

Township of Bonfield Integrity Commissioner – David C. King  
Citation: Councillor Eric Foisy v. Mayor Randall McLaren  
Code of Conduct Complaint  
Report Date: July 29, 2022

## **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 penalty or other remedial actions.

Reference should be made to the Township of Bonfield Council meeting minutes to obtain information about their consideration this report.

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## **THE COMPLAINT**

1. During a Council meeting held on April 26, 2022, Councillor Eric Foisy (Complainant) alleges that Mayor Randall McLaren (Respondent) contravened Section 15 of the Township of Bonfield, Council Code of Conduct. when he “demonstrated gross disrespect towards a representative of the Community Non-Profit Seniors Housing Bonfield.”

## **SUMMARY**

2. The evidence illustrates the Respondent was abrupt (as admitted by the Respondent in paragraph 18 below ) but does not support the claim of the Complainant.

## **BACKGROUND**

3. On April 26, 2022, the Township of Bonfield held its regular meeting of Council via Zoom. As part of the meeting, representatives of the Township of Bonfield and Community Non-Profit Seniors Housing project were present as guests to answer questions about a proposed by-law to authorize the execution of a financing agreement between the Township of Bonfield and the Community Non-Profit Seniors Housing, Bonfield, for the purposes of a financing guarantee agreement.
4. During the meeting (See [Regular Meeting of Council \(Hybrid Zoom meeting\) - YouTube](#) (from 1:40:23 to 2:05:38) it is alleged by the Complainant that the Respondent “demonstrated gross disrespect towards a representative of the Community Non-Profit Seniors Housing Bonfield”.
5. On April 27, 2022, I received a Council Code of Conduct form prepared by the Complainant alleging that the Respondent contravened section 15 of the Township of Bonfield Council Code of Conduct.
6. On May 3, 2022. I contacted one of the representatives of the Community Non-Profit Seniors group via email to advise him that I had received a Code of Conduct Complaint from the Complainant and asked him to review the video of the meeting and to confirm if he found the comments of the Respondent to be abusive, demeaning or intimidating?
7. During the regular meeting of Council held on May 10, 2022, Council held further discussions regarding the proposed execution of a financing agreement between the Corporation of the Township of Bonfield and Community Non-Profit Seniors Housing Bonfield. Following the discussion, a recorded vote took place and by-law 2022-22 was passed.
8. On June 6, 2022, the representative of the Community Non-Profit Seniors group responded to my email of May 3, 2022, indicating that during the Council meeting he found the behavior of the Respondent to be abusive, demeaning and intimidating.

## **PROCESS FOLLOWED**

The following is the process followed to ensures fairness to both the individual bringing the complaint and the respondent:

- i) The Respondent receives notice of the Complaint and is given an opportunity to respond.
- ii) The Respondent(s) is made aware of the Complainant’s name.

iii) I interview any witnesses that I believe have relevant evidence.

### **POSITION OF THE COMPLAINANT (Councillor Eric Foisy)**

The following are excerpts of information provided by the Complainant as part of his application for this Municipal Code of Conduct inquiry:

9. "During the regular Council of April 26, 2022, Mayor Randall McLaren demonstrated gross disrespect towards Dave Butler, a representative of the Community Non-Profit Seniors Housing Bonfield. Dave Butler was granted permission by Mayor McLaren to do a rebuttal of what Mayor McLaren had stated and was rudely interrupted by Mayor McLaren and with an intimidating voice of despise stating to Dave Butler that everything he said was factual."

10. "I believe that Mayor McLaren should not have insinuated that the process of trying to establish non-profit senior housing is fraudulent."

11. As a result of these comments, the Complainant alleges the Respondent engaged in discreditable conduct which is prohibited under section 15 of the Township's Council Code of Conduct.

### **POSITION OF THE RESPONDENT (Mayor Randall McLaren)**

12. The following are excerpts of information provided by the Respondent in response to the allegations made by the Complainant:

13. "The crux of the complaint hinges upon whether as Chair of the meeting I was "rude" to Mr. Butler when, after he had stated that "some of what you said may be true", I immediately interjected and set the record straight that when I speak as Mayor, " all of the things I say are true".

14. "I stand by that interjection and statement. Far too many times I have let the speaker of the moment give a verbal slap to either myself or another individual, only to miss correcting the injustice by oversight due to the next inflammatory statement that usually follows. I have now taken the approach that any attempts to disparage my character shall be met with immediate rebuttal. It is unfortunate that must be the case, but Councillors such as Foisy using general statements of falsehood to mischaracterize others and leave a general unsavoury impression have caused this to be necessary."

15. "The interjection on my part, was done with polite meeting respect and Mr. Butler was allowed to continue after correction. He took no noticeable offence."

16. "At that point in time, if Councillor Foisy was so concerned about the exchange he could have made a point of order mention at that time."

17. “While it is not my desire or delight to have to run a meeting with an iron fist, it is my responsibility as Mayor and meeting chair to keep the dialogue accurate and appropriate. I take great pride in my evolution and ability to conduct a meeting in an efficient, productive, and informative manner. I will continue to improve my skills in that regard.”

18. “In closing, in my opinion my interaction with Mr. Butler was not rude but was abrupt due to the virtual nature of the meeting that does not lend itself to more subtle flow. I will in future keep this in mind.”

## **FINDINGS OF FACT**

19. Under Section 15 of the Code of Conduct. “All members of Council have a duty to treat members of the public, one another, and staff appropriately and without abuse, bullying or intimidation, and to ensure their work environment is free from discrimination and harassment. The Ontario Human Rights Code applies and the Occupational Health and Safety Act.”

## **ISSUES AND ANALYSIS**

I have considered the following:

20. Did the behavior of the Respondent constitute abuse, bullying or intimidation?

21. As part of the Complainant’s submission, described in paragraphs 9 and 10 above, the Respondent “demonstrated gross disrespect” toward Mr. Butler and interrupted him with an “intimidating voice of despise”. The Complainant also alleges that the Respondent “insinuated” the process of trying to establish Non-Profit Seniors Housing was fraudulent.

22. As indicated in paragraph 8 above, the representative of the Community Non-Profit Seniors group indicated that he found the behavior of the Respondent to be abusive, demeaning and intimidating.

23. This situation is unique in that complaints about allegation of abuse, bullying or intimidation usually come from the individual who is the recipient of such treatment and not from a third party.

24. During the meeting, all members of Council engaged in discussion regarding the proposed Seniors Housing project with the exception of the Complainant and no members of Council (including the Complainant) raised as a point of order, the alleged behavior of the Respondent toward Mr. Butler

27. Considering the position of the Respondent and my review of the YouTube video of the April 26, 2022, Council meeting, I find at best, the evidence illustrates the

Respondent was abrupt (as admitted by the Respondent in paragraph 18 above) but does not support the claims of the Complainant.

## **COMPLIANCE WITH THE CODE OF CONDUCT**

28. Members of Council are accountable to the public through the four-year election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the Criminal Code of Canada or for failing to declare a conflict of personal interest under the Municipal Conflict of Interest Act.

29. Sub-section 223.4(5) of the Municipal Act, authorizes Council to impose either of two penalties on a member of Council following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the Code of Conduct:

1. A reprimand; or
2. Suspension of the remuneration paid to the member in respect of his or her services as a member of Council or a local board for a period of up to 90 days.

### **Other Actions**

The Integrity Commissioner may also recommend that Council or a local board (restricted definition) take the following actions:

1. Removal from membership of a committee or local board.
2. Removal as Chair of a Committee or local board.
3. Repayment or reimbursement of moneys received.
4. Return of property or reimbursement of its value.
5. A request for an apology to Council, the complainant, or both.

## **CONCLUSION**

30. I have found that the Respondent did not contravene the Code of Conduct.

## **CONTENT**

31. 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.

## **RECOMMENDATION**

47. I recommend that Council receive this report.

Respectfully submitted,

*David King*

Integrity Commissioner  
Township of Bonfield  
July 29, 2022