



Toronto Transit Commission Board Orientation

Jonathan Batty, Integrity Commissioner (he/him/his)

April 2, 2024



Agenda

1. Introduction/Resources
2. Accountability Principles for TTC Board Members
3. Formal Requirements
4. Common Questions

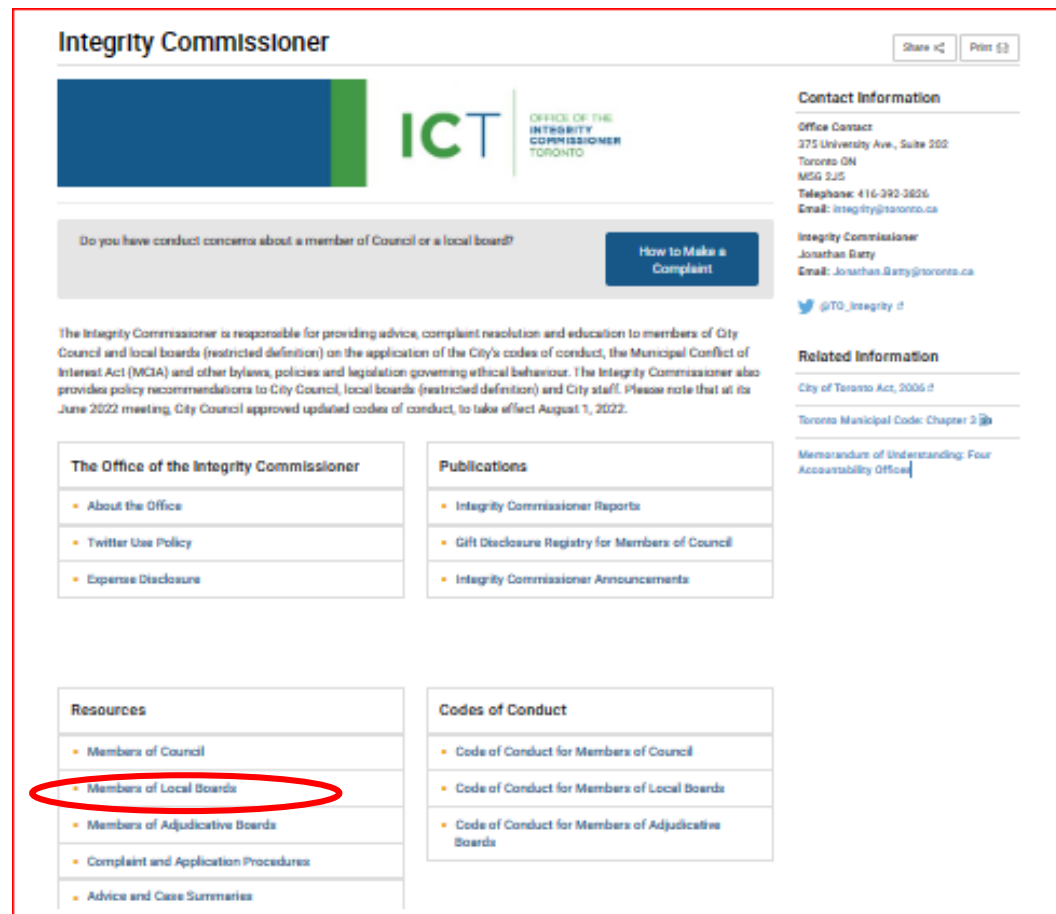


Introduction

Mandate of the Integrity Commissioner

- To provide confidential advice
- To educate
- To provide policy advice
- To investigate complaints

Resources: www.toronto.ca/integrity



The screenshot displays the website for the Office of the Integrity Commissioner (ICT) in Toronto. The page features a header with the ICT logo and the text 'OFFICE OF THE INTEGRITY COMMISSIONER TORONTO'. A navigation bar includes a 'Share' button and a 'Print' button. Below the header, there is a section titled 'Do you have conduct concerns about a member of Council or a local board?' with a 'How to Make a Complaint' button. The main content area is divided into several sections: 'The Office of the Integrity Commissioner' (with links for 'About the Office', 'Twitter Use Policy', and 'Expense Disclosure'), 'Publications' (with links for 'Integrity Commissioner Reports', 'Gift Disclosure Registry for Members of Council', and 'Integrity Commissioner Announcements'), 'Resources' (with links for 'Members of Council', 'Members of Local Boards', 'Members of Adjudicative Boards', 'Complaint and Application Procedures', and 'Advice and Case Summaries'), and 'Codes of Conduct' (with links for 'Code of Conduct for Members of Council', 'Code of Conduct for Members of Local Boards', and 'Code of Conduct for Members of Adjudicative Boards'). On the right side, there is a 'Contact Information' section with office contact details, the name of the Integrity Commissioner (Jonathan Barty), and a Twitter handle (@TO_Integrity). Below that is a 'Related Information' section with links to the 'City of Toronto Act, 2006' and 'Toronto Municipal Code: Chapter 2'. A red circle highlights the 'Members of Local Boards' link in the Resources section.

Integrity Commissioner

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ICT OFFICE OF THE INTEGRITY COMMISSIONER TORONTO

Do you have conduct concerns about a member of Council or a local board? [How to Make a Complaint](#)

The Integrity Commissioner is responsible for providing advice, complaint resolution and education to members of City Council and local boards (restricted definition) on the application of the City's codes of conduct, the Municipal Conflict of Interest Act (MCIA) and other bylaws, policies and legislation governing ethical behaviour. The Integrity Commissioner also provides policy recommendations to City Council, local boards (restricted definition) and City staff. Please note that at its June 2022 meeting, City Council approved updated codes of conduct, to take effect August 1, 2022.

The Office of the Integrity Commissioner

- About the Office
- Twitter Use Policy
- Expense Disclosure

Publications

- Integrity Commissioner Reports
- Gift Disclosure Registry for Members of Council
- Integrity Commissioner Announcements

Resources

- Members of Council
- Members of Local Boards
- Members of Adjudicative Boards
- Complaint and Application Procedures
- Advice and Case Summaries

Codes of Conduct

- Code of Conduct for Members of Council
- Code of Conduct for Members of Local Boards
- Code of Conduct for Members of Adjudicative Boards

Contact Information

Office Contact
375 University Ave., Suite 200
Toronto ON
M5G 2J5
Telephone: 416-392-3826
Email: integrity@toronto.ca

Integrity Commissioner
Jonathan Barty
Email: Jonathan.Barty@toronto.ca

[@TO_Integrity](#)

Related Information

[City of Toronto Act, 2006](#)

[Toronto Municipal Code: Chapter 2](#)

[Memorandum of Understanding: Four Accountability Offices](#)

Resources: www.toronto.ca/integrity

City of Toronto / City Government / Accountability, Operations & Customer Service / Accountability Officers / Integrity Commissioner / Resources for Elected & Appointed Officials / Members of Local Boards (Restricted Definition): Conduct Standards & Resources

Members of Local Boards (Restricted Definition): Conduct Standards & Resources

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While we aim to provide fully accessible content, there is no text alternative available for some of the content on this site. If you require alternate formats or need assistance understanding any of our content, please contact us at 416-392-3826 or at integrity@toronto.ca.

Conduct Standards

Guidance

List of Local Boards (Restricted Definition)

Sample Advice

The public expects the highest standards of conduct from citizen members who are appointed to local boards by Council to act on its behalf. The standards are set out in the [Code of Conduct for Members of Local Boards \(Restricted Definition\)](#) and the [Municipal Conflict of Interest Act](#).

The Integrity Commissioner is available to members of Local Boards (Restricted Definition) to answer questions and provide advice about meeting the standards.

Local Board appointees can seek advice by calling or emailing the Integrity Commissioner or the Office as follows:

- Call or email the Office at 416-392-3826 or integrity@toronto.ca
- Call or email the Commissioner directly at 416-397-7770 or Jonathan.Batty@toronto.ca.

In This Section

Resources for Elected & Appointed Officials

Advice & Case Summaries

Members of City Council:
Conduct Standards & Resources

**Members of Local Boards
(Restricted Definition): Conduct
Standards & Resources**

Members of Adjudicative Boards:
Conduct Standards & Resources

Contact Information

Office Contact
375 University Ave., Suite 202
Toronto ON

Accountability Principles

- You are public office holders.
- You are expected to:
 - Act in accordance with standards of conduct for public office, not private business.
 - **Prioritize the public interest.**
 - Promote trust and confidence in the Board.
- To perform your functions with integrity, you must:
 - Serve and be seen to serve in a conscientious and diligent manner.
 - **Avoid improper use of influence and real and apparent conflicts of interest.**
 - Uphold both the letter and spirit of your Code of Conduct, the MClA, Council policies.

Formal Requirements

- *Code of Conduct for Members of Local Boards (Restricted Definition)* [Code of Conduct]
 - Approved by Council, applicable to all TTC Board Members.
- *Municipal Conflict of Interest Act* [MCIA]
 - Ontario legislation applicable to all municipal councils and their boards.

Code of Conduct: Preamble

- Members should serve in a conscientious and diligent manner.
- **Members should act with integrity and avoid real and apparent conflicts of interest and the improper use of the influence of their office.**
- **Members should perform their duties and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**
- Members should serve the City and the public interest by upholding both the letter and the spirit of applicable federal and provincial laws of Canada, the bylaws and policies of Council and the policies and procedures of the board on which they serve.
- Members have a legal obligation under the Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms to observe the principles of fairness, access, and equity, and to avoid discriminatory practices.

Formal Requirements

Code of Conduct

- Do not accept gifts/benefits connected with your role (Article 4).
- Do not disclose confidential information or use it for personal gain (Article 5).
- Do not use Board resources for personal or business-related purposes or to support candidates in any election campaign (Articles 6 and 7).
- Do not use your position to obtain personal gain or benefits, or personal gains and benefits, for friends and business associates (Article 8).
- Do not supply goods or services to the TTC (Article 9).

Formal Requirements

Code of Conduct (cont'd)

- Do not allow future employment to affect how you carry out your duties (Article 10).
- Do not take on a role or job that conflicts with your duties (Article 9).
- Treat Staff, other Members, and the Public with respect. Act with decorum. Do not abuse, harass, bully, or intimidate (Articles 11, 12 and 14).
- Do not communicate with lobbyists who are not registered on the Toronto Lobbyist Registry (Article 13).
- Follow City and Board policies (Article 15).

MCIA Requirements

Principles

1. The importance of integrity, independence and accountability in local government decision-making.
2. **The importance of certainty in reconciling the public duties and pecuniary interests of members.**
3. Members are expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny.
4. There is a benefit to municipalities and local boards when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

MCIA Requirements

What is a Pecuniary Interest?

- Not defined in the MCIA.
- Understood to mean a direct **financial** interest that a person has in a matter by reason they may have a financial gain or loss.
- In addition, there are **indirect** pecuniary interests and **deemed** pecuniary interests (which are defined).

MCIA Requirements

What is an Indirect Pecuniary Interest? (Section 2)

- A member has an **indirect pecuniary interest**, in regards to the matter before them, if:
 - They are a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public.
 - They have a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public.
 - They are a “member of a body.”
 - They are a partner or employee.

MCIA Requirements

What is a Deemed Pecuniary Interest? (Section 3)

- A member is deemed to have a **pecuniary interest**, in regards to the matter a party is putting before them, if the **member knows** it engages the **direct or indirect pecuniary interest** of:
 - A parent
 - Their spouse
 - Any child of the member

MCIA Requirements

What must someone do when they have a Pecuniary Interest? (Section 5)

- Prior to any consideration of the matter at the meeting, **disclose the interest** and its general nature.
- **Refrain** from taking part in the **discussion** of, or **vote**, on any question in respect of the matter (the best practice is to leave).
- **Do not attempt** in any way whether before, during or after the meeting to **influence** the voting on any such question.

MCIA Requirements

Exceptions (Section 4)

- There are a number of exceptions to the requirement to disclose an interest and leave a meeting. For example, a member does not need to do so if:
 - Their interest in the matter is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence them.
 - If their interest in the matter is an interest in common with electors generally.

Resources: Declaring an Interest

<https://www.toronto.ca/wp-content/uploads/2019/02/9632-2019-02-14-MCIA-Interpretation-Bulletin.pdf>

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Interpretation Bulletin
Municipal Conflict of Interest Act
Members of Council & Local Boards (Restricted Definition)

Identifying and Declaring Pecuniary Interests at Meetings

Purpose and Scope of the Bulletin

1. The purpose of this Interpretation Bulletin is to assist members of Council and local boards (restricted definition) (referred to as "a member" or "members" in this Bulletin) to understand their duty to identify, recuse themselves from and disclose pecuniary (or financial) interests.
2. This Bulletin provides guidance about members' obligations set out in sections 5 and 5.1 of the *Municipal Conflict of Interest Act* ("MCIA" or "Act").
3. This Bulletin does not address members' other duties under section 5.2 of the MCIA which prohibits members from using their office to attempt to in any way influence any decision or recommendation in matters in which they have a pecuniary interest, or the applicable code of conduct.
4. Members should seek confidential advice from the Integrity Commissioner to address their specific interests and concerns, as they arise. The Act indicates that when reviewing MCIA complaints, a Court may consider whether the member sought and followed the advice of an Integrity Commissioner.

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Resources: Declaring an Interest



Declaration of Interest

Member's Name	
Meeting Date	TTC Board or Committee Name -Select from List-
Agenda Item Number	Agenda Item Title

I declare a direct or indirect pecuniary interest in the agenda item noted above in accordance with section 5 of the Municipal Conflict of Interest Act.

The nature of my interest is as follows:

Declaration Date	Signature of Member
------------------	---------------------

Commission Services Use Only:

Received (Date and Time)	Received by
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The Integrity Commissioner is available to provide advice on a Member's obligations under the Municipal Conflict of Interest Act.
Contact: 416 392-3826 | integrity@toronto.ca

Common Questions

- Who do I ask if I have a question about the Code of Conduct or MCIA?
- When should I ask for advice about the Code of Conduct or MCIA?
- What do I do if I think someone has breached the Code of Conduct or MCIA?
- What happens if I breach the Code of Conduct or MCIA?

Contact Information

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