
SUBJECT: Correspondence from Ontario Ombudsman regarding Integrity Commissioner

TO: Committee of the Whole

FROM: Legal and Legislative Services

Legislative Services

Report Number: LLS-16-25

Wards Affected: not applicable

Date to Committee: February 10, 2025

Date to Council: February 18, 2025

Recommendation

Receive for information legislative services report LLS-16-25 providing correspondence from the Ontario Ombudsman regarding Integrity Commissioner.

Executive Summary

Purpose of report:

- This report is to inform Council of correspondence received from the Ontario Ombudsman regarding a complaint filed against the City's Integrity Commissioner, Principles Integrity

Key findings:

- The Ontario Ombudsman has made a series of recommendations to clarify the Code of Conduct for Local Boards and Committees based on the details of the complaint.

Recommendation Report

Background

On December 3, 2024, Legislative Services received correspondence from the Ontario Ombudsman. The letter details a complaint submitted to the Ontario Ombudsman regarding a decision issued by the City's Integrity Commissioner, Principles Integrity.

Authority to Investigate

Subsections 4.3 and 4.4 of the *Ombudsman Act, 1990*, provide authority to the Ontario Ombudsman to investigate complaints regarding an Integrity Commissioner in cases where an Integrity Commissioner refused to investigate, the time for bringing a complaint has expired, or if the Integrity Commissioner has conducted and concluded an investigation or inquiry:

- (4.3) Nothing in this Act empowers the Ombudsman to investigate a complaint respecting any decision, recommendation, act or omission that is within the jurisdiction of any other municipal Ombudsman unless,
- (a) a complaint respecting the matter was made to the municipal Ombudsman and he or she refused to investigate the matter, or conducted and concluded an investigation into the matter; or
 - (b) the time, if any, for bringing a complaint respecting the matter to the municipal Ombudsman for investigation has expired. 2014, c. 13, Sched. 9, s. 6 (7).

Other municipal matters

(4.4) Subsection (4.3) applies with necessary modifications in respect of a matter that is within the jurisdiction of,

- (a) an Integrity Commissioner, registrar or Auditor General appointed under Part V.1 of the *Municipal Act, 2001*; or
- (b) an Integrity Commissioner, registrar or Auditor General appointed under Part V of the *City of Toronto Act, 2006*. 2014, c. 13, Sched. 9, s. 6 (7).

The City has appointed ADR Chambers as the City's municipal ombudsman. Investigating other accountability officers, such as the Integrity Commissioner, is not within the scope of the ombuds services provided by ADR Chambers. Therefore, any complaints regarding the City's Integrity Commissioner are considered by the Ontario Ombudsman.

Complaint and Recommendations

The complaint filed with the Ontario Ombudsman ("Ombudsman") raised issues with a decision of the Integrity Commissioner dated April 6, 2023. This complaint was not subject to a formal

investigation by the Ombudsman, who instead opted to provide the City with a letter summarizing their review of the complaint and providing recommendations to the Integrity Commissioner and municipality on best practices and ways to clarify the Code of Conduct for Local Boards and Committees. The Ombudsman discussed the issues identified in this letter with the City's Integrity Commissioner, and later with staff.

Analysis

Principles Integrity has been the City's Council-appointed Integrity Commissioner since June 2018, and this is the first time staff have been made aware of a complaint being made to the Ontario Ombudsman regarding a recommendation issued in Burlington.

The City's Code of Conduct for Local Boards and Committees was approved in February 2019, and was due for review in 2022. Legislative Services is undertaking a review of the City's Code of Good Governance and the Code of Conduct for Local Boards and Committees in 2025. As part of this review, the best practices recommended by the Ontario Ombudsman will be taken into consideration.

Recommendation Details

Staff do not recommend any actions be taken resulting from this correspondence at this time. The Code of Good Governance and Code of Conduct for Local Boards and Committees will be reviewed in 2025, during which time the suggestions contained therein will be taken into consideration by staff.

Key Dates & Milestones

Staff anticipate that revisions to the Code of Good Governance and Code of Conduct for Local Boards and Committees will be brought forward for Council consideration in 2025.

Implications

None

References

None

Strategic Alignment

- ☐ Designing and delivering complete communities
 - ☒ Providing the best services and experiences
 - ☐ Protecting and improving the natural environment and taking action on climate change
 - ☐ Driving organizational performance
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Appendices:

A. Letter from Paul Dubé, Ontario Ombudsman, dated December 3, 2024

Draft By-laws for Approval at Council:

None

Notifications:

Principles Integrity
postoffice@principlesintegrity.org

Report Approval:

All reports are reviewed and approved by the Commissioner, Head of Corporate Affairs, Chief Financial Officer, and Commissioner of Legal and Legislative Services/City Solicitor.