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**INTEGRITY
COMMISSIONER**
TORONTO

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Comments submitted by
The Office of the Integrity Commissioner of Toronto

**Proposal for Regulations to Establish a Standardized Municipal Code
of Conduct; Municipal Integrity Commissioner Processes and
Education and Training Requirements**

Introduction and Background

The Office of the Integrity Commissioner of Toronto (ICT)¹ is a key part of the most well-developed municipal accountability framework in Canada.

The City of Toronto, with a bigger population than all but three Canadian provinces, is fundamentally different from the other 443 municipalities in Ontario, and the regulatory framework should recognize that reality. The ICT oversees a governance structure of exceptional size and complexity, including 143 local boards², over 1,000 appointed board members, 10 adjudicative (quasi-judicial) tribunals, 85 Business Improvement Areas, and major agencies such as the Toronto Transit Commission, which alone operates with an annual budget exceeding \$1.4 billion.

The ICT's role extends far beyond complaint investigations.³ Each year, the Office provides more than 100 written advice opinions to Members of Council and local board members, delivers training across Toronto's system of over 100 local boards, and advises the City on ethics and accountability matters. The Office serves as ethics advisor for over 100 staff employed in Members' offices. Toronto is one of only three Ontario municipalities, together with Ottawa and Vaughan, that maintain a dedicated full-time Integrity Commissioner rather than relying on a firm or roster providing services on an as-needed basis.

Toronto's accountability framework was developed in response to past governance failures⁴ and has matured over more than twenty years into the most comprehensive municipal integrity regime in Canada. If the Province intends the standardized Code to operate as a complete code rather than a minimum standard, Toronto will lose the sophisticated accountability measures developed over decades. The Province should consider the implications of this for large municipalities. Ours is a system that works.

Implementation and Drafting Concerns

Lack of consultation with Ontario's Municipal Integrity Commissioners

The consultation process for the implementation of the *Municipal Accountability Act, 2026* is inadequate. The consultation and implementation timelines are extremely compressed. Municipal integrity commissioners received a one-hour virtual meeting with provincial representatives on September 25, 2026. With submissions due on October 2,

¹ 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 Deputy Integrity Commissioner and Legal Counsel to the Integrity Commissioner and has been in this role since February 2020. These submissions are our views and, to the best of our ability, represent the ICT's more than 20 years of experience.

² See Appendix A.

³ [2025 Integrity Commissioner Toronto Annual Report](#)

⁴ Honourable Madam Justice Denise E. Bellamy, *The Computer Leasing Inquiry*, *Toronto External Contracts Inquiry*, 2005.

2026 and regulations finalized by November 15, 2026, there is little opportunity to meaningfully consider stakeholder feedback and respond with revisions.

Drafting language is imprecise

Clear drafting is essential. *Several provisions would benefit from clearer and more precise language.* Some sections do not indicate whether they apply to Members of Council, local board members, or both.

In one case, the draft notes that requests for investigation can be outside the six week limitation period if the allegations are of a “serious nature involving harassment, bullying, discrimination or violence.” However, later Commissioners are permitted to extend their investigation time by 60 days if “the alleged contravention is of a serious nature or involving harassment, bullying, discrimination or violence.” This raises the question of whether there are types of conduct other than harassment, bullying, discrimination or violence also considered to be “of a serious nature.”

Separate Codes of Conduct for Members of Local Boards and Adjudicative Boards

Toronto currently maintains three separate Codes of Conduct that reflect the distinct roles and responsibilities of Members of Council, members of local boards, and members of adjudicative boards. This approach recognizes that these groups perform fundamentally different functions and are subject to different legal, governance, and procedural requirements. In particular, adjudicative board members exercise quasi-judicial decision-making powers and must adhere to principles of independence and procedural fairness.

The proposed framework does not indicate whether the Province intends to establish separate codes for these different categories of public office holders or to implement a single standardized Code across all municipalities. If the Province implements a single Code, it is unclear how provisions designed for elected officials would apply to appointed board members, particularly those serving on adjudicative tribunals. The Province should clarify its intended approach. Otherwise, our Office will be left to interpret and explain how a single Code applies to three distinct groups of elected and appointed officials with significantly different responsibilities. *We submit that a separate Code of Conduct for local boards is preferable because it better articulates the obligations of local board members.*

Lack of transition provisions

The proposed Code and investigative procedures do not include transition provisions. As a result, it is unclear how complaints and investigations that span the change in legislative frameworks will be handled. For example, it is unclear which version of the Code and procedural rules would apply to conduct that occurred before the new Code

comes into force, investigations paused during an election period, complaints arising from conduct during an election period, or investigations that begin under one framework and conclude under another.

The Province should also clarify:

- whether conduct occurring before the new Code comes into force will continue to be assessed under the Code in force at the time of the conduct;
- which procedural rules apply when an investigation relates to conduct that pre-dates implementation;
- how investigations terminated during an election period will be handled once recommenced; and
- whether investigations commenced after implementation but relating to earlier conduct will be governed by the former or new procedural framework.

Without clear transition provisions, municipalities may face disputes. *Given the significant changes to both the substantive Code and the investigative process, transition provisions are necessary to provide certainty to Integrity Commissioners, complainants, and respondents.*

Substantive Concerns About the Proposed Code of Conduct

Relationship to Other Legal Obligations

The proposed Code acknowledges the *Municipal Conflict of Interest Act*, but does not clearly address members' broader legal obligations. By contrast, Toronto's Code requires compliance with key legislation and municipal by-laws. Including this requirement in the final Code would provide clearer guidance to members and reinforce that the Code operates as part of a broader accountability framework.

Council Policies and Procedures

As an example, the proposed Code does not require members to comply with Council-adopted policies and procedures. This is a significant gap. Toronto's current Article 15 (Council Policies & Procedures) ensures Council policies are enforceable through the Code of Conduct process and recognizes that many important standards governing member conduct are found in Council policies rather than in the Code itself. In practice, this provision has been essential to the Integrity Commissioner's oversight role.

The Commissioner is the only tool for addressing member misconduct under Council-adopted policies (see Appendix B for examples of such key policies) and has made findings under several investigations on this basis. It has also provided a clear basis for dismissing complaints where a member did not follow a policy but obtained Council

approval for an exemption. Without a similar provision, it is unclear how non-compliance with Council-approved policies would be addressed or enforced, potentially leaving significant areas of member conduct outside the Code's accountability framework. *The new Code of Conduct should include a provision that requires members to comply with Council-adopted policies and procedures. Suggested wording: "A member must observe the terms of all policies and procedures established by City Council unless they have first requested and been granted an exemption by Council."*

Conflicts of Interest and Use of Influence

The proposed Code of Conduct does not include a conflict of interest provision. The only mention of a conflict of interest is found in the "Core Principles" which are not a stand-alone rule, only interpretive principles for the numbered provisions.

A use of influence provision is reactive and narrow. A conflict of interest provision is broader, allowing integrity concerns to be addressed before public trust is compromised.

A conflict of interest rule serves a broader purpose than the *Municipal Conflict of Interest Act* by addressing real and apparent conflicts that may undermine public confidence. A properly drafted provision can capture situations involving colleagues, siblings, close friends, business associates, and other personal relationships that create competing loyalties or the appearance of preferential treatment. Such a provision should extend beyond formal votes at meetings to capture efforts to influence decisions, secure preferential treatment, or otherwise advance another person's interests. Without an enforceable conflict of interest provision, municipalities are missing the necessary tool for addressing serious ethical concerns that fall outside the limited scope of the MCIA.

Article 8 of the Toronto Code of Conduct prohibits acting in a real or apparent Conflict of Interest. Conflicts of interest are at the core of the complaints we receive. Including real and apparent conflicts of interest in municipal codes of conduct is consistent with the recommendations of the major Ontario municipal judicial inquiries, including Justice Bellamy's *Toronto Computer Leasing Inquiry and Toronto External Contracts Inquiry* (2005), Justice Cunningham's *Mississauga Judicial Inquiry* (2011), and Associate Chief Justice Marrocco's *Collingwood Judicial Inquiry* (2020). Each emphasized the need for conflict rules beyond the narrow requirements of the *Municipal Conflict of Interest Act* and addressed conduct undermining public confidence in municipal decision-making. *The new Code of Conduct should include an enforceable conflict of interest provision added to the use of influence provision. Suggested wording: "A member must not be involved in their capacity as a member in any activity where they have a real or apparent conflict of interest or use the influence of their office for any purpose other than for the exercise of their official duties."*

Conduct respecting lobbying

The proposed Code contains almost no obligations governing members' interactions with lobbyists. Apart from restricting the acceptance of gifts from this population, the proposed framework places responsibility for compliance almost entirely on lobbyists rather than on elected and appointed officials. While lobbyist registries are an important accountability mechanism, they regulate only one side of the lobbying relationship. Effective oversight requires obligations for both lobbyists and public office holders.

Toronto's current framework recognizes this principle. Article 13 of Toronto's Code of Conduct imposes obligations on members with respect to lobbyists, including prohibiting communications with lobbyists who are not properly registered or who are acting in contravention of the City's Lobbying By-law. Members are also required to report violations or attempted violations of the City's lobbying rules. These member-side obligations complement the regulation of lobbyists under Chapter 140 of the Toronto Municipal Code and help ensure accountability on both sides of the relationship.

The omission of comparable obligations from the proposed provincial Code weakens the overall lobbying accountability framework. It removes members' responsibility to avoid dealings with non-compliant lobbyists and to report known violations of municipal lobbying rules. In municipalities with established lobbyist registry systems, such as Toronto and Ottawa, this would eliminate an important accountability safeguard and create a less robust framework than currently exists. *The new Code of Conduct should include obligations with respect to Lobbyists. Suggested wording: "Where a municipality has a lobbying by-law, members must not knowingly communicate with an unregistered lobbyist or a lobbyist acting in contravention of the by-law, and must take reasonable steps to report or address any known non-compliance."*

Acting on Advice of the Integrity Commissioner

Toronto's current Code clarifies that a member who seeks and follows advice from the Integrity Commissioner is protected from a future complaint about that conduct. The proposed Code does not include a similar advice-reliance provision.

A failure to include explicit protection creates uncertainty for members who seek guidance. Although the legislation continues to authorize Integrity Commissioners to provide confidential advice to members, the proposed Code does not clarify what weight should be given to that advice when a later complaint arises concerning the same conduct. An advice-reliance provision would encourage members to seek advice before acting, promote compliance with the Code, and provide certainty for members and the Integrity Commissioner.

The new Code of Conduct should include an advice-reliance provision. Suggested wording: "Any written advice given by the Integrity Commissioner to a member binds the

Integrity Commissioner in any subsequent consideration of the conduct of the member in the same matter as long as all the relevant facts known to the member were disclosed to the Integrity Commissioner.”

Gifts and Benefits

No Maximum Gift Limits

The proposed gifts and benefits framework would remove an important safeguard currently found in Toronto's Code by eliminating limits on gifts and benefits received from a single source. While public disclosure promotes transparency, disclosure alone does not address the risk, or appearance, of undue influence that can arise when a member receives significant benefits from the same individual or organization. *The final Code should include reasonable limits on gifts and benefits received from a single source.* For example, in Toronto's Code single or cumulative gifts from one source in a year cannot have a value greater than \$500 other than in very few exceptions (e.g. contributions to a political campaign or sponsored official travel). If municipalities will no longer be able to establish supplementary standards in their own codes of conduct, it is particularly important that the provincial Code itself contain appropriate safeguards. Suggested wording: *“A member must not accept gifts or benefits from a single source that exceed \$500 except for permitted compensation, political contributions, sponsored travel and related expenses, or donations for member-organized community events.”*

Broader Event Attendance Exceptions

The proposed Code would significantly expand the circumstances in which members may accept invitations to events. Unlike Toronto's current framework, it would permit attendance at charitable and non-profit events without requiring a clear municipal purpose or official role, such as speaking, presenting, or representing the municipality. This is a significant departure from Toronto's approach in its Code of Conduct, which focuses on whether attendance serves a legitimate public purpose rather than simply the nature of the organization hosting the event.

The expansion is particularly concerning because the proposed exception applies not only to charitable organizations, but also to non-profit organizations, a category that can encompass a wide range of entities. As drafted, the provision could permit members to attend a continuous stream of galas, receptions, fundraising events, and similar functions hosted by organizations seeking access to elected officials. *The new Code of Conduct should reflect the restrictions in the Toronto Code of Conduct to restrict event attendance to defined circumstances.*

No Limits on Frequency or Cumulative Benefits

The proposed Code also contains no limits on the frequency or cumulative value of these gifts. A member could repeatedly attend events hosted by the same organization or group of organizations throughout a year, provided each event falls within the exception. Repeated access may create concerns about influence and preferential treatment. *The final Code should include limits on the cumulative value of gifts.*

No Preventative Oversight Role for the Commissioner

The proposed Code would shift oversight from prevention to complaint-driven enforcement. Toronto's current framework requires disclosure of significant gifts, review by the Integrity Commissioner, and, in some cases, advance approval. The proposed framework relies primarily on public reporting and only engages the Integrity Commissioner if a complaint is filed. This approach may allow problematic gifts or benefits to be accepted without independent review. *The new Code of Conduct should provide oversight for gifts and benefits as outlined in the City of Toronto's Code of Conduct.*

The Toronto Integrity Commissioner already maintains a Gifts Registry

The proposed framework does not recognize that some municipalities already have well-developed accountability systems. In Toronto, the Integrity Commissioner maintains and reviews a public gifts registry. Requiring disclosures to be filed with the Clerk may be appropriate where no integrity office exists, but it could reduce independent oversight in municipalities that already have stronger safeguards. *Where a municipality has a full-time Integrity Commissioner, gifts disclosures should be filed with and reviewed by the Integrity Commissioner, who should be authorized to provide compliance advice and identify potential concerns before a complaint is made.*

Election Campaign Work

The proposed Code does not include a provision equivalent to Toronto's Election Campaign Work (Article 7). While some election-related requirements are set out in the *Municipal Elections Act*, and enforced by a provincial process, including clear obligations in the Code of Conduct serves an important accountability purpose. It makes clear that non-compliance with election laws could also breach the Code of Conduct.

An absence of such provisions would narrow the Integrity Commissioner's ability to address election-related conduct concerns through the Code of Conduct process. This concern is even greater if the proposed framework also fails to include a requirement that Members follow Council Policies and Procedures (Toronto's current Article 15). In that case, election campaign conduct may fall outside the Integrity Commissioner's jurisdiction unless it can be addressed under the general Use of City Resources provision. *The final Code should include a dedicated election campaign work provision. Suggested wording: "A member must comply with applicable election laws and must not*

use municipal resources, municipal property, or municipally compensated staff or services for election campaign or campaign-related purposes, except as permitted by Council policy.”

Decorum, Discreditable Conduct and Conduct Respecting Staff

The proposed Code of Conduct takes concepts addressed separately and clearly in three distinct articles of Toronto's Code and combines them into a single provision in a way that creates confusion rather than clarity. Toronto's approach recognizes that maintaining decorum at council meetings, treating others respectfully, and interacting appropriately with City staff are related but different issues that require different rules and different considerations.

In Toronto's Code,

- Article 11 addresses decorum during council and committee meetings and links those obligations to the Council Procedures By-law.
- Article 14 prohibits abusive, bullying, intimidating, or derogatory conduct toward members of the public, City staff, and other members.
- Article 12 sets out specific expectations governing members' relationships with City staff.

By contrast, Article 8 of the proposed Code merges elements of all three concepts under the broad heading of "respectful conduct." The term "respectful conduct" is not defined anywhere in the proposed Code, making it unclear what conduct is prohibited and how the provision would be interpreted or enforced.

The proposed Code states that it does not apply to communications, including social media activity, that relate to a member's personal or political activities rather than their municipal responsibilities. In practice, this distinction is often difficult to draw. Elected officials routinely use the same social media accounts, audiences, and public profile for official, political, and personal communications. As a result, it is often unclear where one ends and another begins. This exemption risks creating uncertainty about when the Code applies and could place significant areas of public-facing conduct beyond accountability, even where that conduct may undermine public confidence in local government. *The new Code of Conduct should replace the single “respectful conduct” provision with separate and clearly defined provisions addressing decorum, discreditable conduct, and conduct respecting staff.*

Compliance with the Code of Conduct

Article 19 of the Toronto Code outlines the Integrity Commissioner's reporting process and authority to make recommendations to Council or local boards. While much of this authority is already reflected in section 223.4 of the *City of Toronto Act, 2006*, the

Toronto Code also expressly incorporates City by-law (Chapter 3) that the Integrity Commissioner may recommend additional remedial measures, including:

- removal from a committee or local board;
- removal as chair of a committee or local board;
- repayment or reimbursement of money received;
- return of property or reimbursement of its value; and
- an apology to Council, a complainant, or both.

Case law has generally recognized that Integrity Commissioners may recommend appropriate remedial measures in addition to statutory sanctions. Toronto has also found it necessary to expressly provide for these recommendations in its by-law framework. Including this authority in the Code promotes transparency by clearly informing members and the public of the range of remedies that may be recommended where a contravention is found. Without this clarification, uncertainty may arise regarding the available compliance and accountability measures. *The new Code of Conduct should include a provision allowing the Commissioner to make remedial recommendations.*

Comments on Investigative Procedures and Timelines

The proposed investigative timelines may be difficult to administer in Toronto given the scale and complexity of the City's accountability framework. Unlike most municipalities, Toronto's Integrity Commissioner has jurisdiction over not only Council and the Mayor, but also more than 1,000 local board members serving on a wide range of bodies. These include major governance boards such as the TTC and CreateTO, as well as several adjudicative and quasi-judicial tribunals. Complaints involving these bodies can raise complex issues that require careful investigation and procedural fairness.

Investigative Deadlines

While placing a limitation period on complaints is reasonable, the method set out is not. Tying this to discoverability means that there is a substantial loophole which will be used by complainants. Nine months after the fact of an event, a complainant can say "I just was told about this" and claim they are within time.

The proposed requirement to complete investigations within 120 days, with only a single 60-day extension, may not provide sufficient flexibility for complex matters. Given Toronto's high complaint volume and the breadth of elected and appointed members within the ICT's jurisdiction, some investigations require significant document review, multiple witness interviews, and consideration of complex legal and governance issues. There should be flexibility afforded to larger municipalities with complex infrastructure. If

the Province is trying to align with the MCIA, as they are in other aspects (six weeks of discoverability) they should also at minimum provide the same investigative time frame to commissioners, 180 days (s. 160.1 (14) City of Toronto Act, 2006). It is unclear whether notice must be provided to Council, the Clerk, the complainant, the respondent, or another party. *The investigative procedures should provide greater flexibility for complex investigations by extending the proposed timelines, clarifying the limitation period, and specifying how and to whom notice of any extension must be provided.*

Procedural Fairness and Proposed Timelines

The proposed timelines raise procedural fairness concerns. Toronto Integrity Commissioner investigations frequently have Respondents represented by legal counsel, extensive documentary evidence, and requests for extensions from members or their counsel. Respondents often seek extensions when responding to a complaint, or a statement of proposed findings and recommendations, or in finding a time for a witness interview when counsel can attend.

It is unclear how Integrity Commissioners are expected to accommodate these procedural fairness requirements while also complying with rigid statutory timelines. *The final procedures should provide flexibility to extend prescribed timelines where necessary to ensure procedural fairness. Integrity Commissioners should not be placed in a position where compliance with statutory deadlines compromises a respondent's right to be heard or the thoroughness of an investigation.*

Reporting to Council or a Local Board Within 30 Days

The requirement to report within 30 days of completing an investigation requires clarification. City Council, local boards, and adjudicative tribunals do not meet every 30 days, and meeting schedules are outside the Integrity Commissioner's control. *The regulations should clarify that the reporting obligation is satisfied by providing the report within the prescribed period, with consideration by Council or the local board occurring at its next scheduled meeting. Alternatively, the timeline should be tied to the next meeting of the applicable body following completion of the investigation.*

Reasons for Dismissal at Intake and After Investigation

The proposed procedures appear to make reasons discretionary where an investigation concludes that no contravention occurred. Reasons serve an important accountability and fairness function for both complainants and respondents, promote transparency, and assist in public understanding of the Code's requirements. Currently, the procedures say only that the Commissioner “may” provide reasons. Given that this is effectively a requirement for administrative fairness, there must be more time afforded for dismissals after investigation.

Even in cases of dismissal at intake, our Office provides reasons, so the complainant can understand that the Commissioner has a basis upon which not to investigate. *The procedures should require written reasons for all dismissal decisions and provide sufficient time for Integrity Commissioners to prepare those reasons.*

Public Repository of Integrity Commissioner Decisions

If the Province's goal is to create consistency across Ontario municipalities, it should establish a centralized public repository for Integrity Commissioner reports, and the final decisions made by the municipal council or board. A standardized Code of Conduct alone will not create consistency. Integrity Commissioners, municipalities, members, complainants, and the public also need access to investigation reports showing how the Code is interpreted and applied in practice.

Currently, municipalities publish reports in different ways, and many are difficult to find. Although CanLII hosts a [database for municipal Integrity Commissioner reports](#), participation is voluntary and only a few municipalities regularly contribute. As a result, most reports are not readily accessible, making it more difficult to develop a consistent approach to interpreting and applying Codes of Conduct. Up to now, this has been less important, as each Code of Conduct differed in language, so true consistency was not achievable.

With a single Code of Conduct, the Province should require municipalities to publish final reports in a centralized, searchable repository. A provincial database would improve transparency, help municipalities apply the standardized Code consistently, support the development of a coherent body of jurisprudence, and increase public confidence in Ontario's municipal accountability framework. If the Province's objective is consistency, it should promote this not only by requiring a single Code of Conduct, but also in requiring a central and public reporting location.

Conclusion

The ICT submits that any standardized municipal accountability framework should recognize the significant differences in size, governance complexity, and existing accountability infrastructure across municipalities. Toronto's accountability regime has evolved over more than two decades and serves a governance structure that is unique in Ontario in both scale and complexity.

In closing, we would welcome any consultation with the Province as they complete their drafting, and would make ourselves available if you have any questions.

Sincerely,



Paul Muldoon,
Integrity Commissioner



Kate Zavitz
Deputy Integrity Commissioner

Appendix A: Local Boards the ICT oversees

- 10 quasi-judicial adjudicative Boards
 - Administrative Penalty Tribunal
 - Committee of Adjustment
 - Committee of Revision
 - Compliance Audit Committee
 - Dangerous Dog Review Tribunal
 - Multi-Tenant House Licensing Tribunal
 - Property Standards Committee
 - Sign Variance Committee
 - Toronto Local Appeal Body
 - Toronto Licensing Tribunal
- 84 Business Improvement Areas
- 7 Service and Program Operating Boards
 - Service and Program Operating Boards
 - Exhibition Place
 - Heritage Toronto
 - TO Live (formerly Toronto Civic Theatres)
 - Toronto Parking Authority
 - Toronto Transit Commission
 - Toronto Zoo
 - Sankofa Square
- 8 Arena Boards
 - George Bell Arena
 - Larry Grossman Forest Hill Memorial Arena
 - Leaside Memorial Community Gardens Arena

- McCormick Playground Arena
- Moss Park Arena
- North Toronto Memorial Arena
- Ted Reeve Community Arena
- William H. Bolton Arena
- 10 Association of Community Centres
 - 519 Church Street Community Centre
 - Applegrove Community Complex
 - Cecil Street Community Centre
 - Central Eglinton Community Centre
 - Community Centre 55
 - Eastview Neighbourhood Community Centre
 - Ralph Thornton Community Centre
 - Scadding Court Community Centre
 - Swansea Town Hall
 - Waterfront Neighbourhood Centre (formerly Harbourfront Community Centre)
- 3 Financial/Administrative Boards
 - CreateTO (formerly Toronto Realty Agency Board)
 - Toronto Atmospheric Fund
 - Toronto Investment Board
- 1 Nominating Committee
 - Tribunals Nominating Panel

Appendix B: Council-adopted policies enforced by the Integrity Commissioner

The following is a non-exhaustive list of policies that apply to Members of Council for which the primary or only enforcement mechanism is through the Integrity Commissioner, pursuant to a Code of Conduct rule that Members must comply with Council policies and procedures.

- [Human Rights and Anti-Harassment/Discrimination Policy](#)
- [City of Toronto Corporate Accessibility Policy](#)
- [Use of City Resources During an Election Period Policy](#)
- [Members of Council Operations Policy](#)
- [Human Resources Management and Ethical Framework for Members' Staff](#)
- [Council Member-Organized Community Events Policy](#)
- [Consolidated Policy about Letters of Reference](#)
- [Corporate Facilities Display and Fundraising Policy](#)