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CHAMBERS

Integrity Commissioner Office
for the City of Kawartha Lakes

September 4, 2025

SENT BY EMAIL:

Jacob Damstra

Counsel for Mario Giampietri, Cheryl Shindruk, King's Bay Golf Club Limited and Geranium

AND TO:

Councillor Dan Joyce

AND TO:

Cathie Ritche, City Clerk

Re: Investigation Report for Complaint IC-35567-0525

This is the report of the Integrity Commissioner Office concerning a complaint brought by Mario Giampietri, Cheryl Shindruk, King's Bay Golf Club Limited and Geranium ("King's Bay") alleging that Councillor Dan Joyce has contravened the Kawartha Lakes Code of Conduct and Ethics – Members of Council and Local Boards (the "Code of Conduct"). The complaint was filed with the Office of the Integrity Commissioner on May 21, 2025.

Section 18.1 of the Code of Conduct provides as follows:

If a member of the public or Staff believes a Member of Council has contravened the Code of Conduct, they should submit a written complaint in accordance with the established Investigation Protocol set out in Appendix "A".

The Investigation Protocol provides parameters that the Integrity Commissioner is to follow in investigating complaints.

Pursuant to a delegation dated May 22, 2025, made under section 223.3(3) of the *Municipal Act*, Charles A. Harnick delegated his powers and duties as Integrity Commissioner to me, Ellen Fry, to inquire into and investigate this complaint, and, if warranted, prepare a report with respect to the complaint.

A. The Complaint

In the spring of 2020 King's Bay initiated the process to obtain the City's approval of a development project. On May 23, 2023, King's Bay filed an application with the Ontario Land Tribunal ("OLT") to obtain the OLT's approval of the project. The fact that there was an OLT application in progress caused the City to pause its action in processing the King's Bay application until the OLT process was completed. On July 4, 2024 the OLT approved the King's Bay plan of subdivision subject to the fulfillment of certain conditions. At its April 22, 2025 Council meeting, the City approved the plan of subdivision.

One element that was discussed when the City was processing King's Bay's application was a proposal for a "buffer zone". The King's Bay project involved building a road on former golf course lands that backed on the yards of certain residents. The buffer zone proposal would have increased the road allowance for this road, so as to create a "buffer" between the road traffic and the residents' properties.

On February 6, 2023, King's Bay sent a draft MOU to the King's Bay Residents Association ("KBRA") which among other things provided for the proposed buffer zone. On February 8, 2023, King's Bay requested a reply to the draft MOU by February 10, and indicated that if this did not occur, the buffer zone proposal, among other things, would be rescinded. The KBRA did not reply by February 10, and King's Bay rescinded the buffer zone proposal.

On April 27, 2023, Councillor Joyce met with King's Bay. It was Councillor Joyce's understanding of the outcome of the meeting that King's Bay agreed to re-instate the buffer zone proposal, and that this was not subject to any conditions. However, it was the understanding of King's Bay that it agreed to re-instate the buffer zone proposal only if the King's Bay application was presented promptly to Council, and that Councillor Joyce agreed to expedite the application with staff or to expedite the scheduling on the Council agenda for a vote. According to Councillor Joyce's recollection, there was no discussion of expediting or Council voting. Councillor Joyce

notes that Councillors do not have the power to expedite an application, and believes that King's Bay should have been aware of this.

According to King's Bay, the condition that it recollects was not met, because the City required a full resubmission of all application materials. King's Bay did not reinstate the buffer zone proposal.

King's Bay believes that Councillor Joyce made comments at the April 22, 2025 Council meeting that were factually incorrect and/or misleading. They also allege that Councillor Joyce "breached the expected discretion" around a private professional conduct complaint submitted to the Ontario Professional Planners Institute. They believe that these comments breached sections 1.3(b), 1.3(c), 1.3(h), 4.1(a), 4.1(b), 4.1(c) and 4.1(f) of the Code of Conduct.

B. The Investigation

I reviewed the submissions of the parties and other relevant information, including

- The complaint submitted to the Integrity Commissioner by letter dated May 21, 2025
- The response by Complainants' counsel to my request dated May 26, 2025 to clarify certain allegations in the complaint
- The response to the complaint by Councillor Joyce dated June 13, 2025
- The reply by the Complainants to Councillor Joyce's response, dated June 23, 2025
- Relevant portions of the agenda, video and minutes of the April 22, 2025 Council meeting
- The Code of Conduct
- Comments by the parties on drafts of this report

I also conducted telephone interviews with

- Mario Giampietri and Cheryl Shindruk, with the participation of their Counsel
- Councillor Joyce
- The Kawartha Lakes Chief Administrative Officer (the "CAO")
- The current Kawartha Lakes Director of Development Services

I note that the current Director of Development Services assumed that position in January 2024. I was not able to interview the person who was the previous Director of Development Services.

The parties were given the opportunity to comment on this report in draft form before the report was finalized.

C. Relevant Provisions of the Code of Conduct

Sections 1.3(b), (c) and (h) of the Code of Conduct provide as follows:

1.3 The key statements of principle that underline this Code are as follows:

...

(b) Members shall serve and be seen to serve their constituents in a conscientious and diligent manner;

(c) Members are expected to perform their duties and arrange their private affairs in a manner that promotes public confidence and which will bear close public scrutiny;

...

(h) The conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

As indicated by the preamble of section 1.3, these sections are statements of principle only, and hence do not in themselves impose responsibilities on Councillors that can be the subject of Integrity Commissioner complaints.

Since the allegation that Councillor Joyce “breached the expected discretion” around a private professional conduct complaint alleges contraventions of only sections 1.3(c) and (h) of the Code of Conduct, I did not investigate this allegation.

Sections 4.1 (a)-(c) and (f) of the Code of Conduct provide as follows:

4.1 In all respects, members shall:

a) Make every effort to act with good faith and care;

b) Conduct themselves with integrity, courtesy and respectability at all meetings of the Council or any committee and in accordance with the City’s Procedural By-law or other applicable procedural rules and policies;

c) Seek to advance the public interest with honesty;

...

f) Refrain from making statements the Member knows or ought reasonably to know to be false or with the intent to mislead Council or the public.

D. Analysis of the Complaint

The Complainants believe that a number of comments Councillor Joyce made at the April 22 Council meeting were incorrect and/or misleading, and that he should have known them to be incorrect and/or misleading when viewed in context. Councillor Joyce indicates that all of his comments at the meeting were made in good faith, were correct, and were based on appropriate sources of information, subject to one exception that I will discuss below.

The question to be determined in investigating this complaint is not whether Councillor Joyce's comments at the April 22 meeting were correct or incorrect or whether they were or were not misleading. The question is whether the views he voiced at the meeting were views that he voiced in good faith. If he voiced them in good faith, he did not contravene the Code of Conduct in doing so.

Councillor Joyce did not have any obligation to independently verify the comments he made, but in making the comments was entitled to rely on the professional competence of staff. Section 9.2(a) of the Code of Conduct provides as follows:

9.2 A Member [of Council] shall

a) Respect the professional competence of staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the City without undue influence from any Member.

At the April 22, 2025 Council meeting, Councillor Joyce stated

- That in December 2023 the then Director of Development Services told him that the King's Bay project was the most complex file he had ever worked on.
- That he learned from staff that the file was complex because it was the "most haphazard and complicated" file, with "too many cooks in the kitchen", and that "never-ending changes" by different planners were a constant.
- That the two day timeframe provided to the KBRA on February 10, 2023 to respond to King's Bay's February 8, 2023 proposal was an impossible deadline. He implied that this short timeframe was inappropriate, citing his experience in the business world.
- That when he met with King's Bay on April 27, 2023, King's Bay agreed to reinstate the buffer zone proposal.
- That staff was "mystified" about why King's Bay filed the OLT application on May 23, 2023, because at that point staff indicated that they considered there

would be “shovels in the ground” by September 2023 if things proceeded in the normal course.

The CAO confirmed that in staff’s view the process to seek approval for the King’s Bay project was complicated, involving a lot of changes and “too many cooks in the kitchen” (i.e. too many points of contact between King’s Bay and the City). The Director of Development Services indicated that this was consistent with what she was told by staff who were involved at the relevant time.

King’s Bay confirmed that there were multiple points of contact between King’s Bay and the City (at least 3 people on each side). King’s Bay confirmed that a number of changes were made to the project along the way, but expressed the view that they were not significant because they did not change the basics of the project.

The CAO confirmed that staff was surprised when King’s Bay filed its OLT application on May 23, 2023. That was because staff felt King’s Bay was only a few months away from approval if things followed their normal course, which could have led to “shovels in the ground” by September 2023.

King’s Bay does not agree that approval was only a few months away in May 2023, because it indicates that at that point City staff had required a full resubmission of the project application.

As indicated above, Councillor Joyce and King’s Bay came away from their April 27, 2023 meeting with different understandings of the outcome of the meeting. I do not have any way to confirm which party had the correct understanding, but there is no information to indicate that Councillor Joyce was acting in bad faith in his interpretation of what occurred.

Councillor Joyce and King’s Bay met again on January 10, 2025. According to the recollection of King’s Bay, in the meeting King’s Bay told Councillor Joyce its recollection of the April 27, 2023 meeting, but Councillor Joyce did not agree with this point of view. According to the recollection of Councillor Joyce, King’s Bay agreed that there were no conditions on the commitment for a buffer zone. He recollects that King’s Bay told him the buffer zone proposal was removed because the City refused the buffer zone. He recollects checking with the CAO after the meeting concerning King’s Bay’s view. He recalls that the CAO told him that the City did not refuse the buffer zone and confirmed that if things had gone smoothly, shovels could very well have been in the ground by the fall of 2023.

I cannot confirm which party has the correct understanding of what was discussed at the January 10, 2025 meeting, but there is no information to indicate that Councillor Joyce was acting in bad faith in his interpretation of what occurred.

Councillor Joyce and King's Bay spoke again on April 9, 2025. According to the recollection of King's Bay, King's Bay told Councillor Joyce that King's Bay had not reneged on its commitment to a buffer zone and that the City had not lived up to its commitment to expedite the application in April 2023. Councillor Joyce agrees that King's Bay continued to claim that it did not renege on its commitment and that the City is at fault, and that he did not accept King's Bay's point of view. According to his recollection, King's Bay did not say that he had personally failed to live up to any expectation. There is no information to indicate that Councillor Joyce was acting in bad faith in his interpretation of what occurred in the April 9, 2025 discussion.

Councillor Joyce and King's Bay also have different points of view on whether the 2 day deadline for the KBRA to respond to King's Bay's draft MOU was appropriate. King's Bay believes that the deadline was entirely appropriate in context, as the culmination of a long history of discussion with residents. Councillor Joyce believes that it was inappropriate regardless of the history, since 2 days was insufficient time for the logistics of obtaining approvals from the number of people who were members of the KBRA.

Councillor Joyce indicates that when he described the King's Bay file as "haphazard" this was an incorrect description, which he regrets.

E. Conclusions and Recommendation

In describing the King's Bay as "haphazard", Councillor Joyce contravened section 4.1(f) of the Code of Conduct, which as indicated above requires Councillors to "refrain from making statements the [Council] Member knows or ought reasonably to know to be false or with the intent to mislead Council or the public".

Section 6a) of the Investigation Protocol provides as follows:

If the [Integrity Commissioner] determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the Member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error in judgement made in

good faith, the [Integrity Commissioner] shall so state in the report and shall recommend that no penalty be imposed.

In this instance, Councillor contravened the Code of Conduct by using a single incorrect word in the context of his entire statement to Council, and has expressed regret that he made this error. In the circumstances, I consider that this contravention was trivial, as contemplated by Section 6a) of the Investigation Protocol and recommend that no penalty be imposed on Councillor Joyce for the contravention.

The information available, as discussed above, indicates that the other comments made by Councillor Joyce in the April 22 meeting were made in good faith. Accordingly, I do not consider that they contravened the Code of Conduct.

Dated this 4th day of September, 2025

A handwritten signature in blue ink, appearing to be 'E. Fry', with a stylized flourish at the end.

Ellen Fry, Office of the Integrity Commissioner, City of Kawartha Lakes