

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

Official Report of Debates (Hansard)

HE-6

Journal des débats (Hansard)

HE-6

**Standing Committee
on Heritage, Infrastructure
and Cultural Policy**

Municipal Accountability
Act, 2025

1st Session
44th Parliament
Thursday 24 July 2025

**Comité permanent du
patrimoine, de l'infrastructure
et de la culture**

Loi de 2025 sur la responsabilité
au niveau municipal

1^{re} session
44^e législature
Jeudi 24 juillet 2025

Chair: Hon. Laurie Scott
Clerk: Tanzima Khan

Présidente : L'hon. Laurie Scott
Greffière : Tanzima Khan

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House Publications and Language Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



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Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

ISSN 2816-7252

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON HERITAGE,
INFRASTRUCTURE
AND CULTURAL POLICY

Thursday 24 July 2025

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DU PATRIMOINE,
DE L'INFRASTRUCTURE
ET DE LA CULTURE

Jeudi 24 juillet 2025

The committee met at 1000 in Royal Ashburn Golf Club, Whitby.

The Clerk pro tem (Ms. Lesley Flores): Good morning, honourable members. In the absence of the Chair and Vice-Chairs, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? MPP Anand.

Mr. Deepak Anand: I'd like to nominate MPP Coe as the Chair.

The Clerk pro tem (Ms. Lesley Flores): MPP Coe, do you accept the nomination?

Mr. Lorne Coe: I do.

The Clerk pro tem (Ms. Lesley Flores): Are there any further nominations? There being no further nominations, I declare the nominations closed and MPP Coe elected Acting Chair of the committee.

MUNICIPAL ACCOUNTABILITY
ACT, 2025LOI DE 2025 SUR LA RESPONSABILITÉ
AU NIVEAU MUNICIPAL

Consideration of the following bill:

Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct / Projet de loi 9, Loi modifiant la Loi de 2006 sur la cité de Toronto et la Loi de 2001 sur les municipalités en ce qui concerne les codes de déontologie.

The Acting Chair (Mr. Lorne Coe): Good morning, everyone. Welcome to Whitby and the Royal Ashburn Golf Club.

I call this meeting of the Standing Committee on Heritage, Infrastructure and Cultural Policy to order. We're meeting here in Whitby, Ontario, to begin public hearings on Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct. The Clerk of the Committee to my left has distributed today's meeting documents with you virtually, via SharePoint.

To ensure that everyone who speaks is heard and understood, it is important that all participants speak slowly and clearly. What that means is you move the microphone close to you so that the committee members in particular can hear you, but anyone else who is viewing today's proceedings can hear you as well. Please wait until I rec-

ognize you before starting to speak. As always, all comments should go through the Chair.

Are there any questions before we begin? Madam Clerk, I don't see any.

MS. NATASHA SALONEN

EASTERN ONTARIO WARDENS' CAUCUS

The Acting Chair (Mr. Lorne Coe): I now call on our first presenter, who is from the township of Wilmot. Your Worship, will you please come forward? Thank you.

For the record, we need you to formally introduce yourself. Go ahead, please.

Ms. Natasha Salonen: I'm Natasha Salonen, the mayor of the township of Wilmot.

The Acting Chair (Mr. Lorne Coe): As a reminder, each presenter will have seven minutes for their presentation. After we've heard from all the presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be divided into two rounds of six and a half minutes for the government members, two rounds of six and a half minutes for the official opposition members and two rounds of six and a half minutes for the third party.

Welcome. You can start your presentation. I'll let you know when you have a minute left, so that you can get all of what you need to say on the record—

The Acting Chair (Mr. Lorne Coe): MPP Anand?

Mr. Deepak Anand: Is there only one presenter for this?

The Acting Chair (Mr. Lorne Coe): I also should invite up to the table the Eastern Ontario Wardens' Caucus chair, Bonnie Clark.

Meredith, are you coming up too, please?

Please start your presentation, Your Worship.

Ms. Natasha Salonen: Chair, members of the committee, thank you for the opportunity to appear before you today to support Bill 9, the Municipal Accountability Act. My name is Natasha Salonen, and I serve as the mayor of Wilmot in the region of Waterloo and a board member for both AMO and ROMA, but today I am appearing in a personal capacity.

In addition to my municipal role, I am a professor at Seneca College, where I teach the introduction to the Canada political system. I began teaching this course with

optimism, believing our students would be inspired by Canadian institutions, but our conversations often take a familiar turn, questioning, “How can we have faith in a political system that tolerates incivility, evades accountability and fails to uphold the very standards we ask citizens to follow?” That question stays with me—not just as an academic but as someone who serves our public.

I appear before you today not just to speak to a bill but to speak to a principle: that trust in government is not given—it’s a structure we must build, reinforce and defend.

Right now, every municipality in Ontario is expected to uphold integrity in local government, but not every municipality is equipped or empowered to do so. What we have inherited is a legislative patchwork: fragmented codes of conduct, inconsistent enforcement and a lack of shared standards across the 444 municipalities that make up our province. This inconsistency blurs the lines of accountability, and that ambiguity erodes trust.

Bill 9 addresses these challenges head-on. It provides a principled, province-wide framework; one standardized code of conduct; mandatory training; enhanced oversight from the Ontario Integrity Commissioner; and, in the most serious cases, a clearly defined process for removal from office. This legislation stands as a powerful message: Ethical conduct in public office is not aspirational, it is foundational. And, in doing so, it strengthens the very legitimacy of local government.

In late 2023, the Apolitical Foundation published the first global study on mental health of elected officials at all levels. The findings were sobering: Politicians are facing unprecedented harassment, burnout and isolation—and where there are no clear standards, toxicity thrives and trust collapses. Ontario now has a chance to lead, not just in setting boundaries but in shaping political culture.

And, yet, there does remain an overlooked gap which I believe that this committee is uniquely positioned to address. While Bill 9 rightly strengthens oversight of elected officials, it is silent on the inverse question: What happens when elected officials are the ones being harassed, undermined or retaliated against, particularly by municipal staff?

The reality is HR departments do not serve mayors and councils. We are the employer. We have no access to internal complaint mechanisms. And integrity commissioners, while vital, do not have the jurisdiction to investigate staff conduct. When a councillor in a municipality is mistreated by senior staff members, there is often nowhere to turn—no process and no protection. We would never ask a public servant to work without HR protections and yet we are expecting elected officials to serve without them. That contradiction is not just unfair, but it is unsustainable to a modern democracy. That is why I respectfully urge this committee to consider the creation of a provincially administered HR support mechanism for elected officials as part of Bill 9.

If we want democracy to be sustainable, we must start treating safety, ethics and accountability not as ideals but as infrastructure. This could be as simple as a confidential advisory service housed under the Ombudsman or the

Public Service Commission. It would not replace local autonomy, but it would provide a neutral path forward where the internal structures do not exist.

This is not about creating division between councils and staff. Staff are the backbone of our municipalities, but accountability must run both ways. Without it, we risk silencing the very voices voters elected and empowering the misuse of internal systems to punish political dissent.

Earlier this year, I had the opportunity to speak with France Bélisle, the former mayor of Gatineau. Her in-term resignation and her memoir have sparked national conversation. But in our private conversation, what struck me was not her experience being rare but instead familiar. In many ways, her story is similar to mine. As a young, female mayor, I have faced hostility, institutional resistance and deep personal efforts to undermine my authority and safety, and when that happens, without a place to turn, even the most committed public servant begins to ask: Why stay? These are not just political stories; they’re also human ones, and we must build a system that acknowledges the cost of silence. We must build a system that answers: You stay because this province has your back.

We are living through a moment of global democratic fatigue: Trust in institutions is waning, polarization is growing and public service, which was once a noble calling, now often feels like a personal risk. But we are not powerless in the face of those trends.

1010

By passing Bill 9 and closing the remaining gaps, Ontario can lead by example. We can show that: conduct matters, respect is non-negotiable and public office is a place of service, not suffering. A strong democracy should be measured not just by how we elect leaders but how we support them when they step forward to serve.

So, Chair, members, Bill 9 is not just sound legislation, it is a statement of values. It tells the people of Ontario we expect better and we are willing to build the structures that make better possible.

I urge this committee to endorse the direction of Bill 9 and to include in your recommendations a provincial HR support system for local elected officials, a safeguard that completes the circle of accountability.

The Acting Chair (Mr. Lorne Coe): You have a minute left.

Ms. Natasha Salonen: Let this committee help set a new standard in municipal governments. Let us lead wisely, let us lead well and let us build the structures that earn the trust we ask our citizens to give us. Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation.

Our next presenter is the chair from the Eastern Ontario Wardens’ Caucus. Could you please introduce yourself for the record and then your colleague after that? Thank you.

Ms. Bonnie Clark: Chair Coe, committee members, my name is Bonnie Clark, and I am chair of the Eastern Ontario Wardens’ Caucus as well as warden of Peterborough county.

I have with me our government relations person for the EOWC, who is Meredith Staveley-Watson. I think she is

familiar with many at Queen's Park and certainly serves the wardens' caucus well.

In saying that, the wardens' caucus represents 103 municipalities that are rural and small urban areas. We span roughly 5,000 square kilometres and we serve 1.1 million residents.

I want to thank you for Bill 9, the Municipal Accountability Act. It has been what we've been asking for, and we fully support this. We thank the Ontario government and Minister Flack for working towards bringing Bill 9 forward in becoming legislation. We strongly support Bill 9 and its goal of strengthening accountability, integrity and, as my colleague has said, respect and respectful conduct in municipal government, especially ahead of the municipal election coming for us in the fall of next year. It is very timely.

Municipalities are the closest to the people, and we need tools that promote ethical leadership and safe, respectful workplaces. We commend the province for consulting municipalities and for proposing consistent, enforceable standards through enhanced codes of conduct and integrity commissioner powers.

To further improve the legislation's fairness and effectiveness, we are proposing two key amendments to the bill.

We are asking that you consider doing a super majority vote for removal from office. The current wording in Bill 9 requires a unanimous council vote, and we recommend changing this to a two-thirds vote instead. We feel this does strike a better balance, ensuring accountability while being practical for councils of all sizes, particularly in small and rural communities. For any of us that have sat on municipal councils, we know that there are blocs that vote, and you do have friends, and when you see them every day, out in the grocery shop, out at the bank—that you tend to support. Therefore, sometimes that gets skewed by what is right and what is wrong. So that two thirds would be a far better approach.

We also ask, regarding the progressive range of penalties that rely only on removal or suspension, that we would rather see a graduated system of penalties, similar to the Education Act. These could include formal censure, temporary suspension from meetings or removal from committee roles. It also promotes proportionality and stability in local governments.

The EOWC also supports our partners at the Association of Municipalities of Ontario with their submission and encourages the government to continue to work with AMO on that front.

I would also like to add that if you had progressive penalties, it may be a deterrent. We don't talk about the cost to municipalities when we go through integrity commissioners with repeat offenders. There is only one taxpayer. That cost can be very onerous on small municipalities.

In closing, I would just like to say that Bill 9 is a very important step forward. With these targeted changes, it can become a fair, effective framework for promoting respectful accountability in municipal leadership.

I want to thank you again for the opportunity for the EOWC to speak here and give its perspective, and we look forward to further partnerships with the province.

Thank you, Chair Coe.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation.

We'll now start with questions from the official opposition. MPP Wong-Tam.

MPP Kristyn Wong-Tam: Thank you to our speakers today for coming out to share your observations and recommendations with us. I found it really informative to hear the constructive feedback.

My first question would be going to Mayor Salonen. Your Worship, I'm interested in understanding the mechanism that you're proposing: the provincial HR system to support local municipal actors. Can you unpack that for us a little bit more? What would it look like, how would it work and who would ultimately fund it?

Ms. Natasha Salonen: Through the Chair: Thank you very much for that question.

I will be honest; I've not fully hashed out what that system, logistically, should look like, but from a high overview level, I think it should be within an arm's-length provincial jurisdiction. So, as I suggested, it could be either from the Ombudsman or it could also be in the Ontario Public Service Commission office. I would look for funding to come from the province. As municipalities, we are a creature of the province, and the tax base, at the end of the day, all comes from one taxpayer—as well, the province has more avenues for raising funds than our property taxes. What it would look like is, if councillors or mayors are experiencing harassment issues—and, again, I doubt that they're very common from a senior level, but when they do happen, they're extremely isolating and there's no recourse for any councillor to have an avenue to have that addressed. What it would be is a confidential service where you could contact and get advice.

In my personal experience, I had to privately pay lawyers. I was told I wasn't allowed to use township lawyers, despite the fact of a harassment issue going on for myself with our most senior staff person.

So having that accessibility to a confidential service that can give advice that is something that every councillor across Ontario has access to, I think, is majorly important. Especially when we're looking to increase diversity and include different people having access to run in these positions, we need to ensure that there are supports for all of them.

MPP Kristyn Wong-Tam: Thank you very much. That was helpful.

My next question is to Chair Clark. Thank you very much for your attendance today. And thank you, Ms. Staveley-Watson.

Obviously, you've given a lot of thought to what the decision-making structure would look like to physically and legally remove a councillor or a mayor from the position that they were dutifully elected to. I think that's going to be a big part of the debate for this committee. Right now, the bill is proposing unanimous support from

all members of council, which I believe is a pretty high bar to achieve. At the same time, you're proposing a two-thirds majority. How did you arrive at that? You represent 103 local governments. What was that conversation like in that room, to come up with that proposal for us today?

Ms. Bonnie Clark: Well, it's certainly very serious when you do have to remove someone. We are a democracy and we usually go by the 51%; we felt that this should be at a higher standard and, therefore, that's why we reached the two-thirds versus the unanimous. So we chose the middle of the road: a higher standard than our normal motions around the table, but certainly not unanimous.

1020

MPP Kristyn Wong-Tam: And with your purview and the experience that you have working with so many different local governments—they're all different sizes. In the city of Toronto we have 25 councillors and one mayor—it used to be 44 councillors with one mayor—and I recognize that the size of council ebbs and flows with different municipalities' local governments.

When you have a council that is six people in size or seven people in size, and you have a smaller community, you're really sort of casting judgment on a neighbour or someone who you have a relationship with. So I guess because they're so different in structure—the size of council and how we relate to one another—even two-thirds or unanimous consent can seem like a fairly high bar to reach.

Is there benefit to having the decision made outside of council? For example, a judge—not a neighbour of anyone, hopefully, and not one with a personal relationship, and certainly one that is going to be ruling based on the merits of law. It would be argued that that's not a politicized process. Would that be of advantage to this committee?

Ms. Bonnie Clark: I certainly think it is an option. However, certainly, we're on the front line. We are closest to the people and we are put in that position. We make decisions each and every day at council meetings regarding our neighbours and what's going on with planning and different bylaws in place, so I truly believe it still should be left with our councils that are closest.

MPP Kristyn Wong-Tam: Thank you very much.

The Acting Chair (Mr. Lorne Coe): MPP Wong-Tam, you have 31 seconds left in your question time.

MPP Kristyn Wong-Tam: Thank you, sir. I'll forgo those 31 seconds.

The Acting Chair (Mr. Lorne Coe): All right. Thank you very much.

We'll now move to the government. I have MPP Racinsky, please, when you're ready with your question.

Mr. Joseph Racinsky: My question is to Her Worship, Mayor Salonen. Coming from a municipal background myself—and thanks for your suggestions at the committee today—I think it's important for us to be leading by example and leading and showing that. So when it comes to creating an effective code of conduct, I was wondering: For councillors to lead by example, to set that tone in our democracy, what would be an important consideration for

an effective code of conduct, in your opinion, that balances the needs of different municipalities?

Ms. Natasha Salonen: Through you, Chair: That's a great question, and I think that a lot of it goes back to the core principles that we as a democracy want to have. I think it's through having respect, through ensuring that we are allowed to have engaging conversations and disagree, but also to be able to do that in a means that is about going after data points or arguing in principles and values, and not individuals.

So I think a code of conduct that certainly follows and upholds those values—I think there are great examples that already exist and we don't need to reinvent the wheel on codes of conduct. But I do believe that if we follow on a values-based system in the code of conduct and then do have actionable items that can be seen through the integrity commissioners as an actual way to act upon—because right now in some codes of conduct it's very vague in saying that you need to be polite to your fellow councillors. That is actually a line in my council's code of conduct. When our integrity commissioner reads that, there isn't really much that they can do in terms of saying, "You weren't polite." They don't often come up with any form of recommendation on that—so I think something that does have enough gravitas, as well, to be enforceable.

Mr. Joseph Racinsky: Thank you.

The Acting Chair (Mr. Lorne Coe): You have roughly four minutes and 32 seconds for your question, MPP Singh Grewal, please.

Mr. Hardeep Singh Grewal: Thank you to both of our presenters for coming out today to speak on Bill 9.

Important changes are taking place for elected officials across the province and it's our job and our duty to make sure we consult all of our municipal partners and people who really believe that these changes will bring a positive effect to the way we do politics in the province. And it's our job as elected officials to be open, accessible and be an example for the next generation of leaders that are coming in. This bill really does help bring in that level of accountability for our elected leadership to know there are consequences for your actions at the end of the day.

I guess I'll give both of you—I think I have four minutes—maybe two minutes each to answer just a couple of questions on, what drove you here today to come and speak to Bill 9? What were some of the points in Bill 9 that really speak to you, that you like, that were brought forward? Are there any changes or updates that you feel Bill 9 should include?

Then also, my question specifically for Her Worship would be, when you were talking about protections for elected officials in terms of HR and management, if you could give an example or a case where an incident occurred where additional supports were required and how we can further assist in terms of the provincial government intervening—or if it's not through Bill 9, maybe it could be through a future bill—but we'd love to take your feedback on that as well.

Ms. Natasha Salonen: Through you, Chair: Thank you very much for your questions. I will address your last part first and then summarize after.

In terms of direct examples and my personal experience, we had an entire clean sweep of council when I came in in the 2022 election. I was the one bringing the most political experience, and that was having worked for Minister Thompson and Minister Harris, as well as a federal member, quite a few years ago—but not being elected myself—and the rest of my council had no experience in the political realm.

What did happen is over time it came to my attention that a lot of actions were not being executed that were direction of council that were being held up on the administrative side. When I started to ask about that and ask around to colleagues, I was told part of the thing that you can do as a council is to have a CAO review. They said, “You should look at the contract; it’s usually outlined in that.” I inquired with the CAO about their contract, because it was not provided to me or council at the first point of arriving, and I was told very clearly I did not have access to that. I was a member of the general public and we were not allowed to see her contract despite the fact that I both knew at the time, and have since seen, the signing authority is the mayor of the township to enact a CAO.

I then had to seek separate legal advice to go through that entire process because HR staff were standing by the CAO, who is their direct boss, and it did cost me a lot of personal money to get that. I wound up having to get six municipal lawyers to give a recommendation that I do, in fact—and all of council, in fact—have access to the CAO’s contract. We did eventually get it, and then our CAO went on medical leave and never returned.

From that perspective, it was very frustrating, not just for myself and for council but also for our taxpayers. There is a lot of work that did not get done in that time. Had we had an HR body to go to and confide in and get advice that would’ve been quite helpful.

We did go to the province and it was left with, “You’ll be getting strong-mayor powers soon.” Those have since come in. They have been useful. I know that there is contention on them, but in my particular experience they have been useful.

That’s just one example. I have many more if you want to chat off-line.

But in terms of this bill and what brought me here today, I think it’s really fantastic to see the province setting the standard that does allow municipalities to have to uphold the same code of conduct—

The Acting Chair (Mr. Lorne Coe): Thank you very much for that response.

We’re now going to move to the third party and MPP Cerjanec, please, when you’re ready, sir.

Mr. Rob Cerjanec: Thank you for your presentations today.

Mayor Salonen, just around the HR piece, I’m trying to understand a little bit more: You’re suggesting that there is something that would sit probably within the Ministry

of Municipal Affairs and Housing or an agency—or whatever—that would provide advice to members of council. Is that what it is in relation to the CAO?

Ms. Natasha Salonen: Through the Chair: Yes, not necessarily just for the CAO, but senior staff in general. When we’re looking to improve a working environment, we need to acknowledge that our politicians—it is also our working environment too. So ensuring that there is accountability on both sides is what I’m suggesting. So it will be an HR body but that exists outside of the township as—we are the employer and the township as the board of directors.

1030

Mr. Rob Cerjanec: So, essentially, probably, either it could be a roster of lawyers or other folks that—you don’t need to get six different opinions or anything like that. It’s pretty clear. The act is pretty clear. The reporting structure tends to be pretty clear. But, okay, I understand what you’re suggesting. Now, I originally thought maybe a shared back-office-type thing, but that could actually be a different thing for smaller municipalities to deal with HR issues, as well.

I may as well go back to you. Do you think that if a member of council was recommended for removal on your council—it doesn’t have to be anybody—there would be unanimous support on that if that was the recommendation, then, of the provincial Integrity Commissioner?

Ms. Natasha Salonen: Through you, Chair: Thank you for the question. I do think that you could certainly get to unanimous consent. I’m going to vary from my colleague Bonnie over here: I think that having unanimous consent is really important in the fact that throughout our whole democratic process, at every level, we have checks and balances. And I think when you have the Ontario Integrity Commissioner, who is not an elected official, advising that it was an egregious enough act of a member to be ousted from their position, that in order for us to be overturning the voices of the electorate, it needs to be a very high threshold. To me, I would either go with the suggestion, actually, that the MPP over here had, that perhaps it sits with the judiciary—because at the federal level, of course, that’s the check and balance.

I will leave my comments there.

Mr. Rob Cerjanec: I appreciate that.

Chair Clark, I think you would probably agree, then, in the same way, right? It would be pretty hard to get a unanimous vote on a municipal council. Do you think that would be the case?

Ms. Bonnie Clark: I think it would be very hard and, certainly, with larger councils, we do see, if you follow integrity commissioner reports and suggestions, they certainly aren’t followed—what has come down, the written suggestions. So that’s why we’re saying unanimous would be very hard.

But I think the bill does give clear direction. It does put it into law. There’s a consistency, then, across the province, which I think we need so we’re not doing one-offs, and I think that this is how democracy should work.

The other thing I do want to really ask for and feel should be considered is certainly the progressive disciplinary, because you have repeat offenders, and if it is just a brush or council decides not to act on any recommendation, what deters anyone from changing their behaviour if there are not consequences? So that's why I mentioned, certainly, the progressive penalties.

Mr. Rob Cerjanec: Through you, Chair, I'd like to pick up on that a little bit because I think in the Municipal Act right now, there are only two items that are specified: It's either a reprimand or a suspension of the remuneration to the member. If I look at the Education Act, actually, as it deals with school board trustees, it stipulates other sanctions: censure of the member, barring the member from attending all or part of the meeting of the board or a meeting of the committee of the board, or barring the member from sitting on one or more committees of the board for a period of time as specified by the board—so applying the same language to a municipal council. So it seems like, then, in the Municipal Act we have a bit of a gap between the Education Act and the Municipal Act, and although the role of municipal councillor is a little bit different than school board trustee—the roles are different—to me, it does make sense that there are additional steps outlined in there. Ultimately, we're all elected, and we need to hold ourselves to a really high standard. Unfortunately, we have seen times where there have been challenges there. So do you think, then, what is in the Education Act might be a bit more in line with what you're suggesting?

Ms. Bonnie Clark: Through the Chair: Yes, that's exactly why I mentioned when I spoke the Education Act. I just think that graduated system and consequences—it sends a message that we're taking this seriously and to amend your behaviour. Thank you.

The Acting Chair (Mr. Lorne Coe): You have 51 seconds.

Mr. Rob Cerjanec: I think I can waive the rest.

The Acting Chair (Mr. Lorne Coe): All right, thank you.

We're going to start our second round of questions with the official opposition: MPP Wong Tam, please, when you're ready.

MPP Kristyn Wong-Tam: My question is going back to Chair Clark. I was reflecting upon what you had described about the desire to have a one-size, uniform, blanket code of conduct for elected officials at the municipal level, which I think is, on the face of it, quite desirable assuming that every municipality is operating from the same baseline.

In the city of Toronto, we have our own act. We have four accountability officers, including an integrity commissioner plus three others. The thinking and the feedback from the integrity commissioner of Toronto is that we should raise the standards of those who are operating at a lower standard or with lesser standards without diluting municipalities who have those accountability officers already embedded and who have a higher standard, more resources, bigger cities.

So I'm just curious if you can comment and provide some reflections on what I've just described and wanting to make sure we raise the minimum standard for those who don't have them, and we don't water down the standards for cities that already have robust accountability measurements.

Ms. Bonnie Clark: To that point, I think we're sitting here today because there are issues and a lack of respect on, certainly, municipal governments. So therefore, as far as I'm concerned, that standard should be high. I represent a small municipality and sit on a council of five. We have a code of conduct that's certainly at a high standard. I don't see it as onerous for a smaller council to have that high standard, MPP Wong-Tam.

MPP Kristyn Wong-Tam: I'm not suggesting that it be onerous to elevate the standard for those who might have a lower baseline. What I'm sharing today is that the integrity commissioner from the city of Toronto has flagged for this committee and government that, as the good intentions are to raise the standard of conduct for everyone, by raising the minimum standard it may actually be lowering the city of Toronto's standard by our own code of conduct through the City of Toronto Act, which is what the bill is doing.

So my request was reflections on—you know, raising the standards for everyone is a bit of a false leap—not that you're saying falsified information but it may be a little bit misleading because that's not what's contained in the bill because we're actually going to be lowering the standards for municipalities that already have some very robust rules.

Ms. Bonnie Clark: So you're asking me to comment on the—I'm not familiar with the code of conduct, I'm sorry, for the city of Toronto to know. Could you give me specifics on why it is lower than the bill?

MPP Kristyn Wong-Tam: What I wanted to share was the comment that you made about wanting to raise everyone's standard so it's all uniform. What we could be doing is actually in the bill: raising the standard to meet the City of Toronto Act as opposed to lowering the City of Toronto Act to meet the amended Municipal Act that is proposed.

I guess, as a Toronto representative here, I'm just sort of paying attention to what the integrity commissioner is cautioning all of us: That by swimming to what may be prescribed as an island where everything is going to be uniform, we're going to be leaving municipalities out that already have robust structures.

Thank you. I don't need a further response; I just wanted to clarify the comment. Maybe what I can do is ask the question about unanimous vote and support. I think back to my time at Toronto city council. I was there for 12 years, and we have had husbands and wives serve on council—spouses. We've had brothers serve on council. Thinking about whether or not a brother would turn on another brother if there were misdeeds and breaches to the code of conduct, which there were, it seems very unlikely that that would happen—meaning that we would never be able to achieve the desired effect of properly reviewing

whether or not someone has breached those conduct rules, but at the same time having the mechanism to remove them. You had said two thirds, and the bill is saying unanimous. Under the bill's set-up right now, I can see these cases where we would never, ever be able to achieve that.

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Back to the point of should we have it in the hands of council, the final decision-making, or should we have it in front of a judge, who doesn't have to deal with the relationship issue again: We don't have to have spouses turning on each other, or brothers and sisters, brothers and brothers turning on each other.

Ms. Bonnie Clark: And I still feel that to be left with council. Certainly, we are aware of the situations intimately—but a super majority, as I've said, of two thirds.

The other thing I think too that I didn't mention, and when it does come to integrity commissioner reports, they do take a lengthy time to get the results—I would like to see that expediated. If it did go to the judicial system, my concern is that would even take longer than through the present process we have. It's a wait.

I understand removing it and you're concerned, but I still think if it is at council with two thirds of a vote, then it is democracy.

The Acting Chair (Mr. Lorne Coe): Thank you very much for that response, and that concludes the time for the official opposition.

I will turn now to the government. MPP Kanapathi, please sir, when you're ready.

Mr. Logan Kanapathi: Thank you, Chair, and good to be in Whitby. It's lovely outside.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

Mr. Logan Kanapathi: Thank you to all of the presenters. I could see the passion from the mayors, especially the female mayors and the young mayor from the town of Wilmot. Thank you for your passion. Thank you for being advocates for municipal policies and municipal governance. In my former life as a councillor for the city of Markham, I could see these issues first-hand. I know we're living in a democratic country. The municipal government is the best government in Canada. It's a non-partisan government, compared to the other kinds. You don't belong to any party, so you can speak from your heart, not from the script, and thank you for that.

Thank you to all the presenters. This is an open-ended question. I know even though we have a good bill coming—and thank you for supporting and strengthening the code of conduct—but still most of the code of conduct meetings take place in camera. The public don't know. The media don't know. We're trying to iron out councillors, mayors—iron out within the in-camera meeting. Sometimes I say—I make a joke with my fellow councillors, during my councillor time, about the illusion of democracy. People trust you. People put their faith in you to come out and to represent their conscience. But sometimes there's a big crack in the system.

So how do you strengthen this bill addressing some of those issues. How can we strengthen the code of conduct beyond this bill? What kind of mechanism? You talk about bringing mechanism into the code of conduct. What kind of mechanism are you talking about?

Ms. Natasha Salonen: Through you, Chair: Thank you very much for the question. As I've already outlined, I think having the accountability also on the staff component, too, brought into legislation. I do believe that if you look at potentially utilizing the judicial system to decide if somebody should be removed is an avenue that reflects how our federal system works, in that the judicial system is to interpret the laws and we as the elected officials are the ones who create the laws and then, obviously, you have the crown who implements them. I think from that context, that is one way you could make it more robust to address the larger issue that we've continued to discuss today.

I also believe that you could look at continuing to have check-in points in the legislation so that it gets reviewed at a regular kind of interval to see what is and isn't working. I think potentially, as well—to actually address MPP Wong-Tam's comments about the city of Toronto being different and some larger jurisdictions having a higher standard than what's proposed in the act—is the potential for the act being the bare minimum, but you can have additions added, should you already have them in place or should you have the resources to do that. I think that is another potential avenue that could be explored.

Mr. Logan Kanapathi: Excellent.

Please, go ahead.

Ms. Bonnie Clark: Certainly, I think there's a few things that can be done. The report from the integrity commissioner is a public document, but some councils choose not to have the integrity commissioner give an in-person, verbal report to the council, which is open to the public. Maybe some thought could be put in that, that it should be a presentation to council of his or her report and, therefore, the public would be more aware, more engaged and that may be a deterrent as well to misbehaviour.

Mr. Logan Kanapathi: Excellent, thank you.

I'll hand it over.

The Acting Chair (Mr. Lorne Coe): Further questions, please. MPP Anand.

Mr. Deepak Anand: First of all, I would like to welcome the mayors and it's great to see—especially looking at Natasha, you're the youngest mayor ever in Ontario—

Ms. Natasha Salonen: Female.

Mr. Deepak Anand: —female, okay—youngest female mayor ever.

It really feels good when we are talking about—you are also a professor or a teacher in community college. When people reach out to you and the kids ask you about trust in politics and politicians, tell them that since there are more good people in the system, trust is there.

Adding on to that, I would like to ask you: With your experience as a new mayor, with respect to training, what is your feedback? Because some of the challenges which we have seen and we are addressing through this bill are

about training on code of conduct. What is your feedback on that?

Ms. Natasha Salonen: Through you, Chair: Thank you very much for the question. In terms of training, again, my council is not bringing any knowledge from past councils, as we were all new. Our training—I think with the resources the township had, they tried their best, but it's certainly subpar. A lot of it has been learning things along the way, which we are already working towards improving. In fact, just last week, I had a council meeting where we brought in AMO professionals to do good governance training with my council and senior staff, as that was something that a consultant identified as lacking in our municipality.

What I have been working on as well is—Minister Harris is our local MPP, and we have already discussed finance training being a mandatory thing, perhaps run through a body like AMO, and that every councillor in Ontario receives the same training.

We do also work with other local municipalities at looking for next municipal election onboarding to do joint training in terms of integrity commissioners so that we all hear the same message. And I think—

The Acting Chair (Mr. Lorne Coe): Thank you, Your Worship, for that response.

We're now going to move to the third party. MPP Cerjanec, please, when you're ready, sir.

Mr. Rob Cerjanec: I guess for both mayors: Mayors of councils, chairs of councils, are able to cancel a meeting, and there seems to be somewhat broad authority to be able to do that. In a hypothetical situation, if the person accused or the person subject to sanction is the mayor, theoretically, under this, right now, the mayor could theoretically cancel the meeting, and the act itself says a decision then should be made within 30 days. Do you think there's a gap in this proposed legislation right now and should that gap be fixed if it is involving a mayor of a council?

Ms. Bonnie Clark: I feel that you do have a deputy mayor to step in, so therefore the 30 days and that would be certainly appropriate. The other thing as far as—the integrity commissioner can be involved in that process as well to move in and certainly guide the council through it.

Mr. Rob Cerjanec: I understand that, but if the subject was the mayor itself, the mayor could actually cancel that meeting of council because there would be other items on that council agenda as well. So my question is a bit more specific: Should the legislation actually reflect what happens if it is the mayor and should they then not be able to have the authority to cancel a meeting?

Ms. Bonnie Clark: I think that is appropriate. That's a conflict of interest, and therefore I think that would come under that act. I mean, if I was sitting on council, I would call the mayor out on that.

Mr. Rob Cerjanec: Yes, but I guess they could do it because even it's a conflict, you have to declare the conflict, and if this is a tricky situation, in trying to escape accountability, I think there might be a gap there.

I don't know if you would have anything else that you would think to add, Mayor Salonen.

Ms. Natasha Salonen: Through you, Chair: That's actually something I hadn't considered in the legislation as a gap, but I would agree as you're raising it. I think it could be easily addressed that if the accusation is on the mayor, there could be wording that a deputy mayor is to step in to chair that meeting and giving the full rights for calling a meeting to a deputy, I think, could address that easily.

Mr. Rob Cerjanec: Thank you; I appreciate that.

I have another question that's a little bit outside of the box, not explicitly considered in here but I think is relevant to ensuring the public has a full understanding of those running. I'm curious if you think that when candidates are registering to run for municipal office they should be required to submit a criminal background check as part of that, not disqualifying them from being able to run or anything like that, but, for example, a summary being posted with their registration just so that members of the public are able to see and, I guess, in some ways vet the folks that are running to represent them. So I'm wondering if you any thoughts on that, the both of you.

Ms. Bonnie Clark: Through the Chair: 1990 was my first term I ever sat on—and I was very green and was quite shocked that I wasn't asked for a criminal background check. I certainly see the validity in that. I think the good thing about this bill is that if we can get it through, this will be, hopefully, some consideration for people going to put their name into the ring for the municipal election next fall, that this will give them a bit of a better feeling around—because the cases are out there. We're all familiar with the harassment that people are facing, so I'm hoping that will.

Getting back to your question: Yes, I was personally shocked that I was never asked for one.

Mr. Rob Cerjanec: Understood. Thank you.

To the mayor as well.

Ms. Natasha Salonen: Through you, Chair: Thank you for the question. I think that is something that's very easy to attain. I like your concept of it being before you're actually elected so that the electorate can also be informed when making decisions.

Mr. Rob Cerjanec: One other piece, when I look at the act, is it does list those that are excluded from taking part in a vote. But specifically, if a member is not present at the meeting—it says, whether they've been authorized to be absent by a resolution of council or is on a pregnancy leave or parental leave. But when I look at the act, it says, only if all members of council, other than the ones that are excluded from the vote, vote in favour. So I think there's a gap in this legislation where if one member of council just decided to duck the vote and, let's say, everyone else voted in favour, I actually don't think when I'm reading the act right now that the individual would be removed. I'm wondering what your thoughts are on that. And should it just be a quorum of council making that decision instead of all members?

Ms. Bonnie Clark: Through the Chair, just clarification on that: Certainly, when you do abstain from a vote, it is considered a "no" vote. Therefore, that certainly, in

my opinion, should be clearer, but if you do abstain, it's considered a no.

Mr. Rob Cerjanec: And if absent—for example, if somebody just said, “Oh, I’m not showing up to council meeting that day.”

Ms. Bonnie Clark: Yes. It should be quorum.

Mr. Rob Cerjanec: Yes, okay.

Ms. Natasha Salonen: Through the Chair, if I may: I think that's also another interesting point that you've raised. I do think that it could be used as a political tool to negate having to vote. So I would agree, having clear language in there—because if you're not actually present, it doesn't go as a no, so it could pass. It could be questioned, certainly.

The Acting Chair (Mr. Lorne Coe): Thank you, Your Worship, and thank you, Chair Clark, for taking the time to meet with us this morning. That concludes your time for presentations.

MR. GABRIEL VERVENIOTIS

WESTERN ONTARIO WARDENS' CAUCUS

THE WOMEN OF ONTARIO SAY NO

The Acting Chair (Mr. Lorne Coe): I will now call to the table, please, our next presenters.

Committee members, we have the Western Ontario Wardens' Caucus representative joining us by Zoom, just so you know.

Welcome to the standing committee this morning. Every presenter has seven minutes. I will let you know when you have one minute remaining. You will not be able to speak beyond seven minutes—so I'll let you know you have one minute left, and then that will conclude your time.

Gabriel, please state your name and any affiliation that you might have, for Hansard.

Mr. Gabriel Verveniotes: My name is Gabriel Verveniotes. I am an author and a journalist. I don't represent any specific organization.

The Acting Chair (Mr. Lorne Coe): Thank you. You can start your presentation. You have seven minutes, sir.

Mr. Gabriel Verveniotes: I'd be delighted.

Good day to you, comrades. My name is Gabriel Verveniotes. I'm a philosopher, writer and published author of several works, including my most recent work, *The Origins of the Canadian “Hick”: A Sociological Study of Yargerism*. It is said that I am an esteemed expert in the field of Yarger studies.

Before proceeding, I would like to announce that I identify as a trans-species, intersexed otherkin with insectoid propensities. My titles are “Lord” and “Your Majesty.” I remind you all that your failure to address me in the manner I have declared would be considered deeply offensive and most certainly harmful—which is precisely the reason why we are all here, isn't it? Have we not been summoned from yonder to debate what constitutes an offence and to whom we shall empower to nullify the people's vote under the false pretense of compassion?

Furthermore, I would like to acknowledge the lands on which the Constitution was founded and the subsequent Confederation of Canada, beginning in 1867.

Additionally, we should all pay homage to the Athenians for the invention of a little thing called democracy. To be clear, democracy originated in Europe, and more specifically, ancient Greece, where my ancestors hail from. We can all thank Western civilization for providing us the liberty and the privilege of characterizing our heritage, culture and traditions as oppressive.

My first question to the members of this august body, or rather, ministry of truth, is this: Who grants authority to the commissioner in determining what is inappropriate conduct or harmful to a person's health, safety and well-being? Ultimately, what is considered a serious offence or serious violation? By what measure and by what metric, other than the ones you give yourselves, do you decide that? What hired hit men from the thought police department are to be dispatched, administering punishments for having committed the irredeemable violation of what George Orwell referred to as “wrong-think”?

By your rationale, the only way to ensure a safe space, moving forward, is to enforce conformity through Bill 9 by inhibiting everybody else's rights and ideological freedoms to disagree with the values set forth by this code of conduct. What input does the public have in deciding those codes of conduct, and where does the Lieutenant Governor or commissioner get off to disqualify certain members if they are found to be in serious violation by vacating their seat?

Finally, it's important to clarify that the illusion of voting only applies after the commissioner has declared that indeed the codes of conduct were violated—not what their interpretation or perspective on what those codes are or should be.

If a politician violates or breaks the law, then they should be charged by the police and arrested. The fact that you can't charge them for a crime means that no crime was committed. Let's try using the existing laws on the books. They seem to have been working thus far.

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Furthermore, there are no rules barring criminals from running for office anyway, so if you're going to apply these tyrannical standards of conduct, then make sure you apply them universally. What this proposal entails is that, even if a person were to have been imprisoned for criminal conduct, they would still theoretically be permitted to remain in office so long as they didn't commit woke transgressions of “wrong-think.”

How absurd is that? That a politician can be removed from office for inappropriate flirts or dubious beliefs in the existence of two genders, yet a supporter of Indigenous groups burning Christian churches, or Israel-supporting genocide junkies, or a terrorist BLM supporter would be welcome. Removing a person simply accused and not even convicted of a crime invites political ideologues to falsely claim an adversary said something harmful without evidence to have them removed from office. This is the exact

same thing that Stalin's Soviet police, Beria, said: "Show me the man and I'll find you the crime."

I consider you all to be odious, perfidious and duplicitous, yet it is your right to be detestable and untrustworthy. I regard this Orwellian, undemocratic, Frankfurt School-inspired cultural revolution as a threat to society, yet you don't hear me demanding that you be deprived of your elite status as rulers over this Canadian fiefdom.

The only serious misconduct I can think of is the act of empowering a commission of unelected administrators to violate the sanctity of democracy by disqualifying elected officials. If I might add, this has been done before by others who called their commissions things like "the committee on public safety." Every time it happens, egregious violations of democracy occur. Just ask Robespierre and Danton during the French Revolution; they lost their heads over it.

Again, the only standard code of conduct that should be followed are the existing laws, the Charter of Rights and Freedoms and, finally, the Canadian Constitution. Then again, we all know what happened with the Constitution during COVID-19, so we shouldn't count on the Constitution to help us here.

The question we need to ask ourselves is this: What exactly do you mean when you declare someone's conduct offensive? What do we do when our current sensibilities, which are regarded as reasonable, suddenly are transformed into something offensive? How are we to prevent ideological fanatics from reinterpreting those same values and norms people had for hundreds of years into something dangerous, harmful, phobic, egregious and/or problematic? This is a philosophical question, a moral concern. The issue before us is whether we have the right to disagree.

Moreover, these things are relative—offensive to whom? This is a question of perspective; it's not axiomatic. A person can take offence to anything, and if we embolden some third-party ministry of truth to impose its standards of truth on the opposition, what's to prevent corruption, political intrigue and other motivations from weaponizing the mechanisms of ideological control?

In the wise words of the Soviet survivor and later sociologist Pitirim Sorokin, who warned his eager Russian students during 1917: "Those who applaud the guillotine today may find their own necks beneath it tomorrow."

What is more harmful: dealing with a crass comment about not wearing a bra, or putting someone's manhood on trial because you consider flirtatious behaviour a manifestation of rape culture? As citizens, we have the right to court the opposite sex. How dare you mischaracterize sexuality as a crime? Get over it.

Aristotle teaches us that if we fail to clarify the end aim or goal for which we as a society morally strive, then no good can come or ever be realized. To achieve the good, you must know the good—

The Acting Chair (Mr. Lorne Coe): Thank you, sir. Your time for your presentation has concluded.

Our second presenter is from the Western Ontario Wardens' Caucus. Could you please say your name and your title for the record. Thank you.

Ms. Kate Burns Gallagher: Good morning. I'm Kate Burns Gallagher, executive director of the Western Ontario Wardens' Caucus.

The Acting Chair (Mr. Lorne Coe): Please start your presentation. You have seven minutes.

Ms. Kate Burns Gallagher: Good morning, Acting Chair Coe and committee members, and thank you for this opportunity to appear before you regarding Bill 9. Our chair, Mayor Amy Martin of Norfolk county, sends her regrets.

My name, as I mentioned, is Kate Burns Gallagher, and I'm the executive director of the Western Ontario Wardens' Caucus, or WOWC. We represent 15 upper- and single-tier counties in western Ontario, with a total of 117 municipalities and a population of 1.6 million residents.

I'd like to begin by acknowledging the ministry's work and the province's work in bringing Bill 9 forward, the Municipal Accountability Act, and your committee's leadership in reviewing this act.

The WOWC appreciates the province's commitment to strengthening integrity, transparency and accountability in municipal governance. We've taken time to carefully review the proposed legislation, and I'd like to walk you through our position, highlighting where we are supportive and where we believe improvements would enhance both the fairness and effectiveness of the act.

I'd like to start by stating that the WOWC supports the first two core elements of the proposed legislation.

First, the creation of a standardized municipal code of conduct and a uniform integrity commission process—these changes are both welcome and long overdue. They will provide much-needed clarity and consistency across all municipalities, regardless of size or geography.

Second, we support the expanded role for the Integrity Commissioner of Ontario in providing training, guidance and oversight to local integrity commissioners. This will elevate the quality and fairness of *[inaudible]* how similar cases are handled. Both of these measures will increase confidence in local governance *[inaudible]* fulfilling their responsibilities with *[inaudible]* integrity.

Where we have some concerns is in the third proposed change, the process related to removal or disqualification of elected officials. As currently stated, the bill would allow the local integrity commissioner, after an investigation, to recommend that a councillor seat be declared vacant, provided the contravention is of a serious nature and has resulted in harm to the health, safety or well-being of a person. While we understand the rationale, we believe this provision needs to have more clarity, flexibility and fairness. We offer the following three suggestions:

First, clear definitions—the terms "frivolous and vexatious" and "serious contravention" must be clearly defined. The legislation should enumerate the types of conduct or lack thereof that would meet this threshold. Without that clarity, there is the real risk of misinterpretation or inconsistent application.

Secondly, wider scope of harm—as written, the definition of “harm” is too narrow. We recommend expanding the criteria to include not only actual harm but also conduct that is intended to cause harm or could reasonably be expected to harm someone’s well-being or reputation. This change would strengthen the code’s deterrent effect and reflect the real impacts of misconduct in public office.

Lastly, simplify the review process—currently, the provincial Integrity Commissioner is required to conduct a full second inquiry after a local commissioner makes a recommendation. We suggest a more efficient approach: that the provincial commissioner conduct a review for adequacy and reasonableness of the local investigation, not a full reinvestigation. This would both streamline the process, avoid duplication and save costs for municipalities and the province.

In regard to costs, many of our member municipalities are small or rural, with limited capacity and budgets. We respectfully ask that the province clarify whether cost-recovery mechanisms are being considered to support municipalities that may be required to carry the financial burden of complex investigations. A consistent and robust accountability system must be sustainable, especially in communities that don’t have large legal or administrative departments to support the process.

Another key concern relates to the current proposal for declaring a council seat vacant. The bill stipulates that all of council must vote in favour of removal, even if one member is absent without authorization. This opens the door to political manoeuvring, where a councillor could intentionally miss a meeting to prevent a unanimous vote from being achieved. In such cases, the will of the majority and the findings of the investigation would be undermined by a single absence. In our view, this is not in keeping with good governance. We believe that decisions of this nature should not rely on an all-or-nothing vote, particularly when absence can be used as a procedural block.

Finally, and most importantly, we recommend that the removal of an elected official not rest solely with council. Instead, we encourage the committee to consider the model used in the Municipal Conflict of Interest Act, where the integrity commissioner refers the matter to the Superior Court of Ontario for adjudication. This approach removes local political influence from the final decision, ensures procedural fairness and provides an independent third-party check on such a serious matter. The act of removing a democratically elected official is a grave and rare occurrence. It should be carried out transparently, objectively and with due process that the public can trust. We believe that referring the matter to the courts after the integrity commissioners’ findings strikes the right balance between accountability and fairness.

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In closing, I want to reiterate that the Western Ontario Wardens’ Caucus supports the government’s effort to modernize and strengthen the municipal code of conduct system. We also believe that with a few targeted amendments—particularly around definitions, the review process, cost mechanisms and the removal process—the Municipal

Accountability Act can better serve its goal of protecting public trust and strengthening accountability in local government.

Thank you again for your time and for your attention to this important issue.

The Acting Chair (Mr. Lorne Coe): Thank you for your presentation.

Our next presenter is from The Women of Ontario Say No. Could you please state your name for the record. Thank you.

Ms. Emily McIntosh: Emily McIntosh.

The Acting Chair (Mr. Lorne Coe): You have seven minutes, when you’re ready, please. Thank you.

Ms. Emily McIntosh: Thank you so much, Chair and fellow MPPs. I am the founder of an advocacy movement called The Women of Ontario Say No. This is a very grassroots movement.

I’d love to say I woke up one day and felt like the world needed to be a better place, but that’s not what happened. I had information that was shared with me about somebody who was affected by this gap in legislation around appropriate accountability when it comes to the perpetration of violence and harassment by municipally elected officials. The information was so jarring that it compelled action, and we were focused with this effort of appropriate accountability measures for municipally elected representatives perpetrating violence and harassment, up to and including removal in only the most egregious cases. This is very important because everything around this advocacy movement is about ensuring that the expectations that we have of our elected officials are comparable to every other workplace in Ontario. As such, if it would result in termination in a private or public workplace in Ontario, it should result in a removal from elected office.

When it comes to the Municipal Accountability Act, we commend the government for getting to this point—this is quite emotional, as we’ve been at this for three years. What we want to recommend is that, in its current form, there be an adjustment: Instead of a decision for removal being voted on by council, we want the council role to be eliminated completely. Councillors would not qualify as jurors in the same situation.

When it comes to this legislation, we want to look at our best models—our very best, most impartial models. As such, we are recommending a panel of integrity commissioners at the provincial level. This also helps protect the one person who is the provincial Integrity Commissioner. They have a team to make that determination, and if that’s the case we are advocating for judicial review—with the caveat that if it goes to judicial review, we need to make sure that that is expedited. If the goal is that somebody should be removed because they have egregiously perpetrated violence and harassment, then that needs to be timely. We don’t want that hung up in the court system. That is one of the key elements that we are advocating for, is looking at that best practice.

The second piece, though, that I will say—even though I don’t believe it’s best practice, even though I think its very ridden with conflict of interest, I am a realist. If it

goes back to council, it cannot be unanimous adoption. If you were here investing your own money, would you invest in a system that could be derailed by one single individual? You wouldn't. We're here to invest taxpayer money. We cannot invest in a process where the threshold is so high, it actually makes this legislation moot. That is a huge risk, and it needs to be changed to two thirds at a minimum.

The other element that I wanted to bring to the attention of this group is that we need some language around councillors criminally charged. A lot of people have said, "Emily, why wasn't this part of the advocacy to begin with?" I'm going to be very frank: We didn't think it was necessary. I didn't really think it would be probable that a councillor would be charged with a crime, in particular a violent crime, and we are facing that situation now. What we are asking for is some language in this Municipal Accountability Act to say that any councillor charged with a crime be placed on an automatic paid leave. This, again, is the same expectation that we have of police. It's the same expectation we use for teachers and firefighters. If you are heavily interacting with the public and you are facing criminal charges then you are placed on a paid leave.

I want to be very clear about this: This is no commentary on innocence or guilt. We believe in the judicial system for that process. We simply do not believe that it's appropriate for that person to be operating in their official capacity, making funding decisions for the women's shelter, for example, or heading up the seniors' advisory committee or youth committee. Again, we are looking at our best practices.

We also want to ensure there's whistle-blower protection in this legislation. If people do not feel safe coming forward, then this legislation will not achieve its intended outcome. We are encouraging a duty to report. This is also around efficiencies. When an integrity commissioner is dealing with the duty to report, it means that they can much more efficiently help determine the credibility of a claim, so everybody should be required to report any misconduct that they see.

We also want to make sure that egregious acts of violence, harassment or abuse are prioritized. Again, we need to strengthen the penalties. It can't be removal or nothing. This should be comparable to any other HR policy, where there is always a variety of consequences. It is the hope that by incorporating removal, this will actually prevent misconduct and abuse. The idea behind this is that nobody gets removed once this is put in place because people know that when they can lose their job, they think twice and they act differently.

Lastly—not lastly; I have a number of points—one of the pieces that we want to make sure of is that there is a framework for determining vexatious claims. It would be my worst nightmare if this was used to silence people who don't agree with your politics. This is why the focus for our group has always been violence and harassment that is substantiated.

We believe in the minimum standards for integrity commissioners. We need to see that happen, so all ICs should be required to meet consistent, professional qualifications.

The consistent code of conduct is welcome. We want to make sure that the expectations in Listowel are the same as in North Bay. But we do believe that the code of conduct should be revisited every three years, because we know that the Whitby of today is not going to be the Whitby of 10 years from now. The population will change, the councillors will be paid more, the expectations will grow, so we want to make sure that we can meet the challenges of all the municipalities and go from those codes of conduct that are the best and that are the most robust.

I am counting on each of you, because people have come to me to say, "Emily, we would be advocating for this, but we can't because we don't feel safe and we feel like we could lose our jobs." So I am looking to each of you around this table to help champion these very critical changes because without it all of this effort will be wasted, and there is too much at stake.

Thank you so much.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentation

We're now going to turn to questions, starting with the third party. MPP Cerjanec, please, when you're ready, sir.

Mr. Rob Cerjanec: Thank you, Chair, and through you: Emily, I'd like to thank you for being here today, and thank you for the tireless advocacy that The Women of Ontario Say No have been doing over many years.

When we think about workplaces, a workplace needs to be safe for everybody, and it needs to be also safe for members of the community, as well as us around this table as elected politicians, officials—whatever we want to call ourselves. We need to be held to a high standard, and ideally that happens by holding ourselves to a high standard first and foremost. So I think it is really good that we have this legislation in front of us today.

I want to pick up just a little bit on—because I know the recommendation is to go through the judicial process. Let's say there was a change to the legislation, but it wasn't judicial, but it was still left with a municipal council. What do you think, then, that threshold should be?

Ms. Emily McIntosh: I think it makes sense because it is a democratically elected official that it be higher than a simple majority. I think two thirds would be appropriate. But, again, for the record, we don't believe it's best practice because it's a major conflict of interest.

Mr. Rob Cerjanec: I totally hear that. As with some of the previous presenters, I see some gaps in this legislation, as well, because it says "all members" need to vote on it as opposed to, for example, having a quorum of members. So theoretically, someone could decide, "Well, I'm going to go to the washroom during the vote," or "Well, I'm sick today and I'm not going to show up," or other aspects. So I do definitely hear you on the need for it to go through the judicial process, and I appreciate your presentation today and hearing from you on that.

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Just to pick up on the criminal aspect of it, and in particular, criminal background checks: I definitely take your point and your recommendation around if someone was charged, but I want to focus on if you think people running for municipal council should be required to submit a criminal background check. And should that information, then—as a summary, of course, just so the electorate can make the best decision for their community—be part of the municipal election process?

Ms. Emily McIntosh: I do, yes. That would be comparable to most other workplaces in Ontario, such as social services, for example.

Mr. Rob Cerjanec: I appreciate that. Thank you.

Kate, I appreciate your presentation today and hearing from you—and definitely that unanimous is too high. Do you think that, if a member of council was recommended for removal, there would be that unanimous support?

Ms. Kate Burns Gallagher: Through you, Chair, to the member: I would say the Western Ontario Wardens' Caucus also supports AMO and the Eastern Ontario Wardens' Caucus. If it's not going to go to judicial review, if it's going to stay within council, then we would support a super majority of that two-thirds vote.

Mr. Rob Cerjanec: Thank you. As well—and I don't know if the Western Ontario Wardens' Caucus would have a position on this—I am curious if you think that candidates should be required to submit criminal background checks, where just a summary is posted—it doesn't preclude someone from running—but that it is posted.

Ms. Kate Burns Gallagher: We don't have an official position. However, I could say that many of our counties do require our staff, our employees to have those background checks in order for forms of employment. So by extension, having that for elected officials would not be out of the realm of possibility.

Mr. Rob Cerjanec: Thank you. And I think—

The Acting Chair (Mr. Lorne Coe): Two minutes and 36 seconds.

Mr. Rob Cerjanec: Okay, so we do have some time.

The Acting Chair (Mr. Lorne Coe): Maybe two questions.

Mr. Rob Cerjanec: Thank you, Chair. I appreciate that, and I appreciate you're very studious—keeping us on schedule.

My question as well, Kate, is around codes of conduct. The act gives the minister the power to impose a standardized code of conduct across the province. Is there anything that you would like to see the minister include in what that standardized code of conduct should be, and who else should the minister consult with before making those regulations?

Ms. Kate Burns Gallagher: Through you, Chair: We would like to see clear definitions in those codes of conduct so that they're not open to misinterpretation or inconsistent application. So when there are definitions, make sure they're very clear in those codes of conduct.

Mr. Rob Cerjanec: Thank you.

Chair, I'll waive my time on this. I'll go back in the second round.

The Acting Chair (Mr. Lorne Coe): We'll now move to the official opposition for questions through MPP Wong-Tam, please, when you're ready.

MPP Kristyn Wong-Tam: Emily, thank you very much for your deputation and your steadfast advocacy. I know that MPP Burch, who is not here today, has spoken incredibly highly of you and your organization for the public pressure that you have placed on this government and all of us to do right by the citizens of Ontario.

I wanted to just ask you for clarification: When it came to your recommendation around the decision-making body to remove a councillor or a mayor, you had said the decision should be perhaps before a panel of ICs, integrity commissioners, at the provincial level. Was it and/or judicial review, or was it one or the other?

Ms. Emily McIntosh: I think it would be best to see both. I think that keeps a high threshold. But the caveat—it can't go to judicial review if it's going to be stuck there for months. That is not helping anybody, and it's really not going to achieve that intended outcome. So I believe in it, but we would need to see some language and some way to prioritize that type of judicial review.

MPP Kristyn Wong-Tam: Thank you. I recognize that that's because you're concerned about the lengthy time it takes to get before a panel of judges or one judge. At the same time, it's actually the judges and the justices who can actually select cases that they believe have substantial significance or interest to the public.

And I do understand that what you've said is that your preference here is not to leave it in the hands of council, whether it's unanimous consent, which you have said you definitely will not support, and if nothing else is before us, that the government of the day will not see any other amendments, then you'll live with the two-thirds vote of council to remove a councillor or mayor.

Ms. Emily McIntosh: We have this incredible opportunity to actually strive for the best. We're not going for the least worst. We want to achieve the best. We want to look at the models that work well, that are the most impartial. So it doesn't matter—to go back to council at all, these are the most biased individuals. Whether you support the recommendation of the IC or not, it's just not our best way forward. We want to look at something more balanced, and that's why we're advocating for that particular position.

MPP Kristyn Wong-Tam: You talked about determining a framework that would then assess whether or not a claim is vexatious or whether or not it actually has merit. Because your group has been focused on harassment and violence and assault, can you unpack for us what that framework could look like? Who would determine what is constituted in that framework?

Ms. Emily McIntosh: What a great question. I wish I had all the answers. I don't know exactly, but I think the reason why we're focused on violence and harassment is because we know that when there are egregious acts of violence or harassment in the public or private work-

spaces, people are terminated, so I would look at those frameworks.

This is not so much about the number of claims, but about the nature of the claim, and that I think is very important. We are human beings; we make mistakes. A lot of councillors are first-time councillors. You don't know what you don't know. You don't always know something is a code of conduct violation if you're new to the job, and we understand and respect that. That's why we love to see this kind of training because people aren't always coming from a formal workplace background. We really recognize that.

I have to be honest: I don't think I'm the best person for the framework. I know it needs to be there because I really recognize the legitimacy of people who feel fearful that this could be politicized and misused. I don't want to dismiss that. That's a very credible feeling. But we have enough great minds in this province to create something that is balanced.

So I would put it back to this committee to take a look at what some of those frameworks could be—maybe looking at other jurisdictions or other countries, I'm not sure. I can't pretend to have the answers, but I know we can do better in that space.

MPP Kristyn Wong-Tam: Thank you very much for trying to help us strike that balance with a piece of legislation that has to be able to meet and respond to every circumstance as it arises.

I have questions for Chair Burns. You had raised a very important point that many municipalities will be curious about, and that is the funding mechanism: How do you pay for all these new accountability structures? The Ontario Ombudsman had put forward a set of recommendations to the government which included the requirement to provide a centralized or regional system to support smaller municipalities to manage these associated costs, which can be quite expensive, especially on a limited revenue base. That is not in the bill. That is a recommendation that came out from the Ontario IC that's not in the bill.

Would you support an amendment that would actually give you that funding mechanism that you're looking for?

Ms. Kate Burns Gallagher: Through you, Chair, to the member: Having not seen the proposal—I'll definitely go in and research the Ontario Ombudsman's recommendations—we most definitely need to look at those cost recovery mechanisms. We know integrity commissioner reviews are very expensive, lengthy endeavours. When we have small, rural municipalities, those costs can be onerous on municipalities who don't have in-house legal or in-house administration who can work with those. So, not seeing those recommendations, it sounds like we are aligned, but I couldn't say for sure.

The Acting Chair (Mr. Lorne Coe): You have 30 seconds. I don't think there's enough time for another question.

MPP Kristyn Wong-Tam: You're right, Chair. There is not enough time. But thank you to Chair Burns.

The Acting Chair (Mr. Lorne Coe): Thank you for agreeing. That concludes the opposition time.

I'll go to the government. MPP Anand, please, when you're ready, sir.

Mr. Deepak Anand: Thank you, Chair. I'm absolutely ready, sir.

Thank you to the panellists who are here taking time and representing. My first question, Chair, is to Lord Gabriel. I want to make sure that I do the right thing, but—

Mr. Gabriel Verveniotes: I don't want to get offended.

Mr. Deepak Anand: Oh, no, absolutely not. I love the way it says about you that you are a "philosopher, novelist" "intellectually charged, darkly humorous and deeply critical of contemporary structures" blending "satire, philosophy and raw emotional insight makes his work stand out...." Definitely, it's standing out.

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My question—I'm just trying to understand your viewpoint about this bill. I'm just trying to reach that. Do you believe in rules or do you not believe in rules?

Mr. Gabriel Verveniotes: I believe that the threat of weaponizing those rules against political opposition is a far greater challenge and that's something that we need to address because corrupt people will abuse the laws to weaponize them against people they disagree with. Me as a voter, I've seen politicians I've voted for removed from office on these fraudulent bases, so I've already witnessed these things happen.

Mr. Deepak Anand: I didn't get the answer, though.

I'll ask you in a simple way: Do you believe in rules or no rules? I'll give you an example: I hate standing at a red light, but it's a rule. I have to stand. I could reach home in 30 minutes. It takes me sometimes—

Mr. Gabriel Verveniotes: Not if they're unjust rules, no.

Mr. Deepak Anand: So you believe in rules?

Mr. Gabriel Verveniotes: I don't believe in unjust laws or rules, no. I believe we have the right to challenge rules and laws as a free people.

Mr. Deepak Anand: But do you believe in rules or not?

Mr. Gabriel Verveniotes: Not unjust ones. I qualified my answer.

Mr. Deepak Anand: So you believe in justified rules?

Mr. Gabriel Verveniotes: I believe in justified rules.

Mr. Deepak Anand: Perfect, that's all I wanted to understand.

I'm sure you know, being in a civilized society, sometimes we have to have these rules as a guiding principle and one of them is the red light, for the example I said. Not everywhere there is a red light, but when there is a point when you need to have a red light, we do have a red light and we have to follow it, for the safety of others also. The rules are not just for us, but for everybody. I think the difference between sometimes being ethical and legal is being addressed in this bill.

My question is very simple: In your opinion, if someone is harassing—because we are talking with respect to The Women of Ontario Say No sitting right next to you—if there is a councillor, whether it is male or female—we are

not even going to the gender—is harassing somebody, what should be done in that case?

Mr. Gabriel Verveniots: The fundamental question is, who is determining whether it's harassment? That's the problem, that's the issue, is you can make a charge and the accusation that it's harassment, but this is why we have a court of law that adjudicates that. It takes time to adjudicate that because people can make ungrounded accusations in order to remove people from office, simply by making said charges. What I'm asking for is time to evaluate those charges and a legal process of doing so, not delegating that to some unelected body of commissioners who claim to have our best interests at heart when they clearly don't. They've demonstrated that they don't act in good faith in the past, as evidenced by politicians I've voted for who've been removed from office based on the simple charge of having been harassing others. If it's a legitimate case, bring it to the courts.

Mr. Deepak Anand: Perfect. That's all wanted to ask you. Your viewpoint is that if somebody is harassing, then in that case, rather than going to the council, they should go to court.

Mr. Gabriel Verveniots: Correct. Like how we solve all laws of harassment between politicians and the private industries—politicians are elected directly by the people, which means they're not employees. They're people who represent me, so the same rules that apply to a company don't apply to a politician. If you find my views reprehensible and I elect a politician to represent those views, I have the right to have those views implemented.

Mr. Deepak Anand: Thank you. I just wanted to ask you this question—you're not against rules. You're not against, if somebody's doing wrong, not to be taking action. It's just that you believe it is not the councillor, it is somewhere else the duty is to take that action. I'm guessing this is what the consensus is. Perfect; thank you.

Emily, thank you for your hard work. Something very hypothetical came to my mind because MPP Wong-Tam was talking about every situation. For example, let's assume there is a situation where there is unanimous consent and the person is asked to leave the council. The next election happens and people do vote them in. What do we do?

Ms. Emily McIntosh: Thank you for that, through you, Chair. I did not get the opportunity to speak to that, but we do think that there should be a bar on running for two terms, or you could look at a minimum of four years. The reason being is your municipal term is four years, so if you're removed in the last two months, then you have the opportunity to run again.

I really want to couch this in: We're talking the most egregious circumstances. These should be very obvious—very obvious to citizens, to the public, to councillors. We don't think it's appropriate that the person can just run again. Do we believe that people can grow, change and learn? Absolutely, but there needs to be a waiting period, and that is out of respect for the community members affected; it's for the respect of the municipal staff and the co-councillors.

The Acting Chair (Mr. Lorne Coe): You're down to about 50 seconds.

Mr. Deepak Anand: Ms. Gallagher, to your question—I'm just going to read it out. All Ontarians deserve to feel safe and respected in the workplace. When we talk about the decisions—that was one of the questions that you said—about what would be included in a standardized code of conduct, that would be made at a later date, based on the consultation. So it's not the end of the process. It's actually the beginning of the process. The same goes with the decision on what would be included in the standards for integrity commissioner, including training. That would also be made at a later date, based on the consultation with the municipal sector, and could include standard timelines and reporting requirements.

I just wanted to share that with you.

The Acting Chair (Mr. Lorne Coe): We'll now move to the third party. MPP Cerjanec.

Mr. Rob Cerjanec: One of my caucus members, MPP Stephen Blais from Orléans, introduced a variation of this bill a few times based on situations that have occurred—and I appreciate others who have added to that voice and have started this work as well. In the bills that MPP Blais introduced, it suggested that it go through a judicial process. I just want to confirm, Kate: Was the position of the Western Ontario Wardens' Caucus that it should go through judicial?

Ms. Kate Burns Gallagher: Through you, Chair, to the member: We use a similar model to the Municipal Conflict of Interest Act, where the integrity commissioner could refer the matter to the Superior Court of Ontario for adjudication.

Mr. Rob Cerjanec: I appreciate that. I just wanted to ensure that that was on the record, and I think we've heard otherwise—that a judicial process would be preferred.

When reading the proposed act, if the person accused or recommended for removal is the mayor, theoretically, right now, under the Municipal Act, the mayor would be able to cancel that meeting of council. They would have the authority to be able to do that, which I think, when looking at the act, is a bit of a gap, if it were allegations involving a mayor or the head of council. The act itself says a decision should be made within 30 days. So, Kate, I'm just wondering if you think there should be some changes to the act, just to contemplate that scenario, given the other powers that the mayor would have.

Ms. Kate Burns Gallagher: Most definitely. I think that's a loophole that we need to tidy up. That's a point that I can bring back to our caucus for further reflection, that we can share at another date.

Mr. Rob Cerjanec: And Emily, I'm curious as to your perspective on that.

Ms. Emily McIntosh: Through you, Chair: Absolutely, we need to use this time to tighten up the legislation; otherwise, again, it will lose credibility. So we want to make sure it's tight, that there are no loopholes. We need to tighten up that language.

Mr. Rob Cerjanec: I appreciate that.

Emily, I may as well go back to you with the next question. In a previous presentation, there was a suggestion around progressive discipline, or at least having additional options in there beyond just censure or docking of pay—it could be barring from all or part of meetings for a determinate amount of time. I was wondering if you had any thoughts on that one.

Ms. Emily McIntosh: Again, I don't think we have to reinvent the wheel. We need to look at what happens in other HR departments. Politicians are of the people; they are not above the people. So I think looking at those models where you have various consequences that can be applied is 100% appropriate and required.

The other thing that I would encourage is that integrity commissioner recommendations, if they are adopted by council, are in fact binding. If a councillor has to do sensitivity training and council says, "Yes, you have to do sensitivity training," and then the councillor doesn't do it, what does that look like? We need to see some kind of management of that piece as well.

Mr. Rob Cerjanec: Kate, I'm just wondering as well, from your perspective at the Western Ontario Wardens' Caucus—around additional kind of levels or options for recommendation.

Ms. Kate Burns Gallagher: Yes, we're supportive of progressive discipline, similar to the Eastern Ontario Wardens' Caucus and AMO's stance on the matter.

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Mr. Rob Cerjanec: Looking at the proposed act, it says that the Integrity Commissioner needs to do training and education for local integrity commissioners.

Kate, given that there's a lot of different municipalities within western Ontario, what kind of resources, training or support do you think should be provided to those local integrity commissioners in order to help them do their jobs effectively and provide advice to members of council?

Ms. Kate Burns Gallagher: We believe that this training sets a minimum, sets a standard for those integrity commissioners. It provides a level playing field, if you will, so that everybody is working from the same songbook, as we've said in the past. This training allows for everybody to be on that same level moving forward.

Mr. Rob Cerjanec: To Kate, as well, I'm curious: In one of the previous presentations—I don't know if you heard the first round or not—there was a suggestion around some sort of shared support for mayors and members of council, probably in smaller municipalities. I'm wondering if the Western Ontario Wardens' Caucus has had any discussions around that or what that thinking might be just in terms of guiding the interaction between the head of council and the CAO or senior staff, given additional strong-mayor powers that now exist.

Ms. Kate Burns Gallagher: We have not had that conversation around that piece, but I'm happy to take it back to the caucus for discussion at our next meeting.

Mr. Rob Cerjanec: Thank you.

No further questions, Chair.

The Acting Chair (Mr. Lorne Coe): We'll move now to the official opposition. MPP Wong-Tam, please.

MPP Kristyn Wong-Tam: My question is going back to Ms. Burns. How many municipalities do you represent under the Western Ontario Wardens' Caucus?

Ms. Kate Burns Gallagher: Through you, Chair, to the member: We represent 15 upper- and single-tier municipalities, and within that umbrella, there's a total of 117 municipalities in the region.

MPP Kristyn Wong-Tam: Okay, thank you. Ms. Burns, can I just ask you to speak up a little bit more? I find it a little challenging to hear you.

Ms. Kate Burns Gallagher: Oh, of course.

MPP Kristyn Wong-Tam: Okay, thank you very much. I wanted to ask—you have fewer municipalities that you represent versus who we heard from this morning, Ms. Clark, who represents the Eastern Ontario Wardens' Caucus. I'm curious to know, do all 17 of your lower and upper municipalities have their own integrity commissioner structure, or do they pool and share them? How does that work for you folks?

Ms. Kate Burns Gallagher: If I may clarify, we represent 117 municipalities in total in western Ontario.

Some of our municipalities do work together in RFPs for integrity commissioners. Some have individual integrity commissioners. So there is a wide framework amongst the municipalities of whether they have individual integrity commissioners or they share them for cost-effectiveness.

MPP Kristyn Wong-Tam: Because not all the integrity commissioners are full-time and exclusive to one municipality, I guess, are they on contract to these municipalities? Is that how it works for the wardens' caucus?

Ms. Kate Burns Gallagher: That would be correct, yes. Our municipalities put out a request for proposal for an integrity commissioner, and then, typically, it's either a law firm or, in some cases, they're retired CAOs or other people that are well-versed in the municipal sphere. So they are not a full-time employee of the municipality; they are a contracted employee in many cases.

MPP Kristyn Wong-Tam: They sit on retainer, then, and when called upon, they interact with the council?

Ms. Kate Burns Gallagher: That is correct.

MPP Kristyn Wong-Tam: Just so I understand: How do these integrity commissioners work together if they are hired and retained by several municipalities? Would there not be sometimes inherent conflicts? Do they have to go through the same process as a big law firm would have to go through to make sure that before they take on a client, there is no conflict?

Ms. Kate Burns Gallagher: I'm not sure of the nuances of that, of how they work together or not. In many cases, most of our municipalities are represented by one or two integrity commissioners throughout the region. There's a few of them. But as far as how they work together, I'm not sure of that nuance myself.

MPP Kristyn Wong-Tam: Okay, thank you. I'm going to come back—and I recognize that you don't have the report in front of you, or at least the submission from the Ontario Integrity Commissioner, but I thought it might be material to get your reflections.

The Ontario Integrity Commissioner is asking for, and has submitted to the government, some proposals even for Bill 9 that's before us today. They would like to see a registry of all municipal integrity commissioners. There is a recommendation that integrity commissioners should have access to a central database of all completed inquiries. There should be a standard process established for these integrity commissioner investigations. I heard from one deputant earlier today that there may be a verbal presentation in the city of Toronto, so we would receive a written report, plus a verbal presentation at the request of council, but never exclusively a verbal presentation.

There are a couple of other of these types of recommendations, including that the integrity commissioners are to be required to submit an annual report. Would you support these types of recommendations that the Ontario IC has submitted to this committee and government?

Ms. Kate Burns Gallagher: Thank you for those questions. Given that I can only provide my reflections on that information and not the entire caucus—I believe that having firmer guidelines around integrity commissioners, having a more standardized approach to integrity commissioners as well, would only strengthen this framework and support this act further moving forward.

MPP Kristyn Wong-Tam: Thank you very much.

I have one final question, and that is going to Ms. McIntosh. You talked about a variety of consequences. A previous speaker has spoken about a progressive set of consequences. Is that your intention with that remark?

Ms. Emily McIntosh: You know, I'm not sure. I think it's important to have flexibility. Each case is quite different and can be quite individualized, but I think at the same time—having some parameters. I think what we're hearing—and we've spoken with so many municipalities across Ontario—is there is not consistency, and it is creating serious, serious problems.

When we're talking about support for integrity commissioners and who's paying, somebody is always paying. Right now, municipalities are paying out private settlements to people who received poor treatment that could not be dealt with. So somebody is paying; this is taxpayer money.

We need to have these consistent standards in place. I think having a variety of options is not inherently problematic.

MPP Kristyn Wong-Tam: Thank you very much.

The Acting Chair (Mr. Lorne Coe): To the government members, please. MPP Grewal.

Mr. Hardeep Singh Grewal: Again, thank you to our presenters for coming out today to speak on Bill 9.

My first question will be for Ms. Kate Burns Gallagher. In your presentation today, you spoke a lot about the role of the integrity commissioner, the role that he or she shall play in terms of implementing these rules and regulations across the province. I just wanted to talk about some of the changes that are here in Bill 9 and get your thoughts on that.

In a previous meeting that was held in Ottawa, we heard from an integrity commissioner—I believe we're going to

hear from another one today. But the conversation that we had there was about all the irregularities when you go from municipality to municipality across this province in terms of the rules changing in every jurisdiction. This bill is really going to help pull in and make sure that we have a consistent ruling across the province, as well as ensure that those municipally appointed integrity commissioners then have a regulatory body that they're going to speak to, which will be our Ontario Integrity Commissioner.

I just wanted to get your thoughts on that particular change and then on how that weighs in and then the positive effects of that, and your thoughts and opinions on that, and some of the recommendations that you were speaking about in terms of other layers of change that should be involved in that process.

Ms. Kate Burns Gallagher: Through you, Chair, to the member: That speaks exactly to what we support of this bill. This is providing a template for all of our municipalities across the board when it comes to codes of conduct, when it comes to the way that those codes of conduct are implemented. So we have a template for all of our municipalities and then, as well, that separate body for integrity commissioners also provides a template moving forward.

As my co-presenter Emily has mentioned, this is a real opportunity to set that bar, set it high, so that we can move forward in a space of transparency that is positive for the municipal sector in Ontario.

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Mr. Hardeep Singh Grewal: Just as a follow-up to that, I just wanted to ask you how do you think these proposed changes are going to benefit municipalities across the province with one set of rules instead of a bunch of different rules in every jurisdiction?

Ms. Kate Burns Gallagher: These will provide clarity, flexibility and fairness across the board, so if you have an integrity commissioner working in one municipality and, in the next municipality, it's not a different set of rules. As well, it provides across-the-board fairness for all of our elected officials, so everyone is held to the same account across the whole entire province.

Mr. Hardeep Singh Grewal: Thank you very much.

My second question is for Ms. Emily McIntosh. Earlier today in your presentation, as well, you were speaking a lot in regard to the mandatory training aspect of that and how, under today's legislation, that is not available. There is no mandatory training after the election of a councillor or a mayor. How do you think that this proposed change will positively benefit those that are being elected and the general public, as well, that is going to be dealing with these elected officials?

Ms. Emily McIntosh: Well, I think it's important to recognize we're all lifelong learners. This is part of any professional development that you might do in any other workspace. It's part of your orientation. But I think—it's really interesting, because this has been a journey for me. Full disclosure, I frankly—look, this is such a low bar. What we are talking about is such a low bar of conduct that I couldn't even believe that people would need

training around it. And someone said, “You know, Emily, not everyone is coming from a professional workspace. Everyone has different lived experience, and that’s the beauty of democracy.”

But I think what we want to see is setting people up for success, both elected representatives, citizens. It makes the expectations transparent and gives people the tools and the chance to excel. We don’t want to say, “Oh, you failed to meet that expectation,” when we weren’t clear about it. Let’s be clear, let’s be consistent and let’s be transparent. That will set everybody up for success so that this is an effective piece of legislation that actually supports positive good governance across Ontario.

Mr. Hardeep Singh Grewal: I also wanted to get your opinion on some of the questions I asked earlier in terms of the layering of integrity commissioners and the standardization of rules across the province. What are your thoughts on that?

Ms. Emily McIntosh: Yes, it’s critical, and I can share that, to our knowledge, it’s very common for an integrity commissioner to be the IC for one municipality as well as the region. And so, what you have here is a system that is sort of inherently built on conflict of interest. This is actually why we would recommend a panel of integrity commissioners because when we’re talking about potential removal, we don’t want any conflicts of interest.

We’ve heard from ICs that sometimes they make a recommendation and council doesn’t like it, so they just terminate the IC. This is also something else that should be considered, is maybe having IC terms. But again, I think integrity commissioners want this. They want something more consistent because it also protects them. These are not easy positions. They are getting a lot of confidential and, frankly, very disturbing information at times. That’s a lot on one person, and we want to be able to support a team-based approach across Ontario on this.

Mr. Hardeep Singh Grewal: What would be your thoughts on the provincially appointed Integrity Commissioner then having the final ruling on the municipal integrity commissioner? I’m just wondering what type of conflict you would see there in terms of somebody who is a few steps removed from that municipality who will then be making a judgment on the judgment made by the local integrity commissioner.

Ms. Emily McIntosh: Well, it’s best practice. You definitely need to remove it from the local integrity commissioner. You need that sober second thought. That’s what you’re seeing when it goes to the provincial IC. Again, a lot of pressure on that provincial IC—I would never recommend that for one person, which is why we want to see a panel because that’s an opportunity for discussion. That’s diversity of thought. And also, looking at the standards and how they apply, to help get a more balanced interpretation of whatever legislation is created.

But we absolutely believe that there is a role for the provincial IC, and whether—we’re recommending, of course, that it’s a panel. Further to that, judicial review is just that other, added layer for an elected representative,

which is what we support. But definitely not going back to a local council.

The Acting Chair (Mr. Lorne Coe): Thank you very much. Thank you for the presentations.

This committee stands in recess until 1 o’clock today, when we will resume public hearings on Bill 9.

The committee recessed from 1155 to 1300.

The Acting Chair (Mr. Lorne Coe): Good afternoon, everyone. I call this meeting of the Standing Committee on Heritage, Infrastructure and Cultural Policy to order. We’re meeting to resume public hearings on Bill 9, An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001 in relation to codes of conduct.

To ensure that everyone who speaks is heard and understood, it’s important that all participants speak slowly and clearly into the microphone. When you come to the table, you move the microphone close to you so we can hear you and those watching can hear you as well. Please wait until you’re recognized by me before speaking. As always, all comments should go through the Chair.

As a reminder, each presenter will have seven minutes for their presentation. After we’ve heard from all the presenters, the remaining 39 minutes of the time slot will be for questions from members of the committee. The time for questions will be divided into two rounds of six and a half minutes for the government members, two rounds of six and a half minutes for the official opposition and two rounds of six and a half minutes for the third party.

Committee members, any questions? I see none, Madam Clerk.

MS. LISA ROBINSON

MR. STEVE YAMADA

The Acting Chair (Mr. Lorne Coe): I will now call on Lisa Robinson, Steve Yamada and Amy Courser—who will be joining us by Zoom—to attend the table in front of me.

Good afternoon, and welcome. Please state your name for Hansard, which is the official record of today’s proceedings, as it is in all our standing committees and as it is in the Ontario Legislature.

Lisa, would you start first, please, with your name? Go ahead.

Ms. Lisa Robinson: Hi there. Thank you very much for having me here today. My name is Lisa Robinson, and I’m a city councillor with the city of Pickering.

The Acting Chair (Mr. Lorne Coe): Councillor Yamada?

Mr. Steve Yamada: Regional Councillor Steve Yamada with the town of Whitby.

The Acting Chair (Mr. Lorne Coe): Councillor Robinson, you can start your presentation, please. You have seven minutes. If you go over seven minutes, I’ll stop you.

From there, we’ll go to Councillor Yamada, and then from there, there will be questions from the official opposition, the third party and the government members.

Please start.

Ms. Lisa Robinson: My name is Lisa Robinson. I'm a sitting municipal councillor in the city of Pickering, and I'm here today not as a partisan but as someone who has lived through what this bill risks making permanent.

I want to begin by acknowledging that parts of Bill 9 are both necessary and overdue. The current system lacks consistency, and integrity commissioners across Ontario operate with vastly different standards, interpretations and levels of professionalism. I have seen that first-hand. I support mandatory training, a province-wide code of conduct and public posting of decisions. If this legislation helps create clarity and fairness, then I will always support that.

But there are parts of this bill that are dangerous—not just debatable, they're downright dangerous. Under Bill 9, the provincial Integrity Commissioner would be able to recommend the removal of an elected official based on whether they undermine public confidence. That sounds simple, until you live through it.

We already have laws that define criminal misconduct. The Municipal Act disqualifies councillors convicted and imprisoned. The Criminal Code addresses harassment, threats, frauds, discrimination and violence, all of which I've experienced as a sitting member of council.

I have endured sexual harassment, psychological harassment and even violent threats from members of my own council. I brought these concerns forward to the integrity commissioner, and they claim to have investigated, but nothing was ever done. There were no findings so there were no consequences because it appears that if you are well-liked by a council then, simply, they will not move forward with any kinds of code of conduct violations. I've watched as multiple complaints have been filed against the mayor and other councillors and not one of them have ever been moved forward—not one.

So that's the reality of the political dynamics in Pickering, and this is why the system cannot be trusted with serious reform, as it's forcing everyday people to take their grievances to court just to be heard.

Quickly, I'd like to add that 100% of the complaints against me have come from both the CAO and the mayor since 2024. Instead, I'm the one being sanctioned.

There's an even more shocking part. The very same councillors who filed the complaint are also getting to vote on the penalty. They act as the accuser, the judge and the jury, all in one. There's no impartial process, no independent review, just raw political power disguised as procedure.

We are now in a place where councillors can vote to strip the pay of another councillor, not for breaking the law, not for committing fraud, but for speaking truthfully and refusing to conform. And under Bill 9, that power will only grow.

This bill creates a parallel justice system with no real safeguards, no real appeal and no independent adjudicator. And let's be honest: "Undermining public confidence" is a vague, political standard that can be twisted to silence dissent.

If we truly believe in the rule of law, then we must act like it. Criminal behaviour must go to criminal court. Civil disputes must go to civil court. And if someone is to be removed from elected office, it must go through a lawful, impartial process; not by a vote of their political enemies because that's not democracy.

Let's talk about the so-called safeguard: the unanimous vote for removal. In a council where votes routinely fall 6 to 1, as they do here in Pickering, that safeguard is meaningless. If everyone but the target agrees to remove them, it's not protection; it's like being in front of a firing squad.

We cannot allow politicians to weaponize process in order to eliminate competition or silence opposing views.

And here's the part that nobody wants to say out loud: If a councillor can be removed or sanctioned before an election, it gives the remaining members an unfair advantage. It's political interference, and it borders on election rigging. Councillors and integrity commissioners should not have the power to decide who runs in the next election. That power belongs to the people. If we take that away, then we no longer have democracy, and why should we even vote?

I represent thousands of residents—working families, faith communities, newcomers, parents and people whose voices are often shut out of the political process—and I will not apologize for representing them, even when it makes others uncomfortable. It is not misconduct to represent the marginalized community. It is not misconduct to question policy. And it's not misconduct to bring forward the concerns of real people who feel silenced by this very system.

And let's be clear: There is no appeal process in this system—none. Once council votes, it will be done. And that's just wrong, because it is unconstitutional.

We are crossing into dangerous territory, where elected officials can be removed for unpopular speech, inconvenient views, or exposing uncomfortable truths. That's not about ethics. That's about power. And it has no place in a free democracy.

If councillors break the law, charge them. If they defame someone, sue them. But don't give unelected integrity commissioners or a majority of politically aligned council members the power to remove their opposition from office. That's not integrity. That is tyranny.

Let the people decide who represents them—not the bureaucrats, not backroom deals and not partisan punishments. Fix what is broken but do not break democracy to do it.

That concludes my speech. Thank you.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

Regional Councillor Yamada, please. You have seven minutes, sir.

Mr. Steve Yamada: Good afternoon, Chair, members of committee. It's my pleasure to be here to speak on Bill 9, the Municipal Accountability Act, 2025. I'm going to speak about four main points today.

(1) I believe that the legislation must remove the council's vote on punishment and replace it with a provincial tribunal that can reject, uphold or adjust a punishment. In the case I'm familiar with, it is a councillor or a majority of council making a complaint against another member. In a court of law, the plaintiff is not the person passing judgment on the defendant. In our case, a councillor who makes a complaint should not be able to pass judgment. There should be a tribunal that reviews the case, hears from the integrity commissioner, the individual or individuals who made the complaint, and the accused. This would eliminate any bias from the system and make it fair. In the only integrity commissioner complaint that I was found to have contravened, I lost a week of pay. The 60 hours of video evidence that was presented did not matter. The tribunal may have considered the evidence and thus decided the punishment was too harsh for a first-time contravention. Instead, the councillors who made the complaint voted on the punishment.

(2) Removing political bodies from the process enables a fair and truly independent investigative process. The current strong-mayors regime has led to a more political bureaucracy—one that's beholden to the mayor, and the mayor can fire senior staff. The problem arises when an integrity commissioner is selected and recommended by staff, as the recommendations or decisions of the integrity commissioner may begin to align with the mayor's preferences. Senior staff are seeking to maintain the mayor's favour and secure their jobs, while the integrity commissioner aims to retain their contract. Part of the solution needs to be one where the provincial government, through this legislation, would appoint the municipal integrity commissioner to a jurisdiction. There would be no influence from local politicians or staff on who should be the integrity commissioner for a municipality. It would be a step toward removing any conflicts or political interference that would influence an outcome.

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The use of the Ontario Integrity Commissioner makes sense as impartiality and rigour are essential within the process. Having a second layer of security ensures a more fair and transparent process. It would protect councillors from political opponents when a fair criticism is levelled on uncomfortable topics, such as racism.

(3) I believe that council members should not be removed from their position. It should be up to the members of the public to vote them out. If the government is committed to the removal clause, then a unanimous vote should be implemented, not a two-thirds super majority. My reasoning for this is that there may be more complaints that are fabricated to target political enemies and to have them removed, thus increasing the weaponization of the integrity commissioner.

In my case, I had a complaint levied against myself and Councillor Leahy. Councillor Leahy demonstrated through 60 hours of evidence that I was treated differently by members of council and staff during my time as deputy mayor.

During a meeting to appoint a new deputy mayor on October 7, 2024, Councillor Leahy made statements regarding the deputy mayor position, referring to it as a "patronage appointment," and then accused council of "treating Councillor Yamada in a different manner than those of us who aren't of an Asian background." In my mind, that was true. During that meeting, I stayed quiet and listened to the councillor. The mayor abruptly stopped the meeting before Councillor Leahy could finish speaking.

The meeting resumed October 9, and I rose on a point of personal privilege. I spoke about my grandparents, their internment and how I felt. I agreed with Councillor Leahy that I had been treated differently. I was punished for saying nothing. I was also punished for stating how I felt. I was punished because I agreed with how another person characterized the behaviour of council and senior staff.

When I agreed with Councillor Leahy's characterization, including the six months of video evidence, the decision was not to investigate through HR to see if it was true; council decided, through the integrity commissioner, they are going to punish me. I can only assume that the mayor canvassed other members of council to make the IC complaint against me and Councillor Leahy since two thirds of council signed the complaint.

To allow an IC to recommend removal means that pressure can be placed on others to make complaints and turn council into a political spectacle until the majority can successfully get rid of the minority. They can weaponize the IC and use reprisal against other members of council, as was done in my case. Moreover, since the terms in the legislation "serious" or "harm" can mean different things to different people, the IC could have recommended that I be removed from my position.

Finally, I believe this legislation needs to address the costs a councillor may incur for defending themselves against a frivolous complaint or a complaint that the integrity commissioner dismisses.

Over my decade on council, I've only had two complaints. One found that there was no contravention of the code of conduct.

As the Durham region integrity commissioner is a lawyer and I am not, I needed to seek legal advice on how to defend myself and have my statement reviewed. My lawyer advised me that the complaint was frivolous and that no evidence was presented to support the accusations. Moreover, the integrity commissioner continued to probe through requests for evidence. This led to further costs that I needed to incur to protect my reputation. The report was never brought to council.

When complaints are brought forward—in a sense, dismissed—100% of legal fees should be awarded to the defendant. This would prevent frivolous or vexatious complaints from being raised. Thank you, Mr. Chair.

The Acting Chair (Mr. Lorne Coe): Thank you, Regional Councillor Yamada.

Our third presenter has not yet joined us by Zoom. I'm not going to wait; I'm going to proceed to questions,

starting with the government members, please. MPP Racinsky, please, when you're ready.

Mr. Joseph Racinsky: Thank you, Chair. Through you to Councillor Yamada, I thank you both for coming and sharing your thoughts on Bill 9, both the things you think are positive and the things you would change.

I think you would agree, Councillor Yamada, that there are serious things that can be brought forward that need an integrity commissioner to take a look at. How do we strike a balance between ensuring that complaints are handled appropriately but also providing municipal integrity commissioners the ability to dismiss frivolous and vexatious complaints?

Mr. Steve Yamada: Through you, Mr. Chair, to the MPP: I think taking the politics out of it is exceedingly important. When politicians aren't involved in the process, when it is the provincial Integrity Commissioner that would oversee this—when the selection and the voting of the decision is by council—you can have serious issues that can be decided upon in a fair and balanced way.

I think, as Marianne Meed Ward suggested in an article, that there should be the ability to go to court on these serious issues to be able to remove someone from council. But I don't think an unelected integrity commissioner in the current context that we have now should be provided to do that.

Mr. Joseph Racinsky: Accountability is very important. How do you see accountability for a decision to remove a councillor from their position? Where does the accountability come in for either the integrity commissioner or members of council? Is that accountability piece important?

Mr. Steve Yamada: It's important. I think it would all depend on, again, some of the definitions that the integrity commissioner decides. For example, what is the meaning of "seriousness"? What is the meaning of "harm"? If an accusation of racism is levelled at a council meeting, I would perceive that not to be "seriousness" to the level to have someone removed, but others may.

I think there would have to be a judicial test, and that would have to be decided through the legislation: What does "seriousness" mean? What does "harm" mean? Is it what happened in Ottawa? Is it sexual assault? Is it something to that level? Or could it be someone saying, "Well, you know, this councillor said something to me I didn't like"? No MP or MPP has ever been fired for saying something that might be to an issue that the others didn't like.

Mr. Joseph Racinsky: So you think that the final decision should be a judicial one, not done by their councillors who would be accountable to the people for their decision?

Mr. Steve Yamada: Yes, 100%.

Mr. Joseph Racinsky: All right.

I'll cede the rest of my time to MPP Sandhu.

The Acting Chair (Mr. Lorne Coe): To the councillors, you don't need to operate your microphone. We have technicians at the very back here. They're trying to put it

on while you're pressing off. They'll turn it on when it's your turn to talk, okay?

MPP Sandhu, please, sir.

Mr. Amarjot Sandhu: How much time do we have?

The Acting Chair (Mr. Lorne Coe): You've got two minutes and 17 seconds—time for two questions.

Mr. Amarjot Sandhu: Thank you, Chair. Thank you to both the presenters for being here. We appreciate your presentation and thank you for sharing your insights and feedback on this bill.

My question is to Councillor Yamada. From your perspective as a sitting councillor in Whitby, how do you see the proposed changes in Bill 9, particularly around strengthening the enforcement of municipal codes of conduct, impacting day-to-day governance and council dynamics in your city?

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Mr. Steve Yamada: Mr. Chair, through you: I think strengthening the accountability is a good thing. I think that's what the public expects—us to be doing everything we can to do the best in the positions that we are placed in. I think a code of conduct that is uniform is important. To be able to take the politics out of the process, where the integrity commissioner is selected by the provincial government and placed in different jurisdictions, I think, takes part of the conflict and bias out of the process because—hypothetically, let's say I'm the integrity commissioner. Twenty years ago, maybe I worked with someone that's now in a political or a staff position, and that relationship exists and I know that person. I think, "I know Bill. Bill would be a great integrity commissioner. Let's hire him." And there starts the conflict, there starts the bias, because if Doug, who's a senior staff member, decides hypothetically that he's going to make an integrity commissioner complaint against a member of council, and there could be a relationship that exists, that's problematic—

The Acting Chair (Mr. Lorne Coe): Thank you, Councillor. That concludes the time for the government members' questions.

We're going to move now to the official opposition. MPP Wong-Tam, please, when you're ready.

MPP Kristyn Wong-Tam: Through you, Chair: Thank you for your deputation today. I appreciate you being here today.

Let me just share some information that I am aware of, and maybe I can solicit your responses to it. You can decide amongst yourselves on how you want to reply.

I was aware that this bill—now in its current form, we know it as Bill 9. It was introduced on the last day of the previous session before we went into a truncated session and then to a winter election. It has been, I think, the government's intention to try to bring some mechanism that will allow for accountability at the municipal-elected level, but my understanding is that the bill has morphed and changed over some time, so I wanted to get responses on the fact of what we have here today and what was originally, I think, considered.

What is here today, of course, is the unanimous vote of council to remove a council member and after what they would consider through two independent inquiries of ICs, of their IC locally—but a previous bill would have allowed the municipal integrity commissioner to apply to a judge to remove a councillor, and only if that inquiry then finds serious misconduct would they do that. So that's gone. It's not here before us.

In previous discussions of what would be in this bill, previously, it would be a judge's decision to remove council and not a unanimous vote by council. That's now changed.

Previous 2021 discussions would include provisions to allow councils to delegate the power to impose penalties to the municipal integrity commissioner rather than being decided by council. So there was a lot of deference and delegation to the IC.

There was also some mention that any prescribed cost associated with an inquiry of the IC should misconduct be established—the previous consideration of the bill would have allowed council to recover that cost. So if they had to bear the cost, it was going to be recovered by the establishment of misconduct. And the current bill has none of those provisions.

Another point of contrast is that council would impose existing available penalties through sanctions and suspension in addition to whatever a judge decides to do with respect to an application for removal. So not only would a judge have a say but council would also have opportunities for additional sanctions and suspensions. The current bill now limits council's choice to do either the removal or no penalties at all, and that's only if the integrity commissioner makes a recommendation to remove.

A previous bill, I think, for consideration was also to remove a council member if they were deemed to be disqualified from holding office for seven years. The current bill now disqualifies a removed member for only four years. I could go on, but there are obviously some very big contrast points from what I think was being considered to what we see today. I recognize that you don't have the advantage of maybe having this information, but I wanted to share it with you in full disclosure of what I know, so you are aware of where the government bill has gone.

If you can provide some quick reflections based on what I've just shared with you, on whether or not you see some advantages to the previous recommendations being considered at that time and what we have today.

The Acting Chair (Mr. Lorne Coe): You have one minute and 59 seconds to respond.

Ms. Lisa Robinson: Thank you, Mr. Chair.

Yes, just to respond: In my personal opinion, I don't even like the fact that we have integrity commissioners. I mean, they've only come along since, I think it was, 2017. The reason why I'm saying that is because we have one integrity commissioner that works with over 60 municipalities. In saying that, this integrity commissioner is also representing those communities, but—I'm going to give you an example: In London, there was a councillor over

there and she was being reprimanded, having her pay sanctioned. My name was on her preliminary report, so it was a copy-and-paste. That's my reason why I don't like to have the integrity commissioners representing municipalities and such a vast amount of municipalities.

Yes, the bill has evolved over time. It has been great that it's been evolving, but stopping somebody from running in an election for the next four years would be considered election tampering. You are saying that the threshold is high for everybody for unanimous vote; well, here in Pickering, we only have seven people on council and all the votes have basically come down to 6 to 1, so the threshold is not very high. If you were even going to go two thirds in a place like Pickering, in a smaller community, you are going to easily be able to reach easier of those thresholds.

And do you know what? We, the councillors, are not educated enough to be able to speak to whether something meets a threshold. If somebody says that there was sexual assault, what is that threshold of sexual assault? Is it just going up, going by and tapping someone on the shoulder, or is it saying that you want to sleep with them in a very derogatory way? We're not educated enough for that and I don't think that we should be the ones making that kind of a decision. It should be going to a judiciary.

The Acting Chair (Mr. Lorne Coe): Thank you very much for that response. The time has concluded for questions from the official opposition.

I will move now to the third party. MPP Cerjanec, please, when you're ready, sir.

Mr. Rob Cerjanec: When previous iterations of this bill—or similar legislation, I should say, was introduced by one of my colleagues MPP Stephen Blais from Orléans—the recommendation in those bills is that if there was a recommendation to remove a member of council, that it should then go to a judge and to the court system.

I'm wondering both of your thoughts on that, and if this legislation here should be changed to do that. You can go first, Councillor Robinson, or either.

Ms. Lisa Robinson: Thank you very much for the question. As I was just saying, I don't think that the integrity commissioner should be involved in this, and definitely not the council. As I said, the council is not educated enough.

I'm going to give you a quick example: I was trying to bring forward three notices of motion, and I put it on those pages in front of you there. One of them was that we should only be flying governmental flags on government buildings. The second was that every man, woman, boy and girl should have the right to choose between using a biological bathroom or the right to use a universal change-room, to be inclusive of all genders and all families. And then my last notice of motion—remember these are just notices of motions; we didn't even get to debate them, and I was sanctioned on them—the last one was that during our Pride events and whatnot, we should have age restrictions, because we've all seen how lewd the events are in downtown Toronto.

Because of that, I was sanctioned. I lost six months pay just for those, and I was labelled as being transphobic and homophobic because that was the opinion of the integrity commissioner. Also, my fellow councillors had actually spread mistruths, saying that I wanted to remove the universal bathroom, which I did not, and that I was targeting the Pride flag.

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With that, the threshold is not high. You have six members of council now targeting me, and if you are able to remove an elected official and they already know—like, I'd made a comment, just quickly, that if I was to become mayor, I would use those strong-mayor powers for good. I would go in there, I would get rid of the CAO, the city solicitor—

Mr. Rob Cerjanec: Let's just bring it back to the question. I only have six minutes. Thank you.

Ms. Lisa Robinson: Right, okay—sorry. Just again, then, the question?

Mr. Rob Cerjanec: Whether, if the recommendation is there, should that then go to the judiciary, effectively the courts?

Ms. Lisa Robinson: Yes, it definitely has to go to the courts because there is a lot of bias with fellow councillors. It has to go to the courts. You can't do it any other way.

Mr. Rob Cerjanec: I appreciate that.

Councillor Yamada, I'm wondering, on the same question, what your thoughts might be.

Mr. Steve Yamada: I would agree that if you take the politics out of the process it becomes less biased because, like I said, in a court of law, the defendant doesn't get to decide the punishment; it is a judge. I think by removing the politics of it, you take the weaponization out of the process.

To MPP Wong-Tam's earlier question, I don't think that seven years or four years, not to allow a member of council who's been removed not to run—they should be able to run, and it should be up to the people to make that decision, whether they agree with you or whether they don't. I think this is a democratic process and, at the end of the day, I think we need to start looking at our integrity commissioners differently. They shouldn't all be lawyers. Maybe we look at a process like the JP appointments, where you have people who are trained, you have people who can oversee these municipalities instead of maybe having one IC who is responsible for 40, 50, 60 different municipalities because then you're going to get a consistent bias, I think, through each municipality. Or maybe not a bias, but a consistent way of thinking about the process, and I think that's problematic.

Mr. Rob Cerjanec: Thank you both, and thank you, earlier, for your presentations and for laying out your thoughts around this proposed piece of legislation.

I'm asking all members of council that come before this committee today: I'm curious if the person recommended for removal was the mayor—and the reason why I mention that is because the mayor has the ability to cancel a meeting of council, and there's a gap right now—I see a gap in the act—that it doesn't speak to if the head of

council, the mayor or the chair, whomever is recommended for removal. So a scenario could be that the mayor could cancel a meeting. In the act itself it says a decision must be made within 30 days. So I'm wondering if you think, regardless of maybe feelings about certain provisions in the act, should something along those lines be added into there to account for that?

Whoever first. Go ahead.

Ms. Lisa Robinson: Thank you—

Mr. Steve Yamada: Thank you. Oh, after you.

Ms. Lisa Robinson: Both of our lights are on.

Mr. Rob Cerjanec: Tag team.

Ms. Lisa Robinson: You go ahead.

Mr. Steve Yamada: Mr. Chair, through you to MPP Cerjanec: I do think that we need to be looking at this legislation differently. I think we need to be taking the politics out of the process. I think that's going to take bias out of the process; I think it's going to make it fair.

Can you just repeat your—

Mr. Rob Cerjanec: Yes: So if a mayor is recommended—

Mr. Steve Yamada: Oh, yes, yes. I think what we need to do is look at removing the strong-mayor powers in certain municipalities because I think when you create a more politicized bureaucracy, they're there to protect the mayor, because they don't want to lose their jobs. Why would a CAO who's making \$200,000, \$300,000 a year want to go to bat for me when the mayor can hire and fire that person? And when the CAO may recommend who the integrity commissioner should be, I think that's a big problem, as it centralizes that type of power.

The Acting Chair (Mr. Lorne Coe): Thank you for that response.

We're going to start the second round of questions right now with the government members, please. MPP Gallagher Murphy.

M^{me} Dawn Gallagher Murphy: Chair, through you: Thank you both for your testimonies today. I greatly appreciate it. As you are aware, our entire goal here is to ensure that we can strengthen municipal governance and, obviously, establish a more consistent manner of dealing with accountability across all Ontario municipalities.

That being said, to Councillor Yamada, you had made mention in your deposition there about a solution proposed specifically regarding the integrity commissioner. I think you said something along the lines of "from another region," so I'd like you to clarify that just to make sure if I understood that correctly. Where I would like to go with that is, for the local integrity commissioner, I would like to understand how we could further strengthen the framework based on the standards.

Maybe you could clarify first what you said in your proposed solution, and then what I'm looking for is to set a standard for the local integrity commissioners and if you think we can strengthen that further in the framework.

Mr. Steve Yamada: I think the strengthening of the framework will be to centralize the codes of conduct and really spell out in clear terms, black and white, what it means in terms of some of your key concepts. What does

“seriousness” mean? What does “harm” mean? What is that level of standard that would remove a member of council if you do go that route?

I think, again, removing the council’s vote on punishment would take the bias out of the process and ensure that, similar to the Ontario Land Tribunal, there is a tribunal that oversees the integrity commissioners and that oversees the decisions, especially of one that is going to be made to remove a councillor, so that I can come forward as I am maybe today and give my deputation and the integrity commissioner can do the same and the person who’s making the complaint can do the same.

It would be up to that tribunal to make the decision, not the members of council or the councillor who brought the complaint forward and has the opportunity, possibly, to amend the punishment. As you know, they might recommend two weeks of no pay, but if they’re like, “Yeah, let’s stick it to this guy,” they vote to double it or make it two months or three months, something where the seriousness of the complaint doesn’t meet the punishment.

M^{me} Dawn Gallagher Murphy: Can you just clarify as well, too—in your deputation, was I correct that you said, “Bring in an integrity commissioner from another area”? Based on what I was—

Mr. Steve Yamada: No, I just think it should be up to the province to appoint the integrity commissioner to the municipal jurisdictions. That takes the bias out of it as well.

M^{me} Dawn Gallagher Murphy: Okay, not selected by the—

Mr. Steve Yamada: Not selected by the council or the staff because when you have a more politicized bureaucracy now under the strong-mayor powers, in my personal opinion, I think they’re going to look to someone that is going to appease the mayor who hires and fires senior staff.

M^{me} Dawn Gallagher Murphy: Thank you.

Mr. Steve Yamada: Thank you.

M^{me} Dawn Gallagher Murphy: Chair, I’m going to pass the next question to my colleague MPP Singh Grewal.

The Acting Chair (Mr. Lorne Coe): When you’re ready. You’ve got two minutes.

Mr. Hardeep Singh Grewal: I’ll just start by asking Ms. Robinson a question. First of all, thank you to the both of you for making time and coming out to today’s conversation on Bill 9.

In the short, I guess, minute or minute and a half you have left to answer, this question is: What are some of the positive things that you see in Bill 9 that will make a good impact? Do you agree with the fact that the government is looking at streamlining all of the municipal codes of conduct across the province with the levels we’re adding, with oversight when it comes to decisions made by a local integrity commissioner that then has to answer to a higher-up in the Ontario Integrity Commissioner? A conversation around that segment: What do you think some of the positive changes with this bill are going to be?

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Ms. Lisa Robinson: Through you, Mr. Chair: I think some of the positive changes are that yes, across the board, there would be a unanimous code of conduct policy, but the way that it’s written right now, from what I’ve seen, that’s very, very vague. You could be penalized just for saying you think that every man, woman, boy and girl should have the right to go to a washroom—

Mr. Hardeep Singh Grewal: Outside of penalties. I understand the conversation—

Ms. Lisa Robinson: But I was sanctioned on that. Is that going to be that way across the board throughout all municipalities? Because one integrity commissioner is going to look at that, if they’re biased, and say that, yes, I’m racist, but then you might go to another municipality and they’re going to be like, “No, that’s just common sense and that is speech that should be brought forward in a proper forum, being an elected representative,” right?

So that would be very, very positive, but you’ve got to change the wording. The wording is extremely vague right now. Definitely, we should not be deciding on what the punishment is going to be for a fellow colleague; of course, that has to go to a judiciary right away. And the threshold is definitely not positive because, as I said, if you only have seven people on council, and if you’re the only person who’s thinking one way—

The Acting Chair (Mr. Lorne Coe): Thank you very much for the response.

We’re moving now to the official opposition. MPP Wong-Tam, please, when you’re ready.

MPP Kristyn Wong-Tam: I’m thinking about an earlier deputation, and I recognize that the two of you were sitting in the audience when Emily McIntosh spoke. She runs a non-profit, grassroots organization called The Women of Ontario Say No. She impressed upon us that her organization really wanted to focus on the most substantial offences—they would involve violence and harassment—and that any type of removal of a councillor from office or a member of council from office would have to be the most egregious of cases, and that there needed to be a framework that would protect and deter vexatious claims.

My initial reaction as I heard her say that was that that is probably the high-water test that we need to try to strive towards, otherwise every claim would be tossed here. The government’s bill, I think, is largely inspired by the case involving a former Ottawa councillor, Rick Chiarelli, who had for years sexually harassed staff and subordinates who worked for him. I think about the statements that came out in the Ottawa hearings, I believe. Staff of the former Councillor Chiarelli came forward to say this bill actually, with good intentions, would have never protected them, because that mark of removing a councillor by way of unanimous vote most likely would not be achieved, and if it would, it might take some time. The comment today was that if the bill existed today, and the investigation which ruled on Councillor Chiarelli’s behaviour where he was found in conduct of carrying out sexual harassment of staff, this bill would not be able to protect them today.

So I think about Emily McIntosh's comments about wanting to focus this bill so that it addresses the most egregious conduct—of course, we have the Criminal Code. We have conduct that we may find that—"I don't like a colleague" should not fall under this bill. But in Toronto city council, we have a councillor right now who is sitting with two charges of sexual assault—very serious. We have a former mayor who was found to have misused council resources; perhaps that's not the most egregious, but he also exhibited and promoted public disorder through public drunkenness and drug use—personal problems, perhaps, but under a cloak of disease and addiction. But I'm still not sure if that would have been the most egregious conduct to remove someone who was duly elected but didn't quite fall under the Criminal Code—drinking and driving is one thing, but just public drunken behaviour, right, and private drug consumption.

I wonder if the bill is specifically with intentions to try to reach and address when conduct is at its absolute worst versus something that is just not agreeable to everyone. Why I want to raise this, and I'm keen and eager to hear your reaction to it, is, what do you think of The Women of Ontario Say No's position that we should have a framework that deters vexatious claims and at the same time ensure this bill deals with the most egregious cases that would result in removal, and that removal should be a panel decision of integrity commissioners at the provincial level or a judicial review, and failing that, and only if it was not possible in any other way, meaning no friendly amendments were adopted by government, that two thirds of council would then be enough to invoke a removal of a sitting council member? Your thoughts?

The Acting Chair (Mr. Lorne Coe): Who wants to go first? Councillor Robinson, please. You've got one minute and four seconds.

Ms. Lisa Robinson: Through you and thank you, Mr. Chair: Thank you very much for that question. I do agree with a lot of what the deputation had mentioned, being someone who has also had sexual harassment and psychological harassment and violent threats against me. The integrity commissioner has done nothing about it. They said that they investigated, but nothing came from it, so I actually have to bring that to a court proceeding.

That's the thing: The threshold needs to be high, but again, it's vague wording around this. The integrity commissioner should have referred it to the police, which they failed to do. And that's what needs to happen. We are not supposed to be judge, jury and executioner. We're not capable. We don't know the law; we don't know the thresholds, as I mentioned before. So it should be going to a court. A court should decide if that was sexual harassment or not. A court should decide if that was fraud. A court should be the one who should decide, not integrity—

The Acting Chair (Mr. Lorne Coe): Thank you very much, Councillor Robinson.

We're going to move to the third party for questions. MPP Cerjanec, please, when you're ready.

Mr. Rob Cerjanec: Through you, Chair: I guess I just want to pick up on the last exchange, especially in

situations that may veer into what could be considered criminal—but I guess it would then require that reporting to police. Is it the role of the integrity commissioner to report, then, those allegations made through a complaint to the police, or should it be the person making those allegations? That would be my question to pick up on that.

Ms. Lisa Robinson: Thank you for the question. Through you, Mr. Chair: Our integrity commissioner is allowed to report things to the police. Unfortunately, that was not done, so then I have to go through that myself. But then, you know, when we're going to report something to—I'm in Durham, so to Durham regional police, well, they can't be the ones who investigate because of their close ties with the city of Pickering. That makes it a really big conflict of interest. The Durham regional police can't do it, so now they have to outsource that and they have to find another police body, whether it be the OPP or the RCMP, who will investigate that. So it's a very, very long process, even on my end, to get any help that I need.

Mr. Rob Cerjanec: Sorry, you're suggesting that has happened? Because I think you raise an interesting point around the local police service.

Ms. Lisa Robinson: What I'm saying is that the integrity commissioner, on behalf of the CAO, put something out to the police to investigate. Of course, the accusations came back as negative. But when I put through that I wanted sexual harassment and whatnot to be done, they looked at it and then they're the ones that made the decision, saying, "No, we're not going to do anything about this," where it shouldn't be up to them because they don't know what the threshold is for sexual harassment. If somebody says to me or touches me or sends me pictures of bottles of alcohol in the middle of the night or tells me that they want to have an affair with me only if I'm younger than their spouse and older than their daughter, that's sexual harassment. Nothing was done.

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Mr. Rob Cerjanec: I'm sorry those things may have happened. I think those sound like something that would be reported to the police—would be the prudent approach.

Ms. Lisa Robinson: Yes, it is definitely a prudent approach. Again, the integrity commissioner should have that duty, and in our code of conduct, it says that they have the duty to report it, and they failed to do it. So now I have to go ahead and go to the Durham regional police, and then they have to do a little bit of investigating, but they have to send it off to a different party because of the bias.

Mr. Rob Cerjanec: Thank you for that. I'm asking most members of municipal council this question as well, just trying to understand people's viewpoints around it and specifically around criminal background checks.

I used to work for a school board; I know folks who have worked with municipalities, and typically there's a requirement, in many cases, at least, to submit a criminal background check in order to be employed and have that application go forward. I'm not suggesting in this case if somebody is running for elected office that past charges or something should preclude them from running, or even a conviction, but whether folks registering to run should also

be required to submit a criminal background check and then there's just a general summary of, "Well, there's nothing," or "This thing happened 20 years ago," or whatever it might be. I'm wondering both of your thoughts around that.

The Acting Chair (Mr. Lorne Coe): Councillor Robinson.

Ms. Lisa Robinson: Thank you, and through you, Mr. Chair: I for one don't think that a criminal record check should be done—not because I have anything in my past, just so you know. But I think that we talk a lot about privacy, and for having to make somebody put it out there in front of basically the whole entire world because that's what it would be—I don't think that's right, especially if it's something that happened a long time ago, or even if it just happened a day before. It could have been bad judgment. They could have gone to therapy. They could have done their time. They could have done anything. I don't think it is fair that you keep on bringing up somebody's past over and over and over again. Even pedophiles—you don't know where they live. So I don't think that politicians should have to be put in that category. I don't think it's fair.

Mr. Rob Cerjanec: Thank you.

Councillor Yamada as well.

Mr. Steve Yamada: Through you, Mr. Chair: I think if municipal politicians are going to have to submit a background check, everyone—federal, provincial, school boards—should have to do the same. I'm a schoolteacher by trade. I've submitted my police background checks.

What I would say, though, is this: When you're looking at changing this legislation, it is a one-way street between the staff and the politician. The staff can file integrity commissioner complaints against a politician. I can't file an integrity commissioner complaint against senior staff. I think that needs to change because, hypothetically, let's say the region of Durham wants to open a safe injection site, and my residents come to me and they say, "Steve, I don't want that happening." I stand with my residents, and I get an integrity commissioner complaint. Maybe it says, "You created a January 6 moment, and you riled up those residents," and that's not the case because those residents showed up already angry. I think something needs to be done because what if, after that integrity commissioner complaint, nothing is found to be contravened, and you sit down and you have a meeting with senior staff and you have a senior staff member laughing at you like they got away with it? They made you spend money to have to defend your reputation. I think that's abhorrent.

I think there should be a way for politicians to keep senior staff accountable. They take taxpayer money. They are responsible to the taxpayer. But there is no way to keep them accountable as there is through a political mechanism like an MP, MPP or member of council.

Mr. Rob Cerjanec: Thank you.

I don't have any further questions, Chair.

The Acting Chair (Mr. Lorne Coe): Thank you. You're done—right on zero. The timing couldn't be better.

Mr. Rob Cerjanec: My best work.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

Thank you both for appearing before the committee.

Councillor Yamada, do you have a copy of your presentation that you could share with us off your computer?

Mr. Steve Yamada: Yes, I can forward that. If you tell me who to email, I can get that off to them today.

The Acting Chair (Mr. Lorne Coe): Okay, the Clerk of the Committee is right here to my left. She has an email address that you can send it to, and I think that we would want to make sure that, beyond today, it's part of the public record, right?

Mr. Steve Yamada: Thank you, Mr. Chair, and thank you for affording me the opportunity to speak today.

The Acting Chair (Mr. Lorne Coe): Thank you both for being here. Good afternoon.

AIRD AND BERLIS LLP

PRINCIPLES INTEGRITY

MS. DIANNA ROBINSON

The Acting Chair (Mr. Lorne Coe): I'd like to call forward to the table in front of me, please, our next presenters, committee members: a representative from Aird and Berlis, Principles Integrity and Dianna Robinson. Come on forward.

[*Inaudible*] basis of the order of the agenda that each of you has—you were in the room when we came back from recess. Just to remind you, you each have seven minutes for your presentation, and that will be followed by two rounds of questions at the conclusion. If you go over seven minutes, I'll stop you, just to be fair, as everyone else who has presented to this committee during the course of the day stayed within seven minutes, so I want to take that similar approach this afternoon as well, okay?

So why don't we start, please, with Aird and Berlis, and for the record, sir, I need your full name and your status at Aird and Berlis, please.

Mr. John Mascarin: Thank you very much, Chair Coe and members of the committee. My name is John Mascarin. I'm a partner with Aird and Berlis LLP in Toronto. I practise exclusively in municipal law.

I hope to bring to you today a perspective of the local integrity commissioner. I believe, to date, the committee has only heard from a single integrity commissioner. Today, you are fortunate because you will be hearing from three of us.

I am a certified specialist in municipal law by the Law Society of Ontario. I am an adjunct professor—a long-standing one—at Osgoode Hall Law School. I teach courses in municipal law, planning law, at both the JD and the LLM levels. I have taught a course on municipal ethics for the master of law program, and I lead all of the accountability mandates at my law firm. To date, we've acted for approximately 70 municipalities as an integrity commissioner, but we do work as a closed-meeting investigator, municipal ombudsman, a lobbyist registrar and we also give advice to those actual accountability officers.

So, Mr. Chair, I'm going to now make a general statement: Bill 9 proposes to strengthen the municipal accountability regime in Ontario but, with respect, I believe it misses the mark in several ways.

The current system has been pejoratively referred to as a "fragmented system of accountability of local elected officials." This ignores two things: the historical reasons for the implementation of the original system here in Ontario in 2006—the Bill 130 amendments and the City of Toronto Act—and the rejection of the provincial commissioner system that had been proposed, but never proclaimed in force, by the local government disclosure act of 1993.

The current system, in my humble estimation—it actually works quite well. Municipalities have the ability to select well-qualified and knowledgeable integrity commissioners and to themselves craft codes of conduct that will be responsive to local needs and to local distinctiveness.

I have three recommendations for the committee to consider.

The first one is to expand the scope of Bill 9. It should be broadened to address more than just the most egregious misconduct of officials. While the removal of members from office that contravene the ethical standards of their municipalities is in some cases completely justified and warranted, these are very rare and atypical instances. The government should expressly consider expanding the scope of penalties akin to, but much broader than, what was actually put in place only seven years ago for the Municipal Conflict of Interest Act, in section 9(2). The act should also seek to clarify what are remedial measures, the fact that they can be put in place and how they are to function.

1400

Two, the current system—and I think you've heard, from just about everyone who has come before the committee, depoliticize the system. The premise of the accountability regime here in Ontario is the basic expectation that councils will hold their own house in order. Sadly, this has not been the case in many instances. Instead of being enforcers, council members have become enablers of bad behaviour because of the politicized nature of the ultimate decision-making that is left with the very people at the council table. The remedy, in my view, is to depoliticize the system and remove the decision-making from councils, so they don't have to try to hold their own house in order for their own members.

The current proposal is to require unanimous decisions to remove members. When do you ever have a unanimous decision of a council on a controversial matter? I will say, very, very rarely. I appreciate that there has to be a high threshold, not an impossible one.

Finally, my last comment is, with respect to the imposition of the provincial Integrity Commissioner—and this is with respect and not to criticize the exemplary work of the provincial Integrity Commissioner. The reliance on this official and her office within the confines of the local government context is simply misplaced. The Integrity

Commissioner of Ontario absolutely knows well the expert framework at the provincial level. She knows the Members' Integrity Act and the lobbyists registry act and all the other 12 statutes that that office is responsible for. But what does the Integrity Commissioner of Ontario actually know about local government? This is a real problem.

My recommendation to you is that before the government starts looking at standardized, provincial-wide, uniform codes of conduct and robust complaint protocols, the qualification and training for local integrity commissioners, and the inclusion of an unnecessary, secondary-level investigative review by a provincial body that, once again, doesn't know the local government context—that local integrity commissioners be extensively consulted and that they have a role in developing the framework that will hopefully serve to actually strengthen the municipal accountability in the province of Ontario.

Mr. Chair, those are my comments. I thank you very much for the opportunity to be here.

The Acting Chair (Mr. Lorne Coe): Thank you very much.

We're now going to turn to Principles Integrity. Sir, for the record, state your name and affiliation, please.

Mr. Jeffrey Abrams: My name is Jeffrey Abrams. I'm one of two partners in a firm called Principles Integrity, which carries out integrity commissioner and a few other accountability officer roles throughout Ontario. We have, at present, about 60 municipal clients, and all we do is this: practising integrity commissioner-ing, and in some cases, closed-meeting investigator, lobbyist registrar, and in one case, municipal ombudsman.

My partner, Janice Atwood, and I are lawyers, but as we are fond of saying, we practise integrity commissioner-ing and not law. The two roles are very different. We come from the municipal sector, having spent our entire careers in municipal service. We understand the challenges of municipally elected officials and staff and the public. We like to say we consumed integrity commissioner services before we provided integrity commissioner services.

For your information, I also coordinated the preparation of a submission you have from the Municipal Integrity Commissioners of Ontario, known as MICO—you have that by application ID 176641, if it isn't in front of you at the moment.

I have several key messages that I want to share in the next few minutes. Given the shortness of time, I won't be delving into much detail, but I welcome your questions and invite you to review the MICO document. So a dozen points I wish to make:

(1) There need to be meaningful consultations with practising municipal integrity commissioners before this exercise is finalized. We have pragmatic advice to help you achieve your goals. Consultation including practitioners is essential. Let's get the details right.

(2) The bill creates a lengthy, uncertain and expensive process to deal with a handful of egregious cases in a term, across Ontario. And it has the potential, though, to undermine what is working now. It does not address the

most pressing problems facing municipal councils. It runs the risk of making every complaint alleging breaches of conduct to be more expensive and more burdened by process.

(3) To prevent every IC investigation from becoming unnecessarily elongated, and therefore more expensive for municipalities, there should be an election at the intake stage to determine whether a case, on its face, has potential for removal. If not, the current processing methodologies should be left to work.

(4) With that said, it should be made clear that every IC has an obligation to provide procedural fairness to all parties involved in a complaint investigation. That means that the parties get to know the case asserted against them, be given an opportunity to be heard, have an unbiased decision-maker and be given the reasons for the decisions made.

Next, importantly, how is the poor victim to be remedied when the lengthy process seeking removal plays out, or at the end of that process if, for some reason, council or the decision-making body does not remove the matter?

I'm going to let others speak to the mechanisms of removal in the bill, but the most critical concern I have with the bill is what is not in it. A critical omission, in our view, is not clarifying that municipalities can impose remedies that are designed to correct the behaviour complained of. Give them the ability to suspend attendance, for example, not just pay, as the Education Act provides; you've heard that. Give them the clear authority to deny a privilege that the rest of council continues to enjoy but for this member is denied, in order to correct or protect or discourage repeated behaviour. The MICO submission contains some suggestions. Perhaps create a separate category of incorrigible or recidivist councillor, with additional mechanisms or sanctions available.

As John has mentioned—my colleague here—the Integrity Commissioner of Ontario has no engagement with the municipal sector or municipal integrity commissioners, and we fail to see the value-add, except perhaps in some administrative aspects, of injecting a role for the ICO. Again, I'm leaving the concept of removal from office to others.

What has been said by some is broken, that there is a Wild West situation going on, that standardization is the solution, respectfully, misses the point entirely. MICO members are professionals and take their responsibility seriously. There may be outlier ICs or anecdotes that have been shared, and we want to work with you to fix those if they continue to exist, but it is far from the typical situation. Our consulting, advice and training functions are working well, and our complaint review processes also work well in most circumstances. There are serious problems to be remedied, though, and the bill does not address those concerns.

For even the most egregious cases the committee has learned about, I'm happy to make this bald statement: It was not the codes of conduct that were deficient. They were fine. There will be no magic to a standardized code. In fact, rather than impose a standard code of conduct that

somehow manages to address the vast differences amongst types of municipalities, we suggest that there be a template or minimum provisions but that every council be required to review their code on a set periodic basis because there is no real benefit for pages sitting on the shelf. It's not the ink on the page.

Council should be encouraged, in fact, to discuss their provisions and, if necessary, tinker with them. With that said, standard rules for processing complaints, so long as they're pragmatic, should be contemplated. This is one of the areas, of course, where consultation with ICs is essential. The system should be agile enough to allow for course correction and problem-solving and not create barriers to access or solutions, and above all, not mimic adversarial litigation processes. This is not that.

Lastly, and this idea is presented for discussion, it should be of no surprise that councils are not well-suited to acting in a disciplinary mode when they deliberate upon our reports. We have all experienced troubling situations. It is worth considering establishing panels—we call them peer review panels—made up of appointed elected officials from a large catchment area. The only function of these PRPs would be to hear and decide upon the reports of the various integrity commissioners within the catchment area. Think of a conservation authority-type situation.

1410

It will remove the stigma of dealing with a colleague on council, friend or foe; decrease the potential of reprisals against complaints—

The Acting Chair (Mr. Lorne Coe): Thank you, sir. Your presentation is completed.

Mrs. Robinson, your full name, please, for the record. Thank you.

Ms. Dianna Robinson: If I may, my name is Dianna Robinson. Before we get started, just for transparency, because I'm sure some of you were wondering: Yes, I'm Dianna Robinson, and Lisa Robinson is my daughter. But be assured that from day one, Lisa has been taught right from wrong and how to act properly.

So if I may start now—

The Acting Chair (Mr. Lorne Coe): Please. Thank you.

Ms. Dianna Robinson: I've listened to many things today. I have watched your House on the 27th and the 17th, I have read the transcripts that have been provided from that, and I've been watching and observing some of your standing committee things. From everything I've been hearing in that, a lot of what I have to say has been said. So I'm going to start at the bottom of my report and come up with that, and then bring in the other things.

"The Constitution says that the" Charter of Rights and Freedoms "takes priority over all other legislation in Canada because it is part of the 'supreme law of Canada'....

"Under the Constitution, both Parliament and the provincial Legislatures ... have limited powers to pass laws that may violate certain charter rights." That comes directly from the government of Canada.

Bill 9 proposes not only to remove an elected official without any criminal conviction, but also to ban that person from any opportunity to be re-elected for the next four years from the date the seat is vacated. Why the four years? Is that because citizens have been known to re-elect someone who works for their best interests? We've seen that happen on a few school boards and municipalities.

The removal of the said person who qualifies to be elected and is not currently convicted of a criminal crime appears to be a direct assault on the Charter of Rights and Freedoms by (1) depriving we, the people, to vote for our representative of choice and by (2) depriving that Canadian citizen the opportunity to run in an election.

Removal should be served by the people who voted, not by other politicians. Our democratic society allows people to vote in each of you to sit and to represent us. We did not vote you in to vote out people who we have elected.

I have watched, since January 2024, Bill 5 when it was first brought up by women of Ontario. I happened to get up in the morning, have my coffee and turn on the news. I got Barrie news on there. I said, "Interesting. What's happening here?" I heard they want to bring back Bill 5, which had been dropped because of the last election happening. They wanted to bring it back, my understanding was basically because of sexual harassment; we all know the gentleman, the councillor in Ottawa.

However, their ideas were that in businesses, if somebody acted this way, they should immediately and would be immediately fired, and government is no different; the same thing should happen. What they fail to realize: In businesses, people are hired by the business. That's a private business. In government, people are hired by the people. It's up to the people whether or not they should be removed. Businesses and governments do not work in the same way. In a business, people who are found guilty of a code of ethics don't have their money taken away from them; in government, they do.

I was watching these things and I have talked to a lot of people over the years since January 2024. Every time I bring up the topic to people, "Have you heard about Bill 5?"—which later, as we know became Bill 207, then Bill 241 and now Bill 9. When I speak to people I say, "Have you heard of this?" They said, "No, what's it all about?" I say, "You really should pay attention because it looks like they want the ability to remove somebody you have elected. For whatever reasons, they want the power to remove them." And people go, "That's not right. We elected them. They don't have the right to take them away from us."

I put out a petition—I've got 400 names here in the last month, month and a half. People from all over Ontario going right up to Sudbury and whatnot and coming down here to the lake. People don't like this. You want people to go out there and vote—and we complain because people are not voting. We're getting the lowest amount of people coming out for voting in most elections and especially for the municipality—and why? Because people say, "The politicians, they don't listen to us. They just go ahead and do whatever they want."

They're fed up. That's why they don't vote and that's a damn shame, if you don't mind my language saying so. Each one of you were voted in and expected to work for the people—not for the party, not for the head of the party or anybody else. You are there to represent the people in your area. That's the way it should be and that's, unfortunately, not what everybody thinks right now. When you come to federal and provincial, a lot of politicians vote for whatever the party leader says so that they don't get kicked out of caucus and they can protect their job. The people put you there; they will put you back in.

Besides this being a potential violation of the democratic rights of the people, I've checked around and I've seen that many ICs—your integrity commissioners—have been fired from different municipalities. Some of the reasons are because their reports came out biased. A number of municipalities are also against the strong-mayor powers as they are afraid that hurts the democratic process. It's time politicians—

The Acting Chair (Mr. Lorne Coe): Mrs. Robinson, your time has elapsed. If you have your comments written, as I think you do, you can leave them behind with the Clerk.

Ms. Dianna Robinson: I'm sorry, but you're going to have to take them off the tape because I have scribbled and changed—

The Acting Chair (Mr. Lorne Coe): All right. There might be additional information that you want to convey, should there be a question directed to you from the members of this committee. Okay?

Ms. Dianna Robinson: Yes.

The Acting Chair (Mr. Lorne Coe): We're going to start now with the official opposition, please. MPP Wong-Tam, when you're ready.

MPP Kristyn Wong-Tam: Thank you to all three speakers. I want to pick up where Ms. Robinson had left off about the strong-mayor powers. Obviously, that is a new piece of legislation that came through this government to much controversy. There was a mixed bag of results of whether or not it was good or bad for municipalities and, at the core of it, I think most people would agree that it actually changes the democratic process significantly. It might reduce the strength of council and place a lot of power in the hands of one mayor, one person.

In the juxtaposition of what we are looking at today, if you can all three just very quickly comment on how the strong-mayor powers given to certain municipalities overlay with what was contained in Bill 9. Are they compatible? Do they work together?

Ms. Dianna Robinson: No.

MPP Kristyn Wong-Tam: For yourself, John.

Mr. John Mascarin: Thank you very much for the question. Through you, Mr. Chair: For the record, the strong-mayor powers, I've said, are just an erosion of democracy here in Ontario. I think it's abysmal legislation and I worry that the government is going to extend it to every municipality in Ontario before the next election.

Having said that, integrity commissioners are protected. There is the ability of the head of council to hire and fire division heads—it doesn't include statutory officers which includes the integrity commissioners. So earlier comments today that said, "Well, the head of council can tell staff what to do"—the decision is still left with the council on choosing the integrity commissioner. All I say is that council should be very wise and choose good integrity commissioners. Thank you for the question.

MPP Kristyn Wong-Tam: Mr. Abrams?

Mr. Jeffrey Abrams: Thank you and following those comments, I agree; it is council's responsibility.

1420

When asked whether codes of conduct need to be adapted to the strong-mayor powers—I'm not sure they do.

Two suggestions: One is that there be a guideline, at least, that mayors be required to have regard to the advice of staff and previous decisions of council before they act; and, secondly, that actually it be a provision in a staff code of conduct that staff not implement—it would be a breach for staff to implement a direction from a mayor that hasn't been recorded in a proper manner and published, to make sure that everything is overt and eyes are on all of those decisions.

MPP Kristyn Wong-Tam: Even your comment about having strong-mayor powers be provided along with some regard to staff advice—that doesn't exist in the current issue of legislation.

Mr. Mascarin, I want to dig a little bit deeper, because your comments, I think, were quite pointed: that Bill 9 misses the mark—and that was the opening line, almost—and that the current system works well. Obviously, the government is going to great expense—public taxpayer dollars.

We're all here because we've also heard from members of the public that they want to get rid of the councillor who was charged with or at least reported to have carried out sexual assault—sexual harassment, I think—in Ottawa. So now we spend a lot of time travelling across Ontario.

If the system works well, what do we need to do to improve it? Maybe you want to expand on the three points you provided, or maybe there are some things you would like to share that weren't included in those three points.

Mr. John Mascarin: Through you, Mr. Chair, to the MPP: As I said, I think it has shortcomings. It's focused too narrowly on just the most egregiously bad conduct, and it sets a role for the provincial Integrity Commissioner that—again, not taking away from anything that that office does, but they are not experts in local government law. It would be like putting me in charge of the Members' Integrity Act, at the provincial level. What do I know about that statute? Sure, I could read it, but what would I know? It has taken me 35 years to get to where I am now, to understand this. And I implore councils to read the Municipal Conflict of Interest Act, understand it.

When I say, MPP Wong-Tam, that it's actually working well, one of the great benefits—and I'm sure Mr. Abrams will agree—that the provincial government put in place in

the Bill 68 amendments in 2018 is an express authority for integrity commissioners to be able to give specifically curated, precise advice to members when they need it. I know Mr. Abrams and his firm are very diligent and cognizant. He responds ASAP. The rule in my firm: Within 24 to 48 hours, they get a response—because what happens? They get a council agenda on a Friday night. They might not read it till Sunday night. The meeting is Monday night. And we get a call Monday morning—"I need to know, do I have a pecuniary interest? Do I have a conflict? Do I have an issue looking at this matter?" And we get back to them. Thus far, I think that's one of the great benefits.

But the difficulty is, you have instances—I'm sure Mr. Abrams will agree with me—where you go in front of a council, you have a detailed, comprehensive report, which, by the way, the Ontario Divisional Court has agreed was the case with Mr. Abrams, Principles Integrity, in *Robinson v. Pickering*, so let's not be mistaken about that. So you have all this, and it is absolutely clear that everything has been done correctly, and then council may look the other way. We had one instance—a member of council who has testified in front of you—we bought a report, and the fix was in. We go to council. My partner does a long presentation. There are something like 34 complaints. We find that there are at least a dozen instances where there's wrongdoing. And do you know what council asks? One question: "Do we have to accept it?" she says. "No, we don't want to even accept your report," they said. So that's the problem. That's why I say they become enablers instead of enforcers—

The Acting Chair (Mr. Lorne Coe): Thank you, sir. Your response is completed.

We're now going to move to the government members for questions. MPP Racinsky.

Mr. Joseph Racinsky: Thank you, Chair. Through you to Mr. Mascarin: I just wanted to make sure I understand—you don't think there's an appropriate sober second thought. How would you see that when it comes to the complaints? Right now, Bill 9 proposes that things go to the provincial Integrity Commissioner on the serious matters—we're talking about the serious matters—for that sober second thought. So you don't agree with that. Should there be some other process?

Mr. John Mascarin: Thank you for your question. Through you, Mr. Chair: I don't agree with the process, and I would urge you to just go back in history seven years.

What did the province find when it was looking at strengthening the municipal accountability framework seven years ago? A greater role for local integrity commissioners, including in the Municipal Conflict of Interest Act—an act, by the way, that's reasonable and justified in a free and democratic society under section 1 of the charter, that says you can remove members of council. Let's not be mistaken: The integrity commissioner does not have the role of removal. The integrity commissioner forms an opinion and moves ahead.

So, in that case, sir, the Municipal Conflict of Interest Act was changed where the integrity commissioner could

make a decision under that statute if someone came forward and the integrity commissioner believed that there might be a breach of that act. The integrity commissioner can't remove anyone, but the integrity commissioner—and not council—can go to court and have a judge do that. I think that's the proper system.

Mr. Joseph Racinsky: And then, on the politicization of it, my understanding is that the complaints to an integrity commissioner would come from council. So how do you depoliticize it then if that's the case?

Mr. John Mascarin: Through you, Mr. Chair: Clearly complaints can come from anywhere. Sometimes they could come from other members of council.

Let me tell you, we have a have a robust intake review process. If we feel that we're being weaponized, then it might be frivolous. It might be vexatious. It might be an abuse of process, or it might be just council member versus council member.

So what do we do? What does Mr. Abrams do? We don't proceed with it. But if there's some merit to going ahead, then, yes, we will look at it. But, ultimately, the decision being left with council itself, I feel, is a problem, especially for the most egregious conduct, especially when you need unanimous council approval.

Mr. Joseph Racinsky: That leads me to my final question. Obviously, there's a lot of concern about the weaponization of the process—Mr. Abrams, you can answer this as well—how would you distinguish between serious code of conduct violations, which would result in a recommendation to remove a councillor under this legislation, or those of a lesser penalty with reprimands, suspension of pay that would be recommended?

Mr. Jeffrey Abrams: Thank you for the question. As I mentioned in my remarks, I think there ought to be an election at the outset of a complaint process.

What concerns me is that if every complaint that alleges bad conduct has the potential from the outset of ending up with removal from office, even though a high level of procedural fairness is provided in every case, we are going to have to document our cases, prepare briefs, anticipate something going to court or the Integrity Commissioner of Ontario, and it will burden every municipality with more costs and more time.

If we can elect at the outset, make the determination through the same triage process that Mr. Mascarin uses, we put ourselves in the position of the reasonable person. You may have heard that legal test. We consider ourselves to be the reasonable person, somebody who is reasonably well aware of all of the facts and circumstances, who actually spends the time to think the matter through and come to a decision. And we ask ourselves, "Is this case one where the outcome, if all the facts prove to be true, may well end up in a recommendation for removal? Or is this the more typical case where that's not on the floor?"

So it's a triage process at the beginning—we do it now. But I think, with this new legislation, it ought to be clear that we can elect whether we're going to be proceeding in a more rigorous, intensive way or offering the high level of procedural fairness we do now.

The Acting Chair (Mr. Lorne Coe): Further questions?

Mr. Joseph Racinsky: I'll cede to MPP Sandhu.

The Acting Chair (Mr. Lorne Coe): MPP Sandhu.

Mr. Amarjot Sandhu: Very quickly—and thank you to all the presenters for being here.

I will direct my question to Mr. Abrams. As someone who had direct experience enforcing the municipal codes of conduct, do you believe the proposed measures in Bill 9, particularly around the removal of office, strike the right balance between accountability and due process?

1430

Mr. Jeffrey Abrams: What I think is missing is what can be done in all of those other cases, short of removal. So using the case in Ottawa—Councillor Chiarelli—it would concern me to recommend to a council that they have the ability to remove from that councillor a privilege everybody else has in Ottawa: a full-time staff. A lot of the concerns arose in the context of hiring staff. After an integrity commissioner report and the decision—whether it's by council or the PRP—can be made in very few months that says, "Well, this councillor can't have staff, or can't participate in HR interviews, or has to be chaperoned, or can't be in the building after-hours"—real things that reasonably relate to the thing that gave rise to the complaint and that, in a relatively timely way, can prevent the continuance and protect the people involved. What concerns us about the bill is the elongated process and uncertain outcome.

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Abrams.

We're going to move now to the third party and MPP Cerjanec, please, sir, when you're ready.

Mr. Rob Cerjanec: Thank you, Mr. Mascarin and Mr. Abrams, for your presentations. There seem to be, I think, some similarities in terms of what you're looking for, maybe a little bit of difference in approach as well. But I think the underlying message that at least I heard from you, Mr. Abrams, is that we really need to rethink how we deal with integrity commissioners—well, not necessarily, but I guess from what the legislation proposes. That was my read of your comments, that there shouldn't necessarily be a standardized code of conduct across the province, that municipalities should be able to make changes and review that.

Looking at the act as proposed right now, are you suggesting the entire thing goes back to the drawing board or just some of those certain sections? That's what I'm trying to understand.

Mr. Jeffrey Abrams: My message is that consultations—getting the details right—are important. At present, there's a big black hole with respect to what the Integrity Commissioner of Ontario's role might be, what a standardized code might be, how credentials are going to be assessed. We're not saying that can't be done. In some cases we doubt the value-add of the ICO. But there's work to be done, and we think that's important work, and it needs to be done before this is adopted.

Mr. Rob Cerjanec: So what I'm hearing is, when the minister is developing and drafting those regulations that ideally yourselves and other folks in the practice of being an integrity commissioner is consulted to ensure that in practice it works at the municipal level, given the governance differences.

Mr. Jeffrey Abrams: Yes.

Mr. Rob Cerjanec: Okay, got it.

We heard earlier in the day costs for municipal councils around this, and we've got, I think, 444 municipalities right now. It might be 443 after some of the challenges of one in the north. If every municipality is required then to have a code of conduct, do you think then there should be some of that standardization? Essentially, how do we support the smaller municipalities—10,000 residents, 20,000 residents—that may have more budgetary pressures than larger ones, where there's economies of scale?

Mr. Jeffrey Abrams: In adopting a code?

Mr. Rob Cerjanec: Yes, in, essentially, dealing with integrity commissioner matters and how do we reduce that cost for municipalities because I do hear some of their concerns around it as well.

Mr. Jeffrey Abrams: I think there's a discussion to be had on the standards to be applied for investigations. That's where most of the costs come. Let's not lose sight of the fact that the real value of an integrity commissioner is providing advice, doing education, consulting on policies that govern ethical behaviour. But when it comes to investigations, at present, they're right-sized. At present, a complaint is made; it's our responsibility to assess it. We do the work—balance of probabilities, reasonable person test—and make recommendations to the council—so that's the expense. Doing that work is where time will be spent. The problem is when the recommendation is made to council, and that's really not a question of money at that point.

Mr. Rob Cerjanec: I think one of the suggestions—I can't remember which one of you made it now—was that there should be potentially panels of folks who might be elected in different areas of the province to hear those complaints as opposed to the municipal council itself. What would that look like? I think that was John.

Mr. Jeffrey Abrams: No, it was mine.

Mr. Rob Cerjanec: Oh, that was yours? Okay.

Mr. Jeffrey Abrams: Mr. Mascarin and I don't quite agree on this.

Mr. Rob Cerjanec: Maybe I'm interested in both of your perspectives, then. How is that?

Mr. Jeffrey Abrams: My view is that it would simply be a case of councils within a defined catchment area appointing members—maybe some heads of council, maybe some new members, some experienced members—to this body. It would convene when there are integrity commissioner reports and would decide upon those reports.

Mr. John Mascarin: Thank you, Mr. Chair. I differ with Mr. Abrams on this. I just don't think it's compact enough. I think it's unwieldy, and I just think it will lead to more administration, more cumbersomeness. That's my worry with it.

Mr. Rob Cerjanec: I remember you said earlier, Mr. Mascarin, remove decision-making from councils. What does that look like?

Mr. John Mascarin: Through you, Mr. Chair: Specifically through this, I was suggesting in this bill, it says the decision goes to council on the most egregious to remove someone. I think it should go to a judge, just like it is in the Municipal Conflict of Interest Act.

Mr. Rob Cerjanec: Got it. Thank you. I appreciate that.

Another question I would have is, what kind of training or support should be provided to local integrity commissioners in order to help them do their jobs effectively? Because I understand there are bigger firms that offer this service. I used to work for a school board, and there was a firm that did multiple municipalities and school boards, but I know in other cases it might be an individual or someone else. So what kind of training or support is required for those local ICs?

Mr. John Mascarin: If I could, Mr. Chair, I'll answer that. This was a question that was asked by the Ministry of Education who, interestingly enough, consulted extensively with municipal integrity commissioners. They've come forward with a very different school board accountability framework, which was just put in place.

My answer to them is, you are reaching out to people to find out how this legislation should work. You're now getting a sense of who knows what they're doing, who has done it for a while, who has taught it, who has lectured on it, who has presented to councils. Those are the people who should be doing it. Again, with no disrespect to the provincial Integrity Commissioner, who I think does an exemplary job, and her office is terrific—

The Acting Chair (Mr. Lorne Coe): Thank you, sir. That's your response.

We're now moving to the second round of questions, starting with the official opposition. MPP Wong-Tam, please, when you're ready.

MPP Kristyn Wong-Tam: Through you, Chair: I want to dig a little deeper into the implementation of Bill 9, and in particular, the establishment of the floor of what this new code of conduct could look like. It's not described in the bill itself on who is to be consulted and how this new universal, province-wide code of conduct will come about. In the absence of any clarity provided by the government, how would you propose they do this?

Mr. John Mascarin: That's a great question. I partly answered this just before. I really do think that it would behoove the government, perhaps even working with the provincial Integrity Commissioner, to work together with local integrity commissioners to do this.

Just as an example, I've been working with the Municipal Conflict of Interest Act now for 25 years. I've gone to court on it for members, for applicants. I've been on both sides. I've taught at law school on this. I'll be honest: Who is really going to teach me about this? That's how I look at it.

So I'm offering my services. I would be very happy to be consulted and work with the province or with the

provincial Integrity Commissioner to put something into place for the basic level, MPP Wong-Tam, that would look at what is appropriate, what is a robust code of conduct—something that fits within Justice Marrocco's view of what should be in there, from the Collingwood judicial inquiry.

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I know Mr. Abrams has a very different code of conduct than I put together, and yet, we understand each other. He approaches it perhaps a little differently than I do, but the basic things are all in there, and that's what's really important, that you need to understand.

MPP Kristyn Wong-Tam: Mr. Abrams?

Mr. Jeffrey Abrams: Yes, I quip that, just like human beings—most of us have two upper limbs and two lower limbs—almost every code of conduct covers the same territory; it's just done in different ways. I'm not suggesting that the frame of a code of conduct is unimportant. I think it's exceedingly important. There should be guides to proper behaviour. It shouldn't be just traps for enforcement. And so, the form is important, but the reality is that most codes cover the same territory, and it's not a big task. Absolutely, consultation with those of us who have been practising in the field for more time than I really want to think about is essential in order to get this right.

MPP Kristyn Wong-Tam: Thank you. I think your comments earlier, to all three of you, around depoliticizing this process by placing it in the hands of council with, sometimes, the battle scars of previous council meetings, relationships, allyships and how they morph and change through the years and on the issues—I have seen at Toronto city council, where I served for three terms, a reluctance of city councillors in general to really unpack the reports that came out of the integrity commissioner's office, or any accountability office, with a few highlighted exceptions.

It was just a lot easier because the council meetings were long and the reports would come out sometimes a few days before council deliberates—and you really don't have that much time. So, even having lived through it, you tend to want to gloss things over. I wouldn't say on every single issue because sometimes we all have different benchmarks of what we think is really important and what we want to put a stake in the ground for, but your point around depoliticizing the system and how council has become an enabler of bad behaviour rings particularly true, based on my experience.

At the same time, the integrity commissioner of Toronto, who has—the office itself has been established for 21 years. This is the first integrity commissioner office in the country. It would probably be held as the high-water mark of the very best of class. The concerns that come out of this office are that, based on the recommendations of Bill 9, you'll never be able to really achieve unanimous vote to remove someone, even one who has committed and has been established and found to have committed the most egregious acts.

So what does this bill actually accomplish if it doesn't remove the person that everyone knows should be removed—

one way or the other, at the next election or through other means? What does this bill accomplish?

Mr. John Mascarin: I think your question is self-evident. That's, I think, what Mr. Abrams and I are also saying to you. What does it really accomplish? I think the provincial government may be just missing the great opportunity to actually strengthen the accountability framework by just focusing too narrowly on that, with a double layer of review which will add to the time, the cost and then, ultimately, a unanimous decision at council, which—for all the reasons that you've indicated, MPP Wong-Tam—will happen so rarely that at some instances, you will say, "This is laughable, it's just not going to work."

MPP Kristyn Wong-Tam: Any other comments?

Mr. Jeffrey Abrams: I'll—

Ms. Dianna Robinson: Go ahead.

Mr. Jeffrey Abrams: No, you haven't spoken—

Ms. Dianna Robinson: Go ahead.

Mr. Jeffrey Abrams: Well, very short—all I'll add is if it provides an opportunity for us to discuss the detail with provincial officials, that's a benefit. But adopting it in its current form, I don't think is.

MPP Kristyn Wong-Tam: Thank you.

Ms. Dianna Robinson: The way it sits right now, no, it doesn't work at all. Somebody had mentioned earlier about tribunals. Tribunals will be better than integrity officers, because they would be apart and not involved with the actual municipality of what's going on, and they would be away from the councillors, so you would have no conflict there.

The Acting Chair (Mr. Lorne Coe): Thank you very much. That concludes the official opposition questions.

I now put the government members. I have MPP Anand.

Mr. Deepak Anand: I want to start by saying thank you to everyone who is here in the panel. Thank you for coming and taking the time.

Thank you for the feedback on Bill 9. Something which I heard multiple times is conflict of interest. It's great to see two integrity commissioners. I just want to ask you, in these given conditions where you are right now, how do you take care of the conflict of interest whenever you are integrity commissioner with these municipalities?

Mr. Jeffrey Abrams: And whose interests are we talking about? Ours?

Mr. Deepak Anand: Yes.

Mr. Jeffrey Abrams: I don't see such a conflict arising. On the occasions where somebody has alleged bias against us, we get a third party to peer review our work, but all we do is integrity commissioner work. We do it for a number of municipalities. There is no conflict that we perceive between an upper- and lower-tier; it's going to land on either one or the other. In many cases, there is collaboration that occurs, when we provide advice, for example, and that's quite beneficial. There's no conflict there. I guess it's the premise of the question that I have difficulty with. We just do not see it arising.

Mr. John Mascarin: Through you, Mr. Chair: I'll answer that in two points. One is, I think you're asking

conflict of interest by being appointed by the council. Remember, section 223.3(1) says, “An integrity councillor reports directly to council and is independent.” And I say that to councils: “I don’t report to the mayor. I don’t report to the staff or the CAO. I report to council as an independent statutory officer.” You have to take that seriously.

I’ll answer on the second point, too. There is a question I was wondering if you were getting at. Mr. Abrams just does this work through his firm. I’m a full-service law firm. I do work for a lot of municipalities. Sometimes, we get appointed as integrity commissioner, and a municipality says to me, “You seem to know a lot about municipal governance and municipal law. We’d like to take you on as our general counsel.” I go, “Time out. I can’t do both. I’m either the integrity commissioner or I’m general counsel.” Now, if a municipality occasionally asks me for something—help me with some governance, help me draft—that’s one thing. But to be general counsel and the integrity commissioner—I think that’s an inherent conflict and I would suggest that would be not a good thing to do.

Mr. Deepak Anand: Absolutely. My next question was based on this, that the bill that we are proposing would enable a new standardized municipal code of conduct and will require code of conduct training for the members of the council. With your experience, what have you seen in the past? Do you think it is a step in a positive direction? We actually had a council before this afternoon where all the members were elected for the very first time, for example. Any thought on that?

Mr. John Mascarin: I’ll answer and then I’ll let Mr. Abrams. When we are retained by a municipality, I insist that we go in and train them because I want them to get experienced, knowledgeable, thorough training. I insist on that. Some integrity commissioners also say, “I would like to interview every single member of council.” I am aware of the cost that that may entail. I don’t insist on that, but I often say, “Yes, I need to go in and do training myself” to the councils.

Mr. Jeffrey Abrams: Training is one of the most important things we do. In fact, at orientation, councillors are drinking from a firehose; they’re getting so much information at once. We suggest that our training session be deferred. We take about three, three and a half hours to work with council and we recommend mid-term refreshers. Not only does it convey information, but it builds a relationship, which we think is important. Why on earth would a member of council reach out to us for confidential, sensitive advice if they didn’t know something about us? And so providing training gives us an opportunity to be before council in a safe environment, for them to challenge the information, question and work through it, just as they might do in a university seminar.

Mr. Deepak Anand: One of the two components, the key components of this bill we believe is that to strengthen the municipal governance—the code of conduct training was another one, and then to make sure there’s a consistent level of accountability. We heard both sides of this: “Yes, we need a base level.” Some people say, “Yes, we need consistency.”

1450

What is your viewpoint on this? Should there be consistency even though we have different sizes of municipalities?

Mr. Jeffrey Abrams: I suppose I really don’t understand the statement, to be honest with you, because every issue is dealt with in context, and it’s done in a measured way. If we can resolve it informally, we do that. Only 15% of the complaints we get go to any kind of formal investigation.

So you take people where they are. Some people are not sophisticated. You may need to help them understand the processes. I don’t think chasing consistency should be the objective. Chasing good-quality information, advice and a fair complaint mechanism when it’s required is appropriate.

I also suggest—and I think Mr. Mascarin and I share this—that there needs to be a better ability for councils to impose remedies—not just the suspension of pay, not just a penalty, but a real remedy that speaks to the issue almost immediately. “Immediately” might be the three or four months it takes for an integrity commissioner to return a recommendation report, but certainly not in the potential years it may take to take a complaint through to a court system.

Mr. Deepak Anand: How much time do we have?

The Acting Chair (Mr. Lorne Coe): You have run out of time.

We are now moving to the third party. MPP Cerjanec, please.

Mr. Rob Cerjanec: Through you, Chair: You touched on a little bit around training for councillors and what that looks like. Mr. Abrams and Mr. Mascarin, do you think that that happens in every case with every municipality?

Mr. John Mascarin: Through you, Mr. Chair, I can indicate that it does not. I’ll give you one example. There was a speaker in front of this committee who said, “We’ve had two integrity commissioners. The first integrity commissioner didn’t understand us.” That was us. “The second integrity commissioner does understand.” What did we do? We recommended: “We want to go in and do training.” We were told, “This council doesn’t want to hear it.” We wrote an opinion. The council ignored it. We wrote to a new CAO and said, “We would like to come in to do training because there is a problem.” She says, “Council will not pay for it.” That is the problem that we’re having.

So, yes, training is imperative. As Mr. Abrams said, it is absolutely essential, especially for new members.

Mr. Rob Cerjanec: Thank you.

Do you have anything else to add, Mr. Abrams?

Mr. Jeffrey Abrams: No, I agree. Just in my head, I was thinking of the cost. While one can’t be cavalier with the spending of public money, it’s the cost of not doing these things that really is where cost occurs, and cost isn’t just financial. It’s in loss of reputation. Certainly, we know that citizen engagement is a problem. Respect for elected officials, whatever level of government they’re in, is a problem. So by providing training, you’re signalling that

the council cares about its ethical wherewithal, is paying good attention to it and is trying to demonstrate a proper course.

Mr. Rob Cerjanec: Thank you, and I would agree. I think it's really important that members of council do receive training. In the school board sector, I've worked with trustees and I've seen that aspect, and training, I think, is essential to ensuring—and I used to work for a municipal councillor, as well, and consulted with the integrity commissioner at the time in that municipality. I believe it's really essential that the training is there, the understanding is there and that the member of municipal council understands what the role of the integrity commissioner is, what are good practices, what are best practices, in the hopes of avoiding situations because we are upholding public trust at the end of the day. Our behaviours then govern what the public thinks of us as elected officials here in the Legislature or on a municipal council. So I would agree it's very important that that training does take place.

In the proposed legislation here, it says within 30 days of receiving a recommendation that the council of the municipality should vote whether to approve the Integrity Commissioner of Ontario's recommendation. Notwithstanding some thoughts on the role of Ontario's Integrity Commissioner, there's a scenario where—let's say it was the mayor or the head of a council. They have the ability to cancel a council meeting in the act. When I look at the Municipal Act and when I look at this, I see that there's a bit of a gap there. Let's say the mayor was a subject of a complainant or a recommendation. They could theoretically try to cancel that meeting and try to evade accountability. Do you think that that gap should be fixed in this legislation? To both integrity commissioners.

Mr. John Mascarin: I wanted to answer that, and thank you for the question. Through you, Mr. Chair: This is a question that was also asked of the strong-mayor powers. The council has to make a decision to potentially make an amendment to the budgetary decisions of the mayor within 21 days. What if the mayor doesn't have the meeting? So there's a lacuna, the gap that you've been talking about, and I agree: That should be cured. Council could take it upon themselves to put in something in their procedure bylaws that precludes the mayor from not taking that action.

Mr. Rob Cerjanec: If you have anything to add—

Mr. Jeffrey Abrams: Yes. I know that the provision exists in some procedural bylaws. I don't know where it is in the act, but let's assume the power is there. Certainly taking steps to prevent the hearing of consideration of a report that affects themselves would be a conflict. Everything else being equal, certainly they are to participate in the discussion; the act, for good reasons, says that the mayor, in those circumstances, can be present and state his or her or their case. But preventing the meeting from occurring, I think, would be problematic. But I'm uncertain of the provision itself in the act.

Mr. Rob Cerjanec: Fair enough.

One other question on when reports go to a council: From your experience, are there situations where it might be warranted that the report is heard in closed session? Or should it always be heard in open session? I'm curious on your perspective on that. Maybe Mr. Abrams first.

Mr. Jeffrey Abrams: No, it should not. They're public reports. Conceivably there's some element that requires consideration in the absence of the public. It's possible to move into closed session for just that part. But the consideration of those reports—and, frankly, the hiring and firing of integrity commissioners—should be all done in public session.

Mr. Rob Cerjanec: Thank you.

The Acting Chair (Mr. Lorne Coe): You have 37 seconds.

Mr. John Mascarin: Thank you very much, Mr. Chair. I will answer quickly.

I agree with Mr. Abrams completely. For the first time ever in the 11 years that I've been an integrity commissioner, I had to go in camera. In this situation, the council member had breached confidentiality. In order to make council understand how he breached confidentiality, we had to let them know in camera. If we had come in open session, we would have disclosed it, and it was still a confidential matter. So we did a private session and then an open session.

Mr. Rob Cerjanec: Thank you, and I would agree: It should be in public 100%.

The Acting Chair (Mr. Lorne Coe): Thank you very much for your presentations. You are excused now.

CITY OF PICKERING

MS. LIDA CHIARELLI

OFFICE OF THE INTEGRITY
COMMISSIONER, CITY OF TORONTO

The Acting Chair (Mr. Lorne Coe): I'm going to call up the 3 o'clock presenters. Please come up to the table directly in front of me. Thank you very much.

Committee members, we have one of the 3 o'clock presenters by Zoom. It's the Office of the Integrity Commissioner of Toronto.

Mayor Ashe, welcome to the committee. For the record, your name, please.

Mr. Kevin Ashe: Kevin Ashe, mayor of the city of Pickering.

The Acting Chair (Mr. Lorne Coe): Thank you.

Mrs. Chiarelli, thank you for attending. Your full name, please, thank you.

Ms. Lida Chiarelli: Lida Chiarelli.

The Acting Chair (Mr. Lorne Coe): Thank you very much for attending.

The order of the agenda is Mayor Ashe to begin, followed by the Office of the Integrity Commissioner of Toronto and then Mrs. Chiarelli.

Mayor Ashe, please begin your presentation—seven minutes. Thank you.

Mr. Kevin Ashe: Thank you, Mr. Chair. Good afternoon. Thank you for the opportunity to speak in support of Bill 9, the Municipal Accountability Act.

I'm here today not only as mayor of Pickering but also as a resident, and I sincerely thank the government of Ontario for reintroducing this important legislation.

I also want to acknowledge members of the opposition who have previously championed similar efforts. Your collective commitment demonstrates that the issue is not, and should not be, a partisan one. It's about ensuring public service is rooted in honour, integrity, accountability and values that transcend party lines. This legislation represents a collective commitment to ensure that local government functions in a way that earns and maintains the trust of our residents.

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I support the intent and the principles of Bill 9 and strongly believe this legislation is long overdue. It strengthens the foundation of local democracy by reinforcing that elected office is a position of responsibility and service, not a platform for harmful rhetoric.

I want to spend a moment or two on the experience that's happening in my city of Pickering. Pickering is proud of our diverse, vibrant and engaged community—a city enriched by a wide range of cultures and perspectives. That diversity and differing opinions is reflected not only in our residents but also around our council chamber. However, when the diversity of opinion crosses into personal misconduct, threats to personal safety and erosion of public confidence, we must take serious action.

As many of you are aware, Pickering has grappled with the ongoing situation with Councillor Robinson. Since her election in 2022, Councillor Robinson has been found in breach of our municipal code of conduct on 20 separate occasions in five different reports, as determined by Principles Integrity, our independent integrity commissioner—

Interruption.

Mr. Kevin Ashe: I think Councillor Robinson finds some humour in her sanctions—

Interruption.

The Acting Chair (Mr. Lorne Coe): You're going to come to order or you're going to leave.

Mr. Kevin Ashe: Thank you, Mr. Chairman. That's exactly what happens at my council meetings.

To date, she has received five pay sanctions as a result of her continuous violations, amounting to a full year without compensation. These sanctions relate to a range of troubling violations, including:

- inappropriate attacks against residents on social media;
- promoting homophobic and transphobic rhetoric;
- soliciting donations and financial support from supporters after pay penalties in contravention of our gifts provisions and highlighting a critical loophole in the Ontario Municipal Act;

- continued association with Christine Anderson, a German national politician known for her racist and Islamophobic views;

- numerous inappropriate and misleading social media posts and photos;

- publicly referring to herself as a “modern-day slave,” including in an editorial aimed at opposing Black History Month.

Most recently, the Divisional Court of Ontario upheld the city of Pickering's actions in two complaints, confirming we acted fairly and in accordance with the Municipal Act, and the court ordered Councillor Robinson to repay \$30,000 of taxpayers' expense.

Unfortunately, Councillor Robinson's conduct has escalated from professional conduct to threats against personal safety. Councillors and staff have faced increasing threats and verbal abuse, with repeated disruptions to council meetings raising serious safety concerns.

In one live broadcast by a supporter of Councillor Robinson, the host publicly shared council members' photos, names and personal phone numbers while falsely labelling us as pedophiles, Nazis and fascists. The host suggested explicit threats of violence, saying such things as we deserve a baseball bat to the face, suggesting that a vicious dog be released at our council meeting and much more.

Rather than condemn these statements, Councillor Robinson was seen as smiling, laughing and nodding in agreement. Even more troubling than this, she appeared on the same broadcast four more times.

Given the escalated threats and safety concerns, the city of Pickering was left with no choice but to move all council meetings online for the remainder of the year.

Despite sanctions, training and other remedial efforts, the councillor's conduct continues. Several new complaints are still under investigation.

This situation shows that the current penalties are inadequate. The legislative framework lacks the tools to address—

The Acting Chair (Mr. Lorne Coe): Mayor Ashe, I'm just going to have you pause a bit. I'd like you to try to bring your remarks back to the bill before us—Bill 9. All right?

Interruption.

The Acting Chair (Mr. Lorne Coe): I'm going to add this for a final time, so everyone understands what I'm going to say because there's not going to be an exception. I want to remind the members of the public, and those who might have spoken already who are observing the committee meeting to please not disturb the committee proceedings by applauding or commenting from the audience. If it happens again, you're going to leave this committee meeting. Does everyone understand? Thank you.

Now, Mayor, bring your comments back to Bill 9 please.

Mr. Kevin Ashe: Thank you, Mr. Chair, and I believe my comments are about Bill 9. The legislative framework lacks the tools to address repeated egregious violations, leaving council staff and the community to bear the financial, emotional and democratic costs.

In specific reference to Bill 9: Bill 9 matters. It offers a path forward and a way to address these types of violations when others have failed. While I strongly support the spirit

and direction of the bill, I believe it can be further refined to ensure it functions as intended: effectively, fairly and without unnecessary delay.

I have three short suggestions.

Streamline and expediate the process: While I support the comprehensive assessment proposed by both the municipality and the integrity commissioner's process, I urge the committee to consider time frame limitations.

Decision-making authority: Once the integrity commissioner has found that a threshold for disqualification has been met, I recommend that the final decision rest with the independent judiciary or tribunal. This will reinforce impartiality and objectivity of the process. However, if the Legislative Assembly determines that it will remain with council, I recommend the threshold be reduced to a vote of either 75%, or two thirds, of council members in favour to proceed.

Finally, expanding the sanction powers: While pay suspensions are significant measures, it may not always serve as an effective deterrent as demonstrated by the ongoing situation in my city. I urge the committee to consider implementing additional sanctions similar to the revisions under the Education Act for school board trustees: Temporary suspension from council meetings, mandatory public apologies, training and monitoring with reports. These options would provide graduated responses and better address the patterns of misconduct before reaching the point of removal—

The Acting Chair (Mr. Lorne Coe): Thank you. Mayor Ashe, your time has expired for your presentation. Do we have a copy of your presentation?

Mr. Kevin Ashe: Yes.

The Acting Chair (Mr. Lorne Coe): Thank you. I just want to make sure that the committee members have a copy of your presentation.

Committee members, we're going to move to the Office of the Integrity Commissioner of Toronto.

Could you please introduce yourselves to the committee members and those who are watching and those in the audience for the record.

Mr. Paul Muldoon: I'm Paul Muldoon. I'm the integrity commissioner for the City of Toronto.

Ms. Kate Zavitz: I'm Kate Zavitz. I'm legal counsel for the Office of the Integrity Commissioner of Toronto.

Mr. Paul Muldoon: I'm pleased to make a presentation today—

MPP Kristyn Wong-Tam: Point of order, Chair.

Mr. Paul Muldoon: —I thank the committee for accommodating us today—

MPP Kristyn Wong-Tam: Mr. Muldoon, if you can hold.

The Acting Chair (Mr. Lorne Coe): Just pause your presentation. The sound is not working very well.

MPP Kristyn Wong-Tam: Point of order, Chair. I was just asking if we could get the audio staff to clarify the amplification.

The Acting Chair (Mr. Lorne Coe): We're just doing that, through the Clerk.

Mr. Paul Muldoon: Before I do that—

The Acting Chair (Mr. Lorne Coe): Will you just wait, sir, please? We're just trying to correct an audio issue that we have in the room. Thank you.

Mr. Paul Muldoon: Okay. Just let me know when you want me to start.

Failure of sound system.

1510

The Acting Chair (Mr. Lorne Coe): Committee members, while we're resolving the audio challenges that we have, I'd like to take the deputation of Mrs. Chiarelli, please. It might take a little bit longer than we anticipate.

Mr. Muldoon, we'll come back to you and Ms. Zavitz once we've resolved the audio difficulty we have in the room. I'm going to take one of the other presenters who's with us right now. Mrs. Chiarelli has a presentation to make as well.

Committee members, is everyone fine with that? All right.

Mrs. Chiarelli, please proceed with your seven-minute presentation.

Ms. Lida Chiarelli: Thank you for allowing me to present to you today. We are here today because a bill is being contemplated after years of active, organized lobbying by a special interest group. They often use the case of Councillor Rick Chiarelli to insist that these changes must be made. The focus seems to be primarily on making sure that a councillor can be punished as severely as possible.

Well, my name is Lida Chiarelli. I am Rick Chiarelli's wife, and I want to tell you what a nightmare my family lived through because of the unfairness of the Municipal Act and the way it was applied. The panic attacks, the migraines, the anxiety we now suffer are not because my husband did anything wrong. No, they're actually so much more severe because we all know beyond a shadow of a doubt that my husband did nothing wrong, but he had absolutely no way of defending himself. The media circus that was allowed to help fuel the cancel culture objective to destroy a politician who had dedicated more than 30 years of his life to serving the public should never be allowed to happen again.

Political assassinations should not be given credibility by a supposedly confidential formal process that favours the accuser but muzzles the person who should have the right to defend themselves. It puts an incredible amount of power into the hands of one individual with a nice-sounding name, "integrity commissioner"—but a commissioner whose position will not be renewed unless the clerk—and thereby the mayor—decides to do so.

I have a few things I'd like to highlight regarding the bill here, but I urge you to do your due diligence and read my entire submission. The seven minutes I've been allotted is not time enough to make all the points; I will make three.

Bill 9 is undemocratic. It is wrong and undemocratic for citizens to be overruled by a quasi-judicial system with one administrator—and adding a second administrator doesn't help. It sounds good, but it just draws out the flawed process and adds a false sense of neutrality to it.

And, oh, my goodness, it's absolutely unthinkable to let other elected persons have a say in removing an elected person from office. At the very least, rivalries exist in any elected body. At the worst, municipal political assassinations can be orchestrated by those who manage to get control of a large majority on council. Once a majority has taken over—and you know—very few councillors will risk their own necks and seats in what they see as an unwinnable, politically volatile situation. Note that even the Premier's brother Rob Ford would have certainly lost his seat on Toronto council if this bill were in place. And yet, the electorate chose to re-elect Rob Ford afterwards. No matter how wrong or right you think the people are, they made their choice, and that is democracy.

Number two, the wording of the bill is very vague. Words like "cause harm" and "egregious" have to be defined clearly, as is required in employment law. Otherwise, this bill, like the one before it, will always lead to inconsistency and is open to political misuse, like it was in my husband's case.

And the third point: The entire process is unfair. It muzzles the accused person, giving them no chance to question the complainant or even know who the complainants are, and no chance to present their own evidence. I'll give examples of what I saw in Ottawa as to why it is unfair.

First of all, the findings lead to wildly different recommendations, and there is inconsistency in what is accepted as evidence. For example, the first Ottawa integrity commissioner report was in 2019 about Councillor George Darouze. Councillor Darouze was found to have bullied and harassed a female constituent and to have bullied and harassed her husband, a police officer, through his place of work. There was written documentation to that effect. George Darouze's punishment: an apology, and he now sits in the Legislature with you.

My husband was falsely accused of allegedly having said things to women in work interviews that they didn't like. There was no documentation, no proof—only hearsay for these allegations. His punishment for that: 270 days without pay.

Why is the process unfair? The complainants are told that the process must stay confidential, but Rick's complainants went to the media right after going to the integrity commissioner and my husband—muzzled because he respected the confidentiality agreement and spoke to no one about it, not the media, not fellow councillors—was crucified in the media, with then-Mayor Jim Watson playing a major role, mocking my husband publicly and insisting that he resign.

And of course, the integrity commissioner gave the mayor the findings the mayor had publicly asked him to do with respect to my husband's case. The mayor and councillors didn't even respect my husband's sick notes. If you don't know, he had open-heart surgery, a serious post-operative infection and a stroke. The integrity commissioner presented his findings July 15, 2020, fully two weeks before my husband was cleared to return to work by the medical team.

These are just a few examples of the unfairness of the process. Add to that the fact that the city has practically unlimited funds, while the councillor must pay for any help or legal advice out of pocket. Only extremely wealthy people can hope to be on any kind of financially level playing field. This is just the tip of the iceberg. Please read my entire submission.

I do know you feel a lot of pressure by the cancel culture lobby group to pass a new bill. But if you really think it's such a great bill, why aren't you passing one for the Ontario Legislature as well? If you don't do that, then you're clearly showing that you're simply bowing to pressure from a cancel culture group. You don't believe that the bill is a good and fair one for all politicians, or for the public in a democracy. And you know what? You are right, it isn't.

In the end, if you are contemplating passing a bill that can ruin someone's life and destroy their career and finances, that bill must also provide them with fairness and the basic right to defend themselves.

Thank you for your attention.

The Acting Chair (Mr. Lorne Coe): Thank you, Mrs. Chiarelli, for your presentation. Thank you for bringing a copy of your presentation that all the committee members have.

Committee members, I need to recess the committee for 10 minutes so that we can reboot the audio that is supporting us so that we can hear the next presenters. So I am going to recess now for 10 minutes. We'll reconvene, we will take our next presenter when we do come back, then we'll follow that by questions. Thank you so much for your accommodation.

The committee recessed from 1519 to 1529.

The Acting Chair (Mr. Lorne Coe): The committee will resume its deliberations.

Our next presenters are from the Office of the Integrity Commissioner of Toronto. Paul Muldoon, the integrity commissioner, and Kate Zavitz, counsel.

Mr. Muldoon, we're anxious to listen to you. You've got seven minutes. If you go over seven minutes, I'm going to stop you, all right? Thank you. Please start, sir. Go ahead. Thank you for your patience.

Mr. Paul Muldoon: Thank you and thank you for the invitation for the appearance today. Also, thank you for accommodating us. The city of Toronto council is in session today, and I'm required to be available for them for advice, should I be called. So, again, thank you.

We have made written submissions, and I just propose to make some highlights based on those written submissions, but before that I'd just like to make a few comments on my office. I'm independent from the city council and the city administration. My 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 legislative requirements to do so. The office has a rich history and it celebrated its 20th anniversary last year.

Toronto city council has a bylaw which safeguards my independence and the independence of the other account-

ability offices. My independence is further protected by my fixed five-year term; my term is not renewable. It takes a two-thirds majority of the council to remove me.

My office oversees three separate codes of conduct. Apart from city councillors, the code of conduct is applied to more than 120 local and adjudicative boards with over 1,000 members subject to the codes of conduct. For all of those members, I undertake my role of giving advice, investigations based on complaints and educating all of those members in terms of their code of conduct and ethical requirements.

The first issue I would like to talk about pertains to what I call the universal code of conduct and the potential unintended consequences of that code. We realize that the legislation is intended to enhance accountability and the framework for municipal councillors; however, we do have some concerns. The city of Toronto code of conduct has evolved in the 20 years through regular review by city council that city council members have bought into because they helped evolve that code. No provincial agency has criticized our code. Toronto's code of conduct was reviewed and approved in 2022 by city council. Many other municipalities have used it as a model.

In our view, 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. The city of Toronto regime meets all of the indices of an effective integrity regime as outlined by the former provincial Integrity Commissioner in his report in September 2024. It's our recommendation that rather than have a universal code of conduct, the province should adopt a minimum standards model or floor upon which we could enhance it for the situations we face here in Toronto.

I understand that one of the key objectives pertains to removal of a councillor. We understand that. However, the requirement for a unanimous council vote to remove a member sets an almost insurmountable threshold, undermining the bill's purpose. In practice, and particularly in the case of Toronto, achieving unanimity on any issue, even routine matters, is often very difficult. At least one member might, presumably, object to the idea of removal on principle, believing that only the electorate should have that power and it therefore undermines the actual purpose of the bill. We recommend that the unanimity requirement be replaced by a two-thirds council vote.

One of the issues I have not heard the committee review is the role of the provincial integrity commissioner. As you know, the way that the regime acts is that, if my office recommends the removal of a councillor, the provincial integrity office then reviews it. In our view, it should not be a new investigation by the provincial Integrity Commissioner but should be a review to determine whether or not my office acted reasonably or made an error of law. I say this because if the allegations deal with sexual misconduct, for instance, a reinvestigation means that the victims, the persons aggrieved, would have to go through another investigation which I would suggest is inappropriate and may retraumatize the person targeted that would have to go through it again. We recommend that Bill 9 be

clarified so that the integrity commissioner role in the removal is akin to a judicial review: That office simply considers errors of law, errors of jurisdiction and fairness and not a new hearing.

The two other issues I would like to raise quickly. One deals with—if there is universal code of conduct, we also think there should be a central database where all of the reports from integrity commissioners be submitted so there is a database, and the approach of this is based on the logic that if there is a unified or universal code, then each other integrity commissioner should have the benefit of how that code is being applied and interpreted through a database.

I should remind the committee that there is already a database in place. It's called CanLII. It's free. A number of the integrity commissioners use this database already, but not all of them. It's simply a resource that is underutilized but could have great benefit.

Lastly, the other thing that Bill 9 does not deal with is how to update the code of conduct. As I mentioned, we review, every five years, the code of conduct and learn from our experience. Bill 9 does not deal with any provision or mechanism to update the code of conduct, and that's a major concern.

So those are the key issues I'd like to bring to the committee, but, our full submissions, I kindly ask for you to review during your review.

The Acting Chair (Mr. Lorne Coe): Thank you very much for that presentation.

Committee members, we're now at round one of our questions, and we're going to start with MPP Cerjanec from the third party, when you're ready.

Mr. Rob Cerjanec: Mayor Ashe, I've been asking most folks—I think all folks from municipal councils today—a couple of questions, just to get a better idea of people's thoughts on it, and I think this one might be relevant, in your case, given you are a mayor.

When I look at the proposed legislation right now, it doesn't necessarily contemplate what would happen if the mayor of a municipality was the subject of complaints and potential removal by vote of a council. I believe, in most councils, the mayor would be able to actually cancel a meeting of council. So I'm wondering, from you, in this hypothetical situation, if the act should be slightly revised just to account for what happens if a mayor is the subject of this.

Mr. Kevin Ashe: The mayor has the ability to call a special council meeting. Four members of my council also have the ability to petition for a council meeting without the approval of the mayor. The integrity commissioner's report is placed on the agenda by the city clerk, also a statutory office, so I don't think there's a conflict. If the integrity commissioner writes a report, it will come before our assembly.

In regard to the mayor being the subject of a complaint, I know some of the councillor's supporters have lodged complaints about me, but none of them have come to any report level. They've been dismissed as being vexatious or without merit.

Mr. Rob Cerjanec: I'm actually curious from your perspective because I used to work in municipal government. Sometimes the role of mayor is to work with other councillors, to try and talk to everybody, sometimes as a consensus-builder. Obviously, most councils, at least, don't operate on that model, but the role of mayor, ultimately, is to work with all members of council. I guess my question to you is, how important is it for a council to function effectively?

Mr. Kevin Ashe: I think it's very important that council functions appropriately and done in the best interest of our residents. I think the issues of conduct and misconduct diminish democracy. That's why I'm very supportive of this type of legislation, notwithstanding some of the observations I made about strengthening it. I don't think it's a partisan issue at all. I respect the position of the official opposition and the third party. I think this is hopefully a collaborative approach and that the government will look to having friendly amendments that strengthen the legislation.

I appreciate the question.

Mr. Rob Cerjanec: Thank you, Mayor. And I think you've heard from maybe other committee members as well here and folks who are coming to present that there does seem to be some sort of a consensus in some way that the proposed act, as written, doesn't go far enough in terms of dealing with situations where there was a recommendation to remove a member of council and then how that is dealt with. We have different debates. Some folks believe that it should go through judicial process at the end and others lowering that threshold—as you outlined in your remarks, obviously, I think with the preference being a final resolution through the courts.

1540

It is my hope, as well, that as the committee ends up winding up its work, amendments will be considered very seriously from the government side on how we ensure that we get this right, because we heard, I think, last week in Ottawa, that the act as written right now, frankly, isn't going to get very much or do anything and be of any significance because we've heard from multiple presenters that to get a unanimous vote on a council is very difficult. There may be situations where it is, but it might be difficult in order to do that.

I was wondering as well, if you are able, Mayor Ashe, to talk a little bit more about what some of those additional penalties could be on this progressive discipline, per se, as outlined in the Education Act. I'm just wondering if you would like to expand on any of that.

Mr. Kevin Ashe: Through you, Mr. Chair: The Education Act, I think, has some very strong provisions that have progressive misconduct remedies. The suspension of pay is a very extreme one, but the suspension from attendance of meetings is something we could consider. I think mandatory training of some kind and some rehabilitation about what the misconduct might have been are some of the options that should be considered in this bill.

I think the Education Act is a piece of legislation that has been amended and has passed the test of time. I think

the government should give consideration to having similar elements in Bill 9 as currently are in the Education Act.

Mr. Rob Cerjanec: I recall, earlier today, there was Emily McIntosh from The Women of Ontario Say No. Something that really stuck with me in her remarks and the questions and answers that we went through, I think, aligns with your first recommendation: that the process should be streamlined in some ways; it should be quicker.

I think it's very difficult for a member of council who might be going through an integrity commissioner investigation. It's also difficult for those that have submitted the complaint, or if there are accusers, as well, who might be outside of that sphere. It can be pretty traumatic and damaging to go through a long process, so I think I would agree that as quick as possible would be a good benchmark there. It's my hope as we go through this process we will be able to get to that. Thank you, Chair.

The Acting Chair (Mr. Lorne Coe): Thank you.

To the official opposition, please. MPP Wong-Tam, when you're ready.

MPP Kristyn Wong-Tam: Thank you, Chair, and through you: Commissioner Muldoon, your presentation was particularly interesting to me, largely because I've worked under your predecessors at the city of Toronto, and I have always been very grateful for the reports that came forward because I know that the work is not easy. The subject matter of holding elected officials accountable when your budgets are before them for review cannot always be easy, but yet, the officers have always carried out their duties with a high work ethic and, I think, a lot of integrity.

So I weigh your comments and I consider what you have proposed to us today, including the fact that—you were asking one thing that, to me, is important: the universal code of conduct, as being proposed in Bill 9, if moved ahead without clarification or amendments, looks to be a way of watering down experienced municipalities with established accountability officers such as the integrity commissioner, as opposed to bringing up everybody. Some municipalities will be elevated because they will have more clarity, perhaps; they will be able to go through an exercise of refinement. But then others, such as the city of Toronto, with an office of your esteem that's 21 years in the making and evolution, will then probably be brought to a lower standard.

How can we change that? What type of amendment would we need? Is it to exempt the city of Toronto and other experienced municipalities with similar, comparable offices such as yours from this bill? Will that satisfy you?

Mr. Paul Muldoon: Thank you. I'm going to ask Kate to respond to that.

Ms. Kate Zavitz: Thank you, member Wong-Tam, through the Chair. I would say that there is a mechanism in place currently that the province has used to legislate the topics that must be in a code of conduct. Currently that relates only to gifts, respectful conduct towards staff and others, confidentiality and use of resources in the municipality.

The Ontario Ombudsman actually, in his report last year, suggested that the way that we could address some of the deficits in some of the smaller municipalities' codes of conduct would be just to add to the regulations or to set some more minimum standards. There is a need for that, I understand, in some municipalities. Some municipalities do not have conflict of interest rules in their code of conduct, so if it's not a pecuniary interest under the MCIA, it may not be caught by their code.

So there are gaps throughout, things about conduct in chaired meetings—and something that Mayor Ashe just brought up as well, remedial measures. I think that that's something that could be set out as well: What are the types of remedial measures that should be available in the tool box of integrity commissioners to recommend?

MPP Kristyn Wong-Tam: Thank you. That's very helpful.

I think there was a comment from one of the speakers earlier about how even in the city of Toronto during the Mayor Rob Ford era, and council had reduced his powers in a submission, that even Mayor Ford at that time would be removed from office under the prescribed legislation in Bill 9. But having lived through that time, I do know that there was a subset of councillors, probably not who you would expect, who just absolutely did not support removing someone who was duly elected by the people of their ward because they wanted that voice to go back to the people.

So, in what we have before us, we know that we have—there are times where it's very difficult for a council to make unanimous decisions on anything, especially on contentious issues, and if we have reports from both the local integrity commissioner as well as at the Ontario Integrity Commissioner, if they do a review as opposed to a de novo investigation with all new documented evidence again, and these reports both come out with a recommendation of, let's just say, "remove," there's still no guarantee under Bill 9 that council will remove that problematic council member.

What happens, then, when you have reports that come out with a recommendation and then you have council who does not follow the advice of the accountability officer, which is at their discretion?

Mr. Paul Muldoon: One of the problems with Bill 9 is that nothing happens. If council votes down the recommendation of the integrity commissioner or both, there is a gap we find in the legislation that there is no remedial action after that. So even if council agrees there is egregious conduct but votes not to remove that particular councillor, the issue dead. The issue is resolved despite that.

I don't know if that's a legislative drafting issue—a gap—or if that's the intent, but to us it is an issue that should be addressed because if both the provincial and municipal integrity commissioners come with a recommendation and the council votes it down, there still should be some consequence for the action that's aggrieved.

MPP Kristyn Wong-Tam: And that's why you're recommending that it not be concluded with a unanimous

council vote, but rather at least by two thirds. Is it two-thirds council vote preference over a judicial decision, like an independent judge?

Mr. Paul Muldoon: We have not explored that fully, but there are trade-offs. We were—

The Acting Chair (Mr. Lorne Coe): I'm going to have to interrupt you, sir. We're going to the government members now for questions. Perhaps MPP Wong-Tam can re-ask the question in the next round, okay? Thank you.

To the government members: MPP Gallagher Murphy.
1550

Mme Dawn Gallagher Murphy: Thank you, Chair, and through you, I'd like to thank all the presenters this afternoon for being with us here today regarding Bill 9.

I just want to reiterate that this bill is all about changes that we are proposing to help strengthen the municipal governance and really establish more of a consistent level of accountability across all Ontario municipalities.

That being said, I'd like to propose a question to Mr. Muldoon from the city of Toronto. Specifically to you, sir, what do you consider as the top priorities to strengthen municipal accountability and transparency at the city of Toronto?

Mr. Paul Muldoon: For my perspective, one of the priorities that I have is education. I'm in a unique position where I have 25 councillors, the mayor, but I also have 84 business improvement areas along with a whole number of adjudicative boards. They're all subject to a particular local code of conduct, and I really do find that the more rigorous, the more intense, the more concentrated education as to their ethical framework and the code of conduct requirements, the more respect there is. The consequence of that is this: Every time that we do one of these educational endeavours, we get more requests for advice. So that's the surrogate. The proxy for it is that once they become aware of the obligations, the nuances within those codes, the questions that they ask themselves, then they start calling us for advice, and we know they're getting it. It may not be fancy, but quite frankly, the education as to the requirements that underlie the code, I think, are fundamentally important and much underrated.

Mme Dawn Gallagher Murphy: That's great. Thank you very much. I think that's truly important, about the training and education.

Just a follow-up question to you because in your deputation you also talked about how to update the code of conduct: My question to you would be, what do you think are the most important considerations for an effective code of conduct, and perhaps you can elaborate on how you see updating that code of conduct.

Mr. Paul Muldoon: Our office updates the code every five years. It goes to city council, it's debated, and the review is based on our experience. So, for instance, we go through all the advice, we go through the investigations, and what are the gaps or what are the trends, what are the issues that are missing, and then it goes to council. The important thing about going to council is that they—the council, the elected officials—get to debate their own obligations, and then it's accepted and reviewed. So in my

view—I don't know how it's going to work on Bill 9, but getting the feedback from the integrity commissioners as to what are the issues that are going on—for instance, 10 years ago, the issues relating to social media just weren't around; now they are. So you have to think about what's the use of social media and what are the obligations and all those issues, how they connect to the code, which is new. And I can probably go through four or five other issues that are often underrated and overlooked in terms of their code, and that requires the updating of the code periodically.

M^{me} Dawn Gallagher Murphy: Thank you very much.

The Acting Chair (Mr. Lorne Coe): Yes, we have MPP Anand—thank you very much, MPP Gallagher Murphy—you have two minutes, 24 seconds.

Mr. Deepak Anand: Thank you to the presenters for coming all the way and presenting your views.

Mayor, to you: You talked about the process, and I just want to say this. This bill, the intention is to have a uniform code to make sure that there is a code of conduct. What I really want to talk about is, somebody asked earlier, before—talked about having a new council, for an example, in Pickering—in your Pickering—when a new council is elected. Do you guys have any training for them, or what is the process? Somebody who does not have any experience in politics—what do you do in that case?

Mr. Kevin Ashe: I have a council of six members, plus myself—seven. In the 2022 election, we elected three new members of council, and there was a very robust process for education. Mr. Abrams, who is our integrity commissioner, spent some time with the new council members talking about their obligations under the code of conduct. He also spent some time with all members of council to refresh us in regard to our obligations under the code of conduct.

So I think there is some benefit in mandating some mandatory in-service professional development. I think there's some benefit in the bill as well in terms of having at least a minimum standard in regard to the code. I do share the member from Toronto Centre's view that we shouldn't lessen it. We should have a minimum and then strengthen it.

Mr. Deepak Anand: Thank you. That's good.

Mrs. Chiarelli, I just want to commend you for coming here. It takes a lot of courage. What I really want to say is every employee should feel safe in their work environment. Hypothetically—I'm not talking about your husband; I'm talking about a situation—let's assume you're the councillor and you know somebody who is your best friend, probably, working for some other councillor or mayor and going through a situation where that person is harassed. What should we do in this case, when we're talking about this bill? What should we include so that that person should feel safe in that workplace?

The Acting Chair (Mr. Lorne Coe): Mrs. Chiarelli, it's time now for the second round of questions. We're going to start with the third party. If we don't get an opportunity to answer that question, I expect the question will be asked again on the government side, okay?

MPP Cerjanec, when you're ready, sir.

Mr. Rob Cerjanec: Thank you, and through you, Chair: Mrs. Chiarelli, I'd actually like to pick up on the question from MPP Anand. What do you believe should happen when an elected official is accused of inappropriate behaviour by someone with far less power—it could be a young staffer, a job applicant—and there isn't a paper trail? What do we do then?

Ms. Lida Chiarelli: The whole problem with the process when it pertained to my husband is that it wasn't followed properly. It wasn't confidential. The only thing that was confidential is that we don't even know some of the complainants. To this day, we don't know who they are. How do you defend against somebody when you don't know who they are?

Should they be allowed to have a venue? Absolutely. But the person—it's like you're looking at this as, "How can we get that bad guy?" What if he's not? What if he isn't? What if there is a group that has just decided—one of the women that came forward was the one who told us it was coming, and she said, "Feel free to come to me. I will speak in your defence." Two months later, she's in the media saying the opposite.

Yes, it's important to have a chance to speak, but it is also important that when there is a complaint made, the person isn't automatically guilty and destroyed.

Mr. Rob Cerjanec: So I guess there's—

Ms. Lida Chiarelli: And that's what you guys are all missing.

Mr. Rob Cerjanec: Well, I think there are a couple of pathways here. There is a power imbalance when it comes to someone who is elected and a staffer, for example, that works with them. There absolutely is a power imbalance. If I were to be the CEO of a company, for example, and engaging in inappropriate behaviour, the consequences in a situation like that, likely, after an investigation and going through that process—and whether the allegations are made publicly or privately, by the way—if the allegations are substantiated, you would be fired by the board of directors in a situation like that.

I guess my concern is, folks in positions of power rarely put harassment in writing. There isn't a calendar invite that says, "inappropriate behaviour." We need to recognize that power imbalance because it does take courage for people to come forward.

So then I ask, should someone just be secretly recording or getting comments in writing? Do we ignore them, then? What message does that send, then, to young women looking to work in politics?

Ms. Lida Chiarelli: Well, first of all, they're not as powerless as you may think they are—absolutely not. One of the complainants was Rick's top person and worked with him for seven years. She had a direct line to the city clerk's office. She could go in the city clerk's office and get help any time. My husband was so proud of her and thought she was an amazing member of his team. Another one was sleeping with another councillor, so she certainly had another way of getting help.

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Also, one of the problems is that the investigator—I don't know how it works in other cities, but in Ottawa the integrity commissioner hired an investigator, and the investigator did the whole investigation. I don't know. Is that the way it's usually done? The investigators that the integrity commissioner chose in all cases—the first one was a guy. He sounds great. He was the commissioner of the RCMP, but one of his last acts before he left was to apologize to women for his sexual misconduct in the RCMP. So if a guy like that is investigating, how could he ever—he's trying to redeem himself in the women's advocacy movement—make a different recommendation?

We were not allowed to bring any witnesses; when we came in, we could not—not one of our witnesses, anybody we had as witnesses. Complainants who gave dates and times, saying things that Rick had done—he could prove that he wasn't there, so they allowed the women to change their testimony. It was a complete fiasco.

The next integrity commissioner chose a woman as the investigator, who is a women's advocacy lawyer. And how is that fair to both sides?

You're just so unconcerned about getting him.

Mr. Rob Cerjanec: I'm just—I mean, because we're here today, right?

Ms. Lida Chiarelli: I know. Of course. I'm getting a little—it has been a nightmare for us.

The Acting Chair (Mr. Lorne Coe): In your responses, please try to relate your comments back to the bill, Bill 9. Thank you.

Mr. Rob Cerjanec: This is a comment more than anything. I'm trying to rack my brain. How do you, then, deal with a situation like this, where a female staff or multiple female staffers come forward with issues and complaints? It isn't a normal work environment. The ability of that member of council to—is there because they were elected, at the end of the day, and it should not be carte blanche for situations to happen. That's really my concern. That's why I think this act is really important. When The Women of Ontario Say No come forward and say there needs to be a process to deal with this because there has been this consistent power imbalance, going back many, many years, frankly, of men who are in positions of power abusing that privilege, that is a big concern. And I think that's why we have this legislation that's here today.

Mayor Ashe, I want to ask you a question around criminal background checks. I've asked other members of council before us whether candidates should be required to submit a criminal background check as they register, and then that information—you know, summary, nothing, no criminal charges, or something else had happened or whatnot—is just posted publicly—

The Acting Chair (Mr. Lorne Coe): I've got to interrupt you. Your time has expired. You might want to ask that question to Mayor Ashe, perhaps, at the conclusion of the committee.

We're now going to the official opposition in the second round of our questions. MPP Wong-Tam, please.

MPP Kristyn Wong-Tam: Thank you very much, Chair. Through you: My question is going to go back to Commissioner Muldoon and counsel.

What I was trying to ask, and probably in a most clumsy way, prior to me losing my time—I was trying to understand your preference on how to remove an elected official. I'm not saying that I support council removing an elected official. But because the bill is before us and they're proposing that you can remove an elected official through a process of integrity commissioner investigations and reports and then unanimous vote—where do you stand on this issue? What is your preference on how to remove an elected official, where egregious and harmful misconduct has been established? And why do you support that approach?

Mr. Paul Muldoon: First of all, I think the circumstances where this power would be used would be extraordinary, completely extraordinary. It would be the most egregious conduct. And then it is a consideration whether or not it should go back to council or to a court.

Let me just tell you the considerations: By going back to council, it's quicker and it's more transparent, but there is an argument to be made that it should go to a third-party judge, a court, because then it's depoliticized. However, the cost of going to court is high and the time it takes to get to court and go through that procedure is very onerous. So there's a trade-off for your committee to think about that process. I don't think either one is ideal and I think there are trade-offs in both routes.

MPP Kristyn Wong-Tam: If you can clarify: Is it your preference that a court process be the process by which an elected official is removed, or is it a two-thirds vote? I know it's not unanimous support for yourself.

Mr. Paul Muldoon: We will make a follow-up submission on that. We didn't consider that in our submission, but I just want to highlight that there are trade-offs for both. Neither one of them is ideal.

MPP Kristyn Wong-Tam: Thank you. I appreciate that. I think that's what we're learning today through these committee hearings, is that there is definitely a real desire to ensure that voters are protected, that your elected officials are adhering to high standards that one would expect from an elected official. At the same time, there is a broad range of opinions on how to achieve that outcome.

The one thing that has been consistent throughout today, I would say, with few exceptions, is that the bill is missing the middle piece, and that middle piece is, what are the other options? Is there a range of progressive consequences that can be listed, similar to what's outlined in the Education Act? There's no indication that the government is going to put that into the bill. In my experience of seeing government amendments on government bills, it is rather light. You don't get a government substantially changing its bill.

I'm going to bring my question now to you Mayor Ashe and to you, Ms. Chiarelli. You both appear before this committee advocating from the opposite side. Mayor Ashe, you're trying to remove a city councillor, and, Ms. Chiarelli, you're trying to defend a former city councillor

and wanting that city councillor to have a different sort of outcome. So you've got two different individuals coming forward with two different opinions representing both sides of the equation which is really important—that's why we're here.

So, in your words, if the bill is not substantially improved, however you define improvement, by the government—there are only two of us here, but we all know we've heard that this bill needs some substantial improvements. Do you support the bill if it is not substantially improved? Will you accept the outcome if nothing changes and say, "You've done the best that you can"? The Women of Ontario Say No came forward and has been advocating for three years, really hard advocacy. Will you walk away disappointed if this is the bill that you get?

Mr. Kevin Ashe: If I might start, I've been advocating for this type of bill for this Parliament, as well as previous Parliaments. I think that Minister Flack and Premier Ford have been very collaborative in regard to government policy in regard to municipalities. I'm a member of the Big City Mayors' Caucus who have asked for changes. I'm a proud member of AMO who have asked for changes. We pay dues to the Association of Managers, Clerks and Treasurers who are advocating for change. I hope the government is listening to equal partners in regard to things that can improve this bill.

Again, I started my comments by saying this is a non-partisan issue. I think the government can learn from the official opposition, from the third party, as well as the stakeholders in this room, and I'm hopeful that happens.

MPP Kristyn Wong-Tam: Thank you.

Ms. Lida Chiarelli: I totally do not agree with a councillor being removed from office because that's undemocratic. But it is important for people to have a way of bringing forward complaints. I just think there should be a higher threshold than balance of probabilities when you're looking at a situation.

1610

Integrity commissioners shouldn't be allowed to use evidence that isn't admissible in other judicial systems, like hearsay and unproven similar fact evidence. And there have to be standards for the investigators in an investigation. They should at the very least be neutral, and then you can say there's a fair process. Without a fair process, all the parties are not served.

The Acting Chair (Mr. Lorne Coe): Thank you, Mrs. Chiarelli.

I have to now move to the government for questions. I have MPP Grewal, please, when you're ready, sir.

Mr. Hardeep Singh Grewal: Again, thank you to our presenters for coming out today and joining us virtually as well and giving us your feedback and commentary on Bill 9.

It's a very important step, I believe, that not just the government, but all parties are taking, as we did have unanimous consent when we brought this forward. It's something that we all, regardless of your political stripe, will hold to account as we continue to serve the public that has elected us.

My question is to the mayor of Pickering, Mayor Ashe. I would ask for your comments and feedback on: If this bill was implemented today, how would it differently impact your council and the city of Pickering and the way things would operate and things would move? Not specifically going after any individual, but just in general, what levels of accountability would this new bill add to those members serving in your council?

Mr. Kevin Ashe: Bill 9, as presently proposed, would have the ultimate sanction availability of removing a councillor. One would hope that that would result in corrective measures. We've had a number of integrity commissioner complaints at our city council. On each and every occasion, the vote was unanimous to support the findings of the integrity commissioner.

I think Bill 9, in its general terms, talks about higher levels of accountability, and I think those are values that are important to the bill and something that we can all support.

I am, however, hopeful that the government is open to changes here. I think it should be non-partisan. It was considered through a private member's bill and a government bill that died on the order paper and then was reintroduced and passed unanimously. I think there is a willingness of all parties and all stakeholders to collectively work together to bring in a model and a framework that's fair but tough.

Mr. Hardeep Singh Grewal: One of the criticisms that I have heard over time in regard to the way the current system works with our integrity commissioners is the relationships between the current integrity commissioners, the hiring process, the current mayor, the council, CAO—all of those involved.

That's really highlighted in this bill when we talk about (a) making the same rules across the province for all municipalities and (b) when we bring in Ontario's Integrity Commissioner to the mix as well, to ensure that that integrity commissioner's ruling is also held to account.

What are your thoughts on those changes? Do you feel like that will improve the way things are done? Does that add more accountability? What are your thoughts on those levels?

Mr. Kevin Ashe: I think Bill 9, as currently proposed, has a number of very positive things: one minimum standard, one generally better process for hiring of the integrity commissioner. Those are all very positive things.

The inclusion of the provincial Integrity Commissioner I think adds another level of comfort in regard to due process and fairness and procedural fairness.

There are obviously some good things about the act. I've acknowledged them, but I think there's some areas that can be improved as well.

Mr. Hardeep Singh Grewal: When you talk about areas that you'd like to improve, are you able to highlight some of those areas for us and short summaries of what you would like to see?

Mr. Kevin Ashe: Yes. In short order, I think there has to be a time frame. The current process is long. Including a process that goes through the provincial Integrity Com-

missioner adds a time frame, so I think there should be time certainty.

I think the act itself should talk about progressive discipline to give the integrity commissioner and/or council greater tools, similar to the rules that are in the Education Act. And I think having the current rules in terms of Bill 9 about having standardized rules across the province, standardized testing, standardized procedures for integrity commissioners—I think are an improvement under the current framework that we have.

Mr. Hardeep Singh Grewal: For the timing framework that you've talked about, would 30 days be an adequate timing mechanism to ensure that the integrity commissioners get back, a report is created—about a month or so? Would that be a decent time frame to get back, or would you like to see it happen faster, or—

Mr. Kevin Ashe: That would be a great time frame. I don't think that's realistic. I know it takes several months, under our current scenario, for the integrity commissioner to get a complaint, investigate the complaint and then get it on an agenda, which—council meets only once a month—adding a second step. It would be nice.

I think the member from Toronto Centre talked about the second step being maybe an adjudication of the original findings as opposed to a new hearing of fact. So that 30-day time frame or 60-day time frame could in fact be met if that was the criteria.

Mr. Hardeep Singh Grewal: Thank you very much, Mayor, for your comments and feedback.

How much time do we have left here?

The Acting Chair (Mr. Lorne Coe): You have one minute.

Mr. Hardeep Singh Grewal: I have one minute remaining, so maybe I'll just stick with you since we're talking about all of these different changes.

This proposed legislation also gives the opportunity for things to operate in a more structured and streamlined manner and gives the opportunity for any newly elected official to familiarize themselves with the code of conduct that is expected of them. How do you think that will change or create an impact on those newly elected officials—or previously elected—with a new review of what those rules of conduct are?

Mr. Kevin Ashe: Well, in Pickering, we had a fulsome process of education for our new members, and I think mandating that is a very important component. I think it's something that all municipalities should be doing already, but having a legislative framework that mandates that, I think, is a step forward. An understanding of your obligations when you are a member of council, I think, is important in terms of codes of conduct, in terms of municipal conflict of interest acts, as well as personnel policies, social media policies, employment policies, human resources policies. This is just one component, and I think it's a good idea to have it mandated.

The Acting Chair (Mr. Lorne Coe): Thank you very much, Mayor Ashe and Mrs. Chiarelli, for being present today to make a delegation and answer the questions. I do now need to move on with the balance of the agenda.

REV. PAUL WOODCROFT

MRS. TIA WOODCROFT

The Acting Chair (Mr. Lorne Coe): Committee members, I'd like to call to the presentation table Paul Woodcroft and Tia Woodcroft.

Thank you both for being here to present on Bill 9. The expectation is that you speak directly to the legislation that's being proposed. Are you each speaking?

Rev. Paul Woodcroft: Yes.

The Acting Chair (Mr. Lorne Coe): Okay. You each will have seven minutes. You need to, for the record, say your name, and then once you've done that, one of you will start speaking for seven minutes.

Mrs. Tia Woodcroft: My name is Tia Woodcroft. I have been a former teacher in elementary and secondary. I have taught special ed. I've taught young offenders. I've also been president of OECTA, which is our union. And I have been a trustee and chairman of the Catholic school board.

I want to thank you, first, for letting us come tonight—this afternoon; it seems like tonight. At 81, I'm not as young as I used to be, so I'm tired. I want to thank you for allowing us to come to present our concerns. Paul and I had other plans today. It's our 49th wedding anniversary, but we decided to be here. I'm here for my grandchildren. I'm here for my great-grandchildren. I'm here for all our children. I'm going to get emotional.

1620

I have some concerns about Bill 9. I have been examining a lot of things that are happening in school boards and in municipal councils, and I'm seeing how people have been treated, and I'm worried that that's going to make things worse. Bill 9 could attack our democratic rights. Bill 9 gives municipal councils the right to fire duly elected councillors. Municipal councils already have the ability to remove a member for criminal acts, fraud, missing three consecutive meetings without documentation. In my opinion, some issues should be handled internally, with outside help if needed.

It seems that in the past number of years, under the Liberal government, anyone who opposes government policies or their bills is called racist, transphobic, far right—and they should be disciplined and fired.

I'm really concerned that we don't have a democracy any longer. We are denied our rights. More restrictive regulations are being put on everything, including our natural health products.

The freedom convoy certainly has torn down the illusion of democracy in Canada. The crown wants seven years for Tamara Lich and eight years for Chris Barber, and they also want his truck. It has been said by the crown prosecutor that they have done real damage, extraordinary harm, and they were only convicted, recently, in April, of mischief.

I've gone on the Internet to explore other people who have had charges against them, and—

The Acting Chair (Mr. Lorne Coe): Mrs. Woodcroft, I'm going to have to interrupt you. I said at the beginning

that I need you to speak to the contents of Bill 9. You're not doing that right now. I'd like you to bring it back, please, and talk about Bill 9 and the contents of it. Please do that; otherwise, I'm going to have to move to Paul's presentation. Thank you very much.

Mrs. Tia Woodcroft: Okay.

To go back to Bill 9, I could quote many places where trustees and councillors have been penalized for speaking out, but I'm only going to concentrate on one: Pickering. I have followed that issue from the very beginning.

Councillor Robinson put three motions on the floor; she could not get a seconder. I've never heard of that in a board before, and I'm sure that Mayor Ashe hasn't either. He was on the board with myself. Somebody should have seconded those motions to at least put them on the floor, have discussion and then vote. That did not happen. I agree with her motions. They were, I think, motions she had every right to speak on, on behalf of her constituents, and to protect our children.

The whole idea of this gender ideology which is going on in our schools is not acceptable. Our schools are not meeting the standards that they should be meeting in their academic—and also, whenever I was on the board, if we put in a new program, like junior kindergarten, we had meetings for parents. These children are told not to tell their parents what is happening. Parents are being denied their rights.

Also, her three motions were against the Pride flag being flown on municipal properties—

The Acting Chair (Mr. Lorne Coe): I'm going to stop you now. We've talked twice about speaking directly to the contents of Bill 9. You're not doing that. Try to do that.

Mrs. Tia Woodcroft: But Bill 9 is going to affect councillors—

The Acting Chair (Mr. Lorne Coe): No, we're not going to argue. I'm trying to accommodate your presentation. Your presentation is not speaking specifically to the contents of Bill 9. Therefore, I'm going to end your presentation. There was only a minute left anyway.

I'm going to go to Paul Woodcroft so that he can start his presentation.

Happy anniversary.

Mrs. Tia Woodcroft: Thank you.

Rev. Paul Woodcroft: My name is Paul Woodcroft. I'm 86 years old. I was ordained a priest 60 years ago, and I've worked for the last 60 years, trying to make things better for people. I was also on the separate school board after my wife was, along the same time as Kevin Ashe.

I have some serious concerns about Bill 9. I think it's appropriate that people who abuse others, either in the context of the board, of the meeting, or conduct abusive behaviour or violent behaviour—they should be disciplined and, obviously, forced to be removed. At the same time, I acknowledge what Mrs. Chiarelli was saying and the need to do so with the utmost sensitivity and confidentiality, so that no one, like her husband, is hung out to dry and abused.

I'm very concerned about what has been happening in the town of Pickering. There has been serious—in my view, at least—abuse of Lisa Robinson.

I also know of other situations throughout the province where people who have contrary views to that of others on the board have been silenced and not allowed to speak and had their salaries suspended.

My concern is that in the agenda that's set, people should be able to bring forth the concerns of their constituents.

The councillors and all politicians are elected by the citizens, and it should be the citizens who are the ones who recall their representative. So, in my view, there should be a recall mechanism built into the system—as other people have said today—rather than giving the power to other fellow councillors to suspend them and remove them from power. That process should be done through the court and/or—really, it should be done by the citizens themselves because they're the ones who voted for them. But if there's a serious incident or violation of the law which demands court involvement, that should be done through the courts; otherwise, it should be done by the citizens.

I'm saying this, and I know my wife is saying this—we're saying this in the context of what's happening universally, what's happening in Canada, all the censorship that's happening and suppression of very serious rights and freedoms that have been taken away from us. It's within that context that both of us are making our presentation.

1630

That's basically it.

The Acting Chair (Mr. Lorne Coe): Thank you, Mr. Woodcroft, and happy anniversary to you as well.

Rev. Paul Woodcroft: Thank you.

The Acting Chair (Mr. Lorne Coe): We're now on the first round of questions, and we're going to start with the government members. MPP Sandhu, please.

Mr. Amarjot Sandhu: Thank you to both of the presenters for being here. Congratulations on your 49th wedding anniversary, and—

Rev. Paul Woodcroft: It's a great way to spend it.

Mr. Amarjot Sandhu: Yes, it's a great way to spend it, no doubt. And thank you for your feedback on this important bill.

You mentioned that you're here for your children, grandchildren and for the future generations.

Do you think the expanded—how will these proposed amendments—particularly the expanded authority for the integrity commissioner, will help restore and maintain public trust in municipal councils?

Mrs. Tia Woodcroft: I do, in some cases, but I still have concerns.

Mr. Amarjot Sandhu: Can you share the concerns?

Mrs. Tia Woodcroft: The concerns are if it is used against someone who is just expressing their opinions, their beliefs, is representing the people who elected them, and if they're protecting our children—and I don't think they are.

Mr. Amarjot Sandhu: What elements would you believe are essential to be covered in a standardized code of conduct?

Mrs. Tia Woodcroft: Well, it has to be for very serious concerns, whether it's criminal, whether it's fraud. It has to be a serious thing. It can't just be something that somebody has said that people don't agree with.

If you're on a board, you have discussions, you have debates, but you still respect the people who are making those comments, whether you agree with them or not. Do we not have that right anymore here in Canada?

Mr. Amarjot Sandhu: Thank you. I'll pass it on to Mr. Grewal.

Mr. Hardeep Singh Grewal: Thank you to both of you for coming out today, especially on your anniversary, a big day for both of you. At the very least, you'll have your names enshrined in Hansard for the rest of your lives—that you're celebrating your anniversary here. So if you ever do a little Google search, that will pop up—

Rev. Paul Woodcroft: Wow. I'm a celebrity.

Mr. Hardeep Singh Grewal:—celebrating your 49th anniversary in Whitby, in today's committee hearing. So congratulations from myself as well.

On today's topic of Bill 9—my question is for either one of you; anyone can answer: Are there any segments that you agree with in this bill, in terms of either the levels, of making sure that the code of conduct is the same throughout the province, or the changes we're bringing in terms of adding Ontario's Integrity Commissioner into the mix and making sure that if there's any alleged partisanship between the integrity commissioner and those who have hired the integrity commissioner—that there's somebody else you can appeal to and have that conversation? What would be your thoughts and comments on that and some of your feedback?

Rev. Paul Woodcroft: There seems to me to be a conflict of interest when the municipality hires the integrity commissioner. The integrity commissioner should be independent.

Mr. Hardeep Singh Grewal: What Bill 9 is proposing is that if, let's say, there's an issue or you'd like to appeal that decision or that decision needs to be reviewed once again, we have the option of referring it to Ontario's Integrity Commissioner to then take a look at the decision made by the municipal integrity commissioner. Would you support that aspect, adding that accountability into municipal politics?

Rev. Paul Woodcroft: Yes.

Mr. Hardeep Singh Grewal: What about streamlining the codes of conduct? Would you agree that the rules should be the same across the province in terms of what the codes of conduct should be? The way things are set up now, throughout Ontario, almost every municipality has a variation in the rules, and integrity commissioners have to focus on what that municipality is all about.

Rev. Paul Woodcroft: As long as the codes of conduct allows the councillors, the people on council, the opportunity to voice the concerns of their constituents. If you

have your agenda so tight that it doesn't allow for that—that's the one concern that I have.

The other issues about not necessarily abuse, but bullying or putting too much pressure on others and, obviously, illegal activities—I support all that, for sure.

Mr. Hardeep Singh Grewal: Are there any particular changes that you would like to see or amendments that you'd like to see to Bill 9? Are there any proposals or thoughts that you think don't align with your views, in Bill 9, so far?

Rev. Paul Woodcroft: As long as those issues are included, I would support that.

Mr. Hardeep Singh Grewal: So I would take from your testimony today that, overall, the changes that are being proposed—as long as it doesn't affect free speech—you're inclined to say that these changes would be making a positive effect throughout the province.

Rev. Paul Woodcroft: As long as free speech is respected, and as long as it's acknowledged and respected that it's the citizens who vote for the councillors. And in my view, there should be a recall mechanism to enable the citizens to recall their councillor, their representative, if he or she isn't doing the right thing. And I don't think that the other councillors have the right to remove a fellow councillor.

Mr. Hardeep Singh Grewal: Something that has been noted in this bill is the level of which is required to remove somebody from council—we know that's not something that should be taken lightly. That should be the extreme decision in the circumstance that's involved, ensuring that everybody's rights are protected.

Before I go to the next question, Chair, how are we doing for time?

The Acting Chair (Mr. Lorne Coe): Well, you're running out of time, actually—13 seconds.

Mr. Hardeep Singh Grewal: I'll congratulate you on your anniversary again and say thank you so much for making the time to come out here today.

The Acting Chair (Mr. Lorne Coe): We're now going to go over to the official opposition. MPP Wong-Tam, please.

MPP Kristyn Wong-Tam: Thank you, Chair, and through you: Mr. and Mrs. Woodcroft, happy anniversary—49 years. Whose idea was it to spend your anniversary here with us?

Mrs. Tia Woodcroft: I think both of us.

MPP Kristyn Wong-Tam: I know this is a very important issue for you.

My parents just celebrated their 53rd anniversary. I'm very happy to celebrate love in any shape. I'm actually heading into my 10th anniversary. An anniversary date that pops up is this year—just this past weekend was the 20th anniversary of the legalization of same-sex marriage in Canada. So I'm very happy that we're all celebrating love.

I don't know if I have any questions, Chair. I feel like the submissions were really clear. It sort of drifted off a little bit, on other matters.

The only thing I would offer that might be helpful in this discussion is that we have the Canadian Charter of Rights and Freedoms—under section 2(b), where the freedom of expression, the freedom of opinion is enshrined. That is our highest law of the land, so it would supersede anything else that we do here in Ontario, and I'm very happy that we have that—which speaks to your point of wanting to protect speech and opinions and expression of opinions there.

Thank you very much for your deputation today.

The Acting Chair (Mr. Lorne Coe): We're going to go to the third party. MPP Cerjanec, please.

Mr. Rob Cerjanec: I'd like to congratulate both of you on your wedding anniversary.

I think my colleagues on the government side and on the official opposition side have said everything that, in my view, needed to be asked or said.

I appreciate your submission and your viewpoints and everything you have mentioned around here.

Hopefully, you'll be able to have a great anniversary dinner tonight, maybe with friends and family.

The Acting Chair (Mr. Lorne Coe): I want to thank you both for the time that you've taken, particularly on your wedding anniversary.

I'll be celebrating my 50th wedding anniversary on September 1—

Interjections.

The Acting Chair (Mr. Lorne Coe): Well, I got married when I was 21. I came out of journalism school, and my bride was just 20 years old then. I had taken a job with a radio station, and I didn't want to go alone, so I proposed the day I graduated. She said yes, and 50 years later, here we are.

You coming out this afternoon really captures well the essence of what Bill 9 is intended to do and how it touches all sectors of our community. I appreciate very much what you had to say and the questions that you did respond to.

So we leave here this afternoon, and we're heading into the early evening. It's 20 to 5.

Enjoy your dinner together. Look back at those days—

Mrs. Tia Woodcroft: Can I just say something?

The Acting Chair (Mr. Lorne Coe): Yes, go ahead.

Mrs. Tia Woodcroft: I'm sorry I got off track. I've had difficulty reading today. I woke up with a sty on my good eye, and I can't even see what's in front of me. I got a little carried away, and I should have stuck more on Bill 9. So I apologize for that.

I was a teacher because I love children. When I went on the school board, my dad lived with us. He was 94, and his needs got high, and I had to leave teaching, so I went on the school board, where I could help more children. And I'm here today to help even more children.

I really am concerned about our children and their future. What kind of country are we leaving to them? That's what keeps me awake at night.

This new pandemic that's coming out sometime in 2025 scares me. I have lost so much sleep over it—

Rev. Paul Woodcroft: And the vaccine.

Mrs. Tia Woodcroft: And the vaccine.

The Acting Chair (Mr. Lorne Coe): Well, enjoy your anniversary tonight.

Members of the committee, I'm assuming that we don't have any further questions for the presenters. We do have a second round that typically would be scheduled, but I don't see any hands going up.

So I'm going to thank you very much for your presentation. Have a great time tonight. Drive carefully. There are a lot of golfers out on the road, right?

Members of committee, I just want to thank all of the staff who have worked hard to support us today and, I know, have supported you through a number of stops. You have one more in Thunder Bay, if I'm not mistaken, that's coming up.

I want to thank everyone for the presentations.

For those who have been watching or listening in, if you'd like to submit any written materials to the committee in addition to your presentations, the deadline for written submissions is 2 p.m. on Monday, August 18, 2025.

There being no further business, this committee is adjourned.

The committee adjourned at 1643.

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