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## **2024 ANNUAL REPORT OF THE INTEGRITY COMMISSIONER**

### **THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE**

**John Mascarin  
Aird & Berlis LLP**

January 21, 2025

## INTRODUCTION

Aird & Berlis LLP was appointed as the Integrity Commissioner for the Municipality of Thames Centre (the “Municipality”) pursuant to subsection 223.3(1) of the *Municipal Act, 2001* by By-law No. 79-2022 for a term beginning October 1, 2022 and ending December 31, 2025.

This is the first annual report that we have prepared, encompassing the period from January 1, 2024 to December 31, 2024.

This report provides a brief executive summary of activities undertaken in satisfying our duties and responsibilities as the Integrity Commissioner of the Municipality.

## ROLE OF INTEGRITY COMMISSIONER

The role of the integrity commissioner was enhanced in 2018 by amendments that were made to the *Municipal Act, 2001*. The functions of an integrity commissioner are set out in subsection 223.3(1) of the *Municipal Act, 2001* as follows:

### 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*.

All of functions of the Integrity Commissioner have all been assigned to Aird & Berlis LLP by Council. We currently have seven lawyers on the accountability team that serves the Municipality as Integrity Commissioner (as well as Closed Meeting Investigator).

All of the aforementioned functions were assigned to us as Integrity Commissioner for the Municipality pursuant to By-law No. 79-2022.

We note that the provincial government introduced Bill 241 – the Municipal Accountability Act – on December 12, 2024. Bill 241 purports to strengthen the municipal accountability framework in Ontario by imposing new requirements for provincial-wide uniform codes of conduct; mandatory education and training for Integrity Commissioners and for members of council and local boards; for the involvement of the Ontario Integrity Commissioner in relation to egregious matters of misconduct; and for the removal from office and disqualification of members for serious contraventions of a code of conduct that results in harm to the health, safety or well-being of any person.

## **COMPLAINTS / APPLICATIONS**

An Integrity Commissioner may investigate allegations of contravention respecting a municipality's code of conduct and any other procedures, rules and policies relating to the ethical behaviour of members of a municipal council or its local boards.

Last year our office received one (1) formal complaint against a member of Council pursuant to the Code of Conduct. Upon review of the complaint, we determined that it did not disclose reasonable and probable grounds to believe there was a contravention of the Code of Conduct, did not warrant a full investigation, and did not relate to a matter that was within the Integrity Commissioner's jurisdiction. As such, we terminated our inquiry and dismissed the complaint.

An Integrity Commissioner may also conduct inquiries under the *Municipal Conflict of Interest Act* to determine whether a member has acted in the contravention of the statute. There were no applications filed in 2024 under section 223.4.1 of the *Municipal Act, 2001* that required investigation by our office.

## **ADVICE**

An Integrity Commissioner may seek to prevent contraventions by providing specific written advice to members with respect to their obligations under the code of conduct, other ethical policies, rules or procedures and/or the *Municipal Conflict of Interest Act*. The 2018 amendments to Part V.1 of the *Municipal Act, 2001* expressly authorize the Integrity Commissioner to provide specific and particularized advice to members of Council and to the Municipality's local boards. Members must make a request in writing to the Integrity Commissioner who is also required to respond in writing. Members may only request advice with respect to their own ethical obligations – not those of other members.

In 2024, we did not receive a request for written advice from any member of Council or a member of a local board relating to the Municipality's code of conduct, other ethical policies, rules or procedures or the *Municipal Conflict of Interest Act*. We did, however, provide advice to senior staff with respect to a concern that they raised with us.

## **EDUCATION & TRAINING**

While we did provide two training sessions to Council in November 2022 upon commencing our appointment, we did not present any education and training sessions to Council in 2024. In our view, there does not appear to be a need for any additional training at this time.

## CLOSING REMARKS

All members of Council are to be commended for a clean ethical report card with respect to their compliance with the municipal accountability framework.

We will closely monitor Bill 241 and will report on any material and substantive changes that may impact the municipal accountability framework for members of Council and our role as Integrity Commissioner.

We are privileged to be appointed as Integrity Commissioner for the Municipality and look forward to the opportunity to continue to be of service to Council and to staff in 2025.

Respectfully submitted,

AIRD & BERLIS LLP



ohn Mascarin

Integrity Commissioner for the Municipality of Thames Centre

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