

Township of Bonfield Integrity Commissioner – David C. King
Citation: Salman & Amy Kazi v. Councillor, Steve Featherstone
Date: January 2, 2024

REPORT ON COMPLAINT

Notice: Municipal Integrity Commissioners provide investigation reports to their respective municipal council and in most cases, 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 Township of Bonfield Council meeting held on January 9th, 2024, to obtain information about their consideration of this report.

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THE COMPLAINT

1. This complaint centers around an incident in July of 2022, when the Complainants (Salman & Amy Kazi) children attended a Reptile Adventure Camp owned and operated by the Respondent (Steve Featherstone). The Complainants allege that their children were forced to participate in an activity at the Camp, which left the children traumatized and the Complainants upset with the Respondent at what had occurred.
2. Because of this incident, the Complainants feel the Respondent should have recused himself from discussions pertaining to their property during Council meetings held on April 11, June 13, and July 25, 2023, because the Respondent, had a conflict of interest and is biased against the Complainants.
3. The Complainants further allege that the Respondent contravened Township By-law 2019-04, Code of Conduct, Item #10.

SUMMARY

4. After carefully reviewing the submission of the parties and the evidence obtained during the course of my investigation, I find the following:

5. The Respondent did not have a pecuniary (financial) interest in this matter.

6. There is no clear evidence that the Respondent was biased in his decision making regarding the Complainant's property.

7. The Respondent did not contravene Section 10 of the Township of Bonfield Code of Conduct.

BACKGROUND

8. The incident involving the Complainants children at the Respondents Reptile Adventure Camp occurred July 18-22, 2022.

9. The Respondent was subsequently elected to the Township of Bonfield Council in October of 2022.

10. The Township of Bonfield has a five person Council consisting of a Mayor and four members of Council.

11. The Complainants company, 2807633 Ontario Inc., owns Lots 21 & 22 Concession 12 and Lots 22 & 23, Concession 13, Township of Bonfield, District of Nipissing. They are attempting to secure legal road access to their property via "George's Road."

12. On April 11, 2023, the Complainants along with Ontario Land Surveyor, Paul Goodridge appeared as a delegation before the Township of Bonfield Council, to provide background information and a proposed memorandum of understanding to resolve the issue.

13. It should be noted that prior to the presentation by the delegates, Mayor Narry Paquette declared a pecuniary interest in this matter and left the meeting. Mayor Paquette also declared a pecuniary interest in this same matter during subsequent Council meetings held on June 13th and July 25th, 2023.

14. After the presentation by the delegates, Council passed the following resolution:

No. 4 : Moved by Councillor MacInnis; Seconded by Councillor Featherstone

" WHEREAS Council receives the presentation and corresponding documents from Paul Goodridge, Amy Kazi and Salman Kazi regarding Georges Road proposal; and Further that Council refers the matter to staff to provide a report."

Carried

15. On June 13, 2023, Mr. Goodridge and Mr. Kazi again appeared as a delegation before Council to request the Township's participation in resolving the situation. Council also considered the report from their planner and based on the staff recommendation passed the following resolution:

No. 12 : Moved by Councillor Featherstone; Seconded by Councillor Clark

"WHEREAS Council acknowledges the property owners first brought a proposal in 2021 and there has not been a resolution with neighbouring property owners to date; AND WHEREAS Council does not desire the Township to be perceived as mediators between private property owners;
AND WHEREAS Council has received and considered a further proposal from Mr. and Mrs. Kazi regarding access to their property, Lot 21/22 Con 12 and Lots 22/23 Con 13, in April 2023;
NOW THEREFORE Council concludes planning fees will not be waived;
AND FURTHER THAT Council concludes the concession road allowance between Concessions 12 and 13 will not be considered for closure;
AND FURTHER THAT Council may consider an application with a proposal to develop the road allowance between Concessions 12 and 13 and/or issue a permit license for the use of the unmaintained road allowance;
AND FURTHER THAT Council may consider a Zoning By-law Amendment application to permit development on the property as a water access only lot."

Carried

16. As part of their regular Council meeting held on July 25, 2023, the Township of Bonfield Council considered correspondence from Beth and Don Scott and Jamie Hone regarding the closure of George's Road. The Scott's and Mr. Hone own property in the vicinity of the Complainants property.

17. In response to the correspondence, Council passed the following resolution:

No. 12 Moved by Councillor Featherstone; Seconded by Councillor MacInnis

WHEREAS a request has been submitted by Beth & Don Scott and Jamie Hone regarding the closure of a trail through their property once referred to as Georges Rd;
AND Whereas the Township is not the owner of the land.
THEREFORE, the Council of the Township of Bonfield requests that Staff research the steps needed to proceed with the closure of the trail.

Carried

18. On October 31, 2023, I received an application from the Complainants, alleging the Respondent violated Section 10 of the Township's Code of Conduct when he participated and voted on agenda items pertaining to their property during the Council Meetings held on April 11, June 13, and July 25, 2023.

19. The Complainants further alleged the Respondent should have recused himself from discussion and voting on all matters related to their property and Georges Rd. because of a previous "negative altercation" between the Complainants and Respondent in July of 2022, when their children were allegedly traumatized by an "activity" held at the Reptile Adventure Camp, owned and operated by the Respondent.

PROCESS FOLLOWED

20. To ensure fairness to both the Complainants and the Respondent, the following is the process I followed:

- i) I contacted and spoke with the Complainants to obtain clarity regarding their allegations.
- ii) The Respondent received notice of the complaint and was given an opportunity to respond.
- iii) I shared the response of the Respondent with the Complainants and offered them the opportunity to comment.
- iv) I reviewed the minutes of the Township of Bonfield Council meetings held on April 11th, June 13th, and July 25th, 2023, as well as viewed the video recordings of these meetings as found at:

April 11, 2023: <https://www.youtube.com/watch?v=SQbVfA5EevQ>

June 13, 2023: <https://www.youtube.com/watch?v=iIXc0ZZkarc>

July 25, 2023: <https://www.youtube.com/watch?v=5Z0dq2G9VLE>
- v) I reviewed previous Municipal Integrity Commissioner Reports and other relevant information.

POSITION OF THE COMPLAINANTS AND RESPONDENTS

21. As part of their position statements, both the Complainants and the Respondent provided detailed and different versions of what took place at the Reptile Adventure Camp in July of 2022. The following is a summary of their submissions.

POSITION OF THE COMPLAINANTS

22. The Complainants allege that the Township of Bonfield Code of Conduct was violated when the Respondent did not recuse himself in matters related to George's Road presented to Council during meetings held on April 11th, June 13th, and July 25, 2023.

23. Because of the "previous negative altercation" between the Complainants and Respondent in July of 2022, the Complainants believe the Respondent's "opinion is biased in our matter and he will not be just and objective."

POSITION OF THE RESPONDENT

24. In response to the allegations of the Complainants, the Respondent indicated that he did not excuse himself from the Council meetings they attended and presented at, as "I have no ill will or really any substantial history with them."

25. "Besides the few times they have been in the Council chambers I believe I have only met them three times for very brief interactions (while they were dropping kids off or picking them up)."

26. "I definitely did not try to persuade Council one way or another on this agenda topic. If you rewatch the council meetings for those agenda items I'm pretty quiet on the entire topic. I have no relationship with these individuals, have had zero contact with them and doubt I would even recognize them in a crowd."

27. "The same goes for James Hone and Don and Beth Scott. I would not recognize them if I casually passed them at an event. I have never spoken to them or met them outside of any times where they have attended Council meetings. I have no relationship, contact or feelings towards any of these community members."

FINDINGS OF FACT

28. **Section 10** of the Township of Bonfield Council Code of Conduct reads as follows:

IMPROPER USE OF INFLUENCE

"No member of Council shall use the influence of her or his office for any purpose other than for the exercise of her or his official duties. Examples of prohibited conduct are the use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise. Also prohibited is the prospect or promise of future advantage through a member's supposed influence within Council in return for actions or inaction. For the purposes of this provision, "private advantage" does not include a matter: (a) that is of general application; (b) that affects a member of Council, his or her parents,

children or spouse, staff members, friends, or associates, business or otherwise as one of a broad class of persons; or (c) that concerns the remuneration or benefits of a member of Council.”

ANALYSIS AND FINDINGS

29. I considered the following questions arising from the Complainants allegations:

30. Did the Respondent have a pecuniary interest under the Municipal Conflict of Interest Act in regard to the requests made by the Complainants to Council regarding their property and Georges Road?

31. No. During the course of my investigation, I provided the Complainants with an explanation that the Courts have come to a consensus that the Municipal Conflict of Interest Act (MCIA) <https://www.ontario.ca/laws/statute/90m50> is restricted to a financial, monetary, or economic interest.

32. In an email response dated 12/12/2023, the Complainants confirmed that they were no longer asserting the Respondent had any pecuniary interest in their matter but rather a “ non-pecuniary bias and at the very least, a reasonable apprehension of bias towards us and is not able to make an impartial decision.”

33. Was the Respondent biased¹ in his decision making regarding the Complainant’s property during Council meetings held on April 11th, June 13th , and July 25th, 2023?

34. The YouTube videos of the Council Meetings referenced in paragraph (20) above shows that the Respondent did not ask questions or attempt to influence the decision of his fellow members of Council during the meetings.

35. There is no evidence that the Respondent tried to influence the wording of the Council resolutions regarding the Complainant’s property and Georges Road. The Resolutions passed at the meetings of April 11th and July 25th were to receive the information presented and to request staff reports. The resolution passed by Council on June 13th was based on the recommendation in the staff report to Council.

36. The Respondent’ submission asserts in (paragraphs 24 & 26 above) that he has no ill will or any substantial history with the Complainants and did not try to persuade his fellow Council members regarding the Complainant’s property and Georges Road.

37. There are no rules provided in either the Municipal Conflict of Interest Act or the Township of Bonfield Code of Conduct that indicates a Councillor should reclude themselves from a meeting if it is believed they have a non-pecuniary bias in a matter.

¹ The Cambridge Dictionary defines bias as:

“the action of supporting or opposing a particular person or thing in an unfair way, because of allowing personal opinions to influence your judgment”

38. As a result, I find that the Respondent did not demonstrate he was biased in his decision making regarding the Complainant's property and Georges Road.

39. Did the Respondent contravene Section 10 of the Township of Bonfield Code of Conduct when participating in the Township of Bonfield Council meetings held on April 11th, June 13th , and July 25th, 2023?

40. No. As referenced above in paragraph 28, Section 10 refers to use of one's status to improperly influence the decision of another person to the private advantage of oneself, or one's parents, children or spouse, staff members, friends, or associates, business or otherwise.

41. The Complainants were unable to provide me with any evidence and I found no evidence that the Respondent used his status as a member of Council to influence any decisions regarding the Complainant's property and "Georges Road".

42. To summarize, I find the Respondent did not have a pecuniary interest in this matter; there is no clear evidence that the Respondent was biased in his decision making and he did not contravene Section 10 of the Township of Bonfield Code of Conduct.

RECOMMENDATION

43. My only recommendation is that the findings of this report be received by Council for information.

CONTENT

44. Subsection 223.6(2) of the Municipal Act states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,

David King

Integrity Commissioner

January 2, 2024