

2026 Integrity Commissioner's Periodic Report
City of Pickering

The purpose of an Integrity Commissioner's periodic report is to provide the public with the opportunity to understand the ethical well-being of a municipality's elected and appointed officials through the lens of our activities. Principles *Integrity* is pleased to submit this report, covering the period from May 1, 2025, the of our last annual report, through August 21, 2026.¹

About Us:

Principles *Integrity* is a partnership focused on accountability and governance matters for municipalities. We will be winding up our operations by the end of January, 2027, and will serve the City of Pickering until its successor integrity commissioner takes office at the commencement of the new term of Council.

The Role of Integrity Commissioner, Generally:

An Integrity Commissioner's statutory role is to carry out, in an independent manner, the following functions:

- Advice on ethical policy development
- Education on matters relating to ethical behaviour
- Providing on request, advice and opinions to Council, members of Council and members of Local Boards
- Providing a mechanism to receive inquiries (often referred to as 'complaints') which allege a breach of ethical responsibilities
- Resolving complaints informally, where appropriate, and
- Investigating, reporting and making recommendations to Council on those complaints that cannot be resolved informally, while being guided by Council's codes, policies and protocols.

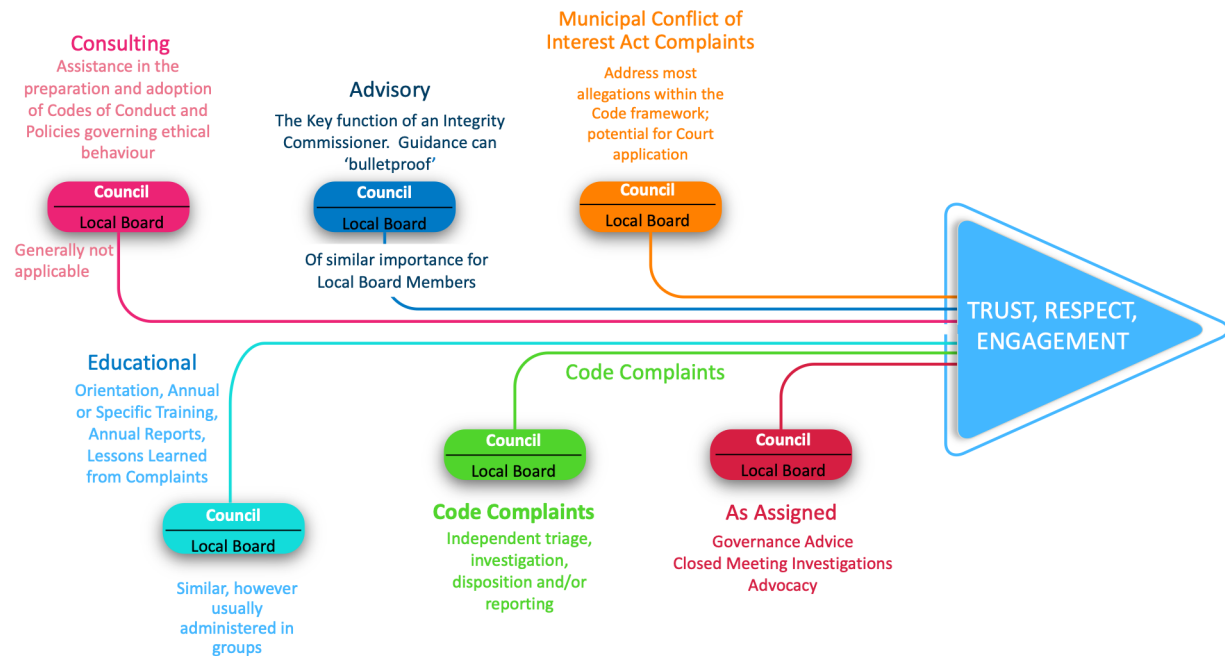
This might contrast with the popular yet incorrect view that the role of the Integrity Commissioner is primarily to hold elected officials to account; to investigate alleged transgressions and to recommend 'punishment'. The better view is that Integrity Commissioners serve as an independent resource, coach, and guide, focused on enhancing the municipality's ethical culture. In other words, an integrity commissioner should be perceived more as a coach or teacher, rather than a 'cop' or sheriff.

In carrying out our broad functions, the role falls into two principal areas. 'Municipal Act'

¹ As part of our duties, we also serve as the City's Lobbyist Registrar.

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functions, focused on codes of conduct and other policies relating to ethical behaviour, and 'MCIA' or *Municipal Conflict of Interest Act* functions. From an activity perspective, we continue to represent an Integrity Commissioner's role using this graphic:



The emphasis of Principles *Integrity* is to help municipalities enhance their ethical foundations and reputations through the drafting of effective codes of conduct and other policies governing ethical behaviour, to provide meaningful education related to such policies, and to provide pragmatic binding advice to Members seeking clarification on ethical issues. As noted in the graphic, we believe that the support we give to Members of Council improves the public's perception of them, which in turn leads to greater trust, respect and engagement.

Because the development of policy and the provision of education and advice is not in every case a full solution, the broad role of the Integrity Commissioner includes the function of seeking and facilitating resolutions when allegations of ethical transgressions are made, and, where it is appropriate and in the public interest to do so, conducting and reporting on formal investigations. This in our view is best seen as a residual and not primary role.

Independence and Confidentiality:

Integrity Commissioners are independent statutory officers, notwithstanding their appointment by the Councils of the municipalities they serve. In every engagement, it is the responsibility of the Integrity Commissioner to ensure that structural independence is in place, even though they may, as in our case, seek to have as collaborative relationship as possible.

Much of the work of an Integrity Commissioner is done under a cloak of confidentiality. While in most cases secrecy is required by statute, the promise of confidentiality also

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encourages full disclosure by the people who engage with us. We maintain the discretion to release confidential information when it is necessary to do so for the purposes of a public report, but those disclosures are limited and rare.

City of Pickering Activity:

During the period covered by this report, we have been engaged in a high level of activity as Integrity Commissioner for the City of Pickering which subdivides roughly into three categories:

1. Policy Development and Education

During the period covered by this report we were not required to provide updates to City ethical policy. Our work in preparing a revised code of conduct and complaint protocol was stalled by the Province's introduction of Bill 9, and may well prove to be wasted effort should a standardized code of conduct be imposed on municipalities in November.

2. Advice

The advice function of the Integrity Commissioner is available to all Members of Council and where applicable their staff and Members of local boards on matters relating to the code of conduct, the *Municipal Conflict of Interest Act* and any other matter touching upon the ethical conduct of Members. Advice provided by the Integrity Commissioner is confidential and independent, and where all the relevant facts are disclosed, is binding upon the Integrity Commissioner.

Our advice is typically provided in a short Advice Memorandum which confirms all relevant facts and provides with clarity our analysis and a recommended course of action.

During the period covered by this report, we were asked to respond to three (3) requests for advice – one each under the categories of 'code advice', 'general governance'; and 'lobbying'.

3. Complaint Investigation and Resolution

Our approach to reviewing complaints starts with a determination as to whether an inquiry to us is within our jurisdiction, is beyond a trifling matter, is not either frivolous or vexatious, and importantly, whether in its totality it is in the public interest to pursue. We always look to the possibility of informal resolution in favour of formal investigation and reporting. If a formal investigation is commenced, the opportunity to seek informal resolution is not abandoned.

Where we are able to resolve a matter without concluding a formal investigation, our practice is to provide a written explanation in the form of a Disposition Letter to the complainant to close the matter. Often the respondent Member is involved in preliminary fact-finding and will also be provided with a summary of the disposition.

Where formal investigations commence, they are conducted under the tenets of procedural fairness and Members are confidentially provided with the name of the Complainant when

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that information is necessary to enable them to respond to the allegations raised.

During the period covered by this report, we received thirty-four (34) complaints. Of these, twenty-six (28) were able to be resolved informally without a report. Six (6) complaints required an investigation that resulted in a report to Council.

In the almost 16 month period covered by this report our fees for the services we provided, including our annual retainer, totaled approximately \$70,000.00 (including disbursements). The vast majority of this outlay is related to complaints filed by City staff involving allegations of inappropriate commentary and conduct by a member of Council.

Observations from across Ontario

With due regard to our obligation to maintain confidentiality, this report enables us to identify learning opportunities gleaned from our experience in municipalities across Ontario.

Disclosure of confidential information from closed meeting sessions

It continues to be the case that some elected and appointed officials fail to recognize the serious implications of disclosing confidential information, particularly information learned of through attendance in closed session.

A Member's obligation to maintain confidentiality is clear. They may not unilaterally decide to share confidential information, even if they believe the information should be publicly disclosed. This extends to releasing information even to their own legal counsel to obtain a 'second opinion'.

We treat this breach of ethical responsibility as breach of a cardinal rule, and if an allegation in this regard is proved to be true, it tends to attract a recommended sanction at the upper end of the prescribed range. Left unchecked, a confidentiality breach undermines not only Council's interests on the matter subject to the breach, but destroys the trust required of elected officials, and the staff that support them, to ensure that all relevant, and sensitive, information required to support the deliberation on a matter is freely supplied.

Non-disparagement

One area of prominence continues to be the failure of some Members of Council to adhere to rules against disparagement. Members of Council are entitled to, and indeed expected to, disagree on all manner of issues. However, one of the cornerstones to democracy must be the recognition that different opinions and perspectives are to be respected, and disagreement should not devolve into disrespect, disparagement and name-calling.

Disrespectful interactions and/treatment of others can fall along a continuum which may manifest as occasional incivility and micro-aggressions, but when unchecked can culminate in bullying and harassment. Members of Council should be mindful to treat each other, staff and the public with appropriate respect and professionalism at all times.

One noted trend is the attempted justification of bad behaviour on the basis that the elected

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official was simply ‘representing their constituents’, often saying “it’s my job to ask the hard questions”. We disagree. The job of an elected official is to ask *good* questions. Their questions may at times need to be direct, or lead to difficult answers, but it should never be the primary objective that the person being questioned will be embarrassed, or in the worst instances, harassed.

Use of Social Media

Participation in social media discussions lends its own opportunity for attracting Code of Conduct complaints alleging disparagement. Members should be mindful that comments can be used or amplified in ways that bring municipal integrity into disrepute. It is important that Members be careful, accurate, and non-disparaging even as they attempt to offer what they see as a fair critique of municipal policy and actions. Municipal policy is advanced through the deliberations of Council and so wherever possible the focus should be on facilitating a discussion ‘in the Chamber’, and not in internet channels, so the general public, staff, and Council colleagues, can participate in the mechanisms through which a variety of important interests can be balanced and distilled into Council decisions made through democratic process.

Regardless of the medium, regardless of the intended audience, and regardless of motive, we have observed several instances where Members of Council in municipalities around the province have been found to have breached ethical standards by saying or recording things they have come to regret.

Role Adhesion

An area of concern that continues to arise relates to members of Council overstepping their role, attempting to ‘take the reins’ to fix a constituent’s problem, or directing staff how to do their job. Members of Council serve an important role in putting constituents in touch with appropriate staff, and leading them to established processes, or advocating for changes in policy, but it is important to strike the correct balance between guiding constituents and becoming their personal advocates.

It continues to be the case that elected officials attempt to inject themselves in quasi-judicial matters such as by-law enforcement, or with respect to insurance claims. While it is important for Council to retain an oversight role and have the ability to monitor how its by-laws and programs affect the community, file-level interference by individual elected officials must be avoided.

Stronger Mayor Powers

Many municipalities across the Province have now had experience in applying the provisions of Part VI.1 of the *Municipal Act*, entitled Special Powers and Duties of the Head of Council which we refer to as ‘stronger mayor powers (soon to include ‘stronger regional chairs’, as well).

We have heard from councillors who vehemently oppose the powers, and some who are

supportive.

What is clear to us is that the frictions amongst the elected officials who serve on stronger mayor councils is exacerbated when:

- it appears that the head of council has made their decision without due consideration of other factors, such as the previous decisions of Council on the matter, or the advice of staff
- It appears that staff are expected to carry out mayoral directives without there being the required public disclosure and the associated formal documentation.

One concerning phenomenon that has been observed is the propensity of some candidates for head of council roles to disparage current councils and staff, with promises to use the enhanced powers to unilaterally impose change.

To alleviate concerns respecting the application of ‘stronger mayor powers’, we recommend to our client municipalities that they consider doing the following:

- Adopt a guideline (in essence a non-binding policy) which guides the head of Council to have regard to the advice of staff and/or the previous decisions of Council before implementing a stronger mayor decision; and
- Make it a provision in the *staff* code of conduct that makes it a breach of that code for staff to implement a *directive* from the head of Council without it being in compliance with the procedural, documentary and/or disclosure requirements of applicable legislation.

Provincial Review of Code of Conduct/Integrity Commissioner System

Bill 9, referred to as the *Municipal Accountability Act, 2026* was ordered for third reading in October of 2025 after the Standing Committee on Heritage, Infrastructure and Cultural Policy conducted summertime hearings. Third reading was carried out in May, with only one Member voting in opposition, and Royal Assent was given on June 2, 2026.

Though the Act has been enacted, the Schedules in the Act that actually amend *Municipal Act* text do not come into force until so ordered by the Lieutenant Governor. Further, no real detail has been provided for such things as the content of a ‘standardized code of conduct’ or integrity commissioner credentials. The government has indicated a commitment to put the various pieces in place prior to the new Council term commencing on November 15th.

On August 18th, however, the Province posted its *Proposal for Regulations to Establish a Standardized Municipal Code of Conduct; Municipal Integrity Commissioner Processes and Education and Training Requirements* to the Ontario Regulatory Registry. Comments on the Proposal are due on October 2, 2026.

The lack of detail reflecting Provincial intention is a serious concern. What has been posted, aside from references to the removal mechanism famously made part of the original proposal, seems based on old-school, standard code content. In our contribution to the

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consultations we will speak to how a code of conduct can best be used as a guide to support and influence good governance and proper conduct; we also intend to recommend a complaint mechanism that while providing principled guidance to integrity commissioners, will allow for the agility to provide variances from rigid processes where procedural fairness and/or the public interest, in the context of real world municipal circumstances, requires such variance.

Election Year Matters:

During election campaign periods candidates who are incumbents are held to a standard of behaviour under a code of conduct, a policy framework that does not apply to candidates who are not incumbents. During an election campaign period, attempts are made to weaponize code provisions solely to seek electoral advantage, and it is important that integrity commissioners take care to ensure that their activities do not inappropriately affect what should be a level playing field.

To assist in this regard the *Municipal Act* imposes an election period hiatus implemented by the statutory cut-off date of August 21, 2026 (after which no complaint may be received, investigated or reported by an integrity commissioner, or considered by Council). Nevertheless it is important for an integrity commissioner to be alive to the potential for the weaponization of the complaint process for political or campaign purposes even outside the election hiatus period. Of note, complaints that are filed before the cutoff, but with insufficient time to conduct a procedurally fair investigation by the cutoff date, are typically met with an explanation and advice to complainants to file after the election is over.

Still, it is not unusual for there to be attempts to have an integrity commissioner act as some sort of 'election referee', calling balls and strikes on things like campaign statements and social media. Aside from the conduct of investigations, which we are prohibited from doing, there is no role for an integrity commissioner to make 'rulings' in the course of an election campaign. Our ability to provide advice and guidance, however, remains uninterrupted.

One source of complaints centres around the allegation that an incumbent member of Council has sought out electoral advantage by carrying out their duties during the course of the campaign period. While municipalities are careful not to contribute to campaigns (for they are prohibited from doing so), and often impose necessary but arbitrary cutoff dates for some discretionary expenses on the part of all incumbents (such as the publication of newsletters), it is also true that candidates who are incumbents have an obligation to carry out their normal duties of office through to the end of the term.

Our rule of thumb is that activity that has occurred regularly throughout the term, and which is not specifically prohibited, may be conducted during the campaign period. One example is attendance as a Council appointee at meetings or events conducted by outside bodies. Another is being available to respond to community concerns as they arise. To illustrate our position – if there was not an expectation that incumbents were responsible for carrying out their normal duties of office they would have practically nothing to do – with the effect that the municipality would be paying them to campaign! That we view as an absurd result.

Conclusion:

Our term for serving as the City of Pickering's integrity commissioner will soon be coming to an end, and we will be retiring from our practice across Ontario early in 2027. Though our tenure at the City of Pickering and in a handful of other municipalities has at times been challenging, we have not had a moment of regret and indeed are happy that we have been able to contribute to municipal governance and the protection of local democracy.

Reflecting back on our integrity commissioner roles since commencing practice in 2017, we do regret that our advocacy for strengthening councils' ability to correct inappropriate behaviour has for the most part been met with silence. Remedies available in other ethical systems (for example under the *Education Act*) have not been taken up, and the opportunity to clarify obligations to improve guidance on how members can avoid conflicts of interest, both pecuniary and otherwise, has not been followed up by any regulatory clarifications. 'Codes' of conduct are still often regarded as rigid prescriptive/proscriptive enactments, and not as agile policy documents that can offer the best guidance.

Most importantly, we regret what we perceive as a trend to treat the municipal code of conduct complaint process as if it were an aspect of litigation or criminal prosecution. The emphasis on a standardized code of conduct, and the potential implementation of rigid procedural rules, have the very real potential of achieving uniformity at the expense of an accommodating, right-sized, and affordable system that can, with a few tweaks, better support municipal elected and appointed officials, where appropriate properly hold them to account, and serve to protect and enhance local democracy.

Finally, we wish to take this opportunity to thank the staff at the City of Pickering for their professionalism and assistance where required. Although an Integrity Commissioner is not part of the administrative hierarchy, the work of our office depends on the facilitation of access to information and policy in order to carry out the mandate. The contributions made by City of Pickering staff were extraordinary.