



ADR
CHAMBERS

Integrity Commissioner Office
for the Township of Wilmot

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March 12, 2025

SENT BY EMAIL TO:

Kaitlin Bos, Municipal Clerk – for distribution to all Members of Wilmot Township Council

Re: Investigation Report –
IC-35365-0125 (Martin v. Wilkinson)
IC-35368-0125 (Martin v. Sidhu)
IC-35371-0125 (Dunstall v. Wilkinson)
IC-35372-0125 (Dunstall v. Sidhu)

My Office received several formal Requests for Inquiry in the days following the Ward 4 Town Hall (the “Town Hall”) that was held on January 4, 2025. Although the Township’s *Complaint Protocol for Code of Conduct*¹ (the “*Complaint Protocol*”) is silent respecting consolidation of related matters, I determined that it was most prudent to address the allegations herein through an amalgamated Report, since they were intertwined and all arose from the same circumstances. It would have also been exceptionally difficult to separate out any of the individual complaints from the others. Five of the Township’s Members of Council were present during at least some part of the incident described herein, and four of them were parties to this matter. The full Township Council consists of the following Members, of whom only the Mayor wasn’t present at some point:²

Mayor – Natasha Salonen
Ward 1 Councillor – Stewart Cressman
Ward 2 Councillor – Kris Wilkinson
Ward 3 Councillor – Harvir Sidhu

¹ <https://www.wilmot.ca/en/township-office/resources/Documents/Election/2022/Formal-Complaint-Protocol.pdf>

² <https://www.wilmot.ca/en/township-office/council.aspx>

Ward 4 Councillor – Steven Martin

Ward 4 Councillor – Lillianne Dunstall

Broadly speaking, Councillors Martin and Dunstall were the Complainants, and Councillors Wilkinson and Sidhu were the Respondents.

COMPLAINTS

COUNCILLOR MARTIN

Councillor Martin submitted substantively identical complaints to my Office on January 6, 2025 against Councillors Wilkinson and Sidhu, which read as follows:

On January 4, 2025, Councillor Dunstall and myself were hosting a Townhall meeting for the residents of New Hamburg, and surrounding community which makes up Ward 4 in Wilmot Township. This year is difficult in our budget process. The proposal is for 51% increase in property tax, and our budget deliberations will be on January 16. Each Councillor is having a town hall meeting in their ward for their community. Councillor Wilkinson held his on December 14, 2024 in St. Agatha for Ward 2. Councillor Sidhu held his for Ward 3 at the Wilmot Rec Center on January 2, 2025. Councillor Dunstall and I are both Councillors for Ward 4 and jointly hosted the meeting. Councillor Cressman is having his meeting for Ward 1 on January 9 in New Dundee.

When we went through orientation, we were briefed on holding illegal meetings by having quorum for Council. We have six people on Council and so quorum is 4 or more. There are municipalities who have been fined for holding illegal meetings.

On January 3, I emailed all of Council expressing concern for reaching quorum at our Town Hall. For point of reference, no other Councillors attended Councillor Wilkinson's Town Hall. For Councillor Sidhu's Town Hall, Councillor Wilkinson and Councillor Dunstall attended it, but it was only three Councillors. Councillor Cressman had indicated that he wanted to attend our Town Hall, since his is still coming, and he wanted to hear what people are saying in preparation for his meeting. So, on January 3, I emailed everyone raising the concern that we don't reach quorum, and telling everyone (all of Council) that Councillor Cressman planned to attend, and so we already had three Councillors who would be in attendance. I had cc'd our Clerk and she sent this email back to us:

Good Afternoon,

I agree Councillor Martin it is important to be aware of the Open Meeting rules as set out in the Municipal Act. The following need to occur for it to be considered a meeting.

- a. A quorum of members is present; and,*
- b. Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, committee or a local board.*

Councillor Wilkinson and Councillor Sidhu did not inform me that they would be attending our Town Hall. Our meeting began at 10 am.

On January 4 at 9:30 am, Councillor Cressman arrived. At approximately 9:50 am, I noticed that Councillor Wilkinson came in. I went over to him and motioned for him to go with me to the side since he was with a few people. His wife and two other people followed. I explained to Councillor Wilkinson that I did not want to have quorum by having four Councillors present as I had emailed yesterday. He immediately said that we "are not materially advancing the business of the Township." I said that talking about the Budget is advancing the business of the Township. I said that it was our meeting. He said that he was not leaving.

I then went to the front of the room and made a public announcement indicating that we could not start the meeting until we dealt with the issue of quorum. I explained to the crowd which by this time was maybe 150 people or more that the Municipal Act explains that we cannot have quorum, or it could constitute a meeting. I said that we do not want to have an illegal meeting. I spoke with Councillor Dunstall. At first we had agreed that we wouldn't start the meeting as long as there were 4 or more Councillors in the room. When I made this public statement, Councillor Wilkinson said something about it not being a problem. I am not sure what he said, but it seemed to be ridiculing what I said which encouraged others to respond and other people also said that we should continue. I said that we might be fined, and I did not want to risk that. Some people said that I should leave. I believe that Councillor Wilkinson encouraged or incited others in the crowd to say derogatory things to me. It is my belief that Councillor Wilkinson participated and/or encouraged people to make fun of me. At this point Councillor Cressman stood up and said that he would leave so as to alleviate the problem.

However, at that point, Councillor Sidhu walked in. I then said that I see Councillor Sidhu is here and so we still have a problem with quorum. I then went to the back of the room to talk with Councillor Sidhu. I said that we can't have an illegal meeting. He said that he wasn't leaving. I then went back to the front of the

room and by this time it was 10:00 or later. I again said that we couldn't proceed if we have four Councillors. Councillor Dunstall said that she wanted to continue with the meeting. We might have had two hundred people by this point. I later talked about this with Councillor Dunstall and she said that it would not have been good if we didn't continue with the meeting with all of these people present, and also she didn't want Councillor Wilkinson and Councillor Sidhu to take over our meeting.

Councillor Sidhu had brought with him some people and it seemed he encouraged people to be insulting and derogatory to me. His campaign manager was with him and was shouting things. Someone said that I didn't have a backbone. It appeared to me that Councillor Sidhu encouraged this negative talk.

I then made an announcement indicating that I was sorry, but that I had to leave since I didn't want our Township to be vulnerable to an illegal meeting.

It is my contention that Councillor Wilkinson and Councillor Sidhu were "bullying and harassing" by not respecting my role as host of the meeting. They also did not respect my decision on the quorum issue. Even if I am wrong, on the issue of quorum or an illegal meeting, they could have respected my concern since it was my meeting along with Councillor Dunstall. I did not interfere with either Councillor Wilkinson's or Councillor Sidhu's meetings. Had I gone to their meeting and if they would have asked me to leave, I would have left. Our meeting was for "Ward 4". Neither Councillor Wilkinson nor Councillor Sidhu live in Ward 4. Previously, we have had meetings where one or more of us did not attend because we did not want to reach quorum. So, the precedent was set previously. In this case, Councillor Wilkinson and Councillor Sidhu did not respect me. Had I stayed, we could have been reported for holding an illegal meeting, since we were discussing the budget, and hearing from people about their solutions or concerns. If we tell people that we agree with them, and there are four Councillors in the room we could then be reported for holding an illegal meeting since it could "materially advance the business of the township." If Councillor Wilkinson and Councillor Sidhu wanted to hear what went on in the meeting, they could have listened to the livestream. If Councillors Wilkinson and Sidhu wanted to attend the meeting, they could have informed all of us, so that there could have been a negotiation. Someone in the crowd asked if the Councillors would take turns being in the meeting so that we would never be over 3 Councillors, but both Councillors Wilkinson and Sidhu refused to agree to that option. Since it was a meeting for Ward 4, it is my contention that Councillors Wilkinson and Sidhu wanted to purposely disrupt our meeting, and create an issue that could be problematic. Again, I do not find that Councillor Wilkinson and Sidhu are willing to respect their colleagues by

collaborating. And so my concern is that they are bullying and harassing to get their way, and to be the centre of attention.

A number of people have expressed concern that Councillors Wilkinson and Sidhu did not give the opportunity for me as Councillor of Ward 4 to be present at my own Town Hall meeting by refusing to leave. If I would have stayed, I would have put myself and the township at risk for being fined or reprimanded for holding an illegal meeting. So they took away my choice and they forcibly acted in a way that disrespected me. I am not asking the Integrity Commissioner to rule on the issue of quorum. I am asking for the right to be present at my own Town Hall meeting.

I left the meeting. I came back after the meeting was over. Sine the meeting was livestreamed, I was able to check when the meeting finished. I then went back to help clean up.

COUNCILLOR DUNSTALL

On January 9, 2025, Councillor Dunstall separately submitted complaints about the incident to my Office against Councillors Wilkinson and Sidhu. She stated:

Wilmot Township is divided into four wards:

- *Ward 1 (New Dundee): Councillor Cressman*
- *Ward 2 (St. Agatha/Petersburg): Councillor Wilkinson*
- *Ward 3 (Baden): Councillor Sidhu*
- *Ward 4 (New Hamburg): Councillor Martin and myself, Councillor Dunstall*

Background

*On **Saturday, January 4th**, Councillor Martin and I hosted a Ward 4 townhall to discuss the concerns of the citizens of Ward 4 to discuss their justifiable concern over a significant tax increase.*

*The meeting was scheduled to run from **10:00 AM to 12:00 PM**. Councillor Cressman (Ward 1) planned to attend for observation ahead of his own townhall later in the week. Aware that having a fourth Councillor present may breach the **Municipal Act**, Councillor Martin proactively sought advice from the Clerk's Office, which confirmed the potential issue. The Clerk informed all Councillors of this concern the day prior.*

Incident at the Townhall

Councillor Stewart Cressman, Ward 1 arrived approximately 20 minutes early to attend the meeting in preparation of his own.

Shortly before the meeting began:

- *Councillor Wilkinson (Ward 2) arrived, and Councillor Martin privately explained the quorum concern and respectfully requested that Councillor Wilkinson leave, noting the meeting was livestreamed.*
- *Councillor Wilkinson refused, loudly asserting his right to stay and escalating the situation by drawing attention to himself.*

As tensions rose, Councillor Martin announced that the meeting could not proceed with quorum present unless Councillors reduced their number. Councillor Cressman gracefully left, allowing the meeting to begin. However, shortly after Councillor Cressman's departure, Councillor Sidhu (Ward 3) arrived and also refused to leave despite being informed of the potential situation.

Unbecoming Behaviour of an Elected Official

*Councillor Wilkinson's actions – refusing to leave, loudly asserting his position as a tax payer with every right to attend created a disruptive situation – when told this may be a quorum issue and that if so the Integrity Commissioner would be involved, Councillor Wilkinson began shouting "Bring it" displaying a blatant disregard for the concerns of Ward 4 constituents. His conduct not only disrupted the meeting but demonstrated bullying and harassment, unbecoming of an elected official. This behaviour delayed the beginning of the Townhall, overshadowed it's purpose, and deprived New Hamburg residents of a productive dialogue with **both** their representatives which is confirmed in some emails from constituents.*

Councillor Sidhu arrived later and was not involved in the shouting match from the back of the room, although he was asked politely to leave and refused to do so.

Impact on Constituents and Community Trust

Residents of Ward 4 expressed frustration and disappointment, noting they were unable to engage fully with their Councillors due to the disruptions caused by Councillor Wilkinson's actions. This incident further eroded confidence in council's ability to function effectively and respectfully, deepening divisions in a community already struggling with trust in its leadership.

As elected officials, we are entrusted to serve our community with integrity, respect, and professionalism. Behaviour that undermines these principles damages not only the individuals involved but also the community as a whole.

Councillor Dunstall also attached a series of comments she received from of the public – some anonymous select portions are below:

Comment #1

Hi Lillianne,

... Under difficult circumstances, I thought you led the meeting well.

I was dismayed, however, by the level of dysfunction among the Councillors that was on full public display. I confess that I have little confidence that Council can provide effective leadership for the crises and challenges facing Wilmot when members can't come to agreement on basic rules of engagement and they trample on planning and work of their colleagues.

All the best to you as you carry on. It can't be easy.

Comment #2

... I am extremely disappointed that other councillors hijacked the meeting and took away my voice to be heard by my councillors. The whole point was to share ideas and ask questions about the process. Why would a councillor stand in line to ask questions of another councillor?

I did not attend their townhall meetings and hijack their process. I am incredibly frustrated by their lack of respect for my voice.

Comment #3

Lillianne,

I found Saturday's meeting difficult for myself and I want to congratulate you on handling a very difficult situation with distinction, kindness and graciousness!

The behaviour of some of a few people toward you, and Stephen, in particular, was unacceptable. At one point I stood up and almost lost it on that one guy but that

would not have helped anything. You did have your moments of wanting to let go but you controlled yourself. I am so impressed.

I realize Steven was doing what he felt was right and his understanding of the ruling but he did not handle that well. He should have privately talked to all of the counsellors present. Privately and not over an open mic. He certainly put you in a very awkward situation. I am not impressed with Kris Wilkinson (and his screechy wife) and Harvir for not respecting what Steven, right or wrong, was trying to say. They actually sat there thinking that was their right while they knew they forcing him to leave and causing him injury and putting you into a powder keg before the meeting even started! Wow. I'm not even sure how to articulate how thoughtlessly and cruelly their actions impacted the meeting the two of you organized. Meanwhile, Stewart left, which showed more maturity and respect for his fellow counsellors, even though he may not have agreed with Steven's interpretation of the ruling.

So I am praying for you that you will heal from this awkward presentation time and what felt like a personal attack on some points. You can hold your head up high as your conduct was certainly to be commended and recognized. You certainly have modelled a standard for myself. While most people did appear to behave well, your attackers certainly didn't show anything close of respectful conduct or character to be desired.

Comment #4

... I am dismayed by what I saw and how Councillor Wilkinson and Councillor Sidhu responded. When Councillor Martin asked you to leave, you did not. Thank you Councillor Cressman for being respectful and professional. I could not believe to see and hear a public standoff.

...

Whether you agreed or not with the quorum issue, would you not support your fellow councillor's concern, especially as the host? Councillor Martin had every right to make the decision he made. He did not deserve to be called names by some in the audience. ...

... Not only does the township have the monetary issue but we wonder if the council is dysfunctional too.

All of you have a tough job with all the current issues in Wilmot. Please work as a

team to deal with them. ...

TOWN HALL ADVERTISEMENT, AND MEETING VIDEO

I extended Councillors Wilkinson and Sidhu opportunities to respond to the Complaints, in accordance with the *Complaint Protocol*. During that period, prior to receiving their Responses, I searched for and found other information about the Town Hall.

The Township's X page advertised the Town Hall the day before it happened (January 3, 2025), with the following graphic.³

Ward 4 Budget Townhall hosted by Councillors Dunstall & Martin is happening tomorrow!

- *Saturday, January 4, 2025*
- *10 AM – Noon*
- *New Hamburg Community Ctr, 251 Jacob St.*

Livestream: facebook.com/events/2375501579464252/

No RSVP needed!



³ <https://x.com/WilmotTownship/status/1875212774202388846>

Meeting video⁴

The meeting's video and its chat comments remained available to be viewed throughout this investigation. The impugned interactions took place between (2:32) to (15:04) of the video.

Councillors Martin and Dunstall conferred briefly among themselves (2:10). Councillor Martin addressed the crowd at (2:32), and spoke about the province's rules regarding quorum, and said they wouldn't be able to proceed until the quorum issue was settled. At (4:01) he said if he stayed the Township could get fined, and he doesn't make the rules but as soon as four councillors are in the room then it becomes a Council meeting and they have quorum, and the meeting was about the budget and hosted by two councillors with the CFO present, so they would be advancing the business of the Township. An individual began shouting from the back of the room at (4:56), although their words were unclear. Councillor Dunstall indicated at (5:22) that Councillor Cressman was willing to leave the meeting. More individuals began shouting angrily from the back of the room at (5:49). Councillor Martin noted at (6:19) that he saw Councillor Sidhu was also present, so they had to stop the meeting. More shouting came from the back of the room at (6:29). Councillor Dunstall referred to an interjector as "Barry" at (7:02), and asked him to please let her finish her point. Seemingly exasperated at (7:35), she again asked Barry to please let her finish. Councillor Martin stated at (8:33) that he couldn't stay if Councillors Wilkinson and Sidhu both stayed. At (10:12), he asked Councillor Dunstall to not start the meeting until the other councillors left. More shouting was heard from the back. Councillor Martin suggested at (10:44) that it could work if Councillors Wilkinson and Sidhu split up. He added at (12:11) that he'd like to hear what his constituents had to say, and that he was disappointed his two colleagues thought it wasn't important for the Ward 4 councillors to hear what the people had to say. More shouting came from the back. Councillor Dunstall acknowledged having been at Councillor Sidhu's Town Hall, but said there were only three councillors there, and she would have left if there had been four. Councillor Martin consulted Mr. Clark at (12:49), and Councillor Dunstall said she was going to start the meeting, for which the crowd audibly applauded. Councillor Martin left the meeting at (14:02). Councillor Dunstall addressed Barry again at (14:55), and asked him to please let one person speak at a time so they could start. The meeting then proceeded for about two hours (with Councillor Dunstall alone as host), until (2:18:16).

⁴ https://www.facebook.com/watch/live/?ref=watch_permalink&v=1339856337149219

RESPONSES

COUNCILLOR WILKINSON

Councillor Wilkinson submitted the following Response respecting both complaints on January 22, 2025:

... I am writing in response to the complaint filed concerning my actions at the Ward 4 town hall held on January 4, 2025. I appreciate the opportunity to address this matter and clarify the events.

First and foremost, I acknowledge the concerns my colleagues and constituents raised about my participation in the town hall meeting. However, it is essential to clarify that the meeting was not an official council meeting, nor was it sanctioned, nor did it have any motions or official agenda. Under the Township's Procedural By-Law (2024-42), a meeting is defined as a gathering where a quorum of members is present and where discussions materially advance the business or decision-making of the Township. The Ward 4 town hall did not meet these criteria.

Therefore, I firmly believe that the Township's Code of Conduct does not apply to this context. My attendance was in a personal capacity as a citizen, listening to the valid concerns of Ward 4 residents and supporting my family members who live in the ward. I did not intend to disrupt the proceedings or overshadow their purpose. Furthermore, I did not direct private citizens to harass or bully Councillors Martin and Dunstall.

The town hall was organized as an informal forum for Ward 4 residents to discuss pressing issues, including concerns about a proposed tax increase. It was not a formal council meeting but rather a community-driven event aimed at fostering open dialogue and understanding about the challenges faced by the residents. I attended the meeting as a citizen to hear directly from the community and better understand their concerns. Additionally, I had previously invited all members of the Council to attend my town hall as part of fostering open dialogue, and I approached this meeting in the same spirit.

However, I was asked to leave during the event due to concerns about a potential quorum issue. My response to this request was driven by my belief that I was attending in a personal capacity and that quorum concerns were unfounded in this informal context. I understand that the town hall was neither convened or conducted in a way that materially advanced Township business. I regret if my reaction to being ejected was perceived as disruptive or unprofessional. It was not my intention to detract from the purpose of the meeting. I also believe that my

reaction was the culmination of a long history of ongoing dispute amongst members of this council.

I recognize that my presence and reaction may have caused discomfort or delayed the proceedings. I deeply regret any frustration this may have caused attendees or my colleagues. I understand that my actions may have detracted from the ... discussions that were meant to occur, and I am genuinely sorry for this.

Moving forward, I am committed to ensuring that such situations are avoided. To this end, I will:

- 1. Seek clarification on quorum-related concerns before attending informal meetings or gatherings involving multiple councillors.*
- 2. I will revisit the Township's Code of Conduct and participate in any training opportunities to strengthen my understanding of meeting protocols and decorum.*
- 3. Strive to maintain a respectful and constructive tone in all interactions, particularly in public forums.*

To my colleagues, staff, and the residents of Ward 4, I sincerely apologize for any disruptions or frustrations caused by my actions. While I firmly believe that I was attending the meeting as a citizen and not in an official capacity, I regret that my presence may have detracted from the meaningful discussions meant to occur. Please know that my goal has always been to engage with and support the residents of Wilmot in a constructive and meaningful way, and I am committed to learning from this experience to serve better in the future.

I welcome the Integrity Commissioner's review of this matter and will fully cooperate with any investigations or recommendations from the complaint. I remain committed to learning from this experience and ensuring that my conduct reflects the values of integrity, respect, and professionalism that the residents of Wilmot deserve from their elected officials. ...

COUNCILLOR SIDHU

Councillor Sidhu submitted the following Response respecting both complaints on January 22, 2025:

... I am writing in response to the complaint filed against me ... for the attendance

at the Ward 4 Town Hall in New Hamburg. I would like to clarify my intentions for attending.

It was not my intention to create an atmosphere where Councillor Martin and Councillor Dunstall felt bullied. Previously I had invited all councillors to my town hall which was held a few days prior to Ward 4's. I was attending just to observe the town hall and never had any intention of speaking or taking part in any discussions. The same as a couple of councillors did when they attended my town hall.

The Town Hall was not an official council meeting or committee meeting, therefore I did not see the problem with being there in attendance as a quiet observer. There was no material advancement of any business and no votes or motions that could have been seen as official township business. Therefore I don't believe the code of conduct would have applied to myself and other councillors at the Town Hall.

I do acknowledge that my presence there did disturb the start of the meeting and for that I do apologize as that was not my intention. I did not condone or encourage any remarks towards Councillor Martin, I can't speak for others in the room.

Openly being called out from the mic at the front of the room caught me off guard. Ultimately I did make the decision to stay and not leave. Councillor Martin did approach me and ask me if I was refusing to leave, I simply responded with I don't believe I need to as my interpretation was we were not in an official meeting. If I felt I was breaking any rules I would not have attended the meeting.

Moving forward I will ask the clerk for their opinion on the matter before attending to confirm my own interpretation or get clarification.

I will fully cooperate with the integrity commissioner should they have any further questions or concerns.

REPLIES

COUNCILLOR DUNSTALL

Councillor Dunstall submitted the following Reply on January 24, 2025:

I have reviewed the responses from Councillor Wilkinson and Councillor Sidhu and believe they misunderstand the core issue. The disruption was not caused by the quorum situation itself but by their reaction to being asked to leave. This matter

goes beyond quorum—it reflects a lack of respect toward a fellow councillor and the New Hamburg constituents who attended to engage with both their representatives.

The level of aggression and resistance during the meeting has been downplayed, which is misleading. I have provided communications from New Hamburg constituents, some of whom wrote opinion pieces to local newspapers, expressing their disappointment and disgust with the disruptive behavior of the two councillors. It was not only Councillor Martin and myself that were affected, more importantly it was our constituents. That is not acceptable.

I could hear Councillor Wilkinson and at least two of his supporters shouting from the back of the room at Councillor Martin who was also at the front of the room with me. I am attaching a link to the facebook live feed⁵ ... [y]ou cannot hear the words but you hear the shouting. The shouting appeared to encourage others in the audience to insult and chastise Councillor Martin, creating an aggressive and contentious atmosphere.

This was not a quorum issue—it was an intentional “in your face” move directed at either Councillor Martin or perhaps both New Hamburg Councillors. Ultimately, it was the constituents who paid the price. Unlike the two councillors who were able to hold their meetings undisturbed and engage with their constituents, our community was denied that opportunity or respect.

While procedural questions are valid, dismissing the broader concerns about tone and conduct undermines constituents’ trust and the decorum expected in such meetings.

Councillor Dunstall added by email that the Facebook video showed the chaos caused by the disturbance, which set the tone for the meeting.

COUNCILLOR MARTIN

Councillor Martin submitted the following Reply on January 25, 2025:

... I appreciated that Councillor Wilkinson apologized. I also appreciate that Councillor Sidhu indicated that it was not his intent to create a disruption. In response, I indicate the following:

⁵ *Ibid*, Note 4

- 1) *Issue of Quorum – I realize that as Integrity Commissioner it is not your role to rule on the issue of quorum. We have since requested an opinion from LAS, our ombudsman who could not give a ruling, but did indicate that had I stayed in the Town Hall meeting instead of leaving, that if someone filed a complaint, it would most likely be called an illegal meeting since we had quorum and were advancing the business of the township. Since that time, our Mayor has asked us to keep each other informed on attending meetings in the public so that we can try to avoid problems on this issue of quorum. I also indicate that ever since we were elected, and had our orientation, this topic of quorum and being careful has been emphasized. For example, we had an email from our Mayor on January 9, 2023 which refers to not having too many Councillors at a meeting and sets the precedent for us to work together...:*

Good afternoon council,

...

Now that our roles are starting to fall into some sense of normalcy I wanted to start having either weekly or bi-weekly touch points with each of you so that I can update you on regional items and we can chat about all things council related. However, in a 1-1 setting so that we are not accidentally having quorum. ...

In February 2023, we had a request from User Groups ... to meet with Councillors. On February 7 2023 our Clerk⁶ sent us this email about quorum and meeting with groups in the Community:

... If three councillors want to attend the meeting, there is no concern. If 4 or more councillors attend, then you would have a quorum of Council and that would be considered a meeting of Council – that would not be permitted.

And so these two emails from 2023 show the pattern of being careful of not having quorum when meeting with groups in the community. I was operating from this assumption or expectation which I understood was important in being a good Councillor. Our Mayor is now asking us to keep each other informed when meeting in the community so that we will not

⁶ Then-Municipal Clerk Jeff Bunn

surprise each other when arriving at a Community meeting. I actually did this in preparation for our Ward 4 Town Hall meeting. I saw that Councillor Wilkinson and Councillor Sidhu were inviting all of us to attend their Town Halls. I had concerns about this ... so ... ahead of our meeting ... [o]n January 3, 2025 I emailed Council, Greg Clarke Acting CAO and CFO, and Kaitlin Bos our Clerk. ...

Hello Council, Greg and Kaitlin

Happy New Year everyone. I am thinking about our Town Hall that Lillianne and I are doing tomorrow. We were speaking with Stewart who is planning on attending. I think that it would be good to not have quorum for Council, so I am hoping that we won't have over three people from Council, so that we do not have to deal with quorum. Does that make sense to people?

Thank you.

The only person who responded to my email was our Clerk, Kaitlin Bos, and ... she reminded us of the issue of quorum, agreeing with me that we should not have quorum, and stating the rules that if we have quorum and advance the business of the township, then we could be at risk for a complaint of an illegal meeting. The Town Hall meeting was listed as an opportunity for residents from Ward 4 to speak with their Councillors, to talk about the budget and to also hear from and ask questions to our Acting CAO Greg Clark. Since Greg was at our Town Hall, it showed that it was an official Township meeting, and we were advancing the business of the Township by listening to people about their concerns regarding the budget and looking at ways we could reduce the tax increase for the budget.

It is my belief, then, that this topic of quorum was not new, and we also had a direction from our Clerk the day before. Councillor Dunstall has told me that in talking with Councillor Sidhu after the fact he stated that he and Councillor Wilkinson had seen my email from the day before. When I was trying to talk privately at the back of the room with Councillor Wilkinson he quoted from the email, and so it is my belief that both Councillors had read the emails and knowingly walked into our meeting challenging the belief that we should not have quorum at our Town Hall.

- 2) *If Councillors Sidhu and Wilkinson would have only wanted to quietly listen to the meeting as they indicate ... they could have listened to the live stream of the meeting, which I understood they knew ... was happening. It is my belief that both Councillor Sidhu and Councillor Wilkinson wanted to be seen in public at the meeting and wanted to be a part of the process. They are both indicating that our Township is in trouble financially and they are the ones who can fix it. I do not see them wanting to collaborate with me ... or ... with staff. I have heard both of them say that staff need to listen to them and "do as they say". In my opinion, they believe that they know best and their presence is important. In my opinion for them to not respect my position as Councillor and even if they don't believe that we were violating the issue of quorum, they knew that I was concerned about it and did not care about that by refusing to leave the meeting.*
- 3) *They didn't want to let Councillor Dunstall and myself have a meeting without their influence.*
- 4) *At Council there seems to be a person that one or both feed information so that the person regularly delegates and makes points such as criticizing staff or council and makes points that they themselves wouldn't make in Council. So, this meeting was the same. It appears to be a form of bullying and harassing.*
- 5) *I tried to be respectful and collaborative with my colleagues on Council. I contacted everyone ahead of our meeting. Councillor Wilkinson and Councillor Sidhu did not communicate with me. When I saw Councillor Wilkinson enter the room, I went to the back and tried to talk privately with him, asking him to come over to the side. His wife followed and also two other people, and so I could not talk with Councillor Wilkinson alone. He and the others indicated that he was not leaving. I then went back to the front of the room making an announcement that our meeting would need to be delayed until we resolved the issue of quorum. Since we had over 250 people, possibly 300 by this time, my announcement allowed a sense of confusion and people started shouting out. At this time, Councillor Cressman stood up, said that he will leave and started walking out. However, Councillor Sidhu walked in at that moment. By this time, it was 10:00 am, the starting time of the meeting. So, I simply said that another Councillor has entered the room and so we still have to deal with quorum.*

Again people were shouting things out. Some people said that I should leave and that it didn't matter if I was there. I stated that I did not want to put our Township in a position of having a complaint for an illegal meeting. I quoted that other Municipalities have been found to have illegal meetings and I did not want that to happen, here. I then went to the back of the room to try to talk with Councillor Sidhu. He was surrounded by a number of people and he also would not talk with me privately. So, again, it appeared to me that he and Councillor Wilkinson were encouraging bullying and harassing behaviour by having like-minded people with them who would challenge me. This pattern had been established when I have had to chair our Council meetings and they would challenge my authority. So, I did not experience this interaction as a new issue.

LEGISLATIVE SOURCES

Code of Conduct

I determined that only the following provisions of the Township's *Code of Conduct for Elected Officials*⁷ (the "Code of Conduct") could have been potentially relevant to this matter:

STATEMENT OF PRINCIPLE:

A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate. These standards should serve to enhance public confidence that the Township of Wilmot's elected representatives operate from a base of integrity, justice and courtesy.

...

CONDUCT AT COUNCIL/COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the Council Procedural By-law. Respect for delegations and for fellow members and staff requires that all members show courtesy and not distract from the business of the Council during

⁷ <https://www.wilmot.ca/en/township-office/resources/Documents/Code-of-Conduct---Council.pdf>

presentations and when other members have the floor.

...

HARASSMENT or BULLYING (Psychological Harassment)

Harassment of another member of Council, staff or any member of the public is misconduct. It is the policy of the Township of Wilmot that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour/activity by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

Bullying (ongoing health or career-endangering mistreatment) of another member of Council, staff or any member of the public is misconduct. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job/position.

Municipal Act, 2001 (sections 237 to 239.2)

The *Municipal Act, 2001* includes the following provisions:

QUORUM

Quorum

237 (1) A majority of the members of a municipal council is necessary to form a quorum ...

PROCEDURE BY-LAW

Procedure by-law

Definitions

238 (1) In this section and in sections 239 to 239.2,

...

“meeting” means any regular, special or other meeting of a council ... where,

- (a) a quorum of members is present, and
- (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council ...

Procedure by-laws respecting meetings

(2) Every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings.

Notice

(2.1) The procedure by-law shall provide for public notice of meetings.

...

MEETINGS

Meetings open to public

239 (1) Except as provided in this section, all meetings shall be open to the public.

...

Resolution

(4) Before holding a meeting or part of a meeting that is to be closed to the public, a municipality ... shall state by resolution,

- (a) the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting; ...

...

Investigation

239.1 A person may request that an investigation of whether a municipality ... has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public be undertaken,

- (a) by an investigator referred to in subsection 239.2 (1); or
- (b) by the Ombudsman appointed under the Ombudsman Act, if the municipality has not appointed an investigator referred to in subsection 239.2 (1).

Investigator

239.2 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an investigator who has the function to investigate in an independent manner, on a complaint made to him or her ... whether the

municipality ... has complied with section 239 or a procedure by-law under subsection 238 (2) in respect of a meeting or part of a meeting that was closed to the public, and to report on the investigation.

Powers and duties

(2) Subject to this section, in carrying out his or her functions under subsection (1), the investigator may exercise such powers and shall perform such duties as may be assigned to him or her by the municipality.

...

Report and recommendations

(10) If, after making an investigation, the investigator is of the opinion that the meeting or part of the meeting that was the subject-matter of the investigation appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the investigator shall report his or her opinion and the reasons for it to the municipality ... and may make such recommendations as he or she thinks fit.

Publication of reports

(11) The municipality ... shall ensure that reports received under subsection (10) ... are made available to the public.

Requirement to pass resolution re report

(12) If a municipality ... receives a report ... reporting his or her opinion, and the reasons for it, that a meeting or part of a meeting that was the subject-matter of an investigation by that person appears to have been closed to the public contrary to section 239 or to a procedure by-law under subsection 238 (2), the ... shall pass a resolution stating how it intends to address the report.

The most relevant aspect to this case is whether the Town Hall constituted a “meeting” pursuant to section 238(1). I do not have jurisdiction to formally decide that question – that jurisdiction belongs to the Local Authority Services branch of the Association of Municipalities of Ontario⁸ (“LAS”). However, I can still identify information I am aware of.

Pursuant to section 239.1(b) of the Act, Ombudsman Ontario investigates closed

⁸ “Municipal Closed Meetings – Investigations and Cases” (Ombudsman Ontario)
<https://www.ombudsman.on.ca/have-a-complaint/who-we-oversee/municipalities/municipal-closed-meetings>

meetings when a municipality hasn't formally appointed a different Closed Meeting Investigator. While not the Township's Closed Meeting Investigator, Ombudsman Ontario has provided the following information on its website:⁹

TERMS AND DEFINITIONS

What is a "meeting"?

...

To determine whether a discussion "materially advances" council business or decision-making, the Ombudsman considers the extent to which the discussions moved forward the business of the municipality. Discussions, debates or decisions that are intended to lead to specific outcomes are likely to materially advance business or decision-making, whereas mere receipt or exchange of information is unlikely to do so.

What is a "quorum"?

*A quorum is the minimum number of members of a body **required to be present** at a meeting in order for a body to exercise its power or authority. Often, this number is 50% plus one, but quorum may be defined differently by legislation or by-law.*

Does the term "meeting" include informal gatherings outside of council chambers?

*Informal gatherings for social purposes are not considered to be "meetings." However, if participants in the gathering **discuss business** of the council ... and/or make decisions, it is more likely to be deemed a "meeting" that is subject to the open meeting requirements.*

The purpose of the open meeting rules is not to discourage council members from informal or social interactions, but to ensure such gatherings are not used as a pretext for conducting council business away from public view.

⁹ "Open Meetings – Guide for Municipalities" (Ombudsman Ontario)
<https://www.ombudsman.on.ca/have-a-complaint/who-we-oversee/municipalities/municipal-closed-meetings/open-meetings-guide-for-municipalities>

CORRESPONDENCE WITH PARTIES

COMPLAINANTS

Section 7(2) of the *Complaint Protocol* allows me to seek additional information for an investigation directly from the parties, speak to any Township employee, and/or examine Township documents as necessary.

I emailed the Complainants some different follow-up questions, based on their Replies. Councillor Dunstall replied:

Barry Taggart (not sure of last name spelling) and Wilkinson's wife and I believe a gentleman by the name of Ron Downs all followed Councillor Wilkinson when Councillor Martin tried to pull him aside to speak privately at the back of the room.

From my position at the front I could not hear the exact exchange, what I did see was Councillor Wilkinson and his supporters very loudly and disruptively supporting his belief that he be there and not leave.

In addition, the more Councillor Wilkinson and his supporters pushed back ... others became emboldened to shout derogatory remarks at Councillor Martin. If is unfortunate that you cannot make out the words that were being shouted from the back of the room. It was chaos.

Councillor Martin replied:

1. ... It is my "belief" in that I cannot prove, but I believe that Councillor Wilkinson and possibly Councillor Sidhu feed information to Barry Wolfe. Mr. Wolfe is a resident in Councillor Wilkinson's Ward. Mr. Wolfe delegates regularly. ... Before Council starts Councillor Wilkinson will often speak with Mr. Wolfe, and after the meeting is over they will often speak with each other. One time Mr. Wolfe was delegating when I was chairing the Council meeting ... on the topic of Strategic Planning. Each delegate has 7 minutes to speak. At the end ... I informed Mr. Wolfe that his time was up, but he kept on talking. Councillor Wilkinson interrupted me and said that he wanted Mr. Wolfe to keep on talking. He even asked Mr. Wolfe to speak to a specific concern. This is different than asking questions of a delegate. ... I was enforcing the time limit on the presentation. It appeared to me that Councillor Wilkinson and Mr. Wolfe had discussed it ahead of time and wanted certain points to come out. Councillor Wilkinson was not in favour of the strategic planning process ... Mr. Wolfe was delegating in regards to how the strategic

planning process was not good. On another occasion Mr. Wolfe stated ... that our CAO had too much power. He said that the CAO could be chosen from a secretarial pool. It was also known that Councillor Wilkinson had concerns about the CAO. ... I am concerned that Councillor Wilkinson's actions contributed to our CAO leaving. In a Council meeting ... I raised a concern about one of Mr. Wolfe's comments that I understood to be criticizing our CAO. ... I thought it was not appropriate to have criticisms of our CAO. Mr. Wolfe was able to interrupt me from the gallery, even though that is not an acceptable protocol. It is my belief that since there appears to be a special relationship between Councillor Wilkinson and Mr. Wolfe, he is allowed certain privileges that other community members are not. These are examples of why I believe Councillor Wilkinson and possibly Councillor Sidhu are using constituents to ... possibly by-pass due process.

2. *... [O]n January 4, I had gone to the back of the room to speak privately with Councillor Wilkinson. His wife was beside him and two other people, but I am not clear who those other people were. ... I do know that Ron Downs was yelling derogatory things at me. I also know that Joanna, Councillor Wilkinson's wife was yelling things at me. When I was at the front of the room telling the audience that we were delayed in starting, I remember Councillor Wilkinson speaking loudly saying that he was not leaving. I also remember Joanna speaking loudly that he was not leaving and that they live here and have a right to be here. (I point out that it was a Ward 4 Town Hall, and they live in Ward 3, and Councillor Wilkinson is a Councillor and not a citizen ...) When I came back to stack chairs ... I remember Joanna speaking to someone else loud enough that I could hear saying "he had every right to be here". I understood that to be in reference to Councillor Wilkinson. ... [H]is behaviour of not leaving was disruptive. I would not go along with my wife speaking loudly to or criticizing another Councillor. I have asked my wife to be respectful to everyone on Council regardless of whether we agree with them or not. Some people called me "spineless" or "not having a backbone" or telling me to leave. By Councillor Wilkinson refusing to talk to me privately and allowing the people around him to openly criticize me, it gave me the experience of being bullied and harassed. ...*
3. *When Councillor Wilkinson refused to leave the meeting and I went to the front of the room to inform the crowd that we could not start until the issue of quorum was resolved, Councillor Sidhu walked in at that moment. That is why he indicated that I "called him out from the front of the room". I walked back to speak with Councillor Sidhu. I believe that it would have been obvious to Councillor Sidhu that I was trying to speak with him. He did not leave his*

people. There were maybe four or five people surrounding him. One of the people was Barry Taggart. Barry Taggart has posted negative things online about me. I understood that Barry was a person helping Councillor Sidhu with his election campaign. I heard Barry yelling things at me about me not having a right to be concerned about the quorum and saying that Councillor Sidhu had every right to be there. Again, I find Councillor Sidhu's actions to be ones that encouraged the bullying and harassment. ... He didn't respond to my email the day before requesting them not to come to the meeting. At our latest Council meeting, Councillor Sidhu did not speak to me, say hi, or make any other comments. The only comment he made to me was saying the water that someone left on my desk was poisoned. Since we are in a difficult relationship right now, to make a joke about me asking where the water was from, gives me the experience of being harassed. ...

I am hoping that we can resolve these issues. Councillor Wilkinson asked me at our last Council meeting if I had seen his response ... [h]e then said that he was sorry for January 4 that I was upset and that we had a disagreement about the process. I told him that I couldn't accept his apology until we resolved this issue of what happened and worked on a respectful relationship. I explained that I am waiting on the response or ruling from the Integrity Commissioner. ... I do appreciate, though, Councillor Wilkinson talking to me about it.

I sent a follow-up inquiry to Councillor Martin, who confirmed that Barry Wolfe and Barry Taggart are different people. I also asked if Councillor Martin could provide a copy of the LAS' communication that he mentioned in his Reply. He replied that he hadn't seen their direct correspondence – only a January 10, 2025 email summary from Mayor Salonen. With Mayor Salonen's permission, he subsequently provided me her correspondence:

From: Natasha Salonen
To: Council
Subject: Ombudsman opinion
Sent: January 10, 2025

Hi all,

Following up ... to share the ombudsman's opinion. I want to be clear that I'm personally not passing judgement on what happened on Saturday. I strictly see this as important information so that we can move forward as a collective.

Below is his advice, keeping in mind that he's our closed meeting investigator ...

... I would ask that we as a council ensure that our colleagues who are putting on the event feel comfortable to be there in person. I have no issue with folks having different opinions on quorum, but I do ask you to think back to when we first met before we got sworn in that we committed to being respectful of differing opinions.

...

... I hope that going forward we continue to bring diversity of thought and remain respectful in the way that we work together to better our community.

Politician Lead Townhall Meetings

The purpose of the Townhall Meetings related to the municipal budget. As such, the meetings pertain to Township business. If there was a quorum of members present at the Townhall meeting and there was a discussion relating to the business or decision-making of the Township, then it could have potentially comprised a “meeting” within the meaning ... in ... the Municipal Act, 2001 if the matter is discussed ... in a way that materially advances the business or decision-making of the Township.

The word “materially” means “significantly”. Whether the discussion or dealing material(ly) advances the Township’s business or decision-making is a question of fact that must be considered on a case-by-case basis.

A mere mention of a matter ... is not sufficient to pass the threshold. However, an exchange of ideas and views and some debate on various items dealing with the budget can potentially amount to a material advancement of business or decision-making. The determination must be a reasonable and objective one ...

There must be sufficient facts to establish some significant advancement ... towards an ultimate decision.

...

... I asked for clarification if the interpretation changes depending on who is debating/discussing the items at hand. I.e. if residents are the ones leading the conversation vs. if a majority of council members are actively involved ...

It is his opinion that the danger in an improper closed meeting is much more pronounced if a majority of members of council take to the stage and are seen to

participate, debate, discuss or run the meeting. It is less “obvious” if the members are part of the audience. Ultimately, it may not really make a difference if the members in the audience are... getting insights and providing their views to others, especially based on what they may have heard from the main stage or from others ...

... I am (not) giving you an unequivocal answer because it really depends on the facts.

However, my bottom line is anytime that a quorum of members of council are gathered in the same setting or location, one of the criteria for a “meeting” is possibly triggered. Then the issue becomes whether council business or decision-making was ... significantly advanced.

RESPONDENTS

I spoke with Councillor Wilkinson. He said he attended the Ward 4 Town Hall because was genuinely interested in hearing from the public. He said he previously conducted his own Town Hall (Ward 2), which was the first one, and he had also attended the Ward 3 Town Hall prior. He said he attended to listen as a citizen – a lot of his constituents were present, and he has family that live in Ward 4 – he attended with his mother-in-law and father-in-law (Ward 4 residents), and his wife.

Councillor Wilkinson thought it was meaningful that after he announced he was hosting a Town Hall, Councillor Dunstall messaged him saying she thought Council should have agreed on an approach together, and that their messaging should have been the same and she disliked his approach. But he said a couple of other colleagues agreed they should do Town Halls. Councillor Wilkinson said he also intended to attend the Ward 1 Town Hall, but after January 4 he didn’t want to “rock the boat” anymore, which he hadn’t intended to begin with.

I asked Councillor Wilkinson why it was important for him to stay when Councillor Martin asked him to leave. He replied that he disagreed that quorum was an issue, which he tried discussing with Councillor Martin but it didn’t go well. Councillor Wilkinson said he walked in and was greeting some people he knew; he saw Councillor Dunstall spot him from across the room, and she immediately ran over to Councillor Martin, who stopped what he was doing and marched right towards him, in the middle of his group. Councillor Wilkinson said Councillor Martin didn’t ask him to move over to the side – rather, he just basically

said they weren't starting until he left, and he had sent Councillor Wilkinson an email the night before. Councillor Wilkinson told him he didn't see quorum as an issue, because they weren't materially advancing any part of the Township's business, and he only wanted to sit there and be respectful, but Councillor Martin told him he wasn't starting if he didn't leave. He said some folks around him heard what was unfolding, and took it upon themselves to make their opinions known that he had the right to stay. Councillor Wilkinson acknowledged that some were derogatory, but he never incited or encouraged that behaviour. He said he made a decision, and some constituents agreed he should stay, so he sat down – then Councillor Martin went to front of room, grabbed the microphone, and accused him of being disruptive and breaking quorum rules until someone left. He said Councillor Cressman got up and left, but Councillor Sidhu came in then and the situation continued to escalate.

Councillor Wilkinson said he and Councillor Martin proceeded to have an exchange – Councillor Martin said he was going to be forced to raise a complaint to the Integrity Commissioner, to which he replied “bring it, go ahead.” Councillor Wilkinson acknowledged raising his voice, but said there was a crowd of 200 people, and he was speaking towards the front of the room with no microphone. He acknowledged they had a disagreement, but he hadn't intended to disrupt, he was only there to listen, and none of his family shouted at Councillor Dunstall or Councillor Martin. He said his wife was quite upset and felt disrespected by Councillor Martin, although she ultimately didn't file a complaint against him (despite thinking about it), and he was interested in moving on.

I asked Councillor Wilkinson to describe Barry Wolfe. He replied that Mr. Wolfe is a very engaged constituent from his ward, but that he didn't attend on January 4. He said he could think of two Barrys – one was Barry Wolfe, a constituent that regularly delegates to Council, with strong opinions about Council governance and Township operations, which often create friction between Members of Council, especially Councillors Dunstall, Martin, and Cressman. He could also think of Barry “Target”, who is a Ward 3 constituent – he thought there was some noticeable friction between him and Councillor Dunstall, but he wasn't very privy to those details.

I asked Councillor Wilkinson if he thought it was problematic that the Ward 4 Town Hall ultimately had to proceed without one of its councillors/hosts present. He confirmed he found it problematic, and said it obviously wasn't ideal and he

wished it didn't happen that way, and he apologized for causing any disruption or frustration, which he hadn't intended. He said he tried apologizing personally to Councillor Martin, but Councillor Martin didn't want to have the conversation, which he felt was fair, and said in hindsight he'd probably do something different next time.

Councillor Wilkinson concluded by saying there is a clear "3 vs. 3" fracture on Council, which tends along age lines – he said they don't necessarily agree on policy or cooperate with each other, and some of their philosophies generally clash, and that disagreement commonly comes out on contentious issues. He said he was open to working together and rebuilding bridges, but he disputed that he had a long-standing "history" of trying to challenge Councillor Martin's authority. He said during a meeting Councillor Martin made a ruling as Chair that he disagreed with, and Robert's Rules applied, so he had a right to challenge that within Council, and had done so twice during this term – but that was simply exercising his rights within the Procedural By-Law, so the notion that he was trying to be disruptive or bully Councillor Martin was untrue, and that isn't in his character. He said he genuinely believes he's there to represent the public, and he always has constituents' concerns at heart, so he hoped Council could find a way to move forward.

I spoke with Councillor Sidhu. He said he held his own Town Hall a few days prior, on or around January 2, and Councillors Dunstall and Wilkinson attended. He said having done business in Ward 4 he wanted to see how things went, and gauge the temperature of the room. Councillor Sidhu said he didn't attend any of the other Town Halls, but he sent out an open invite saying all councillors were more than welcome to attend his Town Hall.

Councillor Sidhu said he went to the Town Hall by himself, and it was a very tense and heated situation when he walked in – there was lots of yelling going back and forth, and he could tell a lot of people he knew were angry. He said he just stood at the back of the room listening and observing, and didn't promote or say anything. He said he made a split-second decision to stay, and didn't feel Councillor Martin was authorized to say "these are the rules, this is what's going to happen," or to aggressively say he was refusing to leave. Councillor Sidhu said he wouldn't have stayed if he thought he was breaking any rules, and wouldn't have even gone in the first place. He didn't think this was a quorum or open

meeting issue, so he stood his ground and was just observing and not breaking any rules.

Councillor Sidhu denied having a campaign manager, but confirmed that he knew Barry Taggart – who lives behind him and is a neighbour and friend. He said Mr. Taggart helped everyone with putting up signs in the election – for him, Councillor Wilkinson, and Mayor Salonen, and he thought Councillor Dunstall too.

Councillor Sidhu recalled that Mr. Taggart was frustrated and angry at the Town Hall, as a taxpayer – he didn't recall exactly what he said, but at his own Town Hall previously Mr. Taggart had asked him some hard questions, and showed the same level of aggression – perhaps not as pointed, but Mr. Taggart put him on the spot a couple of times, and sometimes cut other people off. He acknowledged that Mr. Taggart was a friend and neighbour, but said he didn't represent everything he stands for politically.

Councillor Sidhu added that there is a 3-3 divide amongst Council. He stated that Councillor Martin emailed them beforehand saying Councillor Cressman would be attending – so there would be a quorum issue, and sorry to everybody else. He said Councillor Martin asked the Clerk about it, who simply sent back the criteria for open meetings and quorum issues. Councillor Sidhu felt there would be no agenda, voting, or motions, so he didn't believe the Town Hall met the quorum rule's spirit, so he didn't attend to purposely disrupt or try to undermine anyone. He said if he had to do it over it's possible he'd have decided differently, but he had to make a split-second decision whether to stay, and then stand by it. He thought if Councillor Martin hadn't called him and Councillor Wilkinson out publicly, and just asked to speak with them about his interpretation, they could have quickly discussed it, but that didn't happen and the rest was history. He said he hadn't seen Councillor Martin attempt to discuss the issue with Councillor Wilkinson, but Councillor Martin came to him in a pretty aggressive, angry, and emotional manner – he never gave him any ultimatum, but just asked if he was refusing to leave and then walked away, after which he didn't see him again. Councillor Sidhu said there was a lot of chatter around them, and he basically told Councillor Martin they weren't breaking any rules, and he didn't think he needed to worry about it.

ANALYSIS

The Ward 4 Town Hall was the third of four Town Halls that took place in the

Township between December 14, 2024 to January 9, 2025 – each hosted by their local Member(s) of Council. Ward 4 is the only ward that elects two Members of Council. All Members of Council are subject to the rules in sections 237 through 239.2 of the *Municipal Act, 2001* – pursuant to which “quorum” is a simple majority of Council members, and most notably for this case, a “meeting” materially advances the municipality’s interests.

No quorum issues were encountered at the first two Town Halls (Wards 2 and 3), although I understand that all councillors were informally invited in both cases. Councillor Cressman indicated to Councillor Martin before the Town Hall that he wished to attend, so Councillor Martin wrote asking the other Members of Council not to attend, because he anticipated it could create a quorum issue – i.e., if more than the three of them were there. But Councillors Wilkinson and Sidhu disregarded this request and attended. Councillor Wilkinson attended with his wife and her parents; Councillor Sidhu attended alone.

It is not my jurisdiction to determine whether the *Municipal Act, 2001*’s closed meeting rules would have been breached if four or more Members of Council had stayed at the Town Hall – only LAS can formally opine on that. It is unfortunate that LAS was unwilling to provide a formal declaration on the issue, although I speculate they were probably put in an untenable situation of being asked to opine on a hypothetical situation that hadn’t actually happened. Only three Members of Council were present once the Town Hall substantively started (Councillors Dunstall, Wilkinson, and Sidhu), so there couldn’t have been an actual contravention. That said – it was clear there was a chance there could have been a contravention had Councillors Martin and/or Cressman also remained at the meeting, which discussed budget issues, with the Township’s Chief Financial Officer also present. The evidence in this case is inconclusive whether there would have been a contravention of the open meeting rules or not. Councillors Wilkinson and Sidhu set out their opposing beliefs, based on a position that the Town Hall wouldn’t have materially advanced the Township’s interests. Only LAS could appropriately resolve that issue. In what is known of its correspondence to Mayor Salonen, LAS deliberately refrained from giving an unequivocal answer, and simply said the issue would have been whether Council business or decision-making was significantly advanced, which is a question of fact that must be decided on a case-by-case basis.

Nevertheless, Councillors Martin and Dunstall’s submissions, and the video of the Town Hall, leave clear that the dynamic was heated and uncomfortable. Councillors Martin and Dunstall were both clearly frustrated, as were a number of people in the audience. This was a regrettable incident that probably tarnished the

Township in the eyes of some its residents.

For the following reasons, Councillors Wilkinson and Sidhu didn't breach the *Code of Conduct*. Rather, I believe the concerns in this case are better characterized as being about governance – for example, simpler questions like why the Township's Members of Council appeared unable to respect each other's positions or work together positively.

The *Code of Conduct* only has limited provisions that could have potentially applied to this situation – but upon analysis, none of them actually fit. I reiterate that the Code includes:

STATEMENT OF PRINCIPLE

... These standards should serve to enhance public confidence that the Township of Wilmot's elected representatives operate from a base of integrity, justice and courtesy.

...

CONDUCT AT COUNCIL/COMMITTEE MEETINGS

Members shall conduct themselves with decorum at Council and Committee meetings in accordance with the provisions of the Council Procedural By-law. Respect ... requires that all members show courtesy and not distract from the business of the Council during presentations and when other members have the floor.

...

HARASSMENT or BULLYING (Psychological Harassment)

Harassment ... is misconduct. It is the policy of the Township of Wilmot that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

Harassment may be defined as any behaviour/activity by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.

Bullying (ongoing health or career-endangering mistreatment) of another member of Council, staff or any member of the public is misconduct. Unlikely to involve physical violence, it usually takes the form of psychological abuse. Often, verbal and strategic insults are intended to prevent targets from being successful in their job/position.

The Statement of Principle sets out guiding principles for interpreting the *Code's* provisions. However, it is commonly understood that Preamble provisions to a Code of Conduct do not create free-standing obligations on their own – they are simply present to help guide the interpretation the *Code's* other provisions. While all Members of Council are expected to operate from a base of “integrity, justice and courtesy”, those terms are too subjective to be fairly enforceable on their own – especially given the evident difference in perspectives in this case.

The Town Hall wasn't a formal Township meeting subject to the Procedural By-Law. Accordingly, the *Code's* “Conduct at Council/Committee Meetings” provision cannot apply to these circumstances. In fact, this dispute only had the chance to arise in the first place because all parties knew this wasn't a formal Township meeting.

I also find the “Harassment or Bullying (Psychological Harassment)” provision inapplicable to this case. “Harassment” is defined in the *Code* as any person's behaviour/activity that is offensive to another person, on grounds essentially relating to *Ontario Human Rights Code* provisions – including race, ancestry, sex, age, and sexual orientation. Nothing of the sort happened in this case. However, both Councillors Martin and Dunstall described the situation as “bullying.” That term is defined in the *Code* as ongoing health or career-endangering mistreatment, often in the form of psychological abuse, like insults intended to prevent targets from being successful in their roles. I simply cannot ascribe that level of torment to what happened at the Town Hall. While everybody present was frustrated, in my view this seemed to be a one-time incident that wasn't necessarily handled well by most involved. I do not believe Councillor Wilkinson and Sidhu's refusals to leave the meeting were intended to prevent Councillors Martin and Dunstall from being successful in their roles – rather, I believe it owed to their genuine beliefs that the Town Hall wouldn't materially advance the Township's interests. I further add that it seemed Councillor Dunstall executed the meeting successfully, and received some commendations from the public for her contribution. I also cannot formally hold Councillors Wilkinson or Sidhu accountable for the actions of anybody else around them, at least not on these facts – to do so might set an untenable precedent for future. I am more comfortable saying members of the community who

contributed to the situation should accept that fellow residents might judge them for what they perceived happened.

All of that having been said – although Councillors Wilkinson or Sidhu didn't contravene the *Code of Conduct* on January 4, 2025, nobody who attended the Town Hall should feel particularly good about what took place. In a broad sense, Councillors Martin and Dunstall were prepared to host a Town Hall meeting for their ward, and the meeting ultimately had to proceed without Councillor Martin because Councillors Wilkinson and Sidhu attended and refused to leave upon being asked to do so. Councillor Martin publicly stated that their refusal to leave created a risk of the Township being held liable for contravening the *Municipal Act, 2001*, and there was indeed some risk of that – a risk that was extinguished when Councillor Martin left the meeting against his wishes. I think it would be fair for any reasonable observer to be bewildered about why the Town Hall had to proceed with one of Ward 4's own councillors unwillingly absent. Even if the *Code of Conduct* wasn't breached, there still remains a much simpler issue of good governance. The Town Hall plainly showed at least half of the Township's councillors openly refusing to work positively with each other. More than one councillor told me (without being asked) that Council is split 3-3. It is one thing for a municipality's council to be split substantively – that is entirely ordinary in itself. But the Ward 4 Town Hall struck me as unseemly in its apparent absence of goodwill, and an unwillingness among Members to simply work with each other towards a common good.

Ultimately, it is not my role to resolve the rift among Council – only its Members can undertake efforts to try to work with each other more effectively. I make no suggestion about how they could specifically do that, but I hope they will make some kind of concerted effort to do so.

Decision, Recommendation, and Publication

I find that Councillors Wilkinson and Sidhu did not contravene the Township's Code of Conduct through their actions at the January 4, 2025 Town Hall. Accordingly, no recommendation is made against them.

Section 9(5) of the Township's Complaint Protocol for Council Code of Conduct¹⁰ provides:

¹⁰ <https://www.wilmot.ca/en/township-office/resources/Documents/Election/2022/Formal-Complaint-Protocol.pdf>

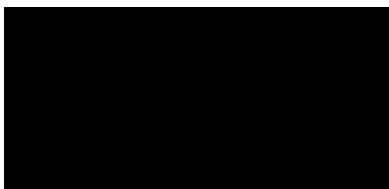
(5) Where the complaint is not sustained, the Integrity Commissioner shall not report to Council the result of the investigation other than in exceptional circumstances or as part of an annual or periodic report.

These complaints were not sustained, but there are clearly exceptional circumstances making it appropriate to report my findings to Council. Four of the Township's six Members of Council were direct parties to this matter, and a fifth Member of Council was also present before voluntarily leaving to try to solve the disagreement. It is important for all Members of Council to be aware of what happened at the Town Hall, and my views about it. This Report is accordingly being provided to the Municipal Clerk for inclusion on the Township's next Council meeting Agenda, in accordance with section 12 of the *Complaint Protocol*.

I thank all of the parties for their participation in the complaint process. I now consider this matter concluded.

Dated at Toronto, this 12th day of March, 2025.

Respectfully submitted by,



Benjamin M. Drory
Integrity Commissioner