

**Hearing on  
Bill 9 Municipal Accountability Act, 2025:  
Statement to Standing Committee on  
Heritage, Infrastructure and Cultural Policy  
Government of Ontario**

**Dr. Barry Wellar, C.M., RPP-Ontario (Lifetime)  
Professor Emeritus, University of Ottawa  
President, Information Research Board**

[wellar.barry@gmail.com](mailto:wellar.barry@gmail.com)

<https://wellar.ca/informationresearch/>

July 22, 2025  
Ottawa, ON

## A. Context

I first learned of this hearing on the afternoon of July 7, and upon making inquiries that evening was informed that potential speakers had until July 9 to register for the Ottawa hearing that was scheduled for July 17. Ground rules included 60 minutes per session, 7 minutes per presentation, three persons per session, 39 minutes for questions, and those who put their names forward were told that they would be notified if selected to make a presentation. In addition, presentation materials could be submitted electronically.

For official details about Standing Committee procedures and Bill 9 hearings see, for example, <https://www.newswire.ca/news-releases/bill-9-municipal-accountability-act-2025-811049903.html>.

I was selected to present, and on July 13 I submitted a text of my presentation to the Office Coordinator, Procedural Services Branch, Legislative Assembly of Ontario.

Due to the hearing time conditions, and the lateness at which I learned of the hearing, the hardcopy production that I made available at the hearing was designed around talking points.

This production retains the substance of the draft text, so that my presentation at the Hearing is consistent with these remarks. The changes made are elaborations which respond to requests to provide details about diagnostic findings, and to expand on prescriptive suggestions for needed changes to the current content of Bill 9 Municipal Accountability Act, 2025.

## B. Overview of experience in municipal accountability matters

By way of brief background, I have been involved in municipal accountability matters in Ontario for more than 50 years as a citizen, community association member and board officer, Policy Advisor to Ontario Federation of Urban Neighbourhoods, university professor of urban governance teaching and research, federal civil servant with municipal responsibilities, principal investigator, contract researcher, and contract consultant for municipal projects, advisor to elected municipal officials, *pro bono* advisor to community groups, expert witness at Ontario Municipal Board hearings, and expert witness retained by municipal governments for civil suits as well as by organizations and individuals filing civil suits in which a municipal government is named as defendant.

### **C. Engagement in the *Consultation on Strengthening Accountability of Municipal Politicians* launched by the Ministry of Municipal Affairs (MMA) in April 2021**

Beginning in April 2021 and continuing during the terms of MMA Minister Steve Clark and MMA Minister Paul Calandra, I submitted dozens of communications regarding the *Consultation on Strengthening Accountability of Municipal Politicians*.

Those communications involved many hours of research on my part, and I presume that they are in the files of the MMA unit that managed the consultation.

Examination of Bill 9 as currently written reveals statements that were considered in communications submitted in response to the request for public inputs to the *Consultation on Strengthening Accountability of Municipal Politicians* launched by MMA in April 2021.

Review of my archived files reveals that two, three, and four years after my original comments, procedural flaws continue to be perpetuated.

Matters of unresolved issue include the excessive amount of time allocated to process complaints, lack of clarity in the complaint process as perceived by citizens, lack of standards and enforcement of standards to ensure the competency of Integrity Commissioners (ICs), lack of critical oversight of IC performances, inadequate access to records of complaint actions in Ontario's 444 municipalities so citizens are still denied due access to code of conduct complaint precedents and, despite widespread agreement among citizens, the perverse rejection of their position that under no circumstances should municipal politicians sit in judgement of municipal politicians with regard to code of conduct matters.

Finally, despite repeated inquiries and pointed requests,

I never learned the location of a *Consultation* website,

I never received a substantive reply to any of my communications,

and I never saw any material that had been submitted by a member of the public in response to the MMA request for public inputs recommending how to strengthen accountability of municipal politicians.

## **D. Integrity Commissioner Experience**

Between 2018 and 2022 I filed a code of conduct complaint against a municipal politician which falls within the purview of Bill 9. As a result, I have practical familiarity with complaints made by citizens about the failures of the process to hold municipal officials accountable, as well as with many of the arguments made about how to fix the process to hold municipal politicians accountable in a fair, effective, efficient, and expeditious manner.

Specifically, and with emphasis on lack of transparency, clarity, consistency, and other aspects of the decision process, my complaint spanned two municipal ICs as well as the provincial IC, in what amounted to an exercise in frustration.

In brief, the first municipal IC declared my complaint valid, but the process dragged on for months. That person left the IC position, and the process paused for more months for reasons known only to the successor IC.

The second IC ultimately dismissed the complaint even though no evidence was provided to me to justify that decision, which prompted much citizen discussion about political or other interference in municipal IC operations.

As for the provincial IC, no assistance was available due to the nature of the ruling by the second municipal IC.

One disturbing consequence to emphasize at this Hearing is that because code of conduct complaints submitted to ICs stipulate a non-disclosure or secrecy agreement by the complainant(s), it was not known to the community that I had filed a code of conduct complaint against the same municipal politician who was the subject of other complaints.

To this day I have not seen evidence or any substantive argument to justify the non-disclosure or secrecy condition imposed as part of the IC process for my complaint.

## **E. Changes needed to make Bill 9 a legislative statement that provides the means to fairly, effectively, efficiently, and expeditiously hold municipal politicians accountable**

The primary cause of lack of progress in resolving accountability and transparency problems involving municipal politicians is the failure to effectively, efficiently, and expeditiously move the code of conduct complaint process to a fair conclusion, which

means that consequences are commensurate with findings from investigations and inquiries into code of conduct complaints.

Bill 9 is afflicted by several fundamental structural and functional failures, so it is NOT in the public interest to pass Bill 9 as written.

Based on my research, those failures can be remedied by implementing straightforward and readily achievable initiatives.

I use a diagnostic component and a prescriptive component to set out my opinion.

### **Diagnostic Component**

Hearings are being held in a number of communities, so many opinions will be expressed to the Standing Committee (SC).

My focus is on four matters that are in Bill 9 or could be proposed to be included in Bill 9 but will not strengthen the accountability of municipal politicians.

#### **1. Council to decide consequences of a code of conduct complaint? NO.**

There are many reasons for a NO, three should be sufficient to totally dispel such an illogical and unworkable notion.

First, some and perhaps many members of council may be in a real, perceived, or potential conflict of interest position when voting on whether another member of council violated one or more sections of a municipality's code of conduct.

This conflict includes voting based on personal interest rather than public interest, voting based on personal interest rather than the evidence provided, and voting to gain personal advantage rather than in the interests of fairness to the complainant and the defendant.

Second, because of the competitive nature of politics, Bill 9 as written is illogical and unworkable because it invites the perception of bias in a decision process populated by politicians.

That is, such involvement by council is contrary to the belief of many citizens that politicians should not make a determination about whether another politician committed a code of conduct violation.

Third, in general members of council are in proximal quarters for hours on a near-weekly basis, and it is too easy to make a comment about a colleague on council who is a defendant or becomes a defendant in a code of conduct complaint.

That risk is far too high to refer a code of conduct case to council for a determination about guilt, or about the appropriate consequence for violating the code of conduct.

## **2. Municipal Integrity Commissioner (MIC) to rule on complaint? NO.**

Identification of three critical problems arising from examination of that notion should suffice to limit the IC to an investigative function.

First, the IC is hired by council, leading to legal arguments as well as a perception by citizens of conflict of interest if the IC is left to decide the consequence of a finding made by the IC.

Second, the IC is time-constrained by various duties, and resource-constrained in its investigative capabilities, leading to conditions such as a 90-day timeframe to rule on the validity of a complaint, which means justice is delayed for complainant(s) and defendant, failed representation for affected citizens, and increased burdens on the remainder of council to carry out the duties of the affected member of council.

Third, many municipal councils are already receiving criticism for transparency and accountability failings. The secrecy stipulation that the IC office imposes on complainants compounds that issue and gives further reason to limit the scope of IC engagement.

That said, the IC secrecy stipulation must be susceptible to being removed at the request of complainants in order for municipal governments and the provincial government to properly serve complainants and others affected by the code of conduct complaint process.

## **3. Referral to Courts? NO.**

Two practical realities remove the courts from the code of conduct complaint process.

First, officers of courts must fit code of conduct cases into pre-existing schedules and pre-booked facilities, which means justice is delayed for complainant and defendant, and for weeks and even months there can be (and is) failed representation for perhaps 50,000 or more residents in a city or even a ward.

Further, the code of conduct complaint circumstances afflicting one member can mean increased burdens on the remainder of council.

Second, on its face, the court route denies an expeditious process for the majority of code of conduct complaints. However, if the complaint involves a civil or criminal action, then that is a totally different order of business, and the court route is the route to follow.

#### **4. Secretariat within Municipal Affairs? NO.**

The Consultation on *Strengthening the Accountability of Municipal Politicians* that was launched in 2021 was a communications disaster, and no reason was ever provided to my knowledge to establish a dedicated Secretariat within MMA to manage the Consultation file.

In the absence of said explanation from the consultation unit within MMA, and no explanation from MMA itself, there is no good reason to locate a Bill 9 Secretariat within MMA. Indeed, the evidence over the past four years is overwhelming that, given the mistakes of the past, there is good reason to not locate the Secretariat within MMA.

Further, given the current high level of activity within the municipal domain in Ontario, and the likelihood of increased contentious interactivity between Municipal Affairs and Housing and some to many of Ontario's 444 municipalities, it makes eminent good sense to locate a Secretariat handling the code of conduct violation file in a non-MMA agency.

### **Prescriptive Component**

Hearings are being held in a number of communities, and many opinions will be expressed to the Standing Committee (SC). My focus is on a selection of modifications which I believe the evidence shows to be critical to making Bill 9 a tool that actually enables citizens to effectively, efficiently, and expeditiously hold municipal politicians accountable to a level acceptable to citizens.

Again, it is my finding, duplicated by other citizens and researchers, that the primary cause of the lack of progress in resolving accountability and transparency problems involving municipal politicians is more a failure of process than a failure of elements comprising the process.

The diagnostic component of this report demonstrates that Bill 9 as written does not correct the failures of process and leads me to prescribe eight straightforward and readily achievable initiatives to fix Bill 9.

## **1. Create a Bill 9 Secretariat within the provincial government**

Three comments should suffice to elaborate this prescribed initiative.

First, no acceptable alternative to a Secretariat dedicated to managing the code of conduct file exists, and because this is a provincial government problem there is no better location for the Secretariat.

Second, there are numerous precedents for Secretariats across Canada, so there are precedents for the initiative.

Third, the nature of code of conduct assessment and enforcement procedures lead to prescribing that the Secretariat reside within the Office of the Attorney General.

## **2. Engage representative panels of citizens from different regions of the province to pre-test the instructions for filing a Municipal Accountability Act application**

Three comments should suffice to elaborate this prescribed initiative.

First, a two-layer vetting design for the pre-test project should not require more than 15 working days to completion.

Second, the code of conduct system is put in place to serve citizens.

That is best done by ensuring that citizens approve the application form and associated materials used in filing a Municipal Accountability Act application.

Third, while achieving an application form that equitably serves all potential complainants may be difficult, such a standard is necessary to assist and promote ensuring that descriptions of code of conduct process elements including criteria, complaints, assessments, rulings, enforcement, penalties, and compensation are clear, unambiguous, straightforward, consistent, even-handed, and applied with due regard for fairness in all municipal governments throughout the Province of Ontario.

## **3. Establish an intervenor fund for citizens who wish to apply for financial assistance through applications to the Secretariat**

Three comments should suffice to elaborate this prescribed initiative.

First, turnaround on approval by the Secretariat should not require more than two (2) working days.

Second, the intervenor fund principle has multiple precedents, including one previously associated with Ontario Municipal Board planning and zoning appeal applications.

Third, in the interests of ensuring that all residents of Ontario have fair access to the practices of good governance, it is incumbent upon the provincial government to provide financial assistance to those in need to resolve a code of conduct accountability issue.

#### **4. A body of thirty (30) properly credentialed tribunal members is assembled by the Secretariat**

Two comments should suffice to elaborate this prescribed initiative.

The membership roster could be assembled in less than twenty (20) working days. The number and composition of tribunal members can be adjusted as needed.

This is a practical, operational matter, because councils are rejected as a body to hear code of conduct complaints, as is the court system (See Diagnostic Component 3), and qualified individuals must be called upon to hear cases that are investigated by Integrity Commissioners and result in findings that require action to be taken.

#### **5. The Secretariat randomly selects three members to serve per hearing**

Two comments should suffice to elaborate this prescribed initiative.

First, the process must be fair and be seen to be fair, and that is best achieved if those hearing a code of conduct case are randomly selected from among a body of peers.

Second, a tribunal of three members is appropriate for a code of conduct case, in part because of numerous tribunal precedents, and because a simple majority of 2/3 is an appropriate basis for decisions by members of a body who have comparable expertise and experience credentials.

#### **6. Complaints that fall within the scope of Bill 9 are referred by the Secretariat to a tribunal which can be assembled by the Secretariat within two (2) days to hold a hearing**

Two comments elaborate the timeline factor which is a frequent source of Bill 9 criticism.

First, the hearing can be scheduled in a matter of several days and totally completed, including a written judgement, within 5-7 days.

Second, justice delayed is justice denied, and there is every reason to believe that the Secretariat-tribunal approach will radically reduce the timeframe for processing code of conduct cases from months to weeks and in some cases to less than a week.

**7. The Secretariat maintains a website which ensures that citizens have free, easy, timely, and direct online access to Bill 9 records from applications to final productions**

Two comments should be sufficient to outline the key terms of reference for the website initiative.

First, citizens are entitled to free, easy, timely, and direct online access to Bill 9 records from applications to final productions, and that can only be done via a dedicated website which is serviced by properly trained personnel.

Second, in order to effectively, efficiently, and expeditiously assist citizens deal with conduct of conduct issues, an interactive capability must be built into the website service for those who wish to engage with such a capability.

**8. Bill 9 must address the issue of effectively, efficiently, and expeditiously replacing a member of council who is compromised by a code of conduct complaint**

Much is said and written on this topic, so three comments should suffice to identify core corrective measures that are needed.

First, a member of council may be suspended and/or precluded from attending meetings, serving citizens, etc., and a remedy is required to ensure proper representation of residents, property owners, investors, and other affected parties.

Second, a member of council may suffer loss of salary, and a remedy is required to ensure proper representation of residents, property owners, investors, and other affected parties if the member of council reacts by not performing her/his duties to at least the standard of the code of conduct.

Third, experience reveals that councils do not perform well when faced with the challenge to effectively, efficiently, and expeditiously replace a colleague, so it is prescribed that the Secretariat take on addressing the replacement task as a first-priority order of business. The tribunal body could assist.

-----

The original statement for the Hearing on Bill 9 Municipal Accountability Act, 2025 held by the Standing Committee on Heritage, Infrastructure and Cultural Policy. Government of Ontario was submitted electronically July 10, 2025, and presented July 17, 2025.

This expanded version of the statement which includes responses to Ottawa hearing questions and comments was submitted to the Procedural Services Branch, Legislative Assembly of Ontario on July 22, 2025.

**Dr. Barry Wellar, C.M., RPP-Ontario (Lifetime)**  
**Professor Emeritus, University of Ottawa**  
**President, Information Research Board**  
**133 Ridgefield Crescent,**  
**Nepean, ON K2H 6T4**

**July 22, 2025**  
**Nepean, Ontario**