



Cunningham Swan

LAWYERS

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CONFIDENTIAL

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SENT BY EMAIL TO: 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: Code of Conduct Complaint – Councillor Len Menard
Our File No. 36669-9**

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 place the report on the agenda for the next open session Council meeting.

Should Council desire, the Integrity Commissioner is prepared to attend at the open session meeting virtually 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 debate the findings of the report, only the recommendations.

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.

On March 14, 2024, a complaint under the Code of Conduct (the “Complaint”) was forwarded to our attention alleging that Councillor Len Menard had breached the Code of Conduct. The allegations related to Councillor Menard having allegedly engaged in an altercation with a constituent where he threatened the constituent.

Investigation

The Township’s Code of Conduct and the *Municipal Act* provide the Integrity Commissioner with powers which include the ability to interview witnesses and review documents deemed relevant to the investigation process. In conducting the investigation, our process included:

- Providing a copy of the request for inquiry and supporting materials to Councillor Menard, with a request for any written response to be provided within 10 business days;
- Providing a copy of Councillor Menard’s response to the complainant, with a request for any written response to be provided within 10 business days;
- Interviewing witnesses;
- Interviewing Councillor Menard;
- Interviewing the complainant; and
- Reviewing all submissions and analyzing the merit of the request for inquiry.

After conducting our investigation, the Integrity Commissioner does not have enough evidence to substantiate the claim against Councillor Menard. Therefore, the Complaint is dismissed.

ANALYSIS

The complainant alleges that Councillor Menard approached the complainant and a friend and uttered a threat. If the allegations were true, such conduct would be a breach of sections 7.1 and 7.2 of the Code of Conduct, which provide:

7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality’s Workplace Anti-Violence, Harassment and Sexual Harassment Policy.

7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.

Findings:

The Integrity Commissioner conducted interviews of the complainant, witnesses to the alleged altercation, and Councillor Menard. There were competing accounts of the encounter presented. Based upon the evidence gathered and reviewed, the Integrity Commissioner cannot make a determinative finding that Councillor Menard made the threat as alleged.

Specifically, there is insufficient evidence to permit the Integrity Commissioner to favour the complainant's account of the event over Councillor Menard's account (or vice versa). Accordingly, there is insufficient evidence to make a finding as to whether Councillor Menard breached the Code of Conduct.

CONCLUSION

For the reasons stated above the Complaint is dismissed.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP



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