflicts, non-pecuniary interests, and relationships not captured by the Municipal Conflict of Interest Act. Including siblings and in-law relatives. The Province should include an enforceable conflict of interest provision consistent with best municipal practice and the recommendations of the Bellamy, Cunningham and Marrocco inquiries.

4. No requirements for members' conduct respecting lobbying

The proposed Code contains limited provisions addressing members' interactions with lobbyists. Our three municipalities have sophisticated lobbying regimes which include specific obligations on Members of Council and Local Boards.

For example, our municipalities require members to refrain from dealing with non-compliant lobbyists and to report apparent breaches of local lobbying rules. These requirements complement lobbyist registration systems and recognize that accountability must exist on both sides of the lobbying relationship. The Province should consider incorporating member-side lobbying obligations into the standardized Code.

5. Relationship to other legal and governance requirements

Municipal codes of conduct do not operate in isolation. They form part of broader accountability frameworks that include municipal by-laws, council policies, workplace policies, election rules, and provincial legislation.

Existing codes of conduct often provide the accountability mechanism through which those standards are enforced. For example, code requirements specifically refer to municipal by-laws and policies, provincial legislation and the Criminal Code. Perhaps most importantly, our codes of conduct give "teeth" to many policies, by providing a process for holding a member of council or local board accountable.

For the new code to be an effective tool, it should be situated within the full legal and policy context. While it is not practical to include references to all relevant legislation, the province

may consider requiring compliance with policies adopted and other legislation, as done in many current municipal codes.

6. Investigation procedures and timelines

Ottawa, Toronto and Vaughan have a uniquely large number of complaints about Members of Council and Local Boards, many of which are factually and legally complex. In Toronto and Ottawa, for example, Members of Council have access to City-paid resources to retain counsel upon notice of an Integrity Commissioner investigation. Our Offices also provide a high volume of sophisticated advice to Members, and training to this large group of Local Board members. Investigations are just one part of our work. In Ottawa and Vaughan, integrity commissioners also fulfill other statutory functions, namely that of lobbyist registrar.

The proposed 120-day investigation period, with only limited extension opportunities, may not accommodate complex investigations involving large volumes of evidence, multiple witnesses, legal counsel, or related complaints.

The regulations should provide greater flexibility and clarify that procedural fairness obligations remain paramount. Similarly, the 10 day early dismissal period may work in smaller municipalities with few complaints, but in high volume municipalities with complex complaints, this may be impossible. Similarly, some local councils and municipalities do not meet every 30 days, so reporting timelines should be tied to the body's next meeting after the completion of the investigation.

While not currently required in the draft code, written reasons should be required for all dispositions, including dismissals upon intake review and findings of no contravention. Clear reasons are required for administrative fairness and public confidence in the process. Timelines should allow sufficient time to prepare written reasons.

Conclusion

We respectfully request that the regulations confirm municipalities may maintain stronger rules and investigation processes than the provincial minimum standards. We also recommend a review of the framework after one year, followed by regular periodic reviews to identify and address implementation issues.

Respectfully submitted,



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