

REPORT

City Council

The Corporation of the City of Brampton

Summary

On August 13, 2020, in my capacity as Integrity Commissioner, I received a complaint (the “Complaint”) regarding Mayor Patrick Brown (“Mayor Brown”).

The Complaint was based on an incident that took place on August 4, 2020, when Mayor Brown attended at the Earnscliffe Recreation Centre ice hockey arena (the “Arena”). The Complaint alleged that Mayor Brown was there to play hockey and that he was not wearing a mask.

The Complaint alleged that Mayor Brown had violated Rule 4 (Use of City Property, Services, and Other Resources), Rule 7 (Improper use of Influence), Rule 15 (Discreditable Conduct), and Rule 18 (Failure to Adhere to Council Policies and Procedures) of the City of Brampton’s Code of Conduct for Members of Council (the “Code”).

The Complaint also alleged that Mayor Brown had violated the City of Brampton’s Mandatory Face Coverings By-law 135-2020 (the “Mask By-law”), and implied that he had violated the provincial re-opening guidelines passed under the *Emergency Management and Civil Protection Act* (the “Emergency Orders”) and was involved in changing the City of Brampton’s “Facility Rental” website to cover his actions.

Background and Summary

I received the Complaint from Aaron Rosenberg, a lawyer representing the Rebel News Network Ltd. (“Rebel News”) and one of its reporters, David Menzies (“Mr. Menzies”). I will refer to them collectively as the “Complainants”.

The Complaint included a link to a brief clip of footage taken by Rebel News on August 4, 2020.

The Complaint also contained a link to an article published by the Brampton Guardian on August 9, 2020, titled: “Patrick Brown responds to Rebel News video alleging he broke Brampton’s COVID-19 bylaws” (the “Guardian Article”) (**Tab 1**).

The Guardian Article included a link to a longer version of the footage taken on August 4, 2020, which was published on the Rebel News YouTube channel.

Events shown in the August 4, 2020 Rebel News video

The following is a summary of the relevant events that occur in the video posted to the Rebel News YouTube channel as described above:

- Mr. Menzies is shown at the Arena premises.
- Mr. Menzies claims to have received a tip from a viewer who alleged that while all recreation centers and community centers were shut down, Mayor Brown “made” the staff at the Arena reinstall the ice so “him and his associate” could play every Wednesday. The tip claimed that people with a yearly membership cannot go in “due to COVID”.
- Mr. Menzies obtains access to the arena.
- Mr. Menzies asks an unidentified individual at the Arena where Patrick Brown is, and the man says that he has not shown up yet.
- Another unidentified individual, wearing a shirt with the Brampton logo on it and who appears to be recreation center staff, tells Mr. Menzies something to the effect that he is not allowed to be in the Arena. When Mr. Menzies asks why there are people skating, the man says it is because they have rented the ice.
- Individuals in hockey gear can be seen skating in the background of the footage.
- Mayor Brown, wearing a suit, is shown walking up to the ice rink. He is not wearing a mask or face covering. When Mr. Menzies confronts him and asks him why he is there, Mr. Brown replies that “I’m just coming to check out our facility”. Mayor Brown otherwise does not answer questions but turns to leave the Arena.
- There is an orange hockey bag with a typed insert with “Patrick Brown” on it in the Arena next to the rink.

The full video clip, about 19 minutes in length, was posted on Twitter and uploaded to the Rebel News channel on YouTube on August 8, 2020. It can be found at the following link: https://www.youtube.com/watch?v=Q4F4Jqr0bE8&feature=emb_logo.

August 9, 2020 Brampton Guardian Article

Relevant excerpts from the Guardian Article are as follows:

Brampton Mayor Patrick Brown says he did not violate COVID-19 bylaws when he was visiting friends at an arena in Brampton, dismissing a video report from Rebel News posted on Twitter Saturday (Aug. 8).

...

Brown told the Brampton Guardian he wasn't there that day to play hockey, but just visiting friends who were.

"I was just saying hi to friends," he said. "I didn't play. I came at the end of their skate. I showed up at (around) 5:50 p.m. and rental was from 5 to 6 p.m."

The mayor said the facility has been open for private rentals since Brampton entered the second stage of the province's COVID-19 reopening framework at the end of June.

...

"I get invited to play hockey by different groups and I try to get out when I can ... Everyone pays for their ice at the city rate. It's not my ice, but I always chip in my \$35 share. So I have not been secretly playing pickup. If (Rebel) came the day before, they could have seen me in action. They just came on the wrong day," he added.

Although Brown is shown not wearing a mask in the video, despite the city making masks mandatory in all public enclosed spaces – including arenas – on July 10, Brampton director of bylaw enforcement Paul Morrison explained masks aren't required indoors for private facility rentals and Brown wasn't in violation of any city bylaws.

Specifics of the Complaint

The full Complaint is attached to this report (**Tab 2**). Relevant excerpts of the Complaint are as follows:

We have been retained ... to file a formal complaint on behalf of our clients against Mayor Patrick Brown In relations to his apparent non-compliance with Brampton's Code of Conduct. ...

Mandatory Restrictions Related to COVID-19

... On March 31, 2020, Brampton City Council approved, and Mayor Brown signed, the Emergency By-law to help protect the health and safety of residents.

As you may know, the City of Brampton entered Stage 2 Reopening effective June 24, 2020. Ontario's Stage 2 Reopening limited indoor sports and recreational fitness activities to use by a business or organization to train amateur or professional athletes or to run amateur or professional athletic competitions. Team sports could not be practised or played within the facility, with the exception of training sessions for members of a sports team that did not include games or scrimmage games. Informal team practices, scrimmages, or competitions were not permitted.

As of August 9, 2020, the City of Brampton's "Facility Rental" website stated, "Arenas are open for use by affiliates/major user groups for figure skating and ice hockey training and modified game play." It appears that after Rebel News aired its report on Mayor Brown's alleged non-compliance, the website's language was edited as follows: "Arenas are open for use for figure skating and ice hockey training/modified gameplay."

Further, on July 8, 2020, Brampton City Council approved, and Mayor Brown signed the Mask By-law mandating non-medical masks or face coverings in all indoor public spaces in the City of Brampton. Information on the Mask By-law can be found at the City of Brampton's dedicated website, bearing Mayor Brown's photo and contact information.

Mayor Brown's Alleged Pick-Up Hockey Games at Brampton Recreation Centres

Rebel News and Mr. Menzies have reported that Mayor Brown has held pick-up ice hockey games at City of Brampton recreation centres during the COVID-19 pandemic. At the same time, the City of Brampton had reportedly been aggressively investigating and enforcing the above-noted emergency orders. As of August 8, 2020, By-law Enforcement had conducted nearly 40,000 "Proactive Investigations", gave 1,359 warnings, and laid 611 charges.

...

The Complaint goes on to quote from the Code and states: "Our clients' view is that Mayor Brown may have violated, *inter alia*, the following Code of Conduct Rules: ..."

The Complaint then lists Rules 4, 7, 15, and 18 and some of the respective commentary of the Code. The Complaint does not provide further details of how Mayor Brown has allegedly violated the enumerated rules.

Summary of allegations made in the Complaint

The Complaint claims that Mayor Brown "may have violated" the following Code rules:

- Rule 4 - Use of City Property, Services, and Other Resources
- Rule 7 - Improper use of Influence
- Rule 15 - Discreditable Conduct
- Rule 18 - Failure to Adhere to Council Policies and Procedures

In addition, the Complaint directly or indirectly alleges that the following occurred:

- Mayor Brown violated the Emergency Orders;

- Mayor Brown violated the Mask By-law; and
- Mayor Brown altered or caused to be altered the city website on or around August 9, 2020, to protect himself.

Preliminary Issues

As Integrity Commissioner, my role under Section 223.3 of the *Municipal Act, 2001* generally consists of overseeing the application of the Code, City by-laws, rules, procedures, and policies which govern the ethical conduct of Council members. It is strictly outside of my purview to determine what is illegal or to find a breach of a City By-law which is unrelated to the Code of Conduct. Section 223.3 of the *Municipal Act, 2001* is attached to this report under **Appendix “A”**.

To be clear, it would make little sense for me to opine on the enforceability, legality, or applicability of a general by-law that is unrelated to the Code. The City of Brampton has at its disposal, staff, solicitors, a By-law Enforcement office, and the ability to retain external counsel, to render an opinion on whether Mayor Brown’s conduct violated any applicable by-law.

Likewise, it is outside of my purview to determine whether Mayor Brown’s alleged actions were in violation of the provincial Emergency Orders.

The Complaint Protocol of the Code, at Part B, Section 2(3), permits me to report to Council that a specific complaint is not within my jurisdiction (**Appendix “B”**). Consequently, I am fulfilling my obligation to Council by reporting that the following allegations are not within my jurisdiction and mandate:

- Whether Mayor Brown violated the provincial restrictions under the *Emergency Protection and Civil Protection Act*; and
- Whether Mayor Brown violated the City of Brampton’s Mask By-law

A determination of the above two issues is not within my jurisdiction. Nevertheless, I have made certain findings in relation to the above allegations to the extent that they are relevant to my investigation of possible Code violations.

Process Followed

My role, pursuant to section 223.3(1) of the *Municipal Act, 2001* is to apply the relevant rules of the Code as well as any procedures, rules, and policies of the City of Brampton that govern the ethical behaviour of councilors.

My role is to determine whether Mayor Brown’s conduct violated the rules of the Code, as well as any other applicable policy that governs his ethical behavior.

I have followed the Council Code of Conduct Complaint Protocol (the “Complaint Protocol”) during the course of my investigation.

I read the Complaint and reviewed the supporting documentation, including the linked Rebel News video. I also reviewed certain Rebel News videos that related to the Complaint.

I ensured that Mayor Brown had an adequate opportunity to respond to the specific allegations contained in the Complaint through in-person interviews and the opportunity to provide written submissions and supporting documents.

Positions of the Parties

Complainants' Position:

I have summarized the relevant particulars, allegations, and any supporting documents I received from the Complainants below.

1. Violation of mandatory restrictions under the *Emergency Management and Civil Protection Act*

The Complainants observe that the Ontario government had, under the *Emergency Management and Civil Protection Act*, ordered certain mandatory measures to protect the people of Ontario from COVID-19.

Similarly, on March 31, 2020, Brampton City Council approved, and Mayor Brown signed, an emergency measures bylaw to “to promote and regulate physical distancing during the COVID-19 Emergency” (**Tab 3**).

The Complaint states that the City of Brampton entered Stage 2 Reopening effective June 24, 2020:

Ontario’s Stage 2 Reopening limited indoor sports and recreational fitness activities to use by a business or organization to train amateur or professional athletes or to run amateur or professional athletic competitions. Team sports could not be practised or played within the facility, with the exception of training sessions for members of a sports team that did not include games or scrimmage games. Informal team practices, scrimmages, or competitions were not permitted.

The Complaint does not explicitly claim that as of August 4, 2020, the above-described Stage 2 restrictions applied to arenas in Brampton. However, the Complaint immediately follows-up its description of the Stage 2 restrictions with the paragraph below, which read together appears intended to imply that Mayor Brown has violated the Emergency Orders:

Rebel News and Mr. Menzies have reported that Mayor Brown has held pick-up ice hockey games at City of Brampton recreation centres during the COVID-19 pandemic. At the same time, the City of Brampton had reportedly been aggressively investigating and enforcing the above-noted emergency orders. As of August 8, 2020, By-law Enforcement had conducted nearly 40,000 “Proactive Investigations”, gave 1,359 warnings, and laid 611 charges.

The Complaint implies but does not directly say that Mayor Brown was at the arena on August 4, 2020, to play hockey:

On August 4, 2020, Mr. Menzies reported finding Mayor Brown inside the Earnscliffe Recreation Centre ice hockey arena appearing to prepare for a pick-up hockey game, not wearing a face covering. Footage from Mr. Menzies' report can be found here. As you will see, Mayor Brown claimed that he was "checking on [the] facility", despite the apparent presence of a hockey bag labeled, "Patrick Brown".

This conclusion, that the Complaint intends to allege that Mayor Brown had violated the Emergency Orders, is also supported by the longer Rebel News video posted on YouTube.

2. Violation of the Mask By-law

The Complaint notes that as of July 8, 2020 the Brampton City Council had approved a by-law "to require mandatory face coverings in the City of Brampton in response to COVID-19":

Further, on July 8, 2020, Brampton City Council approved, and Mayor Brown signed the Mask By-law mandating non-medical masks or face coverings in all indoor public spaces in the City of Brampton. Information on the Mask By-law can be found at the City of Brampton's dedicated website, bearing Mayor Brown's photo and contact information.

The Complaint asserts that around the August 4, 2020 events in question:

... the City of Brampton had reportedly been aggressively investigating and enforcing the above-noted emergency orders. As of August 8, 2020, By-law Enforcement had conducted nearly 40,000 "Proactive Investigations", gave 1,359 warnings, and laid 611 charges.

When at the hockey arena, [Mayor Brown] was not wearing a mask. Since this was a public establishment, this was contrary to the mandatory mask by-laws.

The video clip provided in the Complaint shows Mayor Brown not wearing a mask.

3. Altering the city website on or around August 9, 2020 to protect Mayor Brown

The Complaint implies that the City of Brampton's website was changed subsequent to its reporting on Mayor Brown's attendance at the Arena. The apparent implication is that this was orchestrated by Mayor Brown or on his behalf:

As of August 9, 2020, the City of Brampton's "Facility Rental" website stated, "Arenas are open for use by affiliates/major user groups for figure skating and ice hockey training and modified game play." It appears that after Rebel News aired its report on Mayor Brown's alleged non-compliance, the website's language was

edited as follows: “Arenas are open for use for figure skating and ice hockey training/modified gameplay.”

The Complaint does not directly say that Mayor Brown was involved in this alleged change to the website, nor is any evidence of this provided.

4. The Complaint alleged that Mayor Brown had violated Rule 4 (Use of City Property, Services, and Other Resources), Rule 7 (Improper use of Influence), Rule 15 (Discreditable Conduct), and Rule 18 (Failure to Adhere to Council Policies and Procedures) of the Council Code of Conduct (the “Code”).

The Complaint states: “Mayor Brown may have violated, inter alia, the following Code of Conduct Rules ...”

The Complaint does not specify how Mayor Brown was alleged to have violated Rule 4, 7, 15, or 18.

I conclude that I was expected to infer that if Mayor Brown had violated the Mask By-law, the Emergency Orders, and/or had ordered the website to be altered, he was also guilty of violating the above Rules of the Code.

Mayor Brown’s Position:

This information is based both on my investigative interviews with Mayor Brown and any supporting material he provided.

1. Violation of mandatory restrictions under the *Emergency Management and Civil Protection Act*

Mayor Brown agreed that the City of Brampton entered Stage 2 of Ontario Government’s Framework for Reopening on June 24th, 2020 (**Tab 4**).

However, he added that the City of Brampton had entered Stage 3 of Re-opening on July 31, 2020, and this stage allowed modified gameplay.

Mayor Brown goes on to say:

At that time, the City’s Recreation Department began to advertise ice rentals on 5 pads across the city beginning on June 29. The recreation centres were closed, however private rentals were able to be booked for training and drills. On July 31, the Region of Peel entered Stage 3 which allowed for modified gameplay with less than 50 participants. Between June 26 and August 9, the City of Brampton received over \$120,000 in ice rental fees and over 800 hours were booked for use by residents. ...

Mayor Brown provided an email to support these figures (**Tab 5**).

Mayor Brown explained that he started skating in the city's arenas once they were permitted to open. In the Guardian Article, he is quoted as saying:

Our arenas have been open for rentals since June 24 when we entered Stage 2. It took us five days to prepare; by June 29, the city was operational. I have been playing hockey once a week since then. Under Stage 2, it was limited to training and drills. Under Stage 3, it allows full games.

Mayor Brown said that he had been skating with friends and acquaintances once a week since the arenas were allowed to open.

With regards to his presence at the Arena on August 4, 2020, Mayor Brown explained that he went to see his friends, not to play hockey. Normally he would have played with them but on that day he could not because of his Council obligations. Instead, during a break in his schedule he dropped in to see his friends before returning to his next scheduled event. When he saw Mr. Menzies, he turned around to leave after the brief exchange described above, as he did not wish to engage with the Rebel News organization.

He told me that if he had intended to play, he would have gotten there before 5:00 PM.

Mayor Brown said that when he played hockey with his friends, everyone paid the city for their ice time. As far as he knew, all Brampton residents had the same access to the city's surfaces as he did.

He denied ever directing that any arenas or other facilities be directed to open so that he could use them.

He denied ever using his position or obtain or facilitate an ice rental or usage that would not have been available to any other resident of Brampton.

2. Violating the Brampton Mask By-law:

Mayor Brown agreed that he was not wearing a mask at the Arena on August 4, 2020.

He said that since the Area had been privately rented and was not open to the public at that time, the Mask By-law did not apply.

He referred me to the Guardian Article, which quotes Paul Morrison, the Director of Enforcement & Bylaws, as saying that if a facility is rented for a private function, then it can be treated "like your bubble", and masks would not be required.

Mayor Brown said that he did not expect to be close to anyone else at the Arena. He was surprised when Mr. Menzies "popped up". To his understanding, recreation centres such as the Arena were not open to the public at the time. Only those that were part of the private rental group would be allowed in. For that reason, he did not expect to encounter Mr. Menzies or anyone else not part of the private group within the arena.

Mayor Brown said that he now makes an effort to wear a mask when he goes to his hockey games, so that people don't take the absence of a mask out of context.

3. Altering a city-bylaw and the city website on or around August 9, 2020, to protect Mayor Brown

Mayor Brown denied that he had directed that the Facility Rental website be changed.

4. The Complaint alleged that Mayor Brown had violated Rule 4 (Use of City Property, Services, and Other Resources), Rule 7 (Improper use of Influence), Rule 15 (Discreditable Conduct), and Rule 18 (Failure to Adhere to Council Policies and Procedures) of the Council Code of Conduct (the "Code").

Mayor Brown denied violating any of the Code Rules.

Documentary Evidence and Findings of Fact

1. Violation of mandatory restrictions under the *Emergency Management and Civil Protection Act*

Whether anyone was allowed to play hockey at Brampton arenas as of August 4, 2020

As already stated, it is not within my jurisdiction to determine whether Mayor Brown's actions violated the stages of re-opening permitted by the Emergency Orders.

The only relevant question for me to determine is whether Mayor Brown has violated the Code. As an example, it is open for me to consider whether Mayor Brown abused his power to gain access to the Arena, which would be a violation of the Code. It is not within my jurisdiction to determine whether the City of Brampton has followed the provincial re-opening requirements with regards to its arenas.

I will directly address the alleged Code violations later in my report.

As a further preliminary note, I observe that the Complaint never directly alleges that Mayor Brown has violated the Emergency Orders. The Complaint insinuates that this has occurred by first describing what was permitted under Stage 2, and then claiming that Mayor Brown has held hockey games at city arenas during the pandemic.

Regardless of what was specifically permitted under Stage 2, the Complaint is focused on events that occurred on August 4, 2020. It is a matter of public record that on August 4, 2020, Brampton was in Stage 3 of Re-opening.

The Complaint does not claim that Stage 2 Restrictions applied to the Arena on August 4, 2020. The Complaint also does not claim that Mayor Brown's alleged actions on August 4, 2020 violated Stage 3 Restrictions.

In any event, I accept that on August 4, 2020, the City of Brampton was allowing private groups to rent out its arenas and this opportunity was available to residents. The

Complaint does not contradict this. This was also confirmed by the interviews I conducted and the supporting documentation I received.

Whether Mayor Brown was at the Arena on August 4, 2020 to play hockey

The Complaint focuses on the purpose for which Mayor Brown attended at the Arena on August 4, 2020. The Complaint claims that he was “appearing to prepare for a pick-up hockey game”, despite the fact that he claimed that he was “checking on [the] facility”, as recorded in the video.

It is not necessary for me to make a finding of fact with regards to whether Mayor Brown was there on August 4, 2020 specifically to play hockey. Mayor Brown has agreed that he has skated at the city arenas since they re-opened and he would have been skating with his friends at the Arena on August 4, 2020 but for a conflict in his schedule.

In any event, I find that the version of events that Mayor Brown described to me during our interview credible. He explained that if he had been there to play, he would have showed up before the start of the scheduled ice time. Instead, the video shows him arriving at the Arena, dressed in a suit, when the others are already skating.

Mayor Brown explained that he had given the orange hockey bag to a friend. I interviewed the friend to whom he had given the orange hockey bag, who confirmed that Mayor Brown had given it to him and that he used it to carry extra hockey gear.

As I have said above, regardless of his purpose for attending at the Arena on August 4, 2020, I find that Mayor Brown was in the habit of skating at the Arena with his friends and acquaintances.

Conclusion

In conclusion, I specifically make no finding with regards to whether Mayor Brown’s actions were in violation of the Emergency Orders.

For the purposes of this investigation, I find that the Arena was open for use by the public as of August 4, 2020. Whether or not Mayor Brown intended to play hockey at the Arena on that day, I find that he was in the habit of playing hockey there.

2. Violating the Brampton Mask By-Law:

As previously stated, it is not within my jurisdiction to find whether Mayor Brown’s actions violated the City of Brampton’s Mask By-law.

The relevant question for me is whether Mayor Brown has violated the Code. I will directly address the alleged Code violations later in my report.

I was provided with the Brampton Guardian article where Paul Morrison (“Mr. Morrison”), Director of Enforcement & Bylaws, is quoted as saying:

Although Brown is shown not wearing a mask in the video, despite the city making masks mandatory in all public enclosed spaces – including arenas – on July 10, Brampton director of bylaw enforcement Paul Morrison explained masks aren't required indoors for private facility rentals and Brown wasn't in violation of any city bylaws.

"If you are renting the facility, whatever it is – a bowling alley, an arena or whatever it may be – if you are renting it for a private function and there is no one else allowed ... and you're using the common areas, then you can go ahead and treat like your bubble," he said. "The key here is if it's a private event, no problem. If it's a public event where the public is allowed, that would be different," said Morrison in an interview.

I interviewed Mr. Morrison, who reiterated this position, and explained that if an individual rented a facility for a private event to which the general public would not have access, it would be no different from a gathering on private property. In this case, the Arena was rented for a specific purpose and the only individuals allowed inside were those there for that purpose. He added that as he understood it, the only access to the Arena was through the private side door access (as opposed to through the main entrance). He said he did not know how Mayor Brown accessed the Arena on August 4, 2020.

Mr. Morrison also pointed to Part 6, subsection 12(4) of the Mask By-law in force at the time, which stated that persons engaged in athletic or fitness activities in accordance with the Emergency Orders were exempt from wearing a face-covering (**Appendix "C"**). Mr. Morrison said that if Mayor Brown was a participant, he was not required to wear a mask.

Mr. Morrison further pointed out that if Mayor Brown was not there as a participant but as an employee and/or agent of the City of Brampton, Mayor Brown was not required to wear a mask, per Part 6- subsection 12(7) of the Mask By-law in force at the time.

Mr. Morrison explained to me that from his perspective and acknowledging the fact that he was not involved in the events in questions, he did not believe that Mayor Brown had violated the Mask By-law.

For further context, Mr. Morrison further directed my attention to the *Reopening Ontario (A Flexible Response to Covid-19) Act, 2020* (Ont. Reg. 364/20) that was in force on August 4, 2020, to show that the City of Brampton was provided with no definitive guidance on what constituted a private event or on distinctions between spectators and participants (**Appendix "D"**).

Mr. Morrison also told me that as of the date of our interview, his department had not penalized or warned someone for not wearing a mask in a privately rented city arena. They deferred to building security on this issue.

I repeat my above statement that it is not my purpose to decide whether Mayor Brown has violated the Mask By-law, or whether Mr. Morrison's interpretation of the Mask By-law is correct.

Suffice to say that for the purposes of my investigation:

- I find that Mayor Brown was not wearing a mask when he attended at the Arena on August 4, 2020.
- I find that the Arena was at that time rented by a group for a private event with which Mayor Brown was associated and the general public was not permitted to access the premises at that time.
- I find that Mayor Brown believed that he was not required to wear a mask and had a credible basis for that belief.
- I find that Mr. Morrison, speaking from the perspective of By-law Enforcement, has given a credible and consistent explanation for why Mayor Brown would not be considered in violation of the Mask By-law.
- I have not been given any reason to believe, either in the Complaint or during my investigations, that the Mask By-law has been inconsistently applied with respect to Mayor Brown.

3. Altering a city website on or around August 9, 2020, to protect Mayor Brown

As I have said, the Complaint does not allege that Mayor Brown was involved in the claimed alteration to the City of Brampton's website. The Complaint merely states that it "appears that after Rebel News aired its report on Mayor Brown's alleged non-compliance, the website's language was edited as follows ...".

I was not provided with any other facts or documentation in support of this alleged manipulation.

As I have said above, there does not appear to be any dispute that Mayor Brown skated at city arenas before August 4, 2020.

I find for the purposes of my investigation no basis for concluding that Mayor Brown altered the City website.

4. The Complaint alleged that Mayor Brown had violated Rule 4 (Use of City Property, Services, and Other Resources), Rule 7 (Improper use of Influence), Rule 15 (Discreditable Conduct), and Rule 18 (Failure to Adhere to Council Policies and Procedures) of the Council Code of Conduct (the "Code").

As previously explained, the Complaint did not articulate how Mayor Brown's alleged actions violated the Code, so I have no findings of fact to make here.

I have outlined my relevant findings of fact above. I will address whether these violate the Code in the following section.

Issues and Analysis

A) Complaint procedure

Section 1(3) of the Code Complaint Protocol states that:

A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

The Complaint Protocol requires that a complaint articulate a “reasonable and probable grounds for the allegation”. Impliedly, a properly formed complaint also requires an allegation.

The Complaint clearly states that the Complainants believe that Mayor Brown violated certain, enumerated rules of the Code. However, the Complaint almost entirely fails to provide “reasonable and probable grounds” for the allegations.

Specifically, the Complaint implies but does not state that Mayor Brown has violated the Emergency Orders and implies but does not state that Mayor Brown is responsible for altering the city website.

The Complaint does state that on the day in question Mayor Brown was not wearing a face mask and provides evidence in support of that allegation. However, the Complaint does not articulate a connection between this, or any of the allegations, and the Code.

As stated earlier, I conclude that I was expected to infer that if Mayor Brown had violated the Mask By-law, the Emergency Order, and/or had ordered the City website to be altered, he was also guilty of violating the listed Rules of the Code.

It is not the Integrity Commissioner’s responsibility to attempt to construct a viable complaint when provided with minimal details and insinuated violations of the Code. In this case, notwithstanding these deficiencies, I have exercised my discretion to conduct an investigation. However, I was forced to make key assumptions about what was being alleged and on what basis. The Complaint’s ambiguities and deficiencies inevitably affected my decision.

B) Code of Conduct Violations

I have quoted the relevant excerpts of the enumerated rules below. The full text of the relevant Rules is attached to this report at **Appendix “B”**.

Rule No. 4 - Use of City Property, Services, and Other Resources

1. No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes

connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

Commentary

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that members are held to a higher standard of behaviour and conduct, members should not use such property for any purpose other than for carrying out their official duties. ...

...

Rule No. 7 – Improper Use of Influence

1. No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.

Commentary

Pursuant to corporate policy, the Chief Administrative Officer directs City Department Chiefs, who in turn, direct City staff. City Council and not individual Members of Council, appropriately give direction to the City administration.

...

Rule No. 15 – Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

Commentary

As leaders in the community, members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

...

Rule No. 18 – Failure to Adhere to Council Policies and Procedures

1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

1. Rule 4 - Use of City Property, Services, and Other Resources

As already explained, the Complaint only implies that Mayor Brown's alleged participation in a hockey game on August 4, 2020, was a violation of the Emergency Orders. It does not ever state that this is the case. It simply describes what it claims were the restrictions

as of Stage 2 of Re-opening and juxtaposes this with the fact that Mayor Brown has allegedly been playing hockey at city arenas.

Thus, the sole basis for this element of the Complaint appears to be the following inference: if skating in public arenas was not permitted on August 4, 2020, the only reason Mayor Brown could have done so was if he had abused his position to obtain ice time. Again, no direct evidence of a violation was provided to me.

As I have explained above, through my investigation I concluded that the City of Brampton arenas were not closed to private rentals on August 4, 2020. As a result, it does not follow that Mayor Brown could only have obtained ice time through an abuse of his access to city property and resources.

I was not presented with any direct evidence to show that Mayor Brown had abused his power over or access to city property, services, and other resources, whether to obtain ice time on August 4, 2020, or for any other reason. Nor was I provided with an articulated connection as to how Mayor Brown's activities otherwise allegedly constituted a violation of Rule 4. I also did not find any such evidence during my investigation.

In light of the foregoing, I make the following conclusion:

Based on my review of all the documentary evidence before me, and my interviews with all relevant individuals, I find that there is no evidence to conclude that Mayor Brown violated Rule 4 as alleged in the Complaint.

2. Rule No. 7 – Improper use of influence

Given the commentary that accompanies Rule 7, I interpret Rule 7 as applying to improper use of influence over city officials. This interpretation also avoids overlap with the meaning of Rule 4.

Once again, the sole basis for this element of the Complaint appears to be the following inference: if skating in public arenas was not permitted on August 4, 2020, the only reason Mayor Brown could have done so was if he had improperly exercised his influence over city officials.

In addition, if the Complaint is in fact alleging that Mayor Brown orchestrated the alteration of the city website, the only evidence it provides is circumstantial: the website was altered after Rebel News released its video. No evidence was provided that purported to link Mayor Brown to the change to the website. Again, I assume that I was intended to draw the inference that if Mayor Brown was, as insinuated, secretly and illegally skating at the city arenas, he would have wanted to change the website to cover his actions. However, this was never articulated in the Complaint, and no evidence was provided in support of it.

As I have explained above, through my investigation I concluded that the City of Brampton arenas were not closed to private rentals on August 4, 2020. As a result, it is not necessary to conclude that Mayor Brown could only have obtained ice time through an

improper exercise of his influence over city officials. Mayor Brown also publicly acknowledged that he had been skating at city arenas in the Guardian Article, which contradicts his implied motivation for altering the city website.

Moreover, I was not presented with any direct evidence to show that Mayor Brown had abused his influence over city officials, whether to obtain ice time on August 4, 2020 or alter the city website, or at any other time. Nor was I provided with an articulated connection as to how Mayor Brown's activities constituted a violation of Rule 7. I also did not find any such evidence during my investigation.

In light of the foregoing, I make the following conclusion:

Based on my review of all of the documentary evidence before me, and my interviews with all relevant individuals, I find that there is no evidence to conclude that Mayor Brown has improperly exercised his influence in violation of Rule 7.

3. Rule No. 15 – Discreditable Conduct

Rule No. 15 of the Code of Conduct states that “members shall conduct themselves with appropriate decorum at all times”.

The commentary for Rule No. 15 states that the behaviour of members “should be exemplary”.

As leaders of the community and as elected officials, members of Council are rightly held to a higher standard of behaviour.

However, I note the difference between the mandatory language of the rule itself (“members shall”) versus the aspirational language used in the commentary (“their behaviour should be”). The distinction is relevant as the standard set in the rule (“appropriate decorum”) is higher than the standard set by the commentary (“exemplary”).

Accordingly, a failure to exhibit “exemplary” behaviour is not necessarily a violation of Rule 15.

As with the other rules, I was not provided with any direct evidence of, or an articulated argument as to how Mayor Brown was alleged to have violated Rule 15. Once again, I presume that the inference I was meant to draw was that if Mayor Brown had violated the by-laws, Emergency Orders, and/or altered the website, or if he had violated Rules 4 and 7, he would have also violated Rule 15.

I have already said that I do not find Mayor Brown to have violated Rules 4 and 7.

I do not find the simple fact that Mayor Brown attended at the Arena on August 4, 2020, to be a violation of Rule 15.

I also find that he did not knowingly or intentionally violate the Mask By-law by not wearing a mask (regardless of whether his actions in fact violated the Mask By-law).

Nevertheless, despite his apparent technical adherence to the Mask By-law, given the purpose and symbolism of the Mask By-law, I accept that it would have been better for Mayor Brown to wear a mask when entering the Arena. As he himself said, he was not there to play. It would have been a small thing to model such socially conscious behaviour to his friends and acquaintances, and any city staff who may have been present.

He could not have expected that Mr. Menzies would have penetrated the Arena with a cameraperson, but nevertheless he did know that he would be seen by others at the Arena.

Consequently, I find that Mayor Brown, although failing to live up to the “exemplary” standard recommended by the commentary of Rule No. 15, has not violated the mandatory standard of “appropriate decorum”.

I note that Mayor Brown has said that he now tries to wear a mask for such events, even when not strictly required.

I find that Mayor Brown’s conduct did not strictly violate Rule 15, although his behaviour did fall short of the aspirational standard recommended by the Rule’s commentary.

4. Rule No. 18 - Adhere to Council Policies and Procedures

The commentary for Rule No. 18 states: “A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council. ...”

Councilors have a positive obligation to abide by the terms of all policies and procedures established by Council and the City of Brampton generally. They must, as the most senior City of Brampton representatives and elected officials, lead by example to ensure that they take every step to follow those policies and procedures.

However, the Complaint did not identify what policies and procedures of Council had been allegedly violated.

I am not aware of any Council Policies and Procedures that would directly apply to the allegations contained in the Complaint.

I find that Mayor Brown has not violated Rule 18.

Conclusion

I conclude that Mayor Brown has not violated the Code Rules as was alleged in the Complaint. I did find that by not wearing a mask while at the Arena Mayor Brown fell short of the standard recommended by the Rule 15 commentary, although I did not find that this was a violation of the Code.

I would recommend that Mayor Brown, and all members of the Brampton City Council, be more attentive towards how their actions are perceived. The COVID-19 pandemic has introduced a tense and difficult period for the people of Brampton. The members of Council are high profile elected officials – their decisions affect the city’s residents, and their actions will inevitably be scrutinized. The Rule 15 commentary says that members’ behaviour “should be exemplary”. Even though a failure to meet this standard may not be a violation of the Code, the commentary remains relevant to their behaviour and exists for a reason.

In this report, I referenced the incompleteness of the Complaint. Specifically, the Complaint was ambiguous on key points and included almost no evidence. I was forced to make key assumptions about what was in fact being alleged so that I could pursue my investigation. The “evidence” relevant to possible Code violations, such as it was, consisted primarily of eliding the fact that on August 4, 2020, Brampton was in Stage 3, not Stage 2, of re-opening.

Although in this case I chose to exercise my discretion to conduct the investigation nonetheless, I remind any would-be complainants that complaints must adhere to the Code Complaint Protocol: among other things, viable complaints must include “reasonable and probable grounds for the allegation” and be appropriately detailed.

Sincerely,

Muneeza Sheikh
Integrity Commissioner
City of Brampton

I would like to acknowledge my colleague, Michael VanderMeer, for assisting me in investigating this Complaint and in preparing this Report.



Français

Municipal Act, 2001

S.O. 2001, CHAPTER 25

Consolidation Period: From December 8, 2020 to the e-Laws currency date.

Last amendment: 2020, c. 36, Sched. 30.

Legislative History: [+]

CONTENTS [+]

PART I GENERAL

Interpretation

1 (1) In this Act,

“assessment corporation” means the Municipal Property Assessment Corporation; (“société d’évaluation foncière”)

“business licensing by-law” means, in respect of a municipality, a by-law of the municipality providing for a system of licences with respect to a business passed under paragraph 11 of subsection 10 (2) or paragraph 11 of subsection 11 (3) or under section 151 if the by-law could also be passed by the municipality under one of those paragraphs; (“règlement sur les permis d’entreprise”)

“county” means an upper-tier municipality that was a county, including the Frontenac Management Board, on the day before this Act came into force; (“comté”)

“economic development services” means, in respect of a municipality, the promotion of the municipality by the municipality for any purpose by the collection and dissemination of information and the acquisition, development and disposal of sites by the municipality for industrial, commercial and institutional uses; (“services de développement économique”)

“First Nation” means a band as defined in the *Indian Act* (Canada); (“Première Nation”)

“highway” means a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway; (“voie publique”)

“land” includes buildings; (“bien-fonds”)

“licence”, in relation to a licence issued under this Act, includes a permit, an approval, a registration and any other type of permission, and “licensing” has a corresponding meaning; (“permis”)

“local board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority; (“conseil local”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “local board” in subsection 1 (1) of the Act is amended by striking out “police services board” and substituting “police service board”. (See: 2019, c. 1, Sched. 4, s. 33 (1))

(d) a police services board established under the *Police Services Act*,

Note: On a day to be named by proclamation of the Lieutenant Governor, clause (d) of the definition of “local board” in section 223.1 of the Act is repealed and the following substituted: (See: 2019, c. 1, Sched. 4, s. 33 (7))

(d) a police service board established under the *Community Safety and Policing Act, 2019*,

(e) a board as defined in section 1 of the *Public Libraries Act*,

(f) a corporation established in accordance with section 203,

(g) such other local boards as may be prescribed; (“conseil local”)

“municipally-controlled corporation” means a corporation that has 50 per cent or more of its issued and outstanding shares vested in the municipality or that has the appointment of a majority of its board of directors made or approved by the municipality, but does not include a local board as defined in subsection 1 (1); (“société contrôlée par la municipalité”)

“public office holder” means,

(a) a member of the municipal council and any person on his or her staff,

(b) an officer or employee of the municipality,

(c) a member of a local board of the municipality and any person on his or her staff,

(d) an officer, director or employee of a local board of the municipality, and

(e) such other persons as may be determined by the municipality who are appointed to any office or body by the municipality or by a local board of the municipality. (“titulaire d’une charge publique”) 2006, c. 32, Sched. A, s. 98; 2007, c. 8, s. 218 (5); 2017, c. 14, Sched. 4, s. 23 (3).

Section Amendments with date in force (d/m/y) [+]

Code of conduct

223.2 (1) A municipality shall establish codes of conduct for members of the council of the municipality and of its local boards. 2017, c. 10, Sched. 1, s. 18.

Same

(2) Without limiting sections 9, 10 and 11, those sections authorize the municipality to establish codes of conduct. 2017, c. 10, Sched. 1, s. 18.

No offence or administrative penalty

(3) A by-law cannot provide that a member who contravenes a code of conduct is guilty of an offence or is required to pay an administrative penalty. 2017, c. 10, Sched. 1, s. 18.

Regulations

(4) The Minister may make regulations prescribing one or more subject matters that a municipality is required to include in a code of conduct. 2017, c. 10, Sched. 1, s. 18.

Section Amendments with date in force (d/m/y) [+]

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
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.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.

4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
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.
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*. 2017, c. 10, Sched. 1, s. 19 (1).

Provision for functions if no Commissioner appointed

(1.1) If a municipality has not appointed a Commissioner under subsection (1), the municipality shall make arrangements for all of the responsibilities set out in that subsection to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Provision for functions if responsibility not assigned

(1.2) If a municipality has appointed a Commissioner under subsection (1), but has not assigned functions to the Commissioner with respect to one or more of the responsibilities set out in that subsection, the municipality shall make arrangements for those responsibilities to be provided by a Commissioner of another municipality. 2017, c. 10, Sched. 1, s. 19 (2).

Powers and duties

(2) Subject to this Part, in carrying out the responsibilities described in subsection (1), the Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality. 2006, c. 32, Sched. A, s. 98.

Request for advice shall be in writing

(2.1) A request by a member of council or of a local board for advice from the Commissioner under paragraph 4, 5 or 6 of subsection (1) shall be made in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Advice shall be in writing

(2.2) If the Commissioner provides advice to a member of council or of a local board under paragraph 4, 5 or 6 of subsection (1), the advice shall be in writing. 2017, c. 10, Sched. 1, s. 19 (3).

Content of educational information

(2.3) If the Commissioner provides educational information to the public under paragraph 7 of subsection (1), the Commissioner may summarize advice he or she has provided but shall not disclose confidential information that could identify a person concerned. 2017, c. 10, Sched. 1, s. 19 (3).

Delegation

(3) The Commissioner may delegate in writing to any person, other than a member of council, any of the Commissioner's powers and duties under this Part. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner may continue to exercise the delegated powers and duties, despite the delegation. 2006, c. 32, Sched. A, s. 98.

Status

(5) The Commissioner is not required to be a municipal employee. 2006, c. 32, Sched. A, s. 98.

Indemnity

(6) A municipality shall indemnify and save harmless the Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under this Part or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority. 2017, c. 10, Sched. 1, s. 19 (4).

Interpretation

(7) For greater certainty, nothing in this section affects the application of section 448 with respect to a proceeding referred to in subsection (6) of this section. 2017, c. 10, Sched. 1, s. 19 (4).

Section Amendments with date in force (d/m/y) [+]**Inquiry by Commissioner**

223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,

- (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or
- (b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.

Powers on inquiry

(2) The Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case those sections apply to the inquiry. 2009, c. 33, Sched. 6, s. 72 (1).

Information

(3) The municipality and its local boards shall give the Commissioner such information as the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Same

(4) The Commissioner is entitled to have free access to all books, accounts, financial records, electronic data processing records, reports, files and all other papers, things or property belonging to or used by the municipality or a local board that the Commissioner believes to be necessary for an inquiry. 2006, c. 32, Sched. A, s. 98.

Penalties

(5) The municipality may impose either of the following penalties on a member of council or of a local board if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:

1. A reprimand.
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of council or of the local board, as the case may be, for a period of up to 90 days. 2006, c. 32, Sched. A, s. 98.

Same

(6) The local board may impose either of the penalties described in subsection (5) on its member if the Commissioner reports to the board that, in his or her opinion, the member has contravened the code of conduct, and if the municipality has not imposed a penalty on the member under subsection (5) in respect of the same contravention. 2006, c. 32, Sched. A, s. 98.

Termination of inquiry when regular election begins

(7) If the Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Commissioner shall terminate the inquiry on that day. 2017, c. 10, Sched. 1, s. 20.

Same

(8) If an inquiry is terminated under subsection (7), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the member or former member whose conduct is concerned makes a written request to the Commissioner that the inquiry be commenced. 2017, c. 10, Sched. 1, s. 20.

Other rules that apply during regular election

Council Code of Conduct

Council Approval Date: January 27, 2016
Council Resolution: C006-2016
Commentary Version Date: February 1, 2016
Updated [Rule 14(2)]: July 31, 2018

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CITY OF BRAMPTON**

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CODE OF CONDUCT FOR MEMBERS OF COUNCIL

Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct.

It is the purpose of this *Code of Conduct for Members of Council* (the “Code”) to establish rules that guide Members of Council in performing their diverse roles in representing their constituents and recognize Members’ accountability for managing City resources allocated to them.

Preamble

Whereas the City of Brampton first instituted a Code 2011 and after the election of 2014, the Council has reviewed the same and approved extensive revisions;

And Whereas elected officials of the City of Brampton have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials of the City of Brampton must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

The Council of the City of Brampton will adopt certain rules that further underscore a Councillor’s belief in his/her responsibility as a public trustee;

Commentary

The operation of democratic municipal government requires that elected officials be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Brampton decisions and policy be made through the proper processes of municipal government structure.
- Public office not be used for personal gain.
- The public have confidence in the integrity of its municipal government.

A written Code of Conduct protects the public interest and helps to ensure that the Members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

The public is entitled to expect the highest standards of conduct from the members that it elects to local government. In turn, adherence to these standards will protect and enhance the City of Brampton's reputation and integrity.

Framework and Interpretation

1. This *Code of Conduct* applies to the Mayor and all Members of Council. It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. As long as all the facts known to the member are disclosed to the Integrity Commissioner and there is no change to these facts, then the member may rely on any written advice provided by the Integrity Commissioner.
3. Members of Council, Members of the public or City staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Commentary

This *Code of Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The Municipal Act is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The Municipal Act, 2001. S.O. Chapter 25 and amendments;
- The Municipal Conflict of Interest Act;
- The Municipal Elections Act, 1996; and
- The Municipal Freedom of Information and Protection of Privacy Act.
- The Criminal Code of Canada also governs the conduct of Members of Council.

Definitions:

In the *Code of Conduct*:

1. the terms "child", "parent" and "spouse" have the same meanings as in the *Municipal Conflict of Interest Act*.
2. "child" means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

3. "member" means a member of Brampton City Council;
4. "parent" means a person who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;
5. "spouse" means a person to whom the person is married or with whom the person is living in a conjugal relationship outside marriage;
6. "family member" means
 - spouse, common-law partner, or any person with whom the person is living as a spouse outside of marriage
 - parent, including step-parent and legal guardian
 - child, including step-child and grandchild
 - siblings and children of siblings
 - aunt/uncle, niece/nephew, first cousins
 - in-laws, including mother/father, sister/brother, daughter/son
 - any person who lives with the Member on a permanent basis
7. "staff" includes the Chief Administrative Officer, Department Chiefs, Directors, Managers, Supervisors, Clerical and Technical Unionized employees, Hourly Unionized staff, Part-time Unionized staff, Temporary/Seasonal staff, Contract staff, students and Volunteers.

Key Principles:

The key principles that underline the rules in this *Code of Conduct* are as follows:

- a) Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members' carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) Members of Council should be committed to performing their functions with integrity and transparency.**

Commentary

As public officials, Members of Council recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) Members of Council shall perform official duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny.**

Rule No. 4

Use of City Property, Services and Other Resources

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Brampton.

No Member shall use information gained in the execution of his or her duties that is not available to the general public for any purposes other than his or her official duties.

Commentary:

Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that members are held to a higher standard of behavior and conduct, members should not use such property for any purpose other than for carrying out their official duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 5 and 7.

Rule No. 7

Improper Use of Influence:

- 1. No Member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties.**

Commentary

Pursuant to corporate policy, the Chief Administrative Officer directs City Department Chiefs, who in turn, direct City staff. City Council and not individual Members of Council, appropriately give direction to the City administration.

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

As leaders in the community, members are held to a higher standard of behavior and conduct, and accordingly their behavior should be exemplary.

Rule No. 18

Failure to Adhere To Council Policies and Procedures:

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

Commentary

A number of the provisions of this *Code of Conduct* incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council.

Members must pay special attention to, and comply strictly with the [Councillors Expense Policy](#).

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL

PART A: INFORMAL COMPLAINT PROCEDURE

Any person or a representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

PART B: FORMAL COMPLAINT PROCEDURE:

Integrity Commissioner Requests for Inquiries

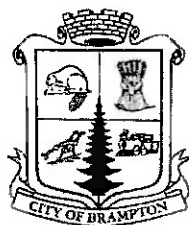
1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be sent directly to the Integrity Commissioner by mail, E-mail, fax or courier in the form attached to this Protocol as Schedule “A”.
- (2) All complaints shall be signed by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact

information of witnesses, and contact information for the complainant during normal business hours.

- (4) The integrity Commissioner shall not accept any complaint from any person which arises from the conduct of a member(s) that occurred, or such conduct was first learned of by the complainant, six (6) months prior to receipt of such complaint by the Integrity Commissioner.
- (5) For any Complaint received from and after August 1 in any municipal election year, the Integrity Commissioner shall stay any investigation required by such complaint until the day after the inaugural meeting of the new Council and until then, shall keep such complaint confidential.

Initial Classification by Integrity Commissioner

- 2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation or other Council policies as described in subsection (3).
- (2) If the complaint is not, on its face, a complaint with respect to non-compliance with the Code or the complaint is covered by other legislation or a complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:
 - (a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;
 - (b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the City Clerk;
 - (c) if the complaint on its face, is with respect to non-compliance with a more specific Council policy with a separate complaint procedure, the complainant shall be advised that the matter will be processed under that procedure; and
 - (d) in other cases, the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate.



OFFICE CONSOLIDATION

THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 135-2020

A By-law to require mandatory face coverings in the City of Brampton in response to COVID-19

(Amended by By-laws 146-2020, 174-2020)

WHEREAS on March 17, 2020, an emergency was declared by the Government of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("*EMCPA*") in response to the 2019 Coronavirus ("COVID-19");

AND WHEREAS on March 18, 2020, The Regional Municipality of Peel (the "Region of Peel") declared an emergency in support of the Province's efforts to contain the spread of COVID-19;

AND WHEREAS on March 22, 2020, The Corporation of the City of Brampton (the "City") declared an emergency pursuant to section 4 of the *EMCPA* in support of the Province's and Region of Peel's efforts to contain the spread of COVID-19;

AND WHEREAS in May 2020 the Medical Officer of Health for the Region of Peel strongly recommended the use of masks or face coverings and on June 30, 2020 recommended the mandatory use of masks or face coverings in connection with and to support the safe re-opening of the Region of Peel in accordance with the Province of Ontario's Stage 2 Re-Opening Framework;

AND WHEREAS health authorities at the Federal, Provincial and Regional level have all recommended that persons wear face coverings in public where physical distancing cannot be maintained;

AND WHEREAS Council for the City is desirous to enact a by-law to require mandatory face coverings in indoor public spaces and vehicles that are accessible to the public to help mitigate the spread of COVID-19;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

AND WHEREAS subsection 8(3) of the *Municipal Act, 2001* provides the power to regulate, prohibit or require persons to do such things as may be necessary to respond to matters affecting the municipal;

AND WHEREAS subsection 11(2) of the *Municipal Act, 2001* authorizes a municipality to pass by-laws with respect to: economic, social and environmental well-being of the municipality, including respecting climate change; the health, safety and well-being of persons; and the protection of persons and property, including consumer protection;

AND WHEREAS section 425 of the *Municipal Act, 2001* authorizes a municipality to pass by-laws providing that a person who contravenes a municipal by-law is guilty of an offence and section 429 of the *Municipal Act, 2001* authorizes a municipality to establish a system of fines for offences under a by-law;

AND WHEREAS subsection 436(1) of the *Municipal Act, 2001* provides that a municipality has the power to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not a by-law passed under the *Municipal Act, 2001* is being complied with;

AND WHEREAS subsection 444(1) of the *Municipal Act, 2001* authorizes a municipality to make an order requiring the person who contravened a by-law, caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

PART 1 – TITLE

1. This by-law may be referred to as the "Brampton COVID-19 Mandatory Face Coverings By-law".

PART 2 – DEFINITIONS

2. For the purposes of this By-law:

"By-law" means this By-law;

"City" means The Corporation of the City of Brampton and/or the municipal boundaries of the City of Brampton;

“Common Areas” means enclosed common areas including vestibules, lobbies, hallways, stairs, elevators, underground parking levels, meeting rooms and other common use amenity spaces; **(By-law 146-2020)**

“Council” means City Council of the Corporation of the City of Brampton;

“EMCPA” means the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9;

“Emergency Orders” means the emergency orders passed by the Province of Ontario pursuant to the *EMCPA* related to COVID-19, including any regulations enacted pursuant to the *EMCPA*;

“Face Covering” means a mask or face covering (including a bandana or scarf) constructed of cloth, linen or other similar fabric that fits securely to the face and is large enough to completely and comfortably cover the mouth, nose and chin without gaping, and includes but does not need to be, a medical mask such as surgical masks, N95 or other masks required by healthcare workers;

“Medical Officer of Health” means the Medical Officer of Health for The Regional Municipality of Peel;

“Municipal Act, 2001” means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;

“Municipality” means the City and The Regional Municipality of Peel or their local boards or agencies, including the Peel Regional Police and Brampton Fire and Emergency Services;

“Brampton Transit Vehicle” means any vehicle which is used as part of the City’s public bus transportation system and falls under the operation and control of Brampton Transit;

“Officer” means:

(a) A Provincial Offences Officer of a Municipality or other person appointed by or under the authority of a Municipal by-law to enforce Municipal by-laws;

(b) A public health inspector acting under the direction of the Medical Officer of Health; or

(c) A Police Officer employed by the Peel Regional Police, the Ontario Provincial Police or the Royal Canadian Mounted Police;

“Operator” means a Person or organization who alone or with others, owns and/or has control over and/or directs, the operation of a Public Establishment, but does not include a Municipality;

“Person” or any expression referring to a person, means an individual of any age and also includes a partnership, limited partnership, and a corporation and its directors and officers, and the heirs, executors, assignees and administrators;

“Provincial Offences Act” means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

PART 3– PUBLIC ESTABLISHMENT

3. For the purposes of this By-law, “Public Establishment” means all or any portion of a building or place in the City that is:
 - (1) located indoors; and
 - (2) where the public is invited or permitted access whether or not a fee is charged or a membership is required for entry.
- 3.1 Notwithstanding section 3, a “Public Establishment” shall include multi-unit residential buildings including apartments and condominiums, but for greater clarity, this does not include the dwelling units in these same buildings. **(By-law 146-2020)**
4. For greater clarity, Public Establishments shall include the following:
 - (1) retail stores where goods and services are sold to customers;
 - (2) businesses that primarily sell food including restaurants, supermarkets, grocery stores, bakeries and convenience stores;
 - (3) churches, mosques and other places of worship, except during a religious rite or ceremony conducted that is incompatible with the face being covered;
 - (4) indoor community, sports and recreational facilities and clubhouses;
 - (5) shopping malls or similar structure which contains multiple places of business;
 - (6) businesses providing personal care services;
 - (7) Common Areas of multi-unit residential buildings (including apartments and condominiums), hotels and motels and short term accommodations; **(By-law 146-2020)**

- (8) libraries, museums, galleries and other similar facilities;
 - (9) banquet halls, conventions centres, arenas, stadiums and other event spaces;
 - (10) concert venues, theatres, cinemas, casinos and other entertainment establishments;
 - (11) premises utilized as an open house, presentation centre, or other facility for real estate purposes;
 - (12) vehicle licensed or operated in accordance with the Mobile Licensing By-law 67-2014, as amended, including Personal Transportation Company Vehicles operating within the City of Brampton;
 - (13) buildings operated by the Municipality; and
 - (14) other businesses, organizations and places that are or may be permitted to operate in accordance with the Emergency Orders.
5. Notwithstanding sections 3 and 4, Public Establishment shall not include the following:
- (1) day cares, schools, post-secondary institutions and other facilities used solely for educational purposes;
 - (2) hospitals and portions of buildings used by regulated health professionals;
 - (3) buildings owned or services operated by the Province of Ontario or the Federal Government of Canada;
 - (4) portions of community centres, arenas or other buildings that are being used for the purpose of providing day camps for children or for the training of amateur or professional athletes;
 - (5) portions of community centres, arenas or other buildings operated by the Municipality that are being used for the purpose of providing community services or programs for which registration is required; and
 - (6) school transportation vehicles.

PART 4 – FACE COVERING POLICY

6. Every Operator shall adopt a policy regarding the wearing of Face Coverings that prohibits Persons to enter, or otherwise remains within, a Public Establishment

unless the Person is wearing a Face Covering, subject to the exemptions provided for in Part 6 of this By-law and otherwise in accordance with this By-law;

7. The Operator shall, upon request, provide a copy of the policy for inspection by an Officer.
8. Every Operator shall conspicuously post at all entrances to and within the Public Establishment clearly visible signage that Persons are required to wear a Face Covering in accordance with this By-law, and directing that 2.0 metre distance should be maintained whenever possible.
9. No Operator shall permit a Person to enter or to remain in a Public Establishment without a Face Covering in contravention of this By-law or the policy required to be adopted by section 6 of this By-law.

PART 5 – FACE COVERINGS

10. Every Person shall wear a Face Covering:
 - (1) before entering and while inside a Public Establishment; and
 - (2) before entering onto and while riding in a Brampton Transit Vehicle;
11. Every Person shall ensure that any Person under his or her care or control including children comply with Section 10 of this By-law.

PART 6 - EXEMPTIONS

12. Notwithstanding Parts 4 and 5 of this By-law, the following Persons shall be exempt from wearing a Face Covering:
 - (1) children 2 years of age or younger;
 - (2) children between the ages of 3 and 5 who refuse to wear a Face Covering and cannot be persuaded to do so by their caregiver;
 - (3) Persons who have trouble breathing or are otherwise unable to wear a Face Covering for medical reasons or by reason of disability, including Persons unable to place or remove a Face Covering without assistance;
 - (4) Persons who are engaged in an athletic, fitness, or aquatic activity in accordance with the Emergency Orders;

- (5) Persons while consuming food or drink provided such businesses are permitted to operate under the Emergency Orders and all other conditions of the Emergency Orders are met;
 - (6) Persons while receiving services involving the face and requiring the removal of a Face Covering, provided such services are permitted to operate under the Emergency Orders and provided 2.0 metre distance is maintained from all other Persons other than the person providing the service;
 - (7) employees and agents of the Operator or a Municipality within an area not for public access, or within or behind a physical barrier;
 - (8) police, fire, or paramedics during the course of an emergency call; and
 - (9) Persons while testifying, examining or making submissions at a court, tribunal, arbitration or other quasi-judicial proceeding.
13. A Person who is not wearing or refuses to wear a Face Covering shall identify if they are a Person who is exempt from wearing a Face Covering when asked by an Operator or Officer, but such Persons shall not be required to identify which exemption prevents them from wearing a Face Covering or provide proof in order to meet any of the exemptions set out in section 12 of this By-law.

PART 7 – ENFORCEMENT AND INSPECTION

14. The provisions of this By-law may be enforced by an Officer.
15. (1) An Officer may enter any lands, buildings, and structures at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law is being complied with.
- (2) For greater certainty, for the purposes of conducting an inspection pursuant to this By-law, an Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

16. No Person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law, including by refusing to identify themselves when requested to do so by an Officer.

PART 8 – ORDERS

17. An Officer may order an Operator or a Person found in contravention of this By-law or an Operator or Person who caused or permitted the contravention of this By-law to correct the contravention or to leave a Public Establishment or a Brampton Transit Vehicle.
18. An order made pursuant to this Part may be given by an Officer verbally or in writing.
19. An order in writing shall:
- (1) identify the following:
 - (a) the location where the contravention occurred;
 - (b) the reasonable particulars of the contravention; and
 - (c) the date and time by which compliance with the order is required; and
 - (2) be served personally to the Person to whom it is directed, or by registered mail to the Person or the Operator and shall be deemed to be served on the fifth day after mailing.
20. Every Operator and every Person shall comply with an order made under this By-law.

PART 9 – PENALTIES

21. (1) Every Operator and every Person over the age of 12 who contravenes any provision of this By-law, and every director or officer of a corporation who concurs in such contravention by the corporation, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*, as each may be amended from time to time.
- (2) In addition to section 21(1), any Operator and any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:
- (a) a minimum fine not exceeding \$500 and a maximum fine not exceeding \$100,000;

(b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000; and

(c) in the case of a multiple offence, for each offence included in the multiple offence, a minimum fine not exceeding \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.

(3) If an Operator or a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Operator or the Person convicted.

22. An offence under this By-law may constitute a continuing offence or a multiple offence as set out in the *Municipal Act, 2001*.

PART 10 – GENERAL

23. In the event of conflict, the specific conflicting provision of this By-law will be of no force and effect to the extent that it conflicts with:

(1) an Emergency Orders, and for greater certainty nothing in this By-law shall be construed as permitting the opening or access to a Public Establishment that is not permitted or restricted by an Emergency Orders;

(2) any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada; or

(3) a by-law enacted by the Region.

24. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.
25. Should a court of competent jurisdiction declare any part or provision of this By-law to be invalid or of no force and effect, it is the intention of Council in enacting this By-law that the remainder of its provisions remain valid and binding, and that it be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART 11 – FORCE AND EFFECT

26. Part 4 of this By-law shall come into force on July 15, 2020 and all other provisions of this By-law shall come into force on July 10, 2020.

27. This By-law shall remain in effect until 12:01 a.m. on January 31, 2021 at which time this By-law shall be repealed, unless extended by resolution of Council. **(By-law 174-2020)**

ENACTED AND PASSED THIS 8th DAY OF JULY, 2020.

THE CORPORATION OF THE CITY OF BRAMPTON

Original Signed by:

Patrick Brown, Mayor
Peter Fay, City Clerk

ONTARIO REGULATION 364/20

FORMERLY UNDER EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT

RULES FOR AREAS IN STAGE 3

Historical version for the period July 31, 2020 to August 6, 2020.

Last amendment: 428/20.

Legislative History: [+]

This is the English version of a bilingual regulation.

Terms of Order

1. The terms of this Order are set out in Schedules 1, 2 and 3.

2. REVOKED: O. Reg. 428/20, s. 1.

Application

This Order applies to the areas listed in Schedule 3 to Ontario Regulation 363/20 (Stages of Reopening).

Indoor vs. outdoor

4. (1) The outdoor capacity limits set out in this Order apply to a business, place, event or gathering if the people attending it are only permitted to access an indoor area,

- (a) to use a washroom;
- (b) to access an outdoor area that can only be accessed through an indoor route; or
- (c) as may be necessary for the purposes of health and safety.

(2) The indoor capacity limits set out in this Order apply to a business, place, event or gathering if the business, place, event or gathering is fully or partially indoors.

(3) An indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

**SCHEDULE 1
BUSINESSES AND PLACES**

Closures

1. (1) Each person responsible for a business or place, or part of a business or place, that is required to be closed by Schedule 2 shall ensure that the business or place, or part of the business or place, is closed in accordance with that Schedule.

(2) Each person responsible for a business or place, or part of a business or place, that Schedule 2 describes as being permitted to open if certain conditions set out in that Schedule are met shall ensure that the business or place, or part of the business or place, either meets those conditions or is closed.

(3) Each person responsible for a business or place, or part of a business or place, that does not comply with sections 3 to 6 of this Schedule shall ensure that it is closed.

(4) Despite subsections (1), (2) and (3), temporary access to a business or place, or part of a business or place, that is required to be closed by Schedule 2 is authorized, unless otherwise prohibited by any applicable law, for the purposes of,

- (a) performing work at the business or place in order to comply with any applicable law;
- (b) preparing the business or place to be reopened;
- (c) allowing for inspections, maintenance or repairs to be carried out at the business or place;
- (d) allowing for security services to be provided at the business or place; and
- (e) attending at the business or place temporarily,
 - (i) to deal with other critical matters relating to the closure of the business or place, if the critical matters cannot be attended to remotely, or
 - (ii) to access materials, goods or supplies that may be necessary for the business or place to be operated remotely.

(5) Nothing in this Order precludes a business or organization from operating remotely for the purpose of,

- (a) providing goods by mail or other forms of delivery, or making goods available for pick-up; and
- (b) providing services online, by telephone or other remote means.

General compliance

2. (1) The person responsible for a business or organization that is open shall ensure that the business or organization operates in accordance with all applicable laws, including the *Occupational Health and Safety Act* and the regulations made under it.

(2) The person responsible for a business or organization that is open shall operate the business or organization in compliance with the advice, recommendations and instructions of public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting.

Capacity limits for businesses or facilities open to the public

3. (1) The person responsible for a place of business or facility that is open to the public shall limit the number of persons in the place of business or facility so that every member of the public is able to maintain a physical distance of at least two metres from every other person in the business or facility, except where Schedule 2 allows persons to be closer together.

(2) For greater certainty, subsection (1) does not require persons who are in compliance with public health guidance on households and social circles to maintain a physical distance of at least two metres from each other while in a place of business or facility.

Meeting or event space

4. (1) The person responsible for a business or place that is open may only rent out meeting or event space if the total number of members of the public permitted to be in the business or place in its rentable meeting or event space at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event is not permitted to exceed,

- (a) 50 persons, if the meeting or event is indoors; or
- (b) 100 persons, if the meeting or event is outdoors.

(2) Subsection (1) does not apply to the rental of meeting or event space for a wedding, funeral, service, rite or ceremony that is authorized under section 3, 4 or 5 of Schedule 3.

(3) Subsection (1) does not apply to the rental of meeting or event space that is in compliance with a plan for the rental of meeting or event space approved by the Office of the Chief Medical Officer of Health.

-person teaching and instruction

6. (1) Subject to subsection (2), the person responsible for a business or place that is open and that provides in-person teaching or instruction shall ensure that every instructional space complies with the following conditions:

1. The instructional space must be operated to enable students to maintain a physical distance of at least two metres from every other person in the instructional space, except where necessary for teaching and instruction that cannot be effectively provided if physical distancing is maintained.
2. The total number of students permitted to be in each instructional space at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the business or place, and in any event cannot exceed,
 - i. 50 persons, if the instructional space is indoors, or
 - ii. 100 persons, if the instructional space is outdoors.

(2) If the teaching or instruction involves singing or the playing of brass or wind instruments,

- (a) every person who is singing or playing must be separated from every other person by plexiglass or some other impermeable barrier; and
- (b) the exception in paragraph 1 of subsection (1) that allows persons to be closer than two metres where necessary for teaching and instruction does not apply.

(3) Subsections (1) and (2) do not apply to,

- (a) a school or private school within the meaning of the *Education Act* that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
- (b) a school operated by,
 - (i) a band, a council of a band or the Crown in right of Canada,
 - (ii) an education authority that is authorized by a band, a council of a band or the Crown in right of Canada, or
 - (iii) an entity that participates in the Anishinabek Education System; and
- (c) the Ontario Police College, training facilities operated by a police force, the Correctional Services Recruitment and Training Centre and the Ontario Fire College.

Cleaning requirements

6. (1) The person responsible for a business or place that is open shall ensure that,

- (a) any washrooms, locker rooms, change rooms, showers or similar amenities made available to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition; and
- (b) any equipment that is rented to, provided to or provided for the use of members of the public must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

(2) For greater certainty, clause (1) (b) applies to computers, electronics and other machines or devices that members of the public are permitted to operate.

HL hub

7. (1) In this section,

"NHL" means the National Hockey League; ("LNH")

"NHL hub" means the businesses and places referred to in clause (3) (a); ("bulle de la LNH")

"NHL hub participant" means a person who has been specified as a participant in the NHL hub in the professional sports plan for the NHL; ("participant à la bulle de la LNH")

"professional sports plan for the NHL" means the professional sports plan for the NHL approved by the Office of the Chief Medical Officer of Health. ("plan de sports professionnels applicable à la LNH")

(2) The Office of the Chief Medical Officer of Health may approve a professional sports plan for the NHL.

(3) The professional sports plan for the NHL shall list,

(a) the businesses and places in the City of Toronto that constitute the NHL hub and that may be used by NHL hub participants in connection with the 2020 NHL playoff tournament, which may include,

- (i) hotels,
- (ii) facilities for indoor or outdoor sports and recreational fitness activities,
- (iii) businesses or places that are in hotels or facilities mentioned in subclause (i) or (ii), and
- (iv) restaurants or bars that are adjacent to hotels or facilities mentioned in subclause (i) or (ii); and

(b) persons who are NHL hub participants.

(4) A business or place that constitutes part of the NHL hub may open for use by NHL hub participants if the business or place complies with the following conditions:

- 1. The business or place must operate in accordance with the professional sports plan for the NHL.
- 2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the NHL.
- 3. Subject to paragraph 2, any part of the business or place used by NHL hub participants must be closed to members of the public who are not NHL hub participants.

(5) The following provisions do not apply to the provision of goods or services to an NHL hub participant when they are provided within the NHL hub:

- 1. Sections 3, 4 and 5 of this Schedule.
- 2. Paragraph 1 of subsection 1 (1) of Schedule 2.
- 3. Section 8 of Schedule 2.
- 4. Clauses 1 (1) (a) and (b) of Schedule 3.

(6) Clauses 1 (1) (a) and (b) of Schedule 3 do not apply to NHL hub participants in the NHL hub.

(7) A business or place that constitutes part of the NHL hub shall not provide goods or services to members of the public who are not NHL hub participants unless,

- (a) the business or place is permitted to do so by the professional sports plan for the NHL;
- (b) the business or place provides the goods or services in accordance with the professional sports plan for the NHL; and
- (c) the business or place complies with any other applicable requirements or conditions in this Order.

MLB hub

8. (1) In this section,

"MLB" means Major League Baseball; ("MLB")

"MLB hub" means the businesses and places referred to in clause (3) (a); ("bulle de la MLB")

"MLB hub participant" means a person who has been specified as a participant in the MLB hub in the professional sports plan for the MLB; ("participant à la bulle de la MLB")

"professional sports plan for the MLB" means the professional sports plan for the MLB approved by the Office of the Chief Medical Officer of Health. ("plan de sports professionnels applicable à la MLB")

(2) The Office of the Chief Medical Officer of Health may approve a professional sports plan for the MLB.

(3) The professional sports plan for the MLB shall list,

(a) the businesses and places in the City of Toronto that constitute the MLB hub and that may be used by MLB hub participants in connection with the 2020 MLB season, which may include,

- (i) hotels,
- (ii) facilities for indoor or outdoor sports and recreational fitness activities,
- (iii) businesses or places that are in hotels or facilities mentioned in subclause (i) or (ii), and
- (iv) restaurants or bars that are adjacent to hotels or facilities mentioned in subclause (i) or (ii); and

(b) persons who are MLB hub participants.

(4) A business or place that constitutes part of the MLB hub may open for use by MLB hub participants if the business or place complies with the following conditions:

- 1. The business or place must operate in accordance with the professional sports plan for the MLB.
- 2. No spectators may be permitted at the business or place except in accordance with the professional sports plan for the MLB.
- 3. Subject to paragraph 2, any part of the business or place used by MLB hub participants must be closed to members of the public who are not MLB hub participants.

(5) The following provisions do not apply to the provision of goods or services to an MLB hub participant when they are provided within the MLB hub:

- 1. Sections 3, 4 and 5 of this Schedule.
- 2. Paragraph 1 of subsection 1 (1) of Schedule 2.
- 3. Section 8 of Schedule 2.
- 4. Clauses 1 (1) (a) and (b) of Schedule 3.

(6) Clauses 1 (1) (a) and (b) of Schedule 3 do not apply to MLB hub participants in the MLB hub.

(7) A business or place that constitutes part of the MLB hub shall not provide goods or services to members of the public who are not MLB hub participants unless,

- (a) the business or place is permitted to do so by the professional sports plan for the MLB;
- (b) the business or place provides the goods or services in accordance with the professional sports plan for the MLB; and
- (c) the business or place complies with any other applicable requirements or conditions in this Order.

O. Reg. 364/20, Sched. 1; O. Reg. 415/20, s. 2; O. Reg. 428/20, s. 2.

SCHEDULE 2 SPECIFIC RULES

Food and drink

Restaurants, bars etc.

1. (1) Restaurants, bars, food trucks, concession stands and other food or drink establishments may open if they comply with the following conditions:

1. No buffet-style service may be provided.
2. Patrons must be seated at all times in any area of the establishment in which food or drink is permitted except,
 - i. while entering the area and while moving to their table,
 - ii. while placing or picking up an order,
 - iii. while paying for an order,
 - iv. while exiting the area,
 - v. while going to or returning from a washroom,
 - vi. while lining up to do anything described in subparagraphs i to v, or
 - vii. where necessary for the purposes of health and safety.
3. The establishment must be configured so that patrons seated at different tables are separated by,
 - i. a distance of at least two metres, or
 - ii. plexiglass or some other impermeable barrier.

4. No person shall dance, sing or perform music at the establishment except in accordance with subsection (2) or (3).

**Note: On August 7, 2020, subsection 1 (1) of Schedule 2 to the Regulation is amended by adding the following paragraph:
(See: O. Reg. 428/20, s. 3 (2))**

5. The person responsible for the establishment must,
 - i. record the name and contact information of every patron who enters an indoor or outdoor dining area in the establishment, other than patrons who temporarily enter the area to place, pick up or pay for a takeout order,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(2) A person or group under contract with the establishment may dance, sing or perform music in compliance with the requirements set out in section 11.

(3) Members of the public may sing or perform music at the establishment if,

- (0.a) they are not singing or performing music in a private karaoke room;
- (a) they are separated from every other person, including from other performers, by plexiglass or some other impermeable barrier while singing or while performing on a brass or wind instrument;
- (b) they maintain a physical distance of at least two metres from every other person while singing or performing music; and
- (c) any equipment used by members of the public while singing or performing music is cleaned and disinfected between each use.

(4) For greater certainty, a restaurant, bar, food truck, concession stand or other food or drink establishment that is in compliance with the conditions set out in subsection (1) may open in any business or place that is otherwise permitted to open under this Order.

Services

Public libraries

2. Public libraries may open if circulating materials that are returned or accessed within the library are disinfected or quarantined for an appropriate period of time before they are recirculated.

Real estate open houses

3. Real estate agencies may open if they ensure that the total number of members of the public permitted at any open house event they host or facilitate at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the open house event, and in any event is not permitted to exceed 50 persons.

Personal care services

4. Personal care services relating to the hair or body, including hair salons and barbershops, manicure and pedicure salons, aesthetician services, piercing services, tanning salons, spas and tattoo studios, may open if they comply with the following conditions:

1. Persons who provide personal care services in the business must wear appropriate personal protective equipment.
2. Patrons must wear face covering at all times while receiving personal care services, except while receiving services that tend to an area of their face that would be covered by a face covering.
3. Oxygen bars must be closed.

Food courts and fitting rooms

Food courts, etc.

5. A food court or other dining area that is not already described in section 1 may open if it is configured so that patrons seated at different tables are separated by,

- (a) a distance of at least two metres; or
- (b) plexiglass or some other impermeable barrier.

Fitting rooms

6. Fitting rooms in a business may open if patrons are not permitted to occupy adjacent fitting room stalls at any one time.

Training and education

Driving instruction

7. Businesses that provide driving instruction in a motor vehicle may open if they comply with the following conditions:
 1. Only one student may be in the motor vehicle.
 2. Only one driving instructor may be in the motor vehicle, unless the type of instruction requires more than one driving instructor to be present.
 3. Every person in the motor vehicle must wear face covering at all times.
 4. The motor vehicle must be cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Sports and fitness

Facilities for sports and recreational fitness activities

8. (1) Facilities for sports and recreational fitness activities, including gymnasiums, yoga and dance studios and other fitness facilities, may open if they comply with the following conditions:

1. Every person who engages in sports or a recreational fitness activity at the facility, other than a team sport, must maintain a physical distance of at least two metres from every other person at all times during the activity.

2. The total number of members of the public permitted to be at the facility in a class, organized program or organized activity at any one time must be limited to the number that can maintain a physical distance of at least two metres from other persons in the facility, and in any event cannot exceed,
 - i. 50 persons, if any of the classes, organized programs or organized activities taking place at the time are indoors, or
 - ii. 100 persons, if all of the classes, organized programs or organized activities taking place at the time are outdoors.
 3. The total number of members of the public permitted to be at the facility in areas containing weights or exercise machines at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed 50 persons.
 4. The total number of spectators permitted to be at the facility at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the facility, and in any event cannot exceed,
 - i. 50 spectators, if the spectators will be indoors, or
 - ii. 100 spectators, if the spectators will be outdoors.
 5. Team sports may only be practised or played within the facility if they do not allow for physical contact between players or if they have been modified to avoid physical contact between the players.
 6. Organized team sports that are practised or played by players in a league may only be practised or played within the facility if the league either,
 - i. contains no more than 50 players and does not permit its teams to play against teams outside of the league, or
 - ii. divides its teams into groups of 50 or fewer players and does not permit teams in different groups to play against one another or against teams outside of the league.
 7. Any equipment that is rented to, provided to or provided for the use of users of the facility must be cleaned and disinfected between each use or, where used in a game or practice, at the end of play, such as at the completion of a game or practice.
 8. Activities must not be practised or played within the facility if they require the use of fixed structures that cannot be cleaned and disinfected between each use or, where used in a game or practice, at the end of play.
- (2) Facilities for sports and recreational fitness activities may open to provide space for a day camp for children that is in compliance with subsection 9 (1).
- (3) Paragraphs 1 to 3 and 5 to 8 of subsection (1) do not apply with respect to facilities for sports teams in one of the following leagues if they operate in accordance with a return to play plan approved by the Office of the Chief Medical Officer of Health:

1. Canadian Elite Basketball League.
2. Canadian Football League.
3. Major League Baseball.
4. Major League Soccer.
5. National Basketball Association.
6. National Hockey League.
7. National Lacrosse League.

Camps for children

9. (1) Day camps for children may open if they operate in a manner consistent with the safety guidelines for COVID-19 for summer day camps produced by the Office of the Chief Medical Officer of Health.

- (2) Camps that provide supervised overnight accommodation for children are closed.

Entertainment

Cinemas

10. (1) Cinemas may open if the total number of members of the public permitted to be in the venue at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person in the venue, and in any event is not permitted to exceed,

- (a) 50 persons, if the cinema is indoors; or
- (b) 100 persons, if the cinema is outdoors.

(2) The capacity limits set out in subsection (1) do not apply to cinemas that operate in accordance with a plan for the operation of cinemas approved by the Office of the Chief Medical Officer of Health.

(3) Subsection (1) does not apply to drive-in cinemas.

Performing arts

11. (1) A business or place where concerts, artistic events, theatrical performances or other performances are rehearsed or performed may open if they comply with the following conditions:

1. The total number of spectators permitted to be in the venue in which the performance or rehearsal takes place at any one time must be no more than,
 - i. 50 spectators, if the concert, event or performance is indoors, or
 - ii. 100 spectators, if the concert, event or performance is outdoors.
2. Singers and players of brass or wind instruments must be separated from any spectators by plexiglass or some other impermeable barrier.
3. Every performer and other person who provides work for the business or place must maintain a physical distance of at least two metres from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance or rehearsal,
 - ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
 - iii. where necessary for the purposes of health and safety.

(2) Subsection (1) does not apply to drive-in or drive-through concerts, artistic events, theatrical performances and other performances.

Drive-in or drive-through cinemas, performances, etc.

12. Drive-in cinemas and businesses or places that provide drive-in or drive-through concerts, artistic events, theatrical performances or other performances may open if they comply with the following conditions:

1. Each person in attendance at the drive-in cinema or the business or place, other than persons who perform work for the drive-in cinema or the business or place, must remain within a motor vehicle designed to be closed to the elements except where necessary,
 - i. to purchase admission, food or beverages,
 - ii. to access a washroom, or

- iii. for the purposes of health and safety.
2. The driver of a motor vehicle at the drive-in cinema or the business or place must ensure that it is positioned at least two metres away from other motor vehicles.
3. Every performer or other person who performs work at the drive-in cinema or the business or place must remain at least two metres apart from motor vehicles and from every other person, except,
 - i. if it is necessary for the performers to be closer to each other for the purposes of the performance,
 - ii. where necessary for the purposes of facilitating the purchase of admission, food or beverages, or
 - iii. where necessary for the purposes of health and safety.
4. Food and beverages may only be sold to persons in attendance at the drive-in cinema or the business or place if,
 - i. the food or beverage is sold at a concession stand that requires patrons to stand at least two metres apart while waiting to be served and that requires patrons to immediately return to their motor vehicle after being served, or
 - ii. the food or beverage is delivered directly to the patron's motor vehicle.
5. No materials may be exchanged between persons in attendance at the drive-in cinema or the business or place, except,
 - i. materials exchanged between members of the same motor vehicle,
 - ii. materials exchanged between persons who perform work for the drive-in cinema or the business or place, and
 - iii. such materials as are necessary to facilitate the purchase of admission, food or beverages.

Water features

13. (1) Steam rooms, saunas and bathhouses are closed.

(2) For greater certainty, a pool, splash pad, spray pad, whirlpool, wading pool, or water slide that is in compliance with section 6 of Schedule 1 may open in any business or place that is otherwise permitted to open under this Order.

Casinos, bingo halls and gaming establishments

14. (1) Casinos, bingo halls and other gaming establishments may open if they comply with the following conditions:

1. The total number of members of the public permitted to be in the establishment at any one time must be limited to the number that can maintain a physical distance of at least two metres from every other person in the establishment, and in any event cannot exceed 50 persons.
2. Table games are prohibited.

(2) The capacity limits set out in subsection (1) do not apply to a casino, bingo hall or gaming establishment that operates in accordance with a plan for the operation of casinos, bingo halls or gaming establishments approved by the Office of the Chief Medical Officer of Health.

Racing venues

15. Horse racing tracks, car racing tracks and other similar venues may open if the total number of spectators permitted at the venue at any one time is limited to the number that can maintain a physical distance of at least two metres from every other person at the venue and in any event is not permitted to exceed,

- (a) 50 spectators, if the spectators will be indoors; or

(b) 100 spectators, if the spectators will be outdoors.

Amusement parks and waterparks

16. Amusement parks and waterparks are closed.

Nightclubs

17. Nightclubs are closed, except for the purpose of serving food or beverages to patrons in accordance with section 1.

Museums, etc.

18. Museums, galleries, aquariums, zoos, science centres, landmarks, historic sites, botanical gardens and similar attractions may open if any interactive exhibits, or exhibits that create a high risk of personal contact, that are open to the public are cleaned and disinfected as frequently as is necessary to maintain a sanitary condition.

Tour and guide services

19. (1) Tour and guide services, including guided fishing and hunting trips, tastings and tours for wineries, breweries and distilleries, trail riding tours, walking tours, bicycle tours and motor vehicle tours, but not including boat tours, may open if they comply with the following conditions:

1. The tour must be operated to enable every person on the tour, including tour guides, to maintain a physical distance of at least two metres from every other person, except where necessary,
 - i. to facilitate payment, or
 - ii. for the purposes of health and safety.
2. The number of members of the public on the tour must not exceed the number of persons that would permit compliance with paragraph 1 while on the tour, and in any event cannot exceed,
 - i. 50 persons, if they will be indoors during the tour, or
 - ii. 100 persons, if they will be outdoors during the tour.
3. If the tour includes access to any food or beverage production or manufacturing areas, every person on the tour, including any tour guides, must comply with,
 - i. any laws or policies that apply to the food or beverage production or manufacturing area, and
 - ii. any advice, recommendations or instructions of public health officials that apply to the food or beverage production or manufacturing area.
4. The tour or guide service must,
 - i. record the name and contact information of every patron,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

(2) Boat tours in which the passengers are required to embark and disembark within the province of Ontario and that are not otherwise prohibited from opening by an order made by the Minister of Transport (Canada) under the *Canada Shipping Act, 2001* may open if they comply with the following conditions:

1. The tour must be operated to enable every person on the tour, including tour guides and tour boat crew, to maintain a physical distance of at least two metres from every other person, except where necessary,
 - i. to facilitate payment, or
 - ii. for the purposes of health and safety.
2. The number of members of the public on the tour boat must not exceed the number of persons that would permit compliance with paragraph 1 on the tour boat, and in any event cannot exceed,
 - i. 50 persons, if they will be indoors while on the tour boat, or
 - ii. 100 persons, if they will be outdoors while on the tour boat.
3. There must be sufficient space available to enable all persons to comply with paragraph 1 while on the tour boat and while embarking onto or disembarking from the tour boat.
4. The flow of persons embarking onto, disembarking from and moving about on the tour boat must be controlled so as to enable compliance with paragraph 1.
5. The tour boat must be equipped with enough handwashing stations or hand sanitizer dispensers to serve the needs of every person on the tour boat.
6. The boat tour service must,
 - i. record the name and contact information of every patron,
 - ii. maintain the records for a period of at least one month, and
 - iii. only disclose the records to a medical officer of health or an inspector under the *Health Protection and Promotion Act* on request for a purpose specified in section 2 of that Act or as otherwise required by law.

Campgrounds

20. Campgrounds may open if the person responsible for the campground ensures that every person using the campground is complying with any applicable restrictions on the size of social gatherings and organized public events.

O. Reg. 364/20, Sched. 2; O. Reg. 415/20, s. 3; O. Reg. 428/20, s. 3 (1), (3), (4).

SCHEDULE 3
ORGANIZED PUBLIC EVENTS, CERTAIN GATHERINGS

Gatherings, Stage 3 areas

1. (1) Subject to sections 2 to 5, no person shall attend,
 - (a) an organized public event of more than,
 - (i) 50 people if the event is held indoors, or
 - (ii) 100 people if the event is held outdoors;
 - (b) a social gathering of more than,
 - (i) 50 people if the gathering is held indoors, or
 - (ii) 100 people if the gathering is held outdoors; or
 - (c) a social gathering associated with a wedding, a funeral or a religious service, rite or ceremony of more than,
 - (i) 50 people if the gathering is held indoors, or

(ii) 100 people if the gathering is held outdoors.

(2) For the purposes of subsection (1), an indoor event or gathering cannot be combined with an outdoor event or gathering so as to increase the applicable limit on the number of people at the event or gathering.

(3) A person attending an organized public event or social gathering shall comply with public health guidance on physical distancing.

(4) For greater certainty, subsections (1) to (3) apply with respect to an organized public event or social gathering even if it is held at a private dwelling.

Exceptions from organized public event requirements

2. The prohibition on attendance at an organized public event in clause 1 (1) (a) does not apply with respect to attendance at,

(a) an event to which a capacity limit set out in Schedule 1 or 2 applies, if the event is held in accordance with that capacity limit;

(b) a day camp for children that is in compliance with section 9 of Schedule 2; or

(c) a drive-in cinema, or a business or place that provides drive-in or drive-through concerts, artistic events, theatrical performances and other performances, that is in compliance with section 12 of Schedule 2.

Indoor wedding, funeral or religious service, rite or ceremony

3. (1) This section applies with respect to gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony, if the gathering is held in a building or structure other than a private dwelling.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

1. The number of persons occupying any room in the building or structure while attending the gathering must not exceed 30 per cent of the capacity of the particular room.

2. All persons attending the gathering must comply with public health guidance on physical distancing.

Outdoor wedding, funeral or religious service, rite or ceremony

4. (1) This section applies with respect to outdoor gatherings for the purposes of a wedding, a funeral or a religious service, rite or ceremony.

(2) No person shall attend a gathering to which this section applies unless the following conditions are met:

1. No more than 100 people may be in attendance.

2. All persons attending the gathering must comply with public health guidance on physical distancing.

Gathering in motor vehicles for religious service, rite or ceremony

5. (1) This section applies with respect to gatherings for the purposes of a religious service, rite or ceremony if the persons attending the gathering, other than those conducting the service, rite or ceremony, do so in a motor vehicle.

(2) No person shall attend a gathering to which this section applies unless the person follows all of the following precautions that apply to the person:

1. Each person attending the gathering, other than the persons conducting the service, rite or ceremony, must remain within a motor vehicle that is designed to be closed to the elements, except,

i. where necessary to use a washroom, or

ii. as may otherwise be necessary for the purposes of health and safety.

2. The driver of a motor vehicle must ensure that it is positioned at least two metres away from other motor vehicles.

3. A person who ordinarily uses a non-motorized vehicle because of their religious belief and who attends the gathering must remain within their non-motorized vehicle except where necessary to use a washroom or as may otherwise be required for health and safety, and paragraph 2 applies with necessary modifications.

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NEWS

Patrick Brown responds to Rebel News video alleging he broke Brampton's COVID-19 bylaws

By **Graeme Frisque** Brampton Guardian
Sunday, August 8, 2020

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Brampton Mayor Patrick Brown says he did not violate COVID-19 bylaws when he was visiting friends at an arena in Brampton, dismissing a video report from Rebel News posted on Twitter Saturday (Aug. 8).

The 18-minute video, shot by Rebel reporter David Menzies, shows Brown in a suit rinkside at Earnscliffe Recreation Centre last week. Menzies approaches Brown and asks him why he is at the rink and if he was there to play hockey.

"I'm just coming to check out our facility," replied Brown in the video, which can be viewed in full on Rebel's [YouTube page](#).

Brown told the Brampton Guardian he wasn't there that day to play hockey, but just visiting friends who were.

"I was just saying hi to friends," he said. "I didn't play. I came at the end of their skate. I showed up at (around) 5:50 p.m. and rental was from 5 to 6 p.m."

A screenshot of a Rebel News video posted to Twitter on Aug. 8 shows Brampton Mayor Patrick Brown rinkside at Earnscliffe Recreation Centre last week.

The mayor said the facility has been open for private rentals since Brampton entered the second stage of the province's COVID-19 reopening framework at the end of June.

"Our arenas have been open for rentals since June 24 when we entered Stage 2. It took us five days to prepare; by June 29, the city was operational. I have been playing hockey once a week since then. Under Stage 2, it was limited to training and drills

Under Stage 3, it allows full games. Leagues must have less than 50 participants,” Brown told the Guardian.

“I get invited to play hockey by different groups and I try to get out when I can ... Everyone pays for their ice at the city rate. It’s not my ice, but I always chip in my \$35 share. So I have not been secretly playing pickup. If (Rebel) came the day before, they could have seen me in action. They just came on the wrong day,” he added.

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Although Brown is shown not wearing a mask in the video, despite the city making masks mandatory in all public enclosed spaces – including arenas – on July 10, Brampton director of bylaw enforcement Paul Morrison explained masks aren’t required indoors for private facility rentals and Brown wasn’t in violation of any city bylaws.

“If you are renting the facility, whatever it is – a bowling alley, an arena or whatever it may be – if you are renting it for a private function and there is no one else allowed ... and you’re using the common areas, then you can go ahead and treat like your bubble,” he said. “The key here is if it’s a private event, no problem. If it’s a public event where the public is allowed, that would be different,” said Morrison in an interview.

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August 13, 2020

Muneeza Sheikh
Integrity Commissioner, City of Brampton
Office of the Integrity Commissioner
Flower City Community Campus
8850 McLaughlin Road South
Brampton ON L6Y 5T1
integrity.commissioner@brampton.ca

Dear Ms. Sheikh:

Re: Alleged Violations of the City of Brampton's Code of Conduct for Members of Council ("Code of Conduct")

Complainants: Rebel News Network Ltd. and David Menzies

We have been retained by Rebel News Network Ltd. ("**Rebel News**") and its reporter, David Menzies ("**Mr. Menzies**"), to file a formal complaint on behalf of our clients against Mayor Patrick Brown ("**Mayor Brown**") in relation to his apparent non-compliance with Brampton's Code of Conduct. Please direct all future correspondence to the undersigned.

Mandatory Restrictions Related to COVID-19

The Ontario government has ordered mandatory restrictions related to COVID-19 to help protect the health and safety of Ontarians under the *Emergency Management and Civil Protection Act*. On March 31, 2020, Brampton City Council approved, and Mayor Brown signed, the [Emergency By-law](#) to help protect the health and safety of residents.

As you may know, the City of Brampton entered Stage 2 Reopening effective June 24, 2020. Ontario's [Stage 2 Reopening](#) limited indoor sports and recreational fitness activities to use by a business or organization to train amateur or professional athletes or to run amateur or professional athletic competitions. Team sports could not be practised or played within the facility, with the exception of training sessions for members of a sports team that did not include games or scrimmage games. Informal team practices, scrimmages, or competitions were not permitted.

As of August 9, 2020, the City of Brampton’s “Facility Rental” [website](#) stated, “Arenas are open for use by affiliates/major user groups for figure skating and ice hockey training and modified game play.” It appears that after Rebel News aired its report on Mayor Brown’s alleged non-compliance, the [website’s](#) language was edited as follows: “Arenas are open for use for figure skating and ice hockey training/modified gameplay.”

Further, on July 8, 2020, Brampton City Council approved, and Mayor Brown signed the [Mask By-law](#) mandating non-medical masks or face coverings in all indoor public spaces in the City of Brampton. Information on the Mask By-law can be found at the City of Brampton’s dedicated [website](#), bearing Mayor Brown’s photo and contact information.

Mayor Brown’s Alleged Pick-Up Hockey Games at Brampton Recreation Centres

Rebel News and Mr. Menzies have reported that Mayor Brown has held pick-up ice hockey games at City of Brampton recreation centres during the COVID-19 pandemic. At the same time, the City of Brampton had reportedly been aggressively investigating and enforcing the above-noted emergency orders. As of August 8, 2020, [By-law Enforcement](#) had conducted nearly 40,000 “Proactive Investigations”, gave 1,359 warnings, and laid 611 charges.

On August 4, 2020, Mr. Menzies reported finding Mayor Brown inside the Earnscliffe Recreation Centre ice hockey arena appearing to prepare for a pick-up hockey game, not wearing a face covering. Footage from Mr. Menzies’ report can be found [here](#). As you will see, Mayor Brown claimed that he was “checking on [the] facility”, despite the apparent presence of a hockey bag labeled, “Patrick Brown”.



The Code of Conduct: Expecting the Highest Standards of Conduct from Council Members

Brampton’s [Code of Conduct](#) rightly emphasizes that “ethics and integrity are at the core of public confidence in government and in the political process.” The Code of Conduct further emphasizes that as public trustees, Brampton’s public officials must:

- exceed minimum standards of behaviour and achieve the highest ethical ideals so that their conduct will bear the closest public scrutiny; and

- not allow their private interests to provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct.

The public is entitled to expect the highest standards of conduct from the members that it elects to local government and adherence to these standards protects and enhances the City of Brampton's reputation and integrity.

Our clients' view is that Mayor Brown may have violated, *inter alia*, the following Code of Conduct Rules:

- **Rule No. 4 — Use of City Property, Services and Other Resources:** Members shall not use for personal purposes any City property, equipment, services, supplies or services of consequence.

Commentary: Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their City duties as public officials. This privilege should not be seen to be abused. In recognizing that members are held to a higher standard of behaviour and conduct, members should not use such property for any purpose other than for carrying out their official duties.

- **Rule No. 7 — Improper Use of Influence - Discreditable Conduct:** Members shall not use the influence of their office for any purpose other than for the exercise of their official duties.
- **Rule No. 15 — Discreditable Conduct:** Members shall conduct themselves with appropriate decorum at all times.

Commentary: As leaders in the community, members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

- **Rule No. 18 — Failure to Adhere to Council Policies and Procedures:** Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

Commentary: A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council.

Recusal: Independent Investigation and Enforcement of Violations by Mayor Brown

Since our clients' report on the above-noted matters, and apparently prior to a comprehensive inspection/investigation, Brampton By-law Enforcement Director, Paul Morrison, gave a statement to the [Brampton Guardian](#) finding that Mayor Brown was not in violation of any city by-laws. It is our client's position that Mr. Morrison's prejudgement on this matter raises a reasonable apprehension of bias, calling for his immediate recusal and a corresponding independent investigation into Mayor Brown's possible non-compliance with the applicable emergency laws.

Our clients are also troubled by your reported ties to Mayor Brown as reported by the [Globe and Mail](#) last year, including your reported public expressions of support for Mayor Brown and reported payments to your husband's company by the Progressive Conservative party in 2017. Accordingly, our clients are calling for your recusal and a corresponding independent investigation into Mayor Brown's alleged violations of the Code of Conduct.

Please feel free to contact the undersigned to discuss this matter further.

Yours very truly,

RE-LAW LLP



Aaron Rosenberg

cc: client



THE CORPORATION OF THE CITY OF BRAMPTON

OFFICE CONSOLIDATION

**Brampton COVID-19 Emergency Measures By-law
MO 1-2020**

To promote and regulate physical distancing during the COVID-19 Emergency

**(as amended by Mayor's Orders 2-2020 and 3-2020
and By-laws 112-2020, 145-2020, 174-2020)**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus 19 ("COVID-19 pandemic");

AND WHEREAS on March 17, 2020 a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 (the "*Emergency Management Act*") related to COVID-19;

AND WHEREAS section 4 of the *Emergency Management Act* provides that the head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area;

AND WHEREAS on March 24, 2020 The Corporation of the City of Brampton declared an emergency pursuant to section 4 of the *Emergency Management Act*;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Emergency Management Act*;

AND WHEREAS The Corporation of the City of Brampton considers it desirable to enact regulation to support the intent and purpose of the Provincial Orders made under the *Emergency Management Act* in order to protect the health and safety of the citizens of the

City of Brampton, by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, ("*Municipal Act, 2001*") provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS subsection 11(1) of the *Municipal Act, 2001* provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS section 11(2) of the *Municipal Act, 2001* provides that a municipality may pass by-laws respecting: Economic, social and environmental well-being of the municipality; Health, safety and well-being of persons; and Protection of persons and property, including consumer protection;

AND WHEREAS without limiting sections 9 and 11 of the *Municipal Act, 2001*, a local municipality may prohibit and regulate matters such as dangerous places, public nuisances and business hours and closures, as well as regulate and govern real and personal property used for by a business and the person carrying it on or engaged in it.

AND WHEREAS section 425 of the *Municipal Act, 2001* provides that any person who contravenes any by-law of the municipality is guilty of an offence;

AND WHEREAS section 444 of the *Municipal Act, 2001* provides that a municipality may make an order requiring a person who contravened a by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

NOW THEREFORE the Head of Council of The Corporation of the City of Brampton
ORDERS AS FOLLOWS:

PART 1 – TITLE, INTERPRETATION AND SEVERABILITY

1. This by-law may be referred to as the "Brampton COVID-19 Emergency Measures By-law".

PART II – DEFINITIONS

2. For the purposes of this By-law,

"By-law" means this By-law;

"City" means The Corporation of the City of Brampton;

“COVID-19 Emergency” **deleted – By-law 145-2020**

“*Emergency Management Act*” means the Emergency Management and Civil Protection Act, R.S.O. 1990, c. E. 9;

“Head of Council” means the Mayor of the City;

“*Municipal Act, 2001*” means the *Municipal Act, 2001*, S.O. 2001, c. 25

“Officer” means a Municipal Law Enforcement Officer appointed pursuant to Schedule B of this By-law or police officer;

“Person” or any expression referring to a person, means an individual of any age;

“*Provincial Offences Act*” means the *Provincial Offences Act*, R.S.O. 1990, c. P. 33;

“Public Property” means any land, premises or buildings owned, managed, or maintained by the City and, for greater certainty, shall include highways, sidewalks, streets, any portion of a road allowance, parking lots, swimming pools, recreation centers, parks and playgrounds;

“Re-Opening Ontario Act” means the Re-Opening Ontario (A Flexible Response to COVID-19) Act, 2020, S.O. 2020, c. 17. **(By-law 145-2020)**

PART III – OFFENCES

3. Every Person shall comply with Schedule “A” to this By-law. **(By-law 145-2020)**
4. An offence under section 5 of this By-law may constitute a multiple offence as defined in section 429(5) of the *Municipal Act, 2001*.

PART IV- ENFORCEMENT AND INSPECTION

5. The provisions of this By-law may be enforced by an Officer.
6. An Officer may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law is being complied with.
7. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
 - (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
8. No Person shall prevent, hinder or obstruct, or attempt to hinder or obstruct, an Officer who is exercising a power or performing a duty under this By-law, including refusing to identify themselves when requested to do so by an Officer.

PART V- ORDERS

9. An Officer may order to a Person to leave any Public Property or business as a result of a contravention of this By-law.
10. An order under this section may be given verbally or in writing.
11. An order in writing shall identify:
- (a) the location where the contravention occurred;
 - (b) the reasonable particulars of the contravention;
 - (c) the date and time by which there must be compliance with the order; and
 - (d) shall be served personally to the Person to whom it is directed, or served by Registered Mail to the Person which shall be deemed to be on the fifth day after mailing.

PART VI - PENALTIES

12. (1) Every Person who contravenes any provision of this By-law, including failing to comply with an order made under this By-law, is guilty of an offence and is liable to a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.
- (2) In addition to subsection 12(1), any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001*, to the following fines:

- (a) the minimum fine for an offence is \$500 and the maximum fine for an offence is \$100,000;
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all daily fines for the offence is not limited to \$100,000; and
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500 and the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000.
 - (3) If a Person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the Person convicted.
13. (1) Where a Person fails to pay any part of a fine for a contravention of this By-law and the fine is due and payable under section 66 of the *Provincial Offences Act*, including any extension of time to pay the fine provided under that section, the City Treasurer, or the Treasurer's delegate may give the Person a written notice specifying the amount of the fine payable and the final date on which it is payable, which date shall not be less than 21 days after the date of the notice.
- (2) If any part of a fine or a contravention of this By-law remains unpaid after the final date specified in the notice provided under subsection 18(1), the outstanding fine is deemed to be unpaid taxes pursuant to section 351 of the *Municipal Act, 2001*.

PART VII - CONFLICT

14. In the event of conflict between this By-law and:
- (1) the Re-Opening Ontario Act or any regulations made thereunder; or **(By-law 145-2020)**
 - (2) any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada;

the specific provisions of this By-law that are in conflict with the above shall be of no force and effect to the extent of the conflict.

PART VIII - INTERPRETATION

15. (1) wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in Part II of this By-law. Where any word appears in ordinary case, the commonly applied English language meaning is intended.
- (2) Wherever a word defined in this By-law is used in the form of a noun, verb, adverb or adjective, it shall be interpreted as having a corresponding defined meaning even if it is in ordinary case.
- (3) All words importing the singular shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law requires otherwise.
16. If a court of competent jurisdiction declares any provision or part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of Council in enacting this By-law that the remainder of this By-law shall continue in force and be applied and enforced in accordance with its terms to the fullest extent possible according to law.

PART IX – SCHEDULES

17. All Schedules attached to this By-law shall form part of this By-law.
18. **deleted – By-law 145-2020**

PART X – FORCE AND EFFECT

18. This By-law shall remain in effect until 12:01 a.m. on January 31, 2021 at which time this By-law shall be repealed, unless extended by resolution of Council. **(By-laws 145-2020, 174-2020)**

ORDERED PURSUANT TO SECTION 4 OF THE *EMERGENCY MANAGEMENT AND CIVIL PROTECTION ACT*, R.S.O. 1990, c. E.9 ON 31ST day of MARCH, 2020.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by: Patrick Brown, Mayor

SCHEDULE “A”
COVID-19 Emergency Measures

In furtherance and support of the regulations and prohibitions imposed by the Government of Canada, the Province of Ontario, and the Regional Municipality of Peel in response to the COVID-19 pandemic, the following regulations are hereby established in accordance with powers granted to the Head of Council under the *Emergency Management Act* and in accordance with the powers granted to municipalities under the *Municipal Act, 2001* and:

1. Every Person shall maintain at least a 2.0 metre distance from every other Person when on Public Property, except Persons who reside together in the same premises.
2. No Person shall permit a child under the age of 16 to be less than a 2.0 metre distance from another Person when on Public Property, except Persons who reside together in the same premises.
3. No business operating during the COVID-19 Emergency shall permit any Person to be seated or to be standing inside or outside the business at a distance of less than 2.0 metre from every other Person, except Persons who reside together in the same premises or the employees of a business. **(MO 2-2020)**
4. No Person shall attend on the premises or use any of the following Public Property:
 - (a) **amended by By-law 112-2020 and deleted by By-law 145-2020**
 - (b) **deleted by By-law 112-2020**
 - (c) **deleted by By-law 112-2020**
 - (d) **amended by By-law 112-2020 and deleted by By-law 145-2020**
 - (e) **amended by By-law 112-2020 and deleted by By-law 145-2020**
 - (f) **amended by MO 3-2020 and deleted by By-law 112-2020**
 - (g) drinking water systems. **(By-law 112-2020)**

Schedule B
Appointment of Municipal Law Enforcement Officers

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, provides that the powers of a municipality under the *Municipal Act, 2001* or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS section 15 of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, authorizes a municipality to appoint Municipal Law Enforcement Officers, who shall be peace officers for the purpose of enforcing municipal bylaws;

NOW THEREFORE the Council of The Corporation of the City of Brampton **ENACTS** as follows:

1. The persons named below are hereby appointed as Municipal Law Enforcement Officers for The Corporation of the City of Brampton for the purpose of enforcing the COVID-19 Emergency Measures By-law:

BY-LAW ENFORCEMENT OFFICERS

Anderson-Di Cristofaro, Kristie	Fortini, Kristen	Khaira, Jaipal
Armonas, Adam	Foster, Brian	Kitto, Shawn
Avbar, John	Frigault, Shawn	Kornfehl, James
Azeem, Aziz	Garcia, Emanuel	Labelle, Jeff
Bedenikovic, Carole	Gobeo, Brent	Labelle, Michelle
Belyntsev, Nikolai	Goddard, Catherine	Lindegaard, Kevin
Bisson, James	Grasby, Kim	MacLeod, Robert
Bolton, James	Grech, Frank	Maiss, Ryan
Brar, Gurpreet	Harm, Victor	Maurice, Jean-Pierre
Brown, Marco	Holmes, Todd	McEvoy, Jennifer
Brown, Steve	Horst, Courtney	Mohammed, Richard
Bryson, Peter	Hussain, Fawad	Morrison, Paul
Capobianco, Michael	Hosseiny, Said	Mulick, Michael
Chudoba, Paul	Iacobucci, Sarah	Munday, Dean
Clune, Anthony	Iliev, Konstantin	Myers, Brian
Dang, Mohit	Jardine, Hayley	Myers, Jimmy
De Schryver, Denise	Josey, Luanne	O'Connor, Brendan
Dhillon, Narinder	Kainth, Sukhpreet	Parhar, Mohinder
Dollimore, Phillip	Kasiulewicz, Mario	Payton, Rory
Dosanjh, Gurprit	Fortini, Kristen	Polera, Michael Francis
Drope, Graham	Foster, Brian	Prewal, Kuljeet
Edwin, Erin	Keyes, Shane	Pytel, Kim
Ramdeo, Kevin	Singzon, Philip	Ward, Lindsay
Raposo,	Smith, Andrew	Waterfield, Mathew
Christopher	Smith, Kyle	Waterfield, Sabrina

Roman, Bradley
Russell, Jeff
Ruszin, Natasha
Sander, Allyson
Santos, Sandra
Sensicle, Christian
Siciliano, Derek

Tatla, Vic
Toofunny, Virendra
Tozer, Jordan
VanBelkom, Roberta
Viana, Mark
Walker, Dwayne
Walsh, Sandra

Watson, Kevin
Wyner, Michael

FIRE PREVENTION OFFICERS

Banayat, Ravinder
Chen, Bertrand
Cooper, Matthew
Cosgrove, Chantelle
Crevier, Madelaine
Denn, Steve
Flannigan Jacobsen, Lindsay
Fournier, Tyler
Kellam, Chris
Khan, Zainal
Knoke, Mary
Krohm, Richard
Li, Charles

Maiato, David
Paquet, Jay
Pierce, Linda
Reid, Brooklyn
Sefton, John
Soltanpour, Sara
Speirs, Shawn
Underwood, William
Van den Hoek, Heather
Von Holt, Andrew
Waite, Brian
Wang, Qia (Emma)
White, Kylie

2. Schedule B to this By-law prevails to the extent of any conflict between this By-law and any other by-law of The Corporation of the City of Brampton.

MAYOR PATRICK BROWN

September 28, 2020

Ms. Muneeza Sheikh
Integrity Commissioner
City of Brampton

Sent via msheikh@levittllp.com

Dear Ms. Sheikh,

Thank you for allowing me to respond to the complaint by Mr. Aaron Rosenberg of RE-LAW LLP on behalf of his client Rebel News Network dated August 13. I did not violate any rules in the Code of Conduct as outlined by Mr. Rosenberg in his letter. The City of Brampton was allowed to enter Stage 2 of the Ontario Government's Framework for Reopening on June 24th.

At that time, the City's Recreation Department began to advertise ice rentals on 5 pads across the city beginning on June 29. The recreation centres were closed, however private rentals were able to be booked for training and drills. On July 31, the Region of Peel entered Stage 3 which allowed for modified gameplay with less than 50 participants. Between June 26 and August 9, the City of Brampton received over \$120,000 in ice rental fees and over 800 hours were booked for use by residents. I have attached an email that I received from Derek Boyce, our Acting Commissioner of Community Services.

My friends have booked/paid for ice rentals every week at different ice pads across the city. On August 4, I stopped by Earnscliffe Recreation Centre midway through the ice rental to see my friends before I had to attend our Telephone Town Hall at 6:30pm at the Emergency Operations Centre. Since the community centres were not open to the public, our face covering bylaw did not apply to the users.

In an interview with the Brampton Guardian on August 9, Paul Morrison, the Director of Enforcement & Bylaws stated, "If you are renting the facility, whatever it is – a bowling alley, an arena or whatever it may be – if you are renting it for a private function and there is no one else allowed ... and you're using the common areas, then you can go ahead and treat like your bubble," he said. "The key here is if it's a private event, no problem. If it's a public event where the public is allowed, that would be different." I have attached a copy of the article.



MAYOR PATRICK BROWN

I have made it a point for many years to avoid participating in interviews with Rebel News, an alt-right organization that continues to promote hate and Islamaphobia. There are many cases documented on social media about their views towards Muslims. This kind of “reporting” has no place in society. I have spoken out against Rebel News in the past and will continue to do so which will make me a target for them.

Once again, I do not believe that I broke any rules in our Code of Conduct. I look forward to answering any further questions you might have regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Brown".

Patrick Brown
Mayor

From: "Brown, Patrick - Mayor" <[REDACTED]>

Date: August 10, 2020 at 2:00:54 PM EDT

To: "[REDACTED]"
<[REDACTED]>

Subject: Fwd: Arena Hour/Revenue Breakdown

Sent from my iPhone

Begin forwarded message:

From: "Boyce, Derek" <[REDACTED]>

Date: August 10, 2020 at 1:20:42 PM EDT

To: "Brown, Patrick - Mayor" <[REDACTED]>

Cc: "[REDACTED]"

<[REDACTED]>
<[REDACTED]>

Subject: Fwd: Arena Hour/Revenue Breakdown

Hi Mayor Brown,

As requested, please find information for our arena ice rentals from June 26 - August 9th at locations across the City that were re-opened.

Thanks,

Derek Boyce
Acting Commissioner, Community Services
City of Brampton
T: 905.874.2358

From: Pappain, Terra <[REDACTED]>

Sent: Monday, August 10, 2020 12:27 PM

To: Boyce, Derek

Subject: Arena Hour/Revenue Breakdown

Hi Derek,

Please see below, the date range is June 26-Aug 9/2020

ARENA BOOKINGS-June 26/2020-August 9 2020				
Facility	# of Rentals	# of Bookings	# of Hours	Revenue (before extra fees such as insurance)
Cassie A	3	168	152	\$ 19,359
Cassie B	3	175	153	\$ 20,257

Earnscliffe Rink 2	33	182	131	\$	16,601
South Fletchers 1	60	260	207	\$	34,541
South Fletchers 2	51	268	200	\$	28,979

Please let me know if you need anything else,
Thank you

Terra Pappain

Coordinator, Facility Rentals
Recreation | City of Brampton
Flower City Community Campus, Building E
T:905-874-2816
www.brampton.ca

Our Focus Is People ●—●—●—●