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## **TOWNSHIP OF RYERSON INTEGRITY COMMISSIONER, H.G. ELSTON**

Citation: Complaint against Councillor Finley  
Date: December 8, 2021

### **REPORT ON THE MATTER OF A COMPLAINT AGAINST COUNCILLOR CELIA FINLEY**

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Note: Municipal Integrity Commissioners conduct inquiries and provide reports on their findings to their respective municipal councils. They may make recommendations for the imposition of a penalty or other remedial action to the municipal council. Reference should be made to the minutes of the municipal council meeting where the Commissioner's report was presented, to obtain information about council's consideration of each report. When possible, a link to the relevant municipal council minutes is provided.

[[Link to Council Decision](#)]

#### **OVERVIEW**

1. The immediate and direct relationship between the elector and the elected is an essential characteristic of a functional municipal government. For this relationship to thrive, however, all participants must feel safe from ridicule when speaking to the Council and protected from reprisals when they complain about its members.
2. On several occasions over the past two years, these principles have been forgotten by two Ryerson councillors, launching a series of complaints to me about things they have said about witnesses and complainants. My analysis and recommendations in this report are made in the hopes of bringing an end to a pattern of abrasive statements directed at the complainants, or those suspected of cooperating in the investigation, by Councillor Finley and Councillor Brandt.
3. The saga begins on February 18, 2020, when a resident made a delegation to Council concerning a serious safety hazard she had observed on Royston Road, in front of Councillor Finley's property. To put it mildly, she was disappointed by the reception she

received from Councillors Finley and Brandt that evening and filed two complaints with me about their conduct.

4. As I was delivering my reports on those complaints<sup>1</sup>, Councillor Brandt spoke in a disrespectful way about a member of the public she suspected of having been a witness in my investigation. Those comments resulted in a second complaint. At the Council meeting where the report on the second complaint was delivered<sup>2</sup>, Councillor Finley used a derogatory term to describe the complainant, which caused the making of a third complaint, also anonymously.

5. This report deals with that third complaint. It is, in essence, a report about Councillor Finley's comments about the person who complained about Councillor Brandt's comments about someone she suspected was a witness in a complaint about Councillors Finley and Brandt.<sup>3</sup>

#### **THE COMPLAINT AND COUNCILLOR FINLEY'S RESPONSE**

6. The complaint alleges that, at the May 18, 2021 meeting of Council, where the Integrity Commissioner's report on the second complaint was delivered, Councillor Finley said: "we (Council) should treat this complaint with the contempt it deserves" and that it was the action of a "vile and despicable coward", because the complainant did not want their name revealed. Her comments were widely reported by the press.

7. At the next meeting of Council on June 1, 2021, Councillor Finley was asked to apologize. Councillor Finley refused, saying that she "had the right of free speech, guaranteed to her in the Charter of Rights and Freedoms" and that "there is nothing in the code of conduct that says I can't use perfectly good descriptive terms about an anonymous person".

8. It is alleged that, in so doing, Councillor Finley contravened sections 6.1, 7.1, 7.2 and 15.1 of the Township's Code of Conduct.

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<sup>1</sup> Ryerson Integrity Commissioner's Reports of October 14, 2020, delivered to Council on October 20, 2021

<sup>2</sup> Ryerson Integrity Commissioner's Report, dated April 20, 2021, and delivered to Council on May 18, 2021

<sup>3</sup> This inquiry was suspended for almost two months as a result of information provided by Councillor Finley.

9. I provided Councillor Finley with notice of the complaint and, after a long delay<sup>4</sup>, received a detailed response from her. By way of an explanation for her words, Councillor Finley told me that she is, in principle, against anonymous complaints, believing that they contribute to a lack of transparency and accountability. She told me that her objection to the practice of allowing complainants to remain anonymous is what prompted her to respond so strongly in what she sees as a defence of the principles of transparency and accountability.

10. In her only substantive defence of the complaint, Councillor Finley argues that, because her words were not directed at an identified individual, she did not contravene the Code of Conduct.

11. Finally, to her credit, recognizing that the complainant took her comments personally, she extends her apologies, “sincerely and in the interest of serving our public openly and responsibly”.

## **THE CODE OF CONDUCT**

12. A key statement of principle that underlines the Code of Conduct is that:

Council and its Members are the leaders of the Municipality both inside and outside its geographic boundaries. Especially in an age of social media and electronic messaging, strong positive management of the reputation of the Municipality is needed. The statements and behavior of Council affect the Municipality’s reputation as a place to live and do business. Conflict and inappropriate conduct among Members, staff, officers and members of the public, adversely affects the Municipality’s reputation and is to be avoided. Put differently, Council has a strong role to protect and promote the Municipality and its reputation as an excellent place to live, work and do business.

13. Sections 6.1, 7.1, 7.2 and 15.1 of the Code provide as follows:

### 6. Conduct at Meetings

6.1 Every Member shall conduct himself or herself properly and in a civil and respectful manner at meetings, and in accordance with the provisions of the Procedural By-law, this Code of Conduct, and other applicable law.

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<sup>4</sup> Based on information I was given by Councillor Finley the inquiry was suspended from August 17, 2021 to October 8, 2021

7. Conduct Respecting Others

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.

15. No Reprisal or Obstruction in the Application or Enforcement of this Code

15.1 Every Member must respect the integrity of the Code of Conduct and inquiries and investigations conducted under it and shall co-operate in every way possible in securing compliance with its application and endorsement. Any reprisal or threat of reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person is prohibited. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities or pursuing any such objective.

**DISCUSSION**

14. I do not think I need spend much time explaining why I have concluded that Councillor Finley contravened the Code of Conduct on May 18, 2021. I would hope that it will be obvious to those who heard her remarks, or who are learning of them now, that, under no circumstances, is it appropriate for a Member of Council to describe a member of the public who has participated in the investigative process of the integrity commissioner, as a vile and despicable coward.

15. Considered in the language of the Code, Councillor Finley's public denouncement of this individual was not civil or respectful, but was abusive, bullying and meant to intimidate. With reference to the key statement of principle, her words may be seen as damaging to the reputation of the Township as a place to live, work and do business.

16. I also find the argument made by Councillor Finley that, because she did not know who made the complaint, she cannot have contravened the Code of Conduct, to be without merit. Whatever her frustration with the anonymous nature of the process, her words were clearly directed at the person, not the process that fostered the complaint.

17. As for the application of the principle of transparency and accountability, imposed by Part V.1 of the *Municipal Act, 2001* (the “Act”), this is a requirement that is, *per se*, imposed upon the decision-making process of Council on matters affecting the community as a whole. In my mind, the principle does not readily apply to the investigative process of the integrity commissioner. That process is governed by the specific provisions of the Act and the rules of natural justice.

18. Indeed, while I am not without sympathy for the argument that complainants ought to be identified to the respondent, the Act requires that integrity commissioners “preserve secrecy with respect to all matters that come to his or her knowledge in the course of his or her duties”, except under circumstances where the commissioner feels it is necessary to disclose something<sup>5</sup>. I interpret this requirement as empowering the integrity commissioner with the complete discretion to reveal the name of the complainant, or not, as the case may be. For my part, I can assure Council that I take this power as a great responsibility and that I do my best to exercise it judiciously.

19. It is also worth noting that the option to have one’s name withheld is specifically provided to a complainant on Schedule “A”, the form used in Ryerson to request the Integrity Commissioner to conduct an inquiry.

20. For these reasons, I find Councillor Finley’s words to be clearly and indefensibly a breach of sections 6.1, 7.1 and 7.2 of the Code.

21. While sections 6 and 7 serve to protect people, section 15 protects the investigative process. Councillor Finley’s outburst was a reprisal against the complainant in the second complaint and, implicitly, a warning against future complainants. I find, without hesitation, that Councillor Finley’s remarks constitute a reprisal against the complainant in the second complaint and, therefore, a contravention of section 15.1 of the Code.

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<sup>5</sup> Section 223.5 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended

22. To be clear, for the purposes of this inquiry, the identity of the complainant is entirely irrelevant to whether Councillor Finley breached the Code of Conduct and I am completely satisfied that she did not need to know who complained to me about her comments, to properly defend herself. I am hopeful that Councillor Finley will accept the guidance I have tried to provide in this report and, frankly, implore her to refrain from making any derogatory remarks about this complainant.

### **RECOMMENDATION**

23. Although I am encouraged to see that Councillor Finley has expressed her remorse about what she said and offered an apology to the complainant in the second complaint, this is not the first time I have found Councillor Finley to have contravened the Code of Conduct and recommended that she be reprimanded.<sup>6</sup>

24. As I see this as an unfair and unprincipled attack on not only an individual, but on the very process that is designed to ensure the integrity of municipal government, I am recommending to Council that she receive the maximum sanction allowed by law, a suspension of her remuneration for 90 days.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of December 2021.




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H.G. Elston  
Integrity Commissioner Ryerson Township

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<sup>6</sup> In a report dated November 17, 2020, concerning a complaint against Councillor Finley, I said: Accordingly, I find that Councillor Finley has therefore breached sections 7.1, 7.2, 8.2 and 8.3 of the Code and I recommend that Council issue a reprimand to Councillor Finley, admonishing her for insulting and attempting to undermine the duties of members of the ACED staff, for insulting a representative from a key ACED advisory group, and for disparaging the work of past and present Members of the ACED Board.