

**Communication - C1
Committee of the Whole (2)
March 8, 2021
Item # 10**

DATE: Wednesday, March 3, 2021

TO: Mayor and Members of Council

FROM: Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

RE: **COMMUNICATION – Committee of the Whole (2), March 8, 2021**
Item 10, Formal Code of Conduct Complaint Investigation Report
#062520

Recommendation

That Attachment 1 (enclosed) to the Formal Code of Conduct Complaint Investigation Report #062520 of the Integrity Commissioner and Lobbyist Registrar dated March 8, 2021 be received.

Background

1. The Complaint:

The Complaint alleged that the Respondent:

- interfered with the development application approval process by requiring meetings with her before a report on the development application could come forward to Council in contravention of Rules 7 and 16 of the Code, and;
- applied “considerable political interference”, to “push” City of Vaughan and Toronto Region Conservation Association (“TRCA”) staff to delay or modify the Complainant’s application, including by using “residents’ studies and reviews of reports prepared by ratepayers’ consultants”, in contravention of Rules 7 and 16 of the Code.

I find that the allegations raised in Issue #1 and #2 were not borne out.

2. The Code rules triggered by the Complaint:

Rule 7. Improper Use of Influence

1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Rule 16. Conduct Respecting Staff:

1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation, or the prospects or practice of staff and all Members shall show respect for the professional capacities of the staff of the City.

2. The Respondent's Position

The Respondent replied that the FOI documents received by the Complainant support the fact that there was no political interference.

The Respondent replied that:

- the January 9th, 2020 meeting was cancelled and staff advised that "After consulting with various stakeholders, it was agreed that the Jan 9th meeting is premature. All attendees have been notified. Once TRCA has had the opportunity to do its site work and report its findings, we will reschedule the meeting".
- The TRCA had only concluded its site visit on January 31, 2020 and thus a deadline of Feb. 4, 2020 to produce a report for an early March COW meeting would have been impossible for staff as they had insufficient time to determine whether or not the application could receive support because TRCA had yet to issue its findings of the site visit.
- The Respondent goes on to state that her emails to City staff were sent to the appropriate staff level insofar as the *Council Staff Protocol* deems it appropriate for a Member of Council to request updates from staff "particularly since residents at the Public Hearing were concerned about [the proposed development] location."
- A state of emergency for the City was declared due to COVID-19 (in March 2020). City Hall was closed to the public and all public meetings were suspended.
- In response to the Complainant's comment that the DCM of Planning had committed to him that his file would be brought to Committee of the Whole by the end of Q1 2020, the Respondent replied, "[w]ho could have foreseen COVID?"

3. The Complainant's Written Reply to the Respondent's position:

After having received the Respondent's reply to the complaint, in accordance with s.7(i)(b) of the Complaint Protocol, I provided these to the Complainant. The Complainant provided their further comments, which included:

That the applications were deemed complete under the Planning Act by the City of Vaughan. There is a statutory deadline to process applications under the Planning Act, which statutory deadline has come and gone. No updates to reports

are legislatively required. Site visits are not legislatively required, nor are resident meetings.

Vaughan is required to process the applications and bring forward a report under the Planning Act within those timeframes, even if the report indicates concerns with outstanding issues, suggested revisions, or even a recommendation for a refusal based on those outstanding concerns, if any. Further, punishing an applicant with delays because one chose to interact with residents or stakeholders does not incentivize compromise when the compromising is used as an excuse not to process the application within the statutory deadlines.

The Complainant's principal concern raised in the Complaint and reiterated in the supplementary comments was that "[c]ouncil speaks by resolution, majority rules, etc...." The Complainant was concerned that "[h]amstringing politicians from their ability to implement their electoral mandate by saying they cannot use their influence on staff makes no sense to me. Breaking laws, threatening people and being disrespectful can form "undue influence", yes, but clarifying that Councillors can participate in the process, including expressing their opinions to staff privately and publicly regardless if staff disagree or agree with them would go a long way to freeing up the true intent of democracy as it relates to the Code in Vaughan."

4. The City of Vaughan Planning Process

The City of Vaughan public website states that:

Before shovels hit the ground or any concrete is poured for new buildings, the City of Vaughan undertakes a detailed review which includes a public step-by-step process in advance of any projects being approved. This allows members of the community to share their concerns or comments about proposed developments.

Included on the City's website is the Step-By-Step Planning Process Guide (the "Guide"). Of note, the Guide includes a section entitled ***Individual Members of Council*** which states that individual Members of Council:

- May meet informally with applicant prior to submission to be informed of proposal
- May ask that the applicant hold a community consultation or information meeting prior to or after submission of the application
- May meet with Planning and Growth Management staff after the formal submission

In addition, the Guide includes the following statement:

A Note On Timing:

It is next to impossible to define with any accuracy the timing involved in this process. The timing is based on many different factors such as the interest of the applicant, the workflow of Planning and Growth Management staff and the number of issues that arise in the staff review.

5. Integrity Commissioner Comments:

Members of Council are permitted to ask questions, seek clarification, and engage critically with the reports which inform the decisions they must make. Asking questions such as, whether the consolidated comments of residents have been received by staff, why a meeting may have been postponed and asking supplementary questions, some of which may have been forwarded to the Councillor's office by concerned residents, are generally permitted.

Based on the information I have received during this investigation, there is no evidence that the Respondent overstepped her role in respect of the subject matter of this complaint by directing or encouraging staff to delay bringing the staff report to Council for approval of the application. In fact, I received information during this investigation that confirmed that the January 9th, 2020 meeting was cancelled because City staff "[a]fter consulting with various stakeholders", believed that holding the meeting would be premature.

It is clear from the information that I have received throughout this investigation that the Respondent showed no preferential treatment towards certain individuals but did listen to her constituents and those who would be impacted by decisions of the City.

The Complainant questions whether an individual Councillor's involvement in the planning process is permitted under the Code and whether there would be a Code violation if a Member of Council involves her/himself in any way in the planning process and supports her/his community. Council and not an individual Member of Council, makes decisions on planning applications.

Ward Councillors normally become involved in planning applications as a result of representations to them from local residents about an application. During this investigation, I received no information which established a nexus between the Respondent's conduct and the delay in the planning application approval. I did not receive any evidence that bore out the position that the Respondent attempted to direct or coerce staff by her words, conduct or simply attending meetings, to substitute her will for the subject matter expertise of staff.

Integrity Commissioner Findings:

In this complaint, there was no evidence to support the Complainant's allegations that the Respondent, in her official capacity, was improperly acting on behalf of the Ratepayers' group or that she directed or used the weight of her office to require senior and other staff in the planning department or the TRCA to meet with ratepayers, receive ratepayers' private studies, discuss or convince staff to take any action.

I have received no evidence that sustained the allegation that the Respondent used her official position as a Councillor in a way not permitted by the Code, Council Staff Protocol or any other policy of the City that sets out delegation of authority and division of roles and responsibilities between Council Members and staff. Further, the evidence did not support the allegation that the Respondent gave special consideration to the ratepayers who opposed the Respondent's application and used her official position at the City to

encourage the ratepayers' group to bring forward studies to cause staff to delay bringing forward a staff report to Council for consideration of the application. As a result, I find no breach of Rule 7 of the Code.

During this investigation, I received no evidence that staff felt pressured by the Respondent to act in any way at all (let alone in a manner contrary to approved City policy, including those policies that implement the statutory requirements of the planning process).

I found that the Respondent did not compel or direct staff of the City or the TRCA to delay, modify or somehow manage to her liking, the Complainant's development application. A breach of Rule 16 occurs when a Member of Council does something to compromise the political neutrality or compromise the objectivity of the staff, or exerts undue influence in the staff. I find no evidence that this occurred.

In accordance with section 11(ii) of the Complaint Protocol, I have determined that there has been no contravention of Rules 7 or 16 of the Code.

Attachment:

1. Formal Code of Conduct Complaint Investigation Report 062520

Respectfully Submitted,



Suzanne Craig, Integrity Commissioner and Lobbyist Registrar



Attachment 1

DATE: Wednesday, March 3, 2021**RE:** Formal Code of Conduct Complaint Investigation Report 062520

1. Summary

This report presents the findings of my investigation under the City of Vaughan Code of Ethical Conduct (the “Code”) relating to the conduct of Councillor Marilyn Iafrate (the “Respondent”) in connection to a complaint raising two issues:

1. whether the Respondent interfered with the development process by requiring meetings with the Respondent as the local councillor before a report on the development application could come forward to Council in contravention of Rules 7 and 16 of the Code;
2. whether the Respondent applied “considerable political interference”, to “push” City of Vaughan and Toronto Region Conservation Association (“TRCA”) staff to delay or modify the Complainant’s application, including by using “residents’ studies and reviews of reports prepared by ratepayers’ consultants”, in contravention of Rules 7 and 16 of the Code.

I find that the allegations raised in Issue #1 and #2 were not borne out.

2. The Complaint

Based on my preliminary classification, and after discussions with the Complainant, I determined that Rules 7 and 16 of the Code had been triggered by the Complaint, and I was satisfied that there were sufficient grounds to pursue an investigation on whether the Respondent had commanded or influenced City of Vaughan and TRCA staff with the intent of interfering in staff’s duties, in breach of Rules 7 and 16.

The Rules and related Commentary are set out below:

Rule 7. Improper Use of Influence:

- 1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.**

Commentary

Pursuant to corporate policy, the City Manager directs Deputy City Managers, who in turn, direct City staff. City Council and not individual Members of Council appropriately give

direction to the City administration. This provision relates not only to the Member's actions in respect of City staff, but also in other ways as determined by the Integrity Commissioner in the course of conducting an inquiry.

Examples of prohibited conduct include: the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's Parents, Child or Spouse, Staff, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of others as part of their official duties as a Member. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within the local board or at the City, in return for present actions or inaction.

Rule 16. Conduct Respecting Staff:

- 1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.**
- 2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding, or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.**
- 3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.**
- 4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation, or the prospects or practice of staff and all Members shall show respect for the professional capacities of the staff of the City.**

Commentary

Members should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalties of persons in power, or their personal opinions.

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the *Municipal Act*. The Administration, under the direction of the City Manager, serves the Council as a whole, and the combined interests of all Members as expressed through the resolutions of Council. An individual Member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter or overlook deficiencies in a file or application. It is also inappropriate

for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager. Any such attempts should be reported to the Integrity Commissioner.

Particulars of the Complaint:

The Complainant's allegations in respect of Rule 7 and the improper use of influence by the Respondent were set out in the supporting documentation to the Complaint. The Complaint stated that the Respondent's conduct was evidenced in deputations made at the March 2, 2020 Committee of the Whole meeting. The supporting documentation suggested that the Respondent met with City staff and directed them to unnecessarily delay approval of the Complainant's planning application and to cast aspersions on the completion and appropriateness of the application, largely based on information that she had received from residents' studies and reviews of reports prepared by ratepayers' consultants".

The Complaint allegations triggering Rule 16 appeared to be based on the Complainant's position that there was conduct by the Respondent in contravention of the Code at certain meetings with staff and that the Respondent directed staff to delay bringing a report to Council recommending approval of the Complainant's application.

The Complaint alleged the following:

- A common theme when having meetings with staff since January is that they suggest they are supposed to have "another meeting with the local Councillor" before they bring forward the report.
- Another common theme is that "the local councillor has concerns over this application" and there are "a lot of eyes watching this application".
- There was "considerable political interference from [the Respondent] during the past 6 months, and the recent FOI documents clearly confirm a variety [of] political forces being pushed onto staff in Vaughan as well as similar forces being pushed onto the TRCA".
- [The Respondent] has used the powers of her office, to give the impression to staff that the applications should be delayed, modified or somehow managed to her and the ratepayers liking as opposed to Council as a Whole. The applications remain stagnant today despite the DCM wanting the applications on the Committee of the Whole in Q1, 2020.

3. The Process

- On June 25, 2020, this Office received the formal complaint and I determined that the allegations of conduct at the meetings held in 2019 fell outside of the 6-

month limitation period set out in section 2 of the Complaint Protocol¹. As a result, this investigation focused on the allegations about alleged conduct on or after December 25, 2019.

- On July 13, 2020, I notified the Complainant of the receipt of the Complaint and having conducted the preliminary classification, determined that I would conduct an investigation.
- On July 20, 2020, I received a reply from the Respondent in response to the Complaint.
- On July 22nd, I provided the Complainant with a copy of the Respondent's reply.
- On July 28th, I received the Complainant's comments to the Respondent's reply and on July 29th, I advised the Complainant that I would review their supplementary submissions. After having reviewed the Complainant's further submissions, I decided to continue the investigation.
- Between August 10th and October 30, 2020, I conducted interviews with 11 individuals, 3 of whom also provided me with documentary evidence. I did not exercise my summons powers under the *Public Inquiries Act* and all information that I received during interviews and requests for documents were provided voluntarily under the exercise of the Code Protocol Investigations powers.

Section 7 of the Code Protocol states:

(2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.

I reviewed public and confidential City documents, emails, staff reports and minutes of Committee, Council and public consultation meetings, as well as TRCA meeting minutes and the freedom of information ("FOI") documents provided by the Complainant in the complaint package and other relevant documents.

- On September 28th, I spoke with the Complainant.
- From October 6th to October 23, 2020, I received supplementary clarification from witnesses. I am unable to provide excerpts from the interviews that I

1 Complaint Protocol for the Code of Ethical Conduct for Members of Council and Local Boards, Section 2. After December 31, 2008 all complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.

conducted or the documents collected as I am required by the provisions of the *Municipal Act*, to maintain the confidentiality of individuals with whom I speak. Section 223.5 of the *Municipal Act* contains the statutory provision outlining the Integrity Commissioner's duty of confidentiality. It states that "[t]he Commissioner and every person acting under the instructions of the Commissioner shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties under this Part."

4. The Respondent's Position

With respect to the allegations of the Complaint, the Respondent's reply included the following:

[The Complainant's] belief that I have delayed, modified or somehow managed to my liking his development application is without merit. Asking questions or asking for updates on a file is not delay, modifying or managing to my liking.

I am confused as to why [the Complainant] feels there has been considerable political interference from me. Again, the FOI documents support the fact that there was no political interference. I have only asked for updates or clarifications. This is not political interference.

Many factors caused the delay of this application, none of which had to do with me.

The January 9th, 2020 meeting was cancelled as it was premature. [In an email from staff] staff stated that "After consulting with various stakeholders, it was agreed that the Jan 9th meeting is premature. All attendees have been notified. Once TRCA has had the opportunity to do its site work and report its findings, we will reschedule the meeting".

Given that TRCA had only concluded its site visit on January 31, 2020, a deadline of Feb. 4, 2020 to produce a report for an early March COW meeting would have been impossible for staff as they had insufficient time to determine whether or not the application could receive support because TRCA had yet to issue its findings of the site visit.

Regarding the allegation that there is a common theme when the Complainant has meetings with staff since January they suggest that the Complainant is supposed to have "another meeting with the local Councillor before they bring forward the report" This was agreed to by staff as per the Minutes of the November 26, 2019 community meeting.

The Respondent goes on to state that her emails to City staff were sent to the appropriate staff level insofar as the *Council Staff Protocol* deems it appropriate for a Member of Council to request updates from staff "particularly since residents at the Public Hearing were concerned about [the proposed development] location."

The Respondent sets out that "...in the email exchange between myself and [staff] wherein I was asking for clarification for determining density based on the Minister's Zoning Order (MZO), [staff] was copied on the email from me as is common practice. The email exchange clearly indicates this information is public information."

In response to the Complainant's concerns that TRCA was copied on an email to staff from the Respondent and that "it is not normal practice for TRCA to hold comments pending review of reports prepared by ratepayers' 'consultants' ", the Respondent states that there was a site visit scheduled for January 31st and I asked if TRCA was able to attend the site visit. I also asked when TRCA expected to have their report completed. The email states "I only ask because the residents have paid for their own studies and I do not want their input to be dismissed because they have missed your reporting deadlines. This of course would apply to staff as well."

The Respondent sets out in her reply that on March 11, 2020 she requested an update regarding an Environmental Impact Study (EIS) "as there was a possibility that a revised one was coming forward [and] I asked for an update and asked if the ratepayer group could also get a copy. As a Councillor, I am often asked by residents and ratepayer groups for updates, information copies of documents etc. as it is far more difficult for [ratepayer groups and residents] to navigate the City's bureaucracy". In the reply to the Complaint the Respondent goes on to say that "...the factors behind this development not moving forward have nothing to do with me but rather the developer who keeps changing plans and missing deadlines. The email thread from [staff] continues with "[b]ased on the above, without the resubmission from the application and corresponding review of the material by internal City Departments, and external agencies, the report cannot be finalized at this time. It is being recommended that the applications be scheduled tentatively for the April 7th, 2020 Committee of the Whole agenda, in anticipation of receiving the information requested."

Regarding the meeting of February 18, 2020, the Complainant states:

"[the meeting] was with many staff from TRCA and Vaughan and Ratepayers which I was not invited to attend...The Ratepayer consistently copied [the Respondent] on emails...ultimately staff were disappointed by the meeting. Senior staff at TRCA told me after the meeting they were shocked I wasn't at the meeting and it was a complete waste of time...I would like to know if [the Respondent had] anything to do with the coordination or need for that meeting perhaps through verbal communication with staff".

The Respondent states: "I was not invited nor did I attend the meeting. The meeting was asked to take place by the Ratepayer President. [The Complainant's] comments regarding TRCA [...] have nothing to do with me. The meeting was independent of my office and we had no part in organizing it."

The Respondent summarizes that "most of the correspondence provided by [the Complainant] is between me and staff on behalf of ratepayers groups who have asked for information."

The Respondent goes on to state in her reply to address the issue of delay:

“Delays to [the Complainant’s] development application should be directed to himself starting with his refusal to allow TRCA onto his property last October 2019, wherein the commenting agency needed to complete its work and provide the statutory reports which could have been produced far sooner if it had been allowed on site. The COVID-19 pandemic has had an unprecedented impact on public meetings during the time frame noted by [the Complainant].”

Further, the Respondent advises that:

“TRCA was refused access to the property as noted in the minutes of a December 12, 2019 meeting [with TRCA staff] and supplied by [the Complainant]. Senior staff also confirmed that [the Complainant] had canceled the intended site visit the day prior to the visit.”

Further still, the Respondent stated:

“An EIS was required to be undertaken by [the Complainant] as per the Minister’s Zoning Order (MZO).

The EIS was supposed to have been submitted prior to the Public Hearing of October 7, 2019.

As per my email of November 18, 2019, the document had not yet been received by the City. The document was finally submitted on November 22, 2019.

Therefore, the processing of his application was delayed due to the missing of the deadline for submission of the EIS by approx. 7 weeks”.

In addition:

A state of emergency for the City was declared due to COVID-19 (in March 2020). City Hall was closed to the public and all public meetings were suspended.

[The Complainant] had commented that the DCM of Planning had committed to him that his file would be brought to Committee of the Whole by the end of Q1 2020. Who could have foreseen COVID?

Municipal Affairs and Housing also suspended all deadlines for planning applications due to the pandemic therefore this would have resulted in additional delays due to the pandemic.

In addition, the Respondent states that:

On May 8, 2020, [the Complainant] submits a 4th version of the development which requires staff to circulate the revised document once again to all commenting

departments and agencies.

"The dates of TRCA's site visits were independent of my office and based on seasonal requirements, therefore, delays due to the required visits, were not applicable to me."

5. The Complainant's Written Reply to the Respondent's position

After having received the Respondent's reply to the complaint, in accordance with s.7(i)(b) of the Complaint Protocol, I provided these to the Complainant. The Complainant provided their further comments:

I respectfully disagree with the Councillor's assertion that I have delayed my own applications. My applications were deemed complete under the Planning Act by the City of Vaughan. There is a statutory deadline to process applications under the Planning Act, which statutory deadline has come and gone. No updates to reports are legislatively required. Site visits are not legislatively required, nor are resident meetings.

Vaughan is required to process the applications and bring forward a report under the Planning Act within those timeframes, even if the report indicates concerns with outstanding issues, suggested revisions, or even a recommendation for a refusal based on those outstanding concerns, if any. At that point, Council decides as a whole how to proceed. Penalizing applicants with delays identifying the need for revisions based on issues raised by residents or external agencies or the need for resident meetings is not what the Planning Act intended. Further, punishing an applicant with delays because one chose to interact with residents or stakeholders does not incentivize compromise when the compromising is used as an excuse not to process the application within the statutory deadlines.

The "back room" where this councillor operated on behalf of a special interest group against the Applicant is also an inappropriate location to do business. Open public Committee and Council meetings are the appropriate venue to ask those questions and request information as noted by the Code of Conduct. A suggestion that this ratepayer group is unsophisticated and therefore needed the help of the Councillor to "navigate the City's bureaucracy" is irrelevant and factually untrue. Sophistication or lack thereof of the special interest group is not mentioned as an exception to the Code of Conduct. Further, this ratepayer group and its leadership have appealed other applications owned by our family to the LPAT..., hired lawyers and planners and experts, adjudicated matters in front of the Tribunal, participated in Environmental Assessments and other statutory processes and quasi-judicial exercises as well as utilized media and other political measures to achieve their goals. They are well funded[...] They are far from the shrinking violet as described by the councillor.

In this particular circumstance, modifications were done to address many concerns, including phasing out over 100 lots of the subdivision to address TRCA issues,

including those relating to the EIS. The TRCA has also visited the property many times over the years.

In any event, the processing of the application by staff is not what is in question here. What is in question is if the Councillor used the power of her office to influence staff or direct staff in any way. I think the Councillor has failed to recognize that her office was putting considerable pressures on staff through her various forms of communication (emails, phone calls, meetings etc...) to a point where numerous staff members (TRCA and Vaughan) felt uncomfortable enough to prompt senior management to reassure staff in an email of November 28th, 2019 "to stay the course....within the parameters of Council approved policies without undue interference....we professionally report to Council as a Whole....", which email was in direct response to a meeting hosted by Councillor lafrate who said she "would like fewer lots closer to the original plan of 410 as opposed to 526 and larger frontages". [...] Council works through resolution, not through the opinions of a single councillor expressed or not expressed at a Public Hearing.

The February 10th, 2020 email from Councillor lafrate to the TRCA and to Vaughan staff is very clearly a directive not to dismiss the residents' studies and to delay reporting so the studies could be considered. Councillor lafrate even admits it in her response by saying the residents (through her) "wanted to ensure that their reports had the opportunity to be considered by both TRCA and Vaughan prior to the final reports being completed." TRCA and Vaughan interpreted her email to mean exactly what she had intended. TRCA went as far as to circulate an email indicating how unusual such a request was. Councillor lafrate has confirmed she never received that draft email from TRCA regarding their concerns on the request. That does not surprise me as the councillor is in a position of political power, however, their concerns on the request were internally noted and documented with the statement "it is not normal practice for TRCA to **hold** (my emphasis) its comments pending review of reports prepared by ratepayers consultants". The evidence is clear in this regard. She was using her office to "interfere" in the process in a very uncomfortable and uncommon way for the interest of a ratepayer group.

In this case, Council authorized one meeting with the applicant and residents by way of resolution at the Public Hearing and that meeting took place in November 2019. If the Councillor wanted a second or third meeting or wanted to issue staff directives to consider residents' studies in their reporting, she should have gone back to Council for authorization. The councillor does not get unlimited access to staff resources as she sees fit.

I am still of the opinion the Councillor has violated the Code of Conduct Rule 7 and 16. In particular, her Feb 10th, 2020 email to TRCA and Vaughan Staff regarding resident special interest group studies to be considered, her directives to staff at meetings for her desired reduced number of lots and her requests for a second meeting with residents and the Applicant and staff, which meeting was not authorized by Council and used as a tool of delay.

6. The Complainant's Supplementary Comments

I received additional comments from the Complainant. The Complainant stated that Rule 7 of the Code sets a clear prohibition against a Member of Council using their office to influence a decision of staff. Their position is that "[m]erely agreeing with staff positions doesn't negate the use of influence. Perspective should not form part of the conclusion." The Complainant explained that they believed staff was unduly delaying the application subject of the Complaint and "were receiving affirmation from the Councillor that such delays were appropriate, therefore "doubling down" on an inappropriate behavior. In their supplementary submissions, the Complainant stated that "if staff did not receive such affirmations, perhaps they would have processed my applications quicker?"

The Complainant's principal concern raised in the Complaint and reiterated in the supplementary comments is set out as follows:

"Is the Integrity Commissioner the "Approval Authority" under the Planning Act? Is the Integrity Commissioner a Planner? Is it appropriate to even weigh the Planning merits of applications at all? What if the purported Code violation was in relation to a human resource matter, or a civil litigation matter, or operation and maintenance or financial statements (or Hospital naming)....does the area of expertise of the Integrity Commissioner matter? Is it only a code violation when staff disagree with the position of the Councillor? I would suggest determining the effectiveness of the influence used by a councillor should be irrelevant as well as the assumption that influence can only be "undue influence" if it contradicts those that are receiving the influence."

The Complainant goes on to state that they are legitimately trying to understand the application of the Code rules and the role of the Integrity Commissioner in respect of planning matters. The Complainant states:

"Is the purpose to achieve democratic results? "Council speaks by resolution, majority rules, etc...." Is a poll of council positions required when deciding to use influence? How does that look in practice? Email trails? Resolutions? Quiet conversations until staff count to 5? What happens if the majority of Council disagrees with staff, which is their democratic right if not their obligation depending on their electoral mandate? Does that then become "undue influence"? How do you define "undue influence". Only if staff disagree? In this instance, what if the majority of council felt staff was unduly delaying the process? Are they violating the Code by expressing that disagreement, privately or publicly because staff think they are not delaying (for the record, staff never think they are wrong)? You can see the mess one might find themselves in trying to unravel the undefined term of "undue influence" and constantly trying to determine if the influence was used for good or evil? Majority or Minority? Right or wrong? Who decides those things and how does bias not play a role in that determination? If there is a constant need to be determinative of the outcome, the motive etc....subjectiveness becomes the driving force.

If the intent is to limit “undue influence”, you must define “undue”. [...] These are the checks and balances of democracy. It is healthy to disagree. Ideas are forged right in the middle of those challenges and people grow from them. I personally push to encourage the disagreements in order to find change.”

Hamstringing politicians from their ability to implement their electoral mandate by saying they cannot use their influence on staff makes no sense to me. Breaking laws, threatening people and being disrespectful can form “undue influence”, yes, but clarifying that Councillors can participate in the process, including expressing their opinions to staff privately and publicly regardless if staff disagree or agree with them would go a long way to freeing up the true intent of democracy as it relates to the Code in Vaughan.”

7. Analysis

The Role of the Integrity Commissioner

In response to the Complainant’s question regarding the role of the Integrity Commissioner, as set out by Justice Bellamy in the 2005 Bellamy Report:

An integrity commissioner provides significant profile to ethical issues inside City government and sends an important message to constituents about the City’s commitment to ethical governance.

No matter how comprehensive the rules, there will on occasion be situations where the ethical course of action is not clear and an individual will need authoritative advice and guidance.

Without enforcement, the rules are only guidelines. Although research shows that a values-based approach to ethics policy, focusing on defining values and encouraging employee commitment, is preferable to a system of surveillance and punishment, where the public interest is involved, there should be a deterrent in the form of consequences for bad behaviour. The rules must have teeth.

Justice Bellamy went on to state that an Integrity Commissioner should have certain attributes, which include:

- excellent and effective communication skills in functions including presentations, public speaking, and one-on-one interactions with employees of all levels
- objectivity and thoughtfulness
- ability to establish and maintain credibility and trust throughout the organization
- ability to quickly assimilate information relating to complex issues
- ability to network on all levels of an organization
- political astuteness
- personal and professional maturity
- working knowledge of applicable laws and regulations

- discretion and ability to protect confidential information
- ability and willingness to take a difficult or unpopular position if necessary

Neither Justice Bellamy nor Justice Cunningham, Commissioner of the Mississauga Inquiry recommended that an Integrity Commissioner should be an expert in planning, human resources, civil litigation or financial matters. Rather, both Inquiry Commissioners advised that an integrity commissioner should be an ethics professional with the skills and attributes to conduct a fair and objective investigation in accordance with the by-laws of the municipality.

The Vaughan Code Protocol sets out that the Integrity Commissioner will conduct an investigation pursuant to rules set out in section 10 and will report to Council that in her opinion, there has been a violation of the Code, recommending the imposition of penalties or corrective action. Where the Integrity Commissioner determines that there has been no contravention of the Code, she may so state in a report.

The Complainant suggests that the Integrity Commissioner should not be the arbiter of whether a Member of Council participates in the planning process. In addition, the Complainant purports that if the Integrity Commissioner determines that a Member of Council can legitimately participate in the planning process, then any participation should be deemed conduct allowed under the Code. The office of the Integrity Commissioner is not “the arbiter of whether a Member of Council participates in the planning process”. The Integrity Commissioner investigates and, if a complaint about participation in the planning process is found to be a violation of the Code, the Commissioner reports on her findings and makes recommendations to Council possible penalties or corrective action.

(1) The City of Vaughan Planning Process

The City of Vaughan public website states that:

Before shovels hit the ground or any concrete is poured for new buildings, the City of Vaughan undertakes a detailed review which includes a public step-by-step process in advance of any projects being approved. This allows members of the community to share their concerns or comments about proposed developments.

Included on the City’s website is the Step-By-Step Planning Process Guide (the “Guide”). Of note, the Guide includes a section entitled ***Individual Members of Council*** which states that individual Members of Council:

- May meet informally with applicant prior to submission to be informed of proposal
- May ask that the applicant hold a community consultation or information meeting prior to or after submission of the application
- May meet with Planning and Growth Management staff after the formal submission

In addition, the Guide includes the following statement:

A Note On Timing:

It is next to impossible to define with any accuracy the timing involved in this process. The timing is based on many different factors such as the interest of the applicant, the workflow of Planning and Growth Management staff and the number of issues that arise in the staff review.

Information received during interviews confirmed that a significant portion of the delays were caused by further information being required by the City and the TRCA. In respect of allegations that invitations to meetings were not extended to the applicant, I received information during my investigation that applicants are often uninvolved in meetings and will only be invited if their attendance would be “value added” to the meeting. By way of background, the location of the development application subject of this complaint was within the Oak Ridges Moraine. The Ministerial Order (“MO”) took that land and created a Future Urban Area Zone (by virtue of Zoning By-law 188). This MO required the landowner to draw up an amended plan to accommodate required designations such that the land taken out of the Oak Ridges Moraine was required to form a draft plan of subdivision to undertake protection of sensitive lands.

Rule 7- Improper Use of Influence

Several Ontario municipalities, including the City of Vaughan, have enacted Codes of Conduct that include Improper Use of Influence rules that prohibit a member of council from using the influence of their office for any purpose other than for the exercise of their official duties. Examples of prohibited conduct under Improper Use of Influence rules include the use of one’s status as a member of Council to **improperly** influence the decision of another person (in this case, planning staff) to the private advantage of oneself, or family members or business associates or holding out of the prospect of promise of future advantage through a member’s supposed influence within Council in return for present actions or inaction.²

Whether a Member of Council is interacting with other Members of Council, City staff, Committee Members or the public, the intent of the Code provision is to prohibit behavior or actions that would **unduly influence** a government decision to the advantage of the Member or third parties who may have a private interest, which may also be a pecuniary interest.

The Code provisions contained in Rule 7 are in place with a view to ensuring that municipal elected officials do not act in a manner that would cause a reasonable person to think that they would show favour toward someone or that they can be improperly influenced. In other words, the Code rule requires that a Member avoid improper influence of staff decisions. The Code does not define *Improper Use of Influence* or *Undue Influence*. Generally speaking, permissible **influence** involves participation in decision-making in alignment

² Lorne Sossin, Formerly Dean of Osgoode Hall Law School, Presentation at the Municipal Integrity Commissioners of Ontario Bi-Annual Meeting, 2011.

with approved rules and policies. Impermissible or undue influence is a creation of equity under which a transaction may be set aside because undue influence has either actually infected or is presumed to have infected the sufficiency of a party's consent. In other words, the individual in power attempts to substitute their mind for that of the person tasked with the decision-making authority, so that the person makes the decision that they otherwise would not make.³

Undue influence is imposing pressure that causes a person to perform some legal act that does not reflect the true role of the person or staffer. As stated by a Commissioner in a 2018 municipal code investigation report:

[...] it does not matter whether the Respondents' positions were favourable to the Association. As the Supreme Court of Canada has observed, positions taken by elected officials might advance some people's interests while being adverse to other people's interests. Consequently, the fact that a position happens to be in the interest of some and not of others does not make the position "special consideration, treatment or advantage ... to any citizen beyond that which is available to any other citizen."⁴

It is important to understand that if a Member of Council conducts him or herself to the advantage of a private interest of a party, Rule 7 is triggered. Such conduct would include attempts to secure preferential treatment beyond activities in which members normally engage on behalf of their constituents as part of their official duties. I did not find in this complaint that the Respondent engaged in such conduct.

The Code recognizes that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement Council's decisions. Members of Council recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. However, this does not mean that a Member of Council cannot seek updates from staff. The 2016 City of Vaughan Staff Council Protocol (the "Protocol") was developed to guide the relationship between Members of Council and staff. This protocol recognizes the need for staff to provide high-quality advice to Council based on political neutrality and objectivity, and provides commentary on the appropriate ways for Members of Council to seek information from City staff. The Protocol incorporates the Council-Approved Policy AD-001 – General Guidelines for Reports from Staff Requested By Councillors ("Policy AD-001") and sets out that all requests for written reports and information must be placed through the offices of department heads or the Chief Administrative Officer.

Members of Council are permitted to ask questions, seek clarification, and engage critically

³ The Fiduciary Explanation for Presumed Undue Influence, 2012 CanLII 155, Marshall Haughey, p.134

⁴ Bush v Trist and Valley, 2018 ONMIC 19 (CanLII), paragraph 45.

with the reports which inform the decisions they must make. Asking questions such as, whether the consolidated comments of residents have been received by staff, why a meeting may have been postponed and asking supplementary questions, some of which may have been forwarded to the Councillor's office by concerned residents, are generally permitted. Based on the information I have received during this investigation, there is no evidence that the Respondent overstepped her role in respect of the subject matter of this complaint by directing or encouraging staff to delay bringing the staff report to Council for approval of the application. In fact, I received information during this investigation that confirmed that the January 9th, 2020 meeting was cancelled because City staff "[a]fter consulting with various stakeholders", believed that holding the meeting would be premature.

Councillor Bias

Undue influence of staff may also indicate that the councillor is biased when a matter comes before council. It is a basic premise of decision-making at the municipal level that Council decisions must be fair and appear to be fair to the informed and reasonable observer. If actual or apprehended bias arises from a Councillor's words or actions, then the elected official has exceeded their jurisdiction and should disqualify themselves. Impartiality is a state of mind in which the Councillor is disinterested in the outcome and is open to persuasion by the staff reports and public submissions and all information that comes before Committees and Council. Bias denotes a state of mind that is in some way predisposed to a particular result or that is closed in regard to a particular issue.⁵ I did not find that the Respondent's questions or actions suggested that she had a closed mind.

I have stated previously that Members are required to be free from bias and prejudgment in respect of the decisions that are part of a Member's political and legislative duties. I have previously determined that the test for determining whether there is a reasonable apprehension of bias in respect of a Member is the same as the test established by courts with respect to an administrative tribunal:

... [W]hat would an informed person, viewing the matter realistically and practically – and having thought the matter through – conclude. Would he think that it is more likely than not that [the decision-maker], whether consciously or unconsciously, would not decide fairly. (*Yukon Francophone School Board, Education Area #23 v. Yukon (Attorney General)*, [2015] 2 SCR 282 at para. 20)

Was the Respondent's conduct an Improper Use of Influence?

With reference to the February 18, 2020 meeting for which the Complainant states that they were not invited to attend and their questions that they "would like to know if [the Respondent had] anything to do with the coordination or need for that meeting perhaps through verbal communication with staff", I learned during the course of the investigation

⁵ *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484 (S.C.C.) at paras 91, 99, 104-105

that there was a requirement for the meeting and “[the Respondent] did not “push to have the meeting”. In fact, I was advised that there was no direct contact between staff and the Respondent.

In particular, staff was concerned that the site visit scheduled for October 31st, 2019 had been cancelled by the applicant and due to the weather and restrictions caused by the pandemic, another site visit was not scheduled until June 2020. Further, I was advised that “to suggest that staff (of either the TRCA or the City of Vaughan) had to go to [the Respondent] is ridiculous”. Through interviews, I was advised that on several occasions, the applicant communicated that they were not comfortable with anyone on their site. It was not until January 2020, that the applicant agreed to a meeting on the proposed development site. I was advised that the relevant departments asked the applicant questions but the applicant delayed in providing responses. The site visit was to determine the development limits of the wetland and therefore the visit could not take place in the winter.

I was advised that it is not unusual for a Councillor to request a community meeting after a statutory public meeting. In February, the ratepayers requested a follow up meeting to the November 2019 meeting. The Respondent did not attend the February meeting. The TRCA was allowed on the site property on January 31, 2020 to conduct a number of studies. I was advised that TRCA staff were not permitted on the site prior to this date. I was further advised that in February 2020 the TRCA issued a 20-page report to the City of Vaughan and advised that a further site visit would be required in the late spring to do further staking and determine boundaries. In March 2020, the City of Vaughan declared a state of emergency due to COVID-19 and as a result most in-person meetings were cancelled. In addition, due to the Province of Ontario’s issuance of Province-wide state of emergency, the Ministry of Municipal Affairs and Housing suspended all deadlines for planning applications.

The Complainant purports that the Respondent inserted herself into the planning process and this is in contravention of 7 of the Code. The Commentary of Rule 7 states that:

Pursuant to corporate policy, the City Manager directs Deputy City Managers, who in turn, direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration.

And

Examples of prohibited conduct include the use of one’s status as a Member to improperly influence the decision of another person to the private advantage of oneself, or...otherwise. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of others as part of their Official Duties as a Member.

With reference to the allegation in the complaint that the Respondent used the ratepayers’ association’s and consultant’s EIS report to create further obstacles in the way of the application approval, I have been advised during this investigation that ordinarily

information received by agencies goes through City staff. I have been advised that the TRCA process does not usually dismiss information that may be of utility. Members of Council are not precluded from showing a perspective for one group's position over another. However, at the right place and time – at Council during the decision-making process, they must be seen to fairly consider all information in respect to the matter before Council. The other agencies, including the TRCA may receive consultant reports for consideration without comment. Under current municipal law and the resulting political structures, individual municipal councillors are key decision makers who have the power to affect the outcomes of municipal decisions. However, participation by Council Members in approved City and statutory planning processes – like in this case – is not prohibited by the Code.

It is clear from the information that I have received throughout this investigation that the Respondent showed no preferential treatment towards certain individuals but did listen to her constituents and those who would be impacted by decisions of the City. With respect to the Complainant's contention that the Respondent did not give as much weight to the position of the development application as she did to residents and ratepayers, based on the information that I received during this investigation, I did not find that the Respondent gave more or less "weight" to any one position. According to statements by staff, the Respondent did not direct staff in any way, including by advocating on behalf of special interest groups causing delays in respect to projects of the Complainant. Listening to the public organized through ratepayers groups is not giving deference to a special interest group only by virtue of the ratepayers group being in opposition to a proposed development.

The Complainant questions whether an individual Councillor's involvement in the planning process is permitted under the Code and whether there would be a Code violation if a Member of Council involves her/himself in any way in the planning process and supports her/his community. In so doing, the Complainant has not only alleged that in this complaint the Respondent used the weight of her office to unduly influence (substitute the decisions of staff for her own) staff decisions with the result of excessive delays to the development application, but also asks if community support of the outcomes of the Councillor involvement in the process would be a pre-condition to an exception to the Code prohibition contained in Rule 7 of the Code. The answer is that Council and not an individual Member of Council, makes decisions on planning applications.

Ward Councillors normally become involved in planning applications as a result of representations to them from local residents about an application. During this investigation, I received no information which established a nexus between the Respondent's conduct and the delay in the planning application approval. I did not receive any evidence that bore out the position that the Respondent attempted to direct or coerce staff by her words, conduct or simply attending meetings, to substitute her will for the subject matter expertise of staff.

After having interviewed 11 individuals with knowledge of the matters subject of this complaint, there was no evidence to support the allegations that the Respondent used her office to unduly influence staff decisions with the intended or indirect consequence of

delaying the application approval. The Complainant is suggesting that there is a bright line for which either a Member of Council can participate in the planning process or they cannot. The City's Planning *Guide* specifically provides for a role of an individual Member of Council in the planning process. When this Office investigates a Code complaint having as its subject matters involving planning processes, I am guided by what the City processes prescribe as a permitted role of a Councillor. This Office has investigated undue influence by Councillors in the past. In some instances, this Office has concluded that councillor conduct contravened Rule 7 of the Code; however, such specific findings do not create a general prohibition for any Councillor to be involved in the planning process. Each complaint must be considered on its own particular facts.

In this complaint, there was no evidence to support the Complainant's allegations that the Respondent, in her official capacity, was improperly acting on behalf of the Ratepayers' group or that she directed or used the weight of her office to require senior and other staff in the planning department or the TRCA to meet with ratepayers, receive ratepayers' private studies, discuss or convince staff to take any action. In the Respondent's reply to the Complaint, she explained that ratepayers and members of the public affected by the planning application sought her out to voice their concerns and displeasure with the process and plans. It is appropriate that the public feel comfortable reaching out to their elected officials. It is also appropriate for a Member of Council to forward on information that comes from the public to staff. While it is preferable for Members of Council to explain to the public how to submit their concerns, what official processes and channels exist at the City for dissemination of information during the planning process, responding to constituents' questions is not prohibited under the Code. Members of Council may identify to staff gaps that act as an impediment to access to information by the public. However, as a general rule, staff are in the best position to address public concerns of residents in respect of how to provide their input to municipal or Provincial decision makers.

I have received no evidence that sustained the allegation that the Respondent used her official position as a Councillor in a way not permitted by the Code, Council Staff Protocol or any other policy of the City that sets out delegation of authority and division of roles and responsibilities between Council Members and staff. Further, the evidence did not support the allegation that the Respondent gave special consideration to the ratepayers who opposed the Respondent's application and used her official position at the City to encourage the ratepayers' group to bring forward studies to cause staff to delay bringing forward a staff report to Council for consideration of the application. As a result, I find no breach of Rule 7 of the Code.

Rule 16 – Conduct Respecting Staff

In accordance with Rule 16 of the Code, "It is inappropriate for members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager." However, requesting information and updates on the planning process in response to constituents' request for information, is not involving oneself in administrative or departmental management.

It is the Complainant's assertion that the Respondent inappropriately involved herself in

the day-to-day activities and decision-making of the planning staff throughout the planning process with the effect of delaying their application approval because staff did not bring forward a staff report in a timely manner. The Complainant appeared to be asking for clarification about how a member of council may be involved in the planning process, if at all and question whether a member of council's involvement would be permitted under the Code simply if the Councillor's involvement is supported by the community. The Complaint posits that if one Councillor can be involved in the planning process, in this case the Respondent, then all Members of Council should be allowed to be part of the process. The Complainant suggests that this Office has previously decided that the involvement in the planning process by a Member of Council was conduct contrary to the Code. Hence, according to the Complainant if this Office ruled in the past that a Member should not involve her or himself in the planning process as this is contrary to the Code, then in the complaint before me, this Office should in the same way, find that the Respondent's involvement is conduct contrary to the Code. As stated earlier in this report and explained in more detail below, each complaint must be considered on its particular facts.

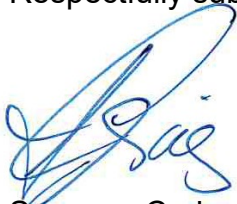
The allegation that the Respondent was directing members of staff is a serious one. This Office has received and investigated complaints against other Members of Council alleging such action in the past. Members of Council are required under the Code to recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities and this is a legitimate role of Council. However, this does not mean that Councillors will have broad stroke access to any information they feel is necessary for them to make decisions, especially not in the area of procurement or planning, that have rigorously controlled processes set out in statute and bylaws. In past decisions, the rulings of this Office were made on the basis of the evidence that supported allegations that a Respondent Member of Council ignored the detailed explanations of staff that the Member should not be participating in the City process during the *Black Out Period* of the procurement process or misrepresenting the City's position to another public agency. In past investigations of this Office, where a Member's conduct has been found to be in contravention of Rule 16, there has been sufficient evidence to confirm that a Member did not respect the professional role of staff and attempted to influence the City process in a way that was impermissible under the procurement or planning rules. In the Complaint investigation before me, I have received no evidence that the Respondent sought information that she was not permitted to receive, that the Respondent circumvented or contravened City or statutory processes to direct staff contrary to their professional obligations, that she caused meetings to happen contrary to the Council Staff Protocol or simply used the weight of her Office to grant special consideration to individuals. The Complainant did receive comments from ratepayers who, by the Respondent's admission, find it difficult to navigate the City's process. While the allegations of improper use of influence were not borne out, the Respondent is encouraged to direct members of the public to the steps that can be taken to bring new issues to the attention of City staff in a City process rather than filling this role herself. This comment should not be taken to indicate any wrongdoing on the part of the Respondent. Rather, this is the preferred way to ensure that the Respondent or other Members of Council can protect themselves against allegations of undue influence or inappropriately interacting with staff.

During this investigation, I received no evidence that staff felt pressured by the Respondent to act in any way at all (let alone in a manner contrary to approved City policy, including those policies that implement the statutory requirements of the planning process). As the accountability officer for the City, I gather information about the relevant policies and the Member's conduct and determine whether the conduct violated the Code. For example, I investigate whether the Member inundated staff with questions, bullied or intimidated staff, or whether emails and requests for meetings functioned to interfere with the professional and unencumbered exercise of staff's duties. One witness stated that the Respondent "has a way of speaking that is very direct", however, this same individual advised that they have no difficulty telling the Respondent or any Member of Council when a request cannot be actioned by staff. To be clear, even with this witness, there was no evidence to indicate that they had to tell the Respondent that one of her requests could not be actioned by staff. When I asked why the staff person felt it necessary to state that the Respondent "has a way of speaking that is very direct", they replied that they did not believe that being direct was intimidating or intruding on staff's professional sphere of decision-making. In response to the Complainant's question in their supplementary comments, of whether Councillor participation in the planning process is ever appropriate conduct under the Code, if a City or agency policy sets out Councillor participation, participation is appropriate and undue influence will not be triggered where there is a role for an individual councillor in the process and the Councillor acts within the parameters of that prescribed role. Councillors should be mindful of the policies which apply in each particular circumstance. If they have questions about the application of the Code, they are free to consult with me in my educational role for members.

I found that the Respondent did not compel or direct staff of the City or the TRCA to delay, modify or somehow manage to her liking, the Complainant's development application. A breach of Rule 16 occurs when a Member of Council does something to compromise the political neutrality or compromise the objectivity of the staff, or exerts undue influence in the staff. I find no evidence that this occurred.

In accordance with section 11(ii) of the Complaint Protocol, I have determined that there has been no contravention of Rules 7 or 16 of the Code.

Respectfully submitted,



Suzanne Craig
Integrity Commissioner and Lobbyist Registrar