

Committee of the Whole (2) Report

DATE: Monday, March 08, 2021

WARD(S): ALL

**TITLE: FORMAL CODE OF CONDUCT COMPLAINT INVESTIGATION
REPORT #062520**

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: FOR INFORMATION

Purpose

Under Part B of the Complaint Protocol for the Vaughan Council Code of Ethical Conduct (the “Code”), following the investigation of a formal Code complaint, the Integrity Commissioner shall report her findings to Council.

Report Highlights

- The complaint alleged that the Respondent’s conduct contravened Rules 7 and 16 of the Code by:
 - Using the influence of her office to delay the approval of a development application
 - Interfering with staff duties resulting in unnecessary approval delays.
- During this investigation, no evidence was received that staff felt pressured by the Respondent to act in any way contrary to approved City policy, including those policies that implement the statutory requirements of the planning process.
- No evidence was found that the Respondent directed staff of the City or the Toronto and Region Conservation Authority (TRCA) to delay, modify or somehow manage to her liking, the Complainant’s development application.

Recommendation

1. That no penalty be imposed on the Member insofar as there was no evidence to support that the Member attempted to influence the actions of staff including by advocating on behalf of special interest groups causing delays in respect of projects of the Complainant.

Background

- 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".

Previous Reports/Authority

NA

Analysis and Options

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", the investigation found that there was a requirement for the meeting and "[the Respondent] did not "push to have the meeting". In fact, there was no direct contact between staff and the Respondent.

Evidence led to the conclusion that the October 31, 2019 site visit 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.

Information gathered during the investigation evidenced that TRCA staff were not permitted on the site prior to January 2020. 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.

Financial Impact

N/A

Broader Regional Impacts/Considerations

N/A

Conclusion

It is clear from the information received throughout this investigation that the Respondent showed no preferential treatment towards certain individuals but did listen to her constituents and those 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 applicant as she did to residents and ratepayers, based on the information received during this investigation, the position the Respondent gave more or less "weight" to any one position has not been sustained.

Information received during the investigation bore out that 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.

For more information, please contact Suzanne Craig, Integrity Commissioner and Lobbyist Registrar at extension 8301.

Attachment

1. Formal Code of Conduct Complaint Investigation Report #062520 (to be distributed prior to the March 8, 2021, Committee of the Whole (2) meeting).

Prepared by

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar, extension 8301.

Approved by



Suzanne Craig, Integrity Commissioner and Lobbyist Registrar