

**Tony E. Fleming**  
**Direct Line: 613.546.8096**  
**E-mail: [tfleming@cswan.com](mailto:tfleming@cswan.com)**

**CONFIDENTIAL**

May 23, 2025

**SENT BY EMAIL TO: [municipalclerk@townshipofthenorthshore.ca](mailto:municipalclerk@townshipofthenorthshore.ca)**

Mayor and Council  
c/o Rachel Jean Schneider, Clerk  
Township of The North Shore  
P.O. Box 108, 1385 Hwy 17  
Algoma Mills, ON P0R 1A0

Dear Ms. Schneider:

**RE: Conflict of Interest Complaint – Report – Councillor Tracey Simon**  
**Our File No. 36669-24**

This public report of our investigation is being provided to Council in accordance with Section 223.6(1) of the *Municipal Act*. We note that Section 223.6(3) of the *Municipal Act* requires that Council make the report public. The Clerk should identify on the agenda for the next open session Council meeting that this report will be discussed. Staff should consider whether it is appropriate to place the full report on the agenda in advance of Council deciding how the report should otherwise be made public.

Should Council desire, the Integrity Commissioner is prepared to attend virtually at the open session meeting to present the report and answer any questions from Council.

At the meeting, Council must first receive the report for information. The only decision Council is afforded under the *Municipal Act* is to decide how the report will be made public, and whether to adopt any recommendations made by the Integrity Commissioner. Council does not have the authority to alter the findings of the report, only consider the recommendations.

{01378141.DOCX:}

TEL: 613-544-0211  
FAX: 613-542-9814  
EMAIL: [INFO@CSWAN.COM](mailto:info@cswan.com)  
WEB: [WWW.CSWAN.COM](http://WWW.CSWAN.COM)

The Integrity Commissioner has included only the information in this report that is necessary to understand the findings. In making decisions about what information to include, the Integrity Commissioner is guided by the duties set out in the *Municipal Act*. Members of Council are also reminded that Council has assigned to the Integrity Commissioner the duty to conduct investigations in response to complaints under the Code of Conduct, and that the Integrity Commissioner is bound by the statutory framework to undertake a thorough process in an independent manner. The findings of this report represent the Integrity Commissioner's final decision in this matter.

### **Timeline of Investigation**

- May 9, 2025, complaint received
- May 12, 2025, Preliminary review completed
- May 13, 2025, compliant package sent to Member
- May 15, 2025, response from Member received
- May 22, 2025 interview witness

### **Complaint Overview**

During the April 29, 2025 Council meeting, Council reviewed the draft budget. The complaint alleges that Councillor Simon participated in the vote on the line item that represented the Fire Department's budget for wages. Councillor Simon is married to the Fire Chief and the complaint alleges this was a pecuniary interest under the *Municipal Conflict of Interest Act* as well as the Code of Conduct.

### **Relevant Provisions**

#### **The Municipal Conflict of Interest Act**

The *Municipal Conflict of Interest Act* ("MCIA") provides:

3. For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member.

....

5. (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,
  - (a) shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

## **The Code of Conduct**

The Complaint engaged the following provisions of the Code of Conduct:

13.2 No Member shall use his or her office or position to influence or attempt to influence the decision of any other person, for the Member's private advantage, the private advantage of the Member's parent, child, spouse, staff member, friend or associate, business or otherwise or the disadvantage of others. No Member shall attempt to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. No Member shall hold out the prospect or promise of future advantage through the Member's supposed influence within Council in return for any action or inaction.

## **Findings**

There is no dispute that the Member is the spouse of the Fire Chief and that the Member participated in the debate and vote on the budget for the Fire Department. If this decision had a financial impact on the Fire Chief, the Member was in a conflict of interest for voting on this budget item.

The Member responded that she was not in a conflict of interest as the budget for wages did not represent an increase in the wages of the Fire Chief. The Fire Chief's remuneration was established separately by Council and is fixed in the Fire Chief's employment agreement.

We interviewed the Treasurer to understand what was contained in the budget and what, if any, impact the budget decision had on the Fire Chief's remuneration.

The Treasurer confirmed that the budget allocation of \$34,500 included the Fire Chief's salary. However, the salary that was included in the budget was not increased by the budget – it was a fixed amount. The Treasurer confirmed that the Fire Chief's salary was established separately by Council and was not affected by the budget. The discussion at Council about reducing the budget was about variable elements and would not have affected the Fire Chief's remuneration.

The variable elements in the budget were the number of training hours and calls that volunteers might be involved in during the budget year. The Treasurer estimated those hours to arrive at a total Fire Department budget for the year. The Fire Chief's salary is not

dependent on training or the number of fire calls; he does not earn more if he engages in more training or responds to more calls and as such the budget had no impact on his salary.

In the circumstances, the budget did not affect the remuneration of the Fire Chief and therefore we find that the Member did not have a pecuniary interest and did not breach either the MCIA or the Code of Conduct.

The complaint is hereby dismissed.

**Recommendation**

The complaint is dismissed and no recommendations are necessary.

Sincerely,

**Cunningham, Swan, Carty, Little & Bonham LLP**

Tony E. Fleming, C.S.  
LSO Certified Specialist in Municipal Law  
(Local Government / Land Use Planning)  
Anthony Fleming Professional Corporation  
TEF