



Municipality of West Elgin

Addendum Agenda

Council Meeting

Date: September 24, 2026, 4:00 p.m.
Location: Council Chambers
160 Main Street
West Lorne

Council Meetings are held in-person at 160 Main Street, West Lorne, and the post-meeting recording available at www.westelgin.net, when available (pending no technical difficulties).

Join Zoom Meeting:

<https://us02web.zoom.us/j/82098447049?pwd=wuhzN5q9tZmYRY2J6QNZvvr4al88LC.1>

Pages

6. Staff Reports

6.1 Planning

6.1.1 Comprehensive Zoning By-law Amendment

3

Recommendation:

That West Elgin Council receives the report from L. King, Policy planner titled: West Elgin Comprehensive Zoning By-Law Review-Project Scope, and

THAT Council direct staff to undertake the Zoning By-law Review in accordance with the scope described in this report as Option 1.

6.3 Infrastructure & Development

6.3.3 Verbal Update Re: Waste Collection (Toter) Cart Roll-out

10. Correspondence



Staff Report

Report To: Committee of the Whole
From: Lindsay King, Policy Planner
Date: 2026-09-10
Subject: West Elgin Comprehensive Zoning By-law Review – Project Scope

Recommendation:

That West Elgin Council receives the report from L. King, Policy planner titled: West Elgin Comprehensive Zoning By-Law Review-Project Scope, and

THAT Council direct staff to undertake the Zoning By-law Review in accordance with the scope described in this report as Option 1.

Purpose:

The purpose of this report is to provide Council with information to support their direction regarding the scope of the Municipality of West Elgin's Zoning By-law Review. The Municipality's current Comprehensive Zoning By-law was adopted in 2015. Since that time, changes have occurred to provincial planning legislation and policy, and the Municipality adopted a new Official Plan in 2025. An update to the Zoning By-law is therefore required to ensure that it conforms with the current Official Plan and remains consistent with applicable provincial planning legislation and policy. Staff identified two potential approaches to completing the review:

Option 1 – Comprehensive Review: Undertake a comprehensive review of the Zoning By-law, including legislative and Official Plan conformity updates as well as broader changes to its structure, zones, definitions, provisions, mapping, formatting, and overall usability, where considered appropriate by staff.

Option 2 – Scoped Review: Retain the existing structure, zone framework, definitions, and general approach of the current Zoning By-law and undertake only those amendments necessary to ensure conformity with the Municipality's current Official Plan and consistency with provincial planning legislation and policy.

The West Elgin Committee of the Whole previously received this report detailing the two approaches to establish the scope of the project. The committee's recommendation was for Council to proceed with direction to Option one.

Background:

Municipal zoning by-laws are the primary tool used to implement the vision, goals, and land use policies of an Official Plan. Under the *Planning Act*, zoning by-laws are required to conform to the applicable Official Plan and be consistent with the Provincial Planning Statement, 2024, as amended from time to time. As provincial legislation and policy evolve, municipalities are encouraged to periodically review and update their zoning by-laws to ensure they remain current, effective, and aligned with the provincial planning framework.

The Municipality of West Elgin's current Comprehensive Zoning By-law was adopted in 2015 and has been amended on numerous occasions to respond to individual development applications and changing local needs. While the by-law continues to function effectively as the Municipality's primary land use regulation tool, staff have identified opportunities to improve conformity with the current provincial planning policy and legislation, update and clarify zoning provisions, and address various administrative and technical matters identified through day-to-day implementation. In 2025, the Municipality completed a comprehensive review of its Official Plan. As the Official Plan was recently updated, no amendments to the Official Plan are anticipated as part of this project. Instead, the objective is to implement the policies of the recently adopted Official Plan.

Given the breadth of a Comprehensive Zoning By-law Review, the level of work undertaken can vary significantly depending on the Municipality's objectives. Establishing the project scope at the outset will provide clear direction to staff regarding the extent of the review, consultation program, technical work, project timeline, and anticipated deliverables.

Discussion:

Under Option 1, staff would undertake a comprehensive review of the Zoning By-law. This approach would include all amendments necessary to ensure conformity with the Municipality's Official Plan and consistency with provincial legislation and policy. It would also provide staff with direction to review the Zoning By-law more broadly and make changes considered appropriate to improve its effectiveness, clarity, and usability.

The comprehensive review may include:

- reviewing and updating definitions;
- reviewing existing zone categories and consolidating zones where appropriate;
- reviewing permitted uses and zoning regulations;
- reviewing general provisions;
- removing obsolete, redundant, or inconsistent provisions;
- addressing administrative issues identified through the implementation of the existing By-law;
- identifying opportunities to simplify zoning requirements and reduce unnecessary regulatory barriers;
- improving the organization, readability, and accessibility of the document;
- updating zoning mapping and incorporating historic amendments or correcting identified mapping anomalies;

- aligning zoning provisions with the Municipality's current planning and economic development objectives, where consistent with the Official Plan and provincial policy; and,
- undertaking targeted consultation with residents, businesses, agricultural stakeholders, development professionals, and other interested parties.

A comprehensive review would provide staff with flexibility to address issues identified throughout the review process without requiring Council to separately authorize each individual area of work. Staff are not proposing extensive new technical background studies as part of the comprehensive review. Several technical datasets relevant to zoning, including Source Water Protection, Natural Heritage and Hazard mapping, are maintained or being updated through County-level initiatives. Staff do not consider duplication of these studies to be necessary for the purposes of the Zoning By-law Review. This option is estimated to require approximately 1,800 to 2,500 hours of staff time and approximately 12 to 24 months to complete.

Under Option 2, staff would undertake a more limited review focused on bringing the existing Zoning By-law into conformity with the Municipality's current Official Plan and ensuring consistency with applicable provincial planning legislation and policy. The existing structure and general approach of the Zoning By-law would otherwise be retained. Staff would not undertake a broader reconsideration of matters such as the overall zone structure, consolidation of existing zones, definitions, organization of the document or zoning standards except where changes are required to achieve legislative or Official Plan conformity.

Under this approach, amendments would generally be limited to matters such as:

- implementing new or revised Official Plan policies;
- updating zoning provisions affected by changes to provincial legislation or policy;
- updating terminology where required by the Official Plan or provincial planning framework;
- making consequential amendments necessary to implement these changes; and,
- correcting minor errors directly encountered through the conformity exercise.

Option 2 would result in a more limited project and would retain the overall structure and regulatory approach of the existing 2015 Zoning By-law. Administrative improvements or modernization opportunities that are not required for conformity would generally be addressed separately through future housekeeping or site-specific amendments. This option is estimated to require approximately 500 to 800 hours of staff time and approximately 4 to 8 months to complete.

Consideration	Option 1 – Comprehensive Review	Option 2 – Scoped Review
Primary Objective	Update and modernize the Zoning By-law while achieving legislative and Official Plan conformity	Achieve legislative and Official Plan conformity.
Existing Format/ Structure	May be reorganized or revised	Generally retained
Zone Categories	Reviewed and potentially consolidated or revised	Generally retained
Definitions	Reviewed comprehensively	Updated only where required for conformity
General Provisions and Regulations	Reviewed comprehensively	Updated only where required for conformity
Mapping	Reviewed comprehensively	Updated only where required for conformity
Administrative Improvements	Included	Generally deferred
Estimated Staff Time	600-800 hours	150-200 hours
Estimated Cost	\$32,000	\$16,000
Estimated Duration	12-16 months	4-8 months
Overall Result	Modernized Comprehensive Zoning By-law	Updated version of existing Zoning By-law

Staff recommend Option 1 – Comprehensive Zoning By-law Review. While both options would address the Municipality’s legislative and Official Plan conformity requirements, a comprehensive review would allow staff to address broader issues that have accumulated since the existing Zoning By-law was adopted in 2015. In particular, staff have identified opportunities to consolidate certain zoning categories, improve definitions and general provisions, address mapping anomalies, remove obsolete requirements and improve the overall organization and usability of the By-law. Undertaking this work concurrently with the required conformity would all staff to be considered comprehensively rather than addressed through a series of incremental housekeeping amendments over subsequent years.

The recent adoption of the Municipality’s new Official Plan also provides an appropriate opportunity to reconsider how the Zoning By-law implements Council’s current land use planning framework. Option 1 would require a greater commitment of staff resources and a longer project timeline. However, staff are of the opinion that completing the broader review at this time would provide greater long-term value and result in a clearer more current and functional Zoning By-law.

Financial Implications:

The Zoning By-law Review is anticipated to be undertaken primarily in-house by Elgin County Planning staff in collaboration with Municipal staff. Completing the majority of the work internally will allow staff to draw upon their knowledge of the Municipality, its planning framework and local development context while limiting reliance on external consulting services.

The principal financial implication associated with the two options is staff time. Option 1 is estimated to require approximately 1,800 to 2,500 hours of staff time over approximately 12 to 24 months (estimated \$32,000). Option 2 is estimated to require approximately 500 to 800 hours over approximately 4 to 8 months (estimated \$16,000).

Staff are not recommending extensive technical background studies as part of either option. Should specialized technical work or professional services become necessary during the review, any associated financial implications would be identified for Council prior to proceeding.

Establishing a clear project scope at the outset will also help manage project costs and staff resources by defining project deliverables, consultation requirements, and technical work. This approach will reduce unnecessary revisions, limit changes in project direction, and support the efficient delivery of the project.

Policies/Legislation:**[Ontario Planning Act](#)**

Section 26 of the *Planning Act* requires municipalities to periodically review and update their Official Plans to ensure consistency with provincial policy and conformity with applicable provincial plans. Pursuant to subsection 26(9), municipalities are further required to amend their zoning by-laws within three years of an Official Plan review coming into effect to ensure conformity with the updated Official Plan. As the Municipality of West Elgin adopted a new Official Plan in 2025, the proposed zoning by-law update represents the next step in implementing Council's land use planning vision while ensuring continued consistency with the *Planning Act*, the Provincial Planning Statement, 2024, and current provincial legislation.

Alignment with Strategic Priorities:

Infrastructure Improvement	Recreation	Economic Development	Community Engagement
☒ To improve West Elgin's infrastructure to support long-term growth.	☐ To provide recreation and leisure activities to attract and retain residents.	☒ To ensure a strong economy that supports growth and maintains a lower cost of living.	☒ To enhance communication with residents.

Conclusion:

While a comprehensive review represents a greater investment of staff resources, staff are of the opinion that completing the broader review at one time will provide greater long-term value than undertaking multiple incremental updates over several years. The recommended scope strikes an appropriate balance between legislative compliance, modernization, public engagement, and responsible use of municipal resources. Council's direction on the proposed scope will provide staff with a clear framework to proceed with the Zoning By-law Review and ensure that West Elgin is in legislative compliance.

Respectfully submitted by,

Lindsay King
Policy Planner

Reviewed by,

Mat Vaughan
Planning Director (County of Elgin)

Robin Greenall
Chief Administrative Officer

Report Approval Details

Document Title:	West Elgin Zoning By-law Review - 2026-22-Planning.docx
Attachments:	
Final Approval Date:	Sep 22, 2026

This report and all of its attachments were approved and signed as outlined below:

Robin Greenall



John Mascarin
Direct: 416.865.7721
E-mail: jmascarin@airdberlis.com

September 15, 2026

Dear Heads of Council and Members of Council

Re: Proposed Regulations under the *Municipal Accountability Act, 2026*

Minister of Municipal Affairs and Housing Robert J. Flack forwarded correspondence last week to all municipalities pertaining to the content of proposed regulations under the *Municipal Accountability Act, 2026* posted on Ontario's regulatory registry.

The proposed regulations would establish:

1. A standardized provincial-wide uniform municipal code of conduct for members of council and certain local boards;
2. A standardized municipal integrity commissioner inquiry process; and
3. Education and training requirements for municipal integrity commissioners and for members of councils and certain local boards.

As Integrity Commissioner for your municipality, we have been following and commenting on the proposed changes to Ontario's municipal accountability framework. We presented at the public hearings on Bill 9 at the Standing Committee on Heritage, Infrastructure and Cultural Policy and filed formal submissions (copy attached). We briefed AMO's Board Committee of the Whole and participated in a panel on Bill 9 at the ROMA Conference earlier this year. We have presented extensively to the municipal sector and to professional organizations on the changes proposed by the *Municipal Accountability Act, 2026* and have had a comprehensive article published on the topic. We have been invited by Minister Flack to meet with his staff at the Ministry of Municipal Affairs and Housing to provide our views on the proposed regulations.

In order to assist our municipalities, we have prepared comprehensive comments on the proposed code of conduct, inquiry process and education and training requirements which we would like to share with you. We have attached the proposed document that will be forwarded to the Ministry of Municipal Affairs and Housing in the hopes that the recommendations set out to enhance, correct and improve upon the proposed regulations will be considered and implemented.

We hope you support our comments, adopt them as your own and submit them to the Province.

Yours truly,

AIRD & BERLIS LLP

John Mascarin

JM/
attach

Submissions For Consultation on Proposed Contents of Regulations under the Municipal Accountability Act, 2026

September 2026

STANDARDIZED MUNICIPAL CODE OF CONDUCT

1. Core Principles

Recommendations:

- Include a principle akin to paragraph 4 of s. 1.1 of the *Municipal Conflict of Interest Act*¹
- The key principles are intended to facilitate an application and interpretation of the code of conduct – but the principles are not stand-alone operative provisions of the code of conduct and are not intended to be enforced independently as such
 - There should be a statement that the principles (like the preamble to a statute or the recitals to an agreement) are not independently enforceable provisions, but instead are included to aid in the understanding of the operative provisions of the code of conduct
 - If this is not expressly set out complaints may be filed based only on the principles – this will lead to complaints being wholly or partially summarily dismissed on the basis that the principles are not directly enforceable provisions

¹ *Municipal Conflict of Interest Act*, s.1.1:

4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

2. Definitions

Recommendations:

- Add “hospitality” to the definition of “Gifts or Benefits”
- Add definitions for “media” and “social media”
- Include definitions to allow for summary dismissals and terminations which are applicable to the Complaint Process:
 - Definitions for “bad faith”, “frivolous”, “vexatious”, etc.

8. Respectful Conduct

Recommendation:

- Remove “but not personal or political activities unrelated to municipal responsibilities”
 - The exception is much too broad and will be asserted as a defence in every case – what is a “personal” or “political” activity is not defined
 - If the exception remains in the code of conduct it will create a problem similar to that which exists with “councillor records” under the *Municipal Freedom of Information and Protection of Privacy Act* where the right to access records is subject to non-statutory exceptions for “personal”, “political” and “constituency” matters

9. Workplace Harassment, Discrimination, and Violence

Recommendation:

- Remove positive obligation that members shall “Help ensure that their work environment is safe and free from discrimination, harassment and violence.”

10. Respect for Code of Conduct

Recommendation:

- Members should not only “not obstruct an integrity commissioner” but should “cooperate with the integrity commissioner” in carrying out their responsibilities

PROVISIONS NOT INCLUDED IN CONSULTATION DOCUMENT

Non-Financial Conflicts of Interest

Recommendations:

- The code of conduct should include a prohibition against a member acting in a non-pecuniary conflict of interest
 - Both the Mississauga and Collingwood judicial inquiry reports noted that the *Municipal Conflict of Interest Act* only concerns a narrow scope of conflict of interest (i.e. financial interests) – both reports recommended an expansion of the scope of conflicts of interest for local representatives
 - “The *Municipal Conflict of Interest Act* does not constitute a complete codification of the law governing conflicts of interest for members of municipal councils”²
 - “The Province of Ontario should amend the *Municipal Conflict of Interest Act* to broaden its scope beyond deemed pecuniary interest to encompass any real, apparent, and potential conflict of interest.”³
 - Personal or private conflicts of interest of members should be regulated by the Code of Conduct
 - non-pecuniary conflicts of interest should be akin to real or apparent conflicts of interest at common law⁴
 - Numerous municipal codes of conduct include non-financial conflict of interest provisions⁵

² J. Douglas Cunningham, *Report of the Mississauga Judicial Inquiry - Updating the Ethical Infrastructure* (City of Mississauga, 2011) at page 146.

³ Frank N. Marocco, *Transparency and the Public Trust - Report of the Collingwood Judicial Inquiry* (Volume I (Town of Collingwood, 2020) at page 24, Recommendation 12.

⁴ *Ibid*, at pages 147-148 – citing and quoting *Old St. Boniface Residents’ Assn v. Winnipeg (City)*, [1990] 3 S.C.R. 1170 and Canada, Commission of Inquiry into the Facts of Allegations of Conflict of Interest Concerning the Honourable Sinclair Stevens, *Report* (Ottawa: Ministry of Supply and Services, 1987).

⁵ For example, see Town of Collingwood Code of Conduct for Members of Council, Committees and Local Boards, Rule No. 1; Regional Municipality of Waterloo Code of Conduct for Members of Council, Committees and Local Boards, s. 11.2; Town of Cochrane Code of Conduct for Members of Council and Local Boards, s. 11.2; City of Windsor, Code of Conduct for Members of Council and Local Boards Rule No. 6.3; City of Hamilton Council Code of Conduct, s. 8; City of Ottawa Code of Conduct for Members of Council, s. 4(5); and Municipality of West Perth, Code of Conduct, s. 11.2.

Compliance with Council Policies and Procedures

- The code of conduct should include a clause that requires members to observe and strictly comply with such policies, procedures and rules that have been established from time to time by the council or local board
 - Such a clause would align with paras. 2 and 5 of s. 223.3(1) of the *Municipal Act, 2001* relating to the Integrity Commissioner's functions to apply and to provide written advice to member with respect to procedures, rules or policies of the municipality or local board that pertains to the ethical behaviour of members ⁶
 - Council / local board policies, rules and procedures do not typically contain enforcement provisions with respect to their members – they are expected to comply with the policies, rules and procedures that their own council or local board from time to time establishes
 - the code of conduct is the mechanism whereby non-compliance with a policy, rule or procedure is commonly enforced

⁶ *Municipal Act, 2001*, s. 223.3(1):

2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of members.

See for example, City of London Code of Conduct for Members of Council, Rule 8; Town of Cochrane Code of Conduct for Members of Council and Local Boards, s. 12.1; City of Windsor, Code of Conduct for Members of Council and Local Boards, Rule No. 17; Township of South Frontenac Code of Conduct for Members of Council and Local Boards, s. 12; Town of the Blue Mountains Code of Conduct for Members of Council, Local Boards and Advisory Committees (at page 11).

STANDARDIZED INTEGRITY COMMISSIONER PROCESS

1. Complaint Process

Recommendations:

- A provincial-wide uniform complaint form should be structured as a declaration or affidavit to provide a formal, legally binding statement of truth to support the specific facts alleged by a complainant
- Time limit for complaints is aligned with *Municipal Conflict of Interest Act* – six week from date of discovery⁷
 - The date of discovery will prove to be unwieldy and lead to many disputes as to when the complainant became aware of the alleged contravention and had acquired a “reasonable subjective belief” of a breach
 - The limitation period should be extended to 3 or 6 months but with no discoverability to provide a degree of certainty
- The ultimate limitation period of 4 years from when something first occurred is much too long
 - It is not inconceivable that complainants may wait to file complaints until the regular election year for alleged contraventions that happened at the start of the term of council, which leads to a weaponization of the process
 - The ultimate limitation period should be reduced to a maximum of 1 or 2 years

⁷ A statutory declaration must be provided as part of an application under s. 223.4.1(6) of the *Municipal Act, 2001* to support the fact that the applicant only become of the facts of the contravention within the previous 6 weeks.

2. Standardized Protocol

Recommendation:

- The proposed time frames (10 days from receipt, 5 days from date of inquiry) should be extended and authority should be provided to the Integrity Commissioner to exercise reasonable discretion to extend or truncate time periods in order to reasonably accommodate complainants, respondents, witnesses, etc.

3. Standardized Inquiry Timeframes

Recommendations:

- The proposed timeframe for completion of an inquiry (120 days from receipt of a “complete request”) should be increased to 180 days to align with the time period for completion of inquiries for applications made under s. 223.4.1 of the *Municipal Act, 2001*⁸
 - The term “complete request” should be defined
 - An inquiry cannot commence and notice cannot be provided to a member if the full evidentiary basis upon which the complaint is premised is not available
 - many complaints submitted to Integrity Commissioners do not provide sufficient evidence for the Commissioner or the member to fully comprehend the allegations
 - it would be inappropriate for complaints to be supplemented or for necessary information to be disclosed in an incremental manner without re-setting the inquiry time lines
 - In the case of multiple related complaints, Integrity Commissioners have often coordinated same and dealt with related complaints collectively, in an efficient and cost-effective manner

⁸ *Municipal Act, 2001*, s. 223.4.1(14):

Timing

223.4.1 (14) The Commissioner shall complete the inquiry within 180 days after receiving the completed application, unless the inquiry is terminated under subsection (12).

The proposed limitation period for complaints seeks to correspond to the 6-week limitation period for applications under s. 8 of the *Municipal Conflict of Interest Act*. Accordingly, inquiry/investigation time lines should also correspond with one another. There is no reason for complaints under the Code of Conduct to not also have 180 day timeline.

- The completion time for an inquiry should commence only upon receipt of the final related complete complaint otherwise it will lead to a multiplicity of separate investigations because of the separate timelines that are triggered
 - Removal of the extension of 60 days which is applicable to only alleged contraventions of a serious nature
 - The authority to extend for 60 days should apply to *any* inquiries if not completed within 180 days (not 120 days)
 - Court decisions pertaining to code of conduct complaint investigations by Integrity Commissioners have all uniformly and consistently pronounced that the investigative process must be fair and reasonable, and that it must be conducted in accordance with procedural fairness⁹
 - The Integrity Commissioner should be authorized to exercise reasonable discretion to extend or truncate time periods in order to reasonably accommodate complainants, respondents, witnesses, etc.¹⁰
- While the standardized protocol sets out ultimate timelines for inquiry/investigation completion it needs to include prescriptive and specific timeframes for the submission and receipt of:
 - Responses from members
 - Replies from complainants
 - Sur-replies (if needed) from members
 - Final submissions from members on preliminary findings or draft reports
 - Integrity Commissioner should be authorized to exercise reasonable discretion to extend or truncate time periods in order to proceed in a procedurally fair manner

⁹ *Di Biase v. City of Vaughan*, [2016 ONSC 5620](#) (Div. Ct.); *Dhillon v. The Corporation of the City of Brampton*, [2021 ONSC 4165](#) (Div. Ct.); *Jonker v. Township of West Lincoln*, [2023 ONSC 1948](#) (Div. Ct.); *Robinson v. The Corporation of the City of Pickering*, [2026 ONSC 451](#) (Div. Ct.); *Racco v. Corporation of the City of Vaughan*, [2026 ONSC 1075](#) (Div. Ct.).

¹⁰ This is a common provision in many municipal codes of conduct or complaint protocols: see Township of Puslinch Complaint Protocol, s. 13; City of Toronto, Code of Conduct for Members of Council, s. 18; City of Mississauga Code of Conduct for Members of Council, Rule 17.

PROVISIONS NOT INCLUDED IN CONSULTATION DOCUMENT

Council Consideration of Report and Decision-Making

Recommendations:

- Notwithstanding other mandated and prescribed timelines, there is nothing that specifies when council must (i) consider a report from the Integrity Commissioner; or (ii) make a decision on a report before it, except in the case of a recommendation for removal of a member
 - Any investigative reports from the Integrity Commissioner should be required to be placed on the agenda for the next meeting of the council or local board, subject to the availability of the Integrity Commissioner to be in attendance, if necessary, akin to the timing requirements in ss. 223.4.0.4(1) and (2) of the *Municipal Act, 2001*
 - reports should go directly to the council or local board – *not* to a committee of either of them¹¹
 - Councils and local boards should be required to make a decision on any recommendations in a report *at the meeting* at which the investigative report is tabled – no deferrals should be permitted
 - if a council or a local board fails to make a decision or refuses to deal with the report, the recommendations of the Integrity Commissioner should be deemed to be accepted and approved

¹¹ *Municipal Act, 2001*, s. 223.3(1) – “an Integrity Commissioner who reports to council”. Some municipalities have a committee system where the Integrity Commissioner reports to a committee prior to the council. This is improper and bifurcates and adjudicative decision that only council can make. All reports should brought directly to the council (or the local board).

Reliance on Integrity Commissioner's Advice

Recommendation:

- Members of council and local boards are entitled to seek specific and particularized written advice from the Integrity Commissioner with respect to their obligations under the code of conduct; any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members; and ss. 5, 5.1, 5.2 and 5.3 of the *Municipal Conflict of Interest Act*
 - Members should be legislatively entitled to rely on written advice provided by the Integrity Commissioner
 - the Integrity Commissioner should be authorized to not investigate or to summarily dismiss a complaint or application if they have provided written advice to the member and the member has followed that advice (akin to s. 9(2)(b) of the *Municipal Conflict of Interest Act*)¹²

4. Standardized Reporting and Recommendations

Recommendations:

- A member who is the subject of an inquiry must be given a final opportunity to comment on any proposed findings but there should be a specific timeframe set out for the member's response to be provided
- Notice to the member should be given of the proposed findings but not of any recommended penalties or remedial measures/corrective actions and the Integrity Commissioner's recommendations should only follow *after* final comments or submissions on the preliminary findings are made by the member
 - The Integrity Commissioner should not be forming recommendations prior to final comments or submissions from the member under inquiry so it is premature to include recommendations in the notice to the member

¹² *Municipal Conflict of Interest Act*, s. 9(2):

Same

9 (2) In exercising his or her discretion under subsection (1) the judge may consider, among other matters, whether the member or former member,

...

(b) disclosed the pecuniary interest and all relevant facts known to him or her to an Integrity Commissioner in a request for advice from the Commissioner under the *Municipal Act, 2001* or the *City of Toronto Act, 2006* and acted in accordance with the advice, if any, provided to the member by the Commissioner;...

EDUCATION AND TRAINING

1. ICO Training to Municipal Integrity Commissioner

Recommendation:

- Training should occur within 5 months of the regulation coming into force and thereafter within 3 months of a municipal integrity commissioner becoming an integrity commissioner for a municipality

2. Municipal Integrity Commissioner Training to Members

Recommendations:

- Integrity Commissioners should also provide training to members of council and local boards on the *Municipal Conflict of Interest Act* to align with paras. 3, 6 and 7 of s. 223.3(1) of the *Municipal Act, 2001* relating to the Integrity Commissioner's functions¹³
- Training on the *Municipal Conflict of Interest Act* should also be provided to such local boards that are defined in s. 1 of the statute (including the "excluded" local boards that are listed in s. 223.1 of the *Municipal Act, 2001*)¹⁴

69699293.2

¹³ *Municipal Act, 2001*, s. 223.3(1):

3. The application of sections 5, 5.1, 5.2 and 5.3 of the *Municipal Conflict of Interest Act* to members of council and of local boards..
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*.

¹⁴ Local boards excluded in the definition of the term in s. 223.1 of the *Municipal Act, 2001*, include children's aid societies, boards of health, long term care committees of management, police service boards, public library boards, municipal services corporations and other prescribed boards [none currently set out in regulation].

July 25, 2025

Standing Committee on Heritage, Infrastructure and Cultural Policy
Whitney Block - Queen's Park
23 Queen's Park Crescent East
Toronto, ON M7A 1W4

Attention: Laurie Scott, MPP, Chair & Tanzima Kham, Clerk

Dear Chair Scott and Members of the Committee:

Re: Bill 9 – Municipal Accountability Act, 2025

Accountability and proper ethical conduct amongst elected representatives is something that everyone wants to see, not only for municipalities but for all levels of government.

Bill 9 proposes to strengthen municipal accountability but, with respect, misses the mark, in several ways.

By way of background, I am a municipal lawyer practicing with Aird & Berlis LLP in Toronto. I am a Certified Specialist by the Law Society of Ontario in Municipal Law (Local Government & Land Use Planning and Development). I have co-authored two books in the *Municipal Act, 2001* and on the *City of Toronto Act, 2006*. I am a long-standing Adjunct Professor at Osgoode Hall Law School where I regularly teach courses on Municipal Law. I have taught "Ethics and Municipalities" for the LL.M. Program at the law school and units on municipal accountability and the *Municipal Conflict of Interest Act* are always included in my Municipal Law course. I lead all municipal accountability mandates for my firm which acts as Integrity Commissioner for approximately 70 local governments, as well as Closed Meeting Investigator, Municipal Ombudsman and Lobbyist Registrar for many municipalities.

It is important to bring the Integrity Commissioner perspective to Bill 9 because Integrity Commissioners have the experience, knowledge and understanding of the local governmental accountability framework. The current system has been pejoratively referred to as a "fragmented system of accountability for local elected officials" which ignores the historical reasons for the implementation of the original system in Part V.1 of the *Municipal Act, 2001* and the rejection of the "provincial commissioner" system that had been proposed by the never-proclaimed-into-force *Local Government Disclosure Act, 1993*.

In many ways, the current system is working very well. Municipalities have the ability to select well-qualified and knowledgeable Integrity Commissioners, to craft codes of conduct that will be responsive to local needs and distinctiveness and to respond on a timely basis on requests for written advice. I acknowledge that some municipalities have chosen unwisely and have also attempted to get away with substandard codes of conduct and complaint protocols that ignore the proper statutory independence and discretion afforded to Integrity Commissioners.

I would urge the Committee to consider the following:

1. Expand Scope of Bill 9

Bill 9 should be broadened to address more than just the most egregious ethical misconduct of officials. While the removal from office of members that contravene the ethical standards of their municipalities is, in some cases completely justified, these are rare and atypical instances. The government should expand the scope review of the local accountability framework, including, but not limited, to the range of penalties that can be imposed, akin to, but broader than, what was included in subsection 9(2) of the *Municipal Conflict of Interest Act* when it was amended in 2018, and to clarify that remedial measures and corrective actions are also permitted.

2. Depoliticize Decision-Making

The premise of the accountability regime in Part V.1 of the *Municipal Act, 2001* is the basic expectation that councils will hold their own house in order. Sadly, this is has not been the case in many instances. Instead of being enforcers, council members have become enablers of bad behaviour because of the politicized nature of the ultimate decision-making at the local level.

The remedy is to depoliticize the system and remove decision-making authority from councils. This government itself recognized this in the strong mayors legislation where 216 municipalities in Ontario have been designated as strong mayor municipalities. In introducing Bill 3 – *Strong Mayors, Building Homes Act*, the former Minister of Municipal Affairs and Housing repeatedly spoke of depoliticizing municipal decision-making to get housing built. I suggest that due consideration should be given to do the same with respect to ensuring local ethical integrity.

The current proposal requiring unanimous council approval for removal of egregiously badly behaving members is wholly unworkable and this Committee has already heard this from multiple sources. I agree that the threshold for removal should be high but it should not be so onerous that it will likely never happen. Once again, the government should look to the amendments that were made to the *Municipal Conflict of Interest Act* just a few years ago where Integrity Commissioners were imbued with the authority to make an application to a judge to determine whether a breach of the statute warranted a penalty of removal or disqualification from office.

3. Consult with Municipal Integrity Commissioners

With respect, and not to criticize the exemplary work of the provincial Integrity Commissioner, the reliance on this official and her office within the local government context is misplaced. The Ontario Integrity Commissioner knows and is the expert with respect to the provincial ethical framework – from the *Members' Integrity Act, 1994* to the *Lobbyists Registration Act, 1998* – but what does the Ontario Integrity Commissioner know about local government, codes of conduct and the *Municipal Conflict of Interest Act*?

The Ministry of Education, in developing the new school board accountability regime that was recently implemented in 2024 in the *Education Act* and its regulations consulted extensively with municipal Integrity Commissioners.

I strongly recommend, before the government starts looking at:

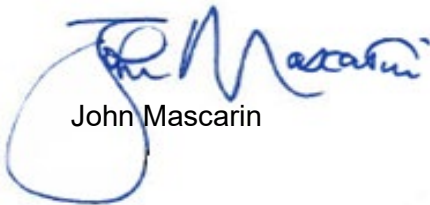
- standardized provincial-wide uniform codes of conduct and complaint protocols,
- at qualifications and training for local Integrity Commissioners, and
- at including an entirely unnecessary secondary investigative review by the Ontario Integrity Commissioner

that local Integrity Commissioners not only be extensively consulted but that they have a role in developing the framework that will hopefully serve to truly strengthen municipal accountability.

I greatly appreciate the opportunity to have presented before the Standing Committee on July 24, 2025 and for your consideration of this written submission on Bill 9.

Yours truly,

AIRD & BERLIS LLP



John Mascarin

JM/ke

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