

August 2, 2024

VIA EMAIL: [Genevieve.Scharback@brampton.ca](mailto:Genevieve.Scharback@brampton.ca)

**Genevieve Scharback**

City Clerk  
Corporation of the City of Brampton  
2 Wellington Street West  
Brampton, ON L6Y 4R2

Dear Ms. Scharback:

**RE: ANNUAL REPORT – 2023 (the “Report”)**

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**Background:**

Pursuant to section 223.3 of the *Municipal Act, 2001* it is my role as the Integrity Commissioner to oversee the application of the City of Brampton’s Council Code of Conduct, City by-laws, rules, procedures, and policies which govern the ethical conduct of members of City Council. In addition to receiving, assessing, and investigating complaints respecting alleged breaches of the Code or other ethical standards by Council members, I am also responsible for educating members of Council and assisting them in understanding the standards of ethical behavior to which they must adhere.

My mandate under section 223.3 includes the following:

1. To **apply the code of conduct for council members** and the code of conduct for members of local boards.
2. To **apply any procedures, rules and policies of the municipality** and local boards governing the ethical behaviour of members of council and of local boards.
3. To **apply relevant sections** (sections 5, 5.1 and 5.2) **of the *Municipal Conflict of Interest Act*** to members of council and of local boards (to be discussed in more detail).
4. To **review and assist with requests from members of council and of local boards for advice** respecting their obligations under the code of conduct applicable to the member.

5. **To assist with requests from members of council and of local boards regarding 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.

6. **To assist with requests from members of council and of local boards regarding advice respecting their obligations under the *Municipal Conflict of Interest Act*.**

7. To provide 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*, 2017, c. 10, Sched. 1, s. 19 (1).

The purpose of this Report is to provide Council with a summary of the formal (and, in some cases, informal) complaints and inquiries received by my office. It does not include data with respect to any ad hoc or informal advice that has been provided to members of Council or the public.

I was reinstated into my role as of January 25, 2023. This Annual Report will primarily address complaints and inquiries received by my office in 2023. However, I will provide some updates on complaints that I had carriage over in 2022 up to the cessation of my appointment, which I did not see a report on in the [Initial Periodic Report](#) issued by the Interim Integrity Commissioner that was appointed in April 2022 for the City of Brampton. I cannot comment on and/or confirm how the below complaints were concluded and/or what the outcome was.

### **Summary of 2022 Complaints:**

#### **1. Complaint regarding political campaigning**

A complainant filed a complaint against a Councillor alleging that they directed staff to engage in political campaigning for Peter MacKay, who was a candidate for the Federal PC leadership race in 2020. The complainant alleged that Rule 16 of the Code of Conduct had been violated.

An investigation respecting this complaint was ongoing as of the date that my appointment ceased in 2022. I had taken steps to interview most of the parties involved and was nearing the end of the investigation process. I had provided the complainant with status updates regarding the investigation process, which was underway.

## **2. Complaint regarding conflict of interest**

A complaint was filed with my office on December 29, 2021, by a complainant, who alleged that a Councillor had a conflict of interest in engaging with an entity. The complainant alleged that Rules 1, 9 and 15 of the Code of Conduct were violated.

Near the time that my appointment ceased, I had just received a Reply from the complainant to the Respondent's Response. The next step would have been to assess the merits of the complaint and determine whether an investigation was warranted.

## **3. Complaint regarding failure by a Councillor to disclose pecuniary interest**

A complaint was filed on February 23, 2022, with my office regarding allegations that a Councillor breached the *Municipal Conflict of Interest Act* by not declaring a pecuniary interest during a Special Council Meeting. At the date that my appointment ceased, this complaint was still under review.

## **4. Complaint regarding intimidating and discreditable conduct by Councillors**

I received a complaint on March 8, 2022, regarding an escalation of intimidating and discreditable conduct purportedly exhibited by two Councillors at various meetings during January and February 2022. The Rules that were allegedly violated were Rules 3, 8, 15, and 16. Shortly after this complaint was filed, my appointment as Integrity Commissioner ceased, so I am unable to comment on the status and/or outcome of this complaint.

## **Summary of 2023 Complaints:**

I received a total of six (6) informal complaints from members of the public and one (1) formal complaint in 2023. I will address the formal complaint first.

### **1. Complaint regarding property maintenance concerns (formal complaint)**

My office received a complaint dated May 8, 2023, against a Councillor, for alleged failure to respond adequately to concerns regarding a maintenance route near their property. Specifically, it was contended that the Councillor made unfulfilled promises to meet with the complainant, including for site visits. The complainant acknowledged the lack of provisions within the Council Code of Conduct to address this issue, yet I assessed the complaint to consider my jurisdiction.

Under the mandate of the Office of the Integrity Commissioner, the complaint was assessed for any potential unethical behavior or violations of the Council Code of Conduct. Upon careful consideration, it was determined that the actions of the Councillor in question did not necessitate a site visit and were being managed by another individual. Additionally, the Councillor's transparent communications regarding their inability to visit the site did not indicate any lack of transparency or integrity.

Furthermore, and most importantly, the complaint was found to be barred by the limitations period stipulated in the Complaints Protocol. Part B, section 1(4) of the Complaints Protocol restricts the acceptance of complaints based on impugned conduct older than six (6) months. Given these findings, the complaint was closed with no further action warranted. I delivered a notice of discontinuance/closing letter to the complainant, explaining the reasons why an investigation was not warranted under the circumstances.

### **2. Complaint regarding Councillor "pandering to terrorist supporters" (informal complaint)**

On December 6, 2023, an informal complaint was received by my office from a member of the public alleging that a city official was "pandering to terrorist supporters" and fundraising

for a militant group. The informal complaint was acknowledged, and the complainant was directed to follow the Complaints Protocol and formal complaint procedure. A complaint form was sent on February 27, 2024 by my office to the complainant. A follow-up email was sent on July 4, 2024, to prompt a response. As no response was received, the matter was closed, and a closing letter was issued to the complainant.

**3. Complaint about fundraising campaign and bullying allegations (informal complaint)**

On December 6, 2023, two separate informal emails (by two separate individuals) were received by my office regarding a fundraising campaign by a city official and previous bullying allegations. The informal complaints were acknowledged, and the complainants were directed to follow the Complaints Protocol and formal complaint procedure. A complaint form was sent on February 27, 2024 by my office to the complainants. A follow-up email was sent on July 4, 2024, to prompt a response. As no response was received, the matter was closed, and a closing letter was issued to the complainants.

**4. Complaint regarding injury and bullying (informal complaint)**

On December 21, 2023, an informal email was received by my office from a member of the public regarding a serious injury sustained by their daughter at Century Gardens by a hockey coach, along with subsequent bullying. No specific councillor was mentioned. The informal complaint was acknowledged, and the complainant was directed to follow the Complaints Protocol and formal complaint procedure. A complaint form was sent on February 27, 2024 by my office to the complainant. A follow-up email was sent on July 4, 2024, to prompt a response. As no response was received, the matter was closed, and a closing letter was issued to the complainant.

**5. Complaint regarding lack of response from planning department (informal complaint)**

On January 16, 2024, an informal email was received from a member of the public regarding a lack of response from the planning department concerning a proposed development. No specific councillor was mentioned. The informal complaint was acknowledged, and the complainant was directed to follow the Complaints Protocol and formal complaint procedure. A complaint form was sent on February 27, 2024 by my office to the complainant.

A follow-up email was sent on July 4, 2024, to prompt a response. As no response was received, the matter was closed, and a closing letter was issued to the complainant.

**6. Complaint regarding a Councillor’s tweet pertaining to the Umar Zameer trial (informal complaint)**

On April 23, 2024, an informal email was sent to my office by a member of public regarding a Councillor’s tweet about the Umar Zameer trial. The complainant made allegations regarding breach of Rules 1, 7, 14, and 15 of the Code of Conduct. The informal complaint was acknowledged, and the complainant was directed to follow the Complaints Protocol and formal complaint procedure. A complaint form was sent on February 27, 2024 by my office to the complainant. A follow-up email was sent on July 4, 2024, to prompt a response. As no response was received, the matter was closed, and a closing letter was issued to the complainant.

**Updating the Code of Conduct**

At the request of Council and committees, through the City Clerk, I have been tasked with updating the existing Code of Conduct and developing a condensed, “easy-to-read” version, referred to as “Code of Conduct Lite,” for committee use. The current Code of Conduct for Council was adopted by Council in 2016.

Work on this update has begun with a preliminary comparison of the existing Codes of Conduct from various municipalities, including Toronto, Mississauga, Kitchener, and London. A formal report with recommendations will be presented to Council by the end of 2024. Based on an initial review and analysis, potential recommendations include:

- Strengthening conflict of interest provisions;
- Developing an FAQ page for Council;
- Adding definitions for each section at the beginning of the document;
- Including a table for allowable gifts, similar to those in Toronto and Mississauga;
- Integrating social media provisions into the election campaign section;
- Renaming the “General” section to “Conflicts of Interest & Use of Influence”;

- Developing a Respectful Workplace Policy to be implemented in conjunction with Rule 14, incorporating a definition of harassment;
- Adding a section on “Conduct Respecting Lobbyists”;
- Including a section on “Fundraising Activities”;
- Mentioning the *Occupational Health and Safety Act* and the *Ontario Human Rights Code*; and
- Stating the frequency of updates to the policy.

These suggestions are tentative and not confirmed. A formal recommendation, including any proposed revisions, will be provided by my office at the end of the year. These recommendations aim to enhance clarity and enforceability.

### **Conclusion**

Aside from the updates described herein, I have been contacted by Councillors and members of the public regarding whether a complaint falls within my jurisdiction, interpretation of the Code of Conduct, the Complaints Protocol, and the *Municipal Conflict of Interest Act*. This Report is not intended to summarize any ad hoc advice, commentary, or information routinely provided to members of Council or the public.

It has been my pleasure to serve as the Integrity Commissioner for the City of Brampton and I look forward to continuing to provide the highest quality of service in the coming year. Please feel free to contact my office if you have any questions or concerns.

Sincerely,



**Muneeza Sheikh**  
Integrity and Ethics Commissioner  
The City of Brampton