

DECISION OF THE INTEGRITY COMMISSIONER

MUNICIPALITY OF CALVIN

ALLEGATION: **CONTRAVENTION OF THE MUNICIPALITY
OF CALVIN CODE OF CONDUCT**

BY: **COUNCILLOR DEAN GRANT**



*Office of the Integrity
Commissioner*

Prepared By:

Shawn Mahoney
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Investigative Solutions Network

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I. EXECUTIVE SUMMARY

- [1] These reasons relate to an inquiry under section 223.4(1) of the *Municipal Act, 2001*, (the “*Municipal Act*”) about Dean Grant (“Councillor Grant”), an elected member of the Municipal Council (“Council”) for the Municipality of Calvin.
- [2] The Requestor alleged that Councillor Grant contravened the Municipality of Calvin Code of Conduct (“Code of Conduct”) when at the February 25, 2020, Council meeting he participated in discussions about a complaint made by Chelsey Grant wherein she criticized municipal employees and their inability to complete renovations to the Hall¹ in a timely manner. Further, Councillor Grant demonstrated that he was not acting in the best interest of the municipality but instead by his actions “*..influenced or raised suspicion about the influence, his wife [Chelsey Grant] had on Councillor Dean Grant in regards to the matter.*”²

Conflict of Interest/Improper Use of Influence

- [3] Ms. Grant stated that she initiated this “*complaint into the township because of a group in Calvin that would like to put on a dinner event in the hall on March 21st. I received an email this morning February 12th, 2020 stating that the hall is not available for public use until April 2020 due to renovations of the bathroom and stripping the floor. This project has been going on since the beginning of January. The group has not been able to hold meetings there because of this...*”
- [4] Ms. Grant in her complaint criticized employees with respect to time management and because the work should not be taking as long and that the employees were making excuses. She reported that this was unacceptable and that a solution would be for Council to discuss in closed session with the Clerk “*about the current employees they have*”. Ms. Grant was extremely concerned that she and the members of this group were being deprived of use of the Hall for an upcoming social event that would be used for fundraising for the Municipality of Calvin.
- [5] The complaint went before Council at their meeting on February 25, 2020. At the meeting, Councillor Grant debated the complaint and further proposed a motion that would see the opening of the Hall ahead of schedule. Councillor Grant moved and voted in favor of this motion.

¹ Hall throughout the document refers to the Municipality of Calvin community hall.

² Investigator summary of the Requestor Interview March 12, 2020.

- [6] On February 8, 2020, Councillor Grant requested advice from the Integrity Commissioner (“IC”) and received that advice on February 24, 2020, regarding his obligations under the *Municipal Conflict of Interest Act* (“MCI_A”) related to the complaint Chelsey Grant was making to the Municipality.
- [7] Councillor Grant was advised by the IC that he did have a deemed pecuniary interest, must declare his interest in writing and not influence the decision of Council before, during or after the meeting.
- [8] However, Councillor Grant did not declare his deemed pecuniary interest on February 25, 2020, and instead participated in the discussion of the complaint and then moved a motion directing that the Hall be opened earlier than planned [it opened February 28, 2020].
- [9] When asked by the investigator Councillor Grant admitted “*he did seek advice about the potential conflict. He did participate in the discussion and ultimately voted on various motions. He readily admitted that he went against the advice that he was provided. His personal opinion was that he was not in a conflict as he felt there was no pecuniary interest; therefore, he acted the way he did. He did not try to deceive or minimize what he did. The decision was his and his alone.*”

Interference in an Integrity Commissioner Inquiry

- [10] On March 9, 2020 Councillor Grant was sent a letter from the office of the Integrity Commissioner advising him that a request for inquiry had been received and that such inquiry would be carried out. In that letter Councillor Grant was advised the following:
- “Integrity Commissioner inquiries are confidential pursuant to section 223.5 (1) of the Municipal Act. We ask that you do not disclose that an inquiry has commenced or discuss the complaint and/or your evidence at this time. Doing so, can bias the inquiry and result in loss of credibility with respect to your evidence. Additionally, it may be seen as interference in an Integrity Commissioner Inquiry which may constitute a contravention of the Code of Conduct.”*
- [11] On April 8, 2020, Councillor Grant was interviewed by the Investigator as part of this inquiry. Prior to the start of the interview Councillor Grant was requested to sign an acknowledgement that the interview was being voice recorded and affirming that the requirement to keep his evidence confidential. Councillor Grant signed the confidentiality agreement.
- [12] Thereafter, Councillor Grant contacted Councillor Cross [the President of the Calvin Women’s Association] and discussed the inquiry as well as the interview.

During that phone call, Councillor Grant revealed the nature of the complaint, the interview, and questions addressed in the interview by the investigator.

- [13] Due to his position as a councillor and the ongoing investigation, he should not have contacted or spoken to anyone about the inquiry.
- [14] In his desire to defend himself, he was less patient and violated the agreement he voluntarily signed with the investigator. This was information he received by virtue of his office and he has an obligation to keep it confidential.

Findings

- [15] We find that Councillor Grant contravened section 13 of the Township of Calvin's Code of Conduct when he participated in the meeting arising from his wife's complaint.
- [16] Because the Calvin Women's Association had a financial, or pecuniary interest in using the Hall, Councillor Grant had a deemed, indirect pecuniary interest and was required to declare the conflict and not to participate in the meeting. His failure to do so was a breach of the *MCIA* and as such is a breach of the Municipality's Code of Conduct.
- [17] To be clear, we did not have a complaint pursuant to the *MCIA* that complied with the requirements for a statutory declaration within six (6) weeks of being aware of the issue, so our investigation was completed pursuant to the Code of Conduct. Had we had a complaint pursuant to the *MCIA*, we would be proceeding with a Court application to determine the breach and appropriate penalty.
- [18] We find that this was a serious breach of the Code, not only because of the conflict, which in itself was serious, but because Councillor Grant got advice about the conflict, understood the advice and subsequently ignored the advice and participated in the meeting, moving the resolution and voting on it. His impunity aggravates the breach.

II. LEGISLATIVE FRAMEWORK

- [19] Under section 223.4 (1) (a) of the *Municipal Act, Council*, a member of Council or a member of the public may make a request for an inquiry to the Integrity Commissioner about whether the Member has contravened the Code of Conduct applicable to that Member.

[20] The *Municipal Act* requires that municipalities adopt a Code of Conduct. Section 1 refers to the guiding principles; subsections (c), (e) and (f) state:

c) Members must be committed to performing their functions with integrity, avoiding the improper use of the influence of their office, and conflicts of interest, both real and perceived;

e) Members must recognize and act upon the principle that democracy is best achieved when the operation of government is as transparent and accountable to the Public as possible;

f) Members shall seek to serve the public interest by upholding both the letter and spirit of the laws of Parliament and the Ontario Legislature, as well as the laws and policies adopted by the Municipal Council;

[21] Section 10 refers to Confidential Information and subsection 10.1 states:

No Member shall disclose, release, sell or publish by any means directly or indirectly, to any person or to the public, any Confidential Information acquired by virtue of his or her office, in any form including, but not limited to, written notes, reports, oral and video recording, pictures, electronic correspondence, and any form of social media except when required or authorized by Council or otherwise by law to do so.

[22] Section 13 of the Code of Conduct – No Improper Use of Influence states:

13.1 *No Member shall use the influence of his or her office for any purpose other than for the lawful exercise of his or her official duties and for municipal purposes.*

13.2 *No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.*

[23] Sections 5, 5.1 and 5.2 of the *MCIA* provide as follows:

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

shall, prior any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

shall not take part in the discussion of, or vote on any question in respect of the matter; and

shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question. R.S.O. 1990, c. M.50, s.5 (1).

Where member to leave closed meeting

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. R.S.O. 1990, c. M.50, s.5 (2).

...

Written statement re disclosure

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be. 2017, c. 10, Sched. 3, s. 4.

Influence

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use her or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter. 2017, c. 10, Sched. 3, s. 4.

[24] When an application is submitted alleging a member of Council has contravened sections 5, 5.1 or 5.2 of the *MCIA*, we may then conduct an inquiry. Upon

completion of the inquiry, we may apply to a Judge under section 8 of the *MCIA* for a determination as to whether the member has contravened sections 5, 5.1 or 5.2 of the *MCIA*. We must publish written reasons as to whether we intend to apply to a Judge under section 8 of the *MCIA*. These are those reasons.

- [25] When a matter is referred to us, we may then conduct an inquiry in accordance with the City's Integrity Commissioner Inquiry Protocol and, upon completion of the inquiry, we may make recommendations to Council on the imposition of penalties.

III. THE REQUEST

- [26] Under section 223.4(1)(a) of the *Municipal Act*, Council, a member of Council or a member of the public may make a request for an inquiry to the Integrity Commissioner about whether the member has contravened the Code of Conduct applicable to that member.
- [27] The request before us was properly filed and in accordance with the *Municipal Act* and the relevant policies and procedures for the Municipality of Calvin.
- [28] The Requestor alleged that Councillor Grant contravened the Code of Conduct when at the February 25, 2020, Council meeting he participated in discussions about a complaint made by Chelsey Grant wherein she criticized municipal employees and their inability to complete renovations to the Hall in a timely manner. Further, Councillor Grant demonstrated that he was not acting in the best interest of the municipality but instead by his actions “..influenced or raised suspicion about the influence, his wife [Chelsey Grant] had on Councillor Dean Grant in regards to the matter.”³
- [29] In this inquiry, we find no reason to release the names of the Requestor.

IV. THE INQUIRY PROCESS

- [30] The responsibilities of the Integrity Commissioner are set out in section 223.3(1) of the *Municipal Act*. On March 1, 2019, section 223.2 of the *Municipal Act* was amended, and municipalities were required to adopt a Code of Conduct. Further, municipalities were to appoint an Integrity Commissioner who is responsible for the application of the Code of Conduct. Complaints may be made by Council, a member of Council or a member of the public to the Integrity Commissioner for an inquiry about whether a Member has contravened the Code of Conduct that is applicable to that Member.

³ Investigator summary of the Requestor Interview March 12, 2020

- [31] After receiving the complaints, we followed the inquiry process as set out in the Integrity Commissioner Inquiry Protocol. We did a preliminary review of the complaint which resulted in the decision to conduct an inquiry into the matter.
- [32] Shawn Mahoney, a professional investigator with Investigative Solutions Network (ISN), was assigned as an agent of the Integrity Commissioner to carry out an investigation into the Requestors allegations. The inquiry followed the process outlined in section 5 of the Integrity Commissioner Inquiry Protocol which included reviewing the available evidence, interviewing the Requestor, witnesses and Councillor Grant.
- [33] The conclusions we arrived at with respect to these matters are based upon the standard of a balance of probabilities. Balance of probabilities is a civil burden of proof, meaning that there is evidence to support the allegation that the comments or conduct "more likely than not" [50.1%] took place, and that the behaviour is a breach of the Township's Code of Conduct. As required, assessments of credibility have been made. These assessments are based on:
- whether or not the individual had first-hand knowledge of the situation,
 - whether or not the individual had an opportunity to observe the events,
 - whether or not the individual may have bias or other motive,
 - the individual's ability to clearly describe events,
 - consistency within the story,
 - the attitude of the individual as they were participating
 - any admission of dishonesty.⁴

I. THE FACTS

Conflict of Interest/Improper Use of Influence

- [34] At the Council meeting of February 11, 2020, municipal staff person presented a status report regarding renovations to the Hall and annual maintenance and the need to keep the Hall closed for public use until the work could be completed.
- [35] No issues were raised by Council at this meeting with the timeline proposed or the continued closure of the facility to the public.

⁴ *Faryna v. Chorny* (1951), [1952] 2 D.L.R. 354 (B.C.C.A.), at Para 10, 11. *Alberta (Department of Children and Youth Services) v. A.U.P.A. (2009)*, 185 LAC (4th) 176 (Alta.Arb.)

- [36] Ms. Grant, Councillor Grant's wife, was present at the February 11th Council meeting.
- [37] Ms. Grant held the position of Secretary with the Calvin Women's Association (CWA). The CWA is an unincorporated group that *"exists to provide the community of Calvin with a group of women that will bring the community together through events, activities and awareness while helping out in times of need and fundraising for projects with the municipality."*⁵ A CWA fundraising event was tentatively scheduled for March 21, 2020, using the Hall.
- [38] Mrs. Grant contacted the municipality to book the Hall space for an event that the CWA had planned to hold. Her request was denied due to ongoing renovations and Hall maintenance. As a result, Ms. Grant submitted a written complaint to the Municipality. The substance of the complaint was her dissatisfaction with the length of time the Hall had been closed for washroom renovations and annual floor maintenance. Her written complaint reported that she was making a *"complaint into the township because of a group in Calvin that would like to put on a dinner event in the hall on March 21st. I received an email this morning February 12th, 2020 stating that the hall is not available for public use until April 2020 due to renovations of the bathroom and stripping the floor. This project has been going on since the beginning of January. The group has not been able to hold meetings there because of this..."*
- [39] Additionally, Ms. Grant in her complaint criticized employees with respect to time management and because the work should not be taking as long and that the employees were making excuses. She reported that this was unacceptable and that a solution would be for Council to discuss in closed session with the Clerk *"about the current employees they have"*. Ms. Grant was extremely concerned that she and the members of this group were being deprived of use of the Hall for an upcoming social event that would be used for fundraising for the Municipality of Calvin.
- [40] Ms. Grant's complaint was placed on the Council meeting agenda for the February 24, 2020 regular Council meeting.
- [41] Ms. Grant also posted a vocal complaint on Facebook regarding this issue and specifically cited the loss of use for the Calvin Women's Association.
- [42] Councillor Grant was aware that this may become an issue before Council and as a result sought advice from the Integrity Commissioner on February 8, 2020. His request outlined the nature of his wife's complaint and requested advice regarding his responsibilities in accordance with the *MCIA*.

⁵ Calvin Women's Association – Wednesday December 11, 2019 [homepage]

[43] The advice from the IC stated:

Your obligations under the MClA

The MClA prohibits members of council from acting, even from influencing, matters where they have a pecuniary interest “before, during or after” the meeting.

The initial question, therefore, is whether you have a pecuniary interest, direct or indirect, in the matter of your wife’s complaint to Council. “Pecuniary interest” is not defined in the MClA; however, the Courts have interpreted it to mean a financial, monetary or economic interest. It does not matter whether the financial interest is positive or negative and when considering the existence of a “pecuniary interest”, it also does not matter the quantum of the interest.

A pecuniary interest is held to be “indirect” when the member is a member of a “body”. The meaning of the term “body” is not defined in the MClA, but the Courts have given it a broad interpretation, to ensure that all potential conflicts of interest are captured by it.

*The Courts have found in Cooper v. Wiancko, 2018 CarswellOnt 676, 2018 ONSC 342 (S.C.J.) that a “body” is to include both incorporated and/or unincorporated bodies. Members of volunteer run, non-share, not-for-profit groups and not-for profit corporations and boards are **not exempt** from the MClA.*

Section 3 of the MClA explicitly states that the pecuniary interest of the spouse of a member shall, if known to the member, be deemed to also be the pecuniary interest of the member.

*In the present case, the complaint made by your wife to Council is a matter in which you would have a **deemed, indirect pecuniary interest** as the matter financially benefits the body that your wife is a member of. To be clear, the body, (the Women’s Association) that your wife is a volunteer for, has a pecuniary interest in the use of the Community Centre for their fundraising event regardless of how they will use the funds they raise.*

Her complaint stems from the Women’s Association being denied use of the Community Centre for their fundraising event. The Woman’s Association has a pecuniary interest in the use of the Community Centre whether they pay for or they receive use of the space for free. In all likelihood, and while we did not confirm this with you, the fees for using

the facility would be waived by Council. This means that the body stands to gain financially from the renovations being completed and the use of the facility for their fundraising event. We make this supposition in light of the fact that the complaint is being made – it shows a vested interest in the facility being available for this particular group.

Alternatively, if they are required to pay the fee for the use of the facility (negative financial interest) they would also have a pecuniary interest in the matter.

Section 1.1 of the MCI A states that members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny. This means that every Council member, whether it be for a small town or a large city, will be held to the same high standard with very few exceptions.

With respect to this present matter, none of the exemptions in section 4 of the MCI A apply.

Accordingly, you are required to abide by section 5 of the MCI A. Pursuant to section 5, when you are at a meeting of Council and the matter of your wife's complaint regarding the renovation of the Community Centre is the subject of consideration you must:

Prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

Not take part in the discussion of, or vote on any question in respect of the matter; and

Not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

It is our recommendation that if the matter is considered in open session, that you remove yourself from the room in order to protect yourself from influencing the decision in any way. If the matter is discussed in closed session, you must leave the room [section 5 (2) of the MCI A].

Further, you should be aware of the requirement in section 5.1 to file a written declaration of conflict any time this issue comes before Council. Additionally, this advice would apply to you any time that there is a pecuniary interest affecting the Women's Association considered by Council so long as your wife is still a member of that organization/group.

It is important that you abide by sections 5 and 5.1. If you fail to do so, you will be at risk of a complaint to the Integrity Commissioner for breach of the MCIA.

- [44] On February 24, 2020, Councillor Grant attended the regular Council meeting. Three things occurred at this meeting:
- 1) Councillor Grant did not declare a conflict with the items on the agenda revolving around the complaint generated by his wife, Chelsey Grant.
 - 2) Councillor Grant remained in the room and discussed the complaint portions related to the Hall closure, time management of staff, maintenance, and renovations timelines. Debate occurred in the **open** and **closed** session of Council.
 - 3) Councillor Grant participated in the vote regarding the Hall reopening ahead of schedule. Item 2020-038 of the Municipality of Calvin Council minutes records that a motion was raised by Council to continue the timeline of full maintenance and renovations on the Hall. This was defeated by a vote of 3-2. Councillor Grant participated in this vote. Councillor Grant then proposed another motion. This motion proposed completing renovations and deferring the maintenance to the following year. This motion carried. Councillor Grant participated in this vote.
- [45] During the Closed portion of the meeting, Councilor Grant participated in motion C2020-06 and voted on a directive regarding staff time management. This motion began as part of Ms. Grant's complaint.
- [46] Councillor Grant moved motion 2020-038 related to the earlier opening of the Hall which was carried:

*2020-038 COUNCIL DECISION REGARDING HALL
RENOVATIONS, ANNUAL MAINTENANCE (FLOOR STRIPPING
AND WAXING) AND HALL CLOSURE*

*Moved by Coun Grant and seconded by Coun Olmstead that
Council hereby authorizes that Staff shall proceed with the hall
renovations until completion and that floor stripping will not take
place this year; AND that as soon as the bathroom renovations
have been completed the hall will be opened to the public.*

- [47] This motion was passed with three (3) members of Council voting in favour [Councillors Grant, Olmstead and Maxwell]. The Mayor and Councillor Cross voted against.

- [48] Subsequently, the Hall was opened on February 28, 2020, one month earlier than recommended/planned by staff.
- [49] Councillor Grant reported that he did not follow the IC's advice because he did not believe he had a pecuniary interest in the matter before Council. He admitted that he did participate in the discussion and ultimately voted on various motions that resulted in the Hall opening sooner than was proposed by staff on February 11, 2020.

Interference in an Integrity Commissioner Inquiry

- [50] On March 9, 2020 Councillor Grant was sent a letter from the office of the Integrity Commissioner advising him that a request for inquiry had been received and that such inquiry would be carried out. In that letter Councillor Grant was advised the following:

“Integrity Commissioner inquiries are confidential pursuant to section 223.5 (1) of the Municipal Act. We ask that you do not disclose that an inquiry has commenced or discuss the complaint and/or your evidence at this time. Doing so, can bias the inquiry and result in loss of credibility with respect to your evidence. Additionally, it may be seen as interference in an Integrity Commissioner Inquiry which may constitute a contravention of the Code of Conduct.”

- [51] Included with the letter was a confidentiality agreement that clearly outlined the expectations the IC had of parties involved in the inquiry including Councillor Grant:

WHEREAS *an Integrity Commissioner Inquiry has been commenced pursuant to section 223.4 and/or 223.4.1 of the Municipal Act, 2001;*

AND WHEREAS *pursuant to subsection 223.5(1) of the Municipal Act, 2001, the Integrity Commissioner and every person acting under the instructions of the Integrity Commissioner has a duty to preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties;*

AND WHEREAS *the Integrity Commissioner has instructed the Undersigned to be interviewed as part of this inquiry;*

In contemplation of the above, I, _____ (the “Undersigned”),

hereby acknowledge and agree that:

- 1. I have a duty to preserve secrecy with respect to this inquiry;*

2. *I will keep the inquiry, and anything discussed with me as part of the inquiry confidential;*
3. *I will not disclose the inquiry or discuss the inquiry with anyone unless directed by the Integrity Commissioner or as required by law;*
4. *Failure to comply with the provisions set out herein is a breach of the Municipal Act, 2001, and may severely damage the inquiry process; and,*
5. *Failure to comply with the provisions set out herein may be disclosed to the municipality in the Integrity Commissioner Report.*

[52] On April 8, 2020, Councillor Grant was interviewed by the Investigator as part of this inquiry. Prior to the start of the interview Councillor Grant was requested to sign an acknowledgement that the interview was being voice recorded and affirming the requirement to keep his evidence confidential. Councillor Grant signed the confidentiality agreement.

[53] Thereafter, Councillor Grant contacted Councillor Cross [the President of the Calvin Women's Association] and discussed the inquiry as well as the interview. During that phone call, Councillor Grant revealed the nature of the complaint, the interview, and questions addressed in the interview by the investigator. This was of great concern to Councillor Cross and she advised the investigator.

[54] Due to his position as a councillor and the ongoing investigation, he should not have contacted or spoken to anyone about the inquiry.

[55] In his desire to defend himself, he was less patient and violated the agreement he voluntarily signed with the investigator.

[56]

II. THE ISSUE

Conflict of Interest/Improper Use of Influence

[57] We considered:

- a. whether Council made a decision with respect to the renovations on February 11, 2020;
- b. whether Councillor Grant actions at the February 24, 2020 Council meeting were an attempt to influence Council in a matter that would benefit his wife;

- c. whether Councillor Grant had a pecuniary [conflict] of interest in the complaint brought forward by his wife;
- d. whether Councillor Grant knew about his wife's interest in the matter before Council; and
- e. whether or not Councillor Grant's actions contravened the *MCI*A.

Interference in an Integrity Commissioner Inquiry

[58] We considered:

- a. whether Councillor Grant contravened the Code of Conduct when he acted against the direction of the IC to keep the inquiry confidential;
- b. whether Councillor Grant's actions impacted the inquiry and if so, is/are this/these action(s) contrary to the Code of Conduct; and
- c. whether Councillor Grant's actions were an attempt to influence the outcome of the inquiry and indirectly influence a Statutory Officer of the municipality contrary to the *Municipal Act* and the Code of Conduct.

III. CONCLUSION

[59] On February 11, 2020, Council received a staff report from Jacob Grove providing an update regarding the Hall renovations. Councillor Grant moved the resolution to reopen the Hall early, participated in the discussion in both open and closed portions of the meeting. He clearly breached the *MCI*A and as such breached the Code of Conduct. In that he had advance notice of this issue, his breach is found to be intentional and egregious.

[60] Councillor Grant's breach of his obligations of confidentiality even after signing the confidentiality agreement and having the confidentiality explained to him is an equally egregious breach.

[61] Together, these two breaches should be strongly sanctioned by Council. Our recommendation to penalty is as follows:

- a. Councillor Grant's remuneration as a member of Council should be suspended for two months for the breach of his obligations to avoid conflict of interest, and
- b. Councillor Grant's remuneration as a member of Council should be suspended for two months for the breach of confidentiality and breach of his signed agreement to keep the investigation information confidential.

We see this breach as particularly significant and tantamount to an intention to interfere with the Integrity Commissioner's statutory role to investigate this complaint.

DATED: December 28, 2020

DATE PRESENTED TO COUNCIL: February 9, 2021

Exhibit 1

Confidentiality Agreement

ACKNOWLEDGEMENT OF AUDIO RECORDING AND CONFIDENTIALITY

The Integrity Commissioner, or a person to whom the Integrity Commissioner has delegated his/her powers and duties to in writing will be conducting this interview as part of an inquiry under Part V.1 of the *Municipal Act, 2001*. This interview will be audio recorded. The interview will only be used for inquiry purposes and will be used at the discretion of the interviewer. The recording of this interview will only be released in accordance with applicable law. Moreover, pursuant to section 223.5(1) of the *Municipal Act, 2001*, the Integrity Commissioner has a duty to preserve secrecy with respect to all matters. As such, it is critical that confidentiality be maintained during all phases of the inquiry.

In contemplation of the above, I, Dean GRANT, hereby acknowledge and agree that:

1. I have been informed that this interview is being audio recorded;
2. The recording will be the sole property of the interviewer;
3. I will not be provided a copy thereof unless applicable law so requires; and
4. I will keep all information related to this inquiry confidentiality.

DATED this 8th day of April, 2020



Dean Grant