

## Integrity Commissioner Bulletin 2022-04: **Freedom of Speech and Jurisdiction Regarding Multiple Complaints**

Five members of the public complained about a comment made by a City Council member during an interview on the radio. In the interview, the member said that “working people can now live on the west side of the city.”

One member of the public said the comment was an “improper use of influence” and felt like it was a “persecution of homeowners.” Others mentioned the fact they had worked for many years while living on the west side of Vancouver and one said they found the comment “insulting.”

### **Jurisdiction Regarding Multiple Complaints**

Pursuant to section 6.8 of the [Code of Conduct By-Law No. 12886](#) (“Code of Conduct”), if the Integrity Commissioner receives several complaints about the same issue, the Commissioner is authorized to only consider the first complaint received and must dismiss the other complaints.

We provide several reasons below about why the complaint was closed following a preliminary assessment. Had the Integrity Commissioner determined the complaint should move to a formal investigation, the Code of Conduct provides for expansion of the complaint to include the other complaints for the purpose of conducting the investigation.

### **Freedom of Speech**

The Integrity Commissioner gave the following reasons for finding that the comment was not a Code of Conduct breach and concluding that the complaint should be closed.

- Political expression, including expressions captured by a municipal code of conduct, “should be interpreted in a manner consistent with the *Canadian Charter of Rights and Freedoms*, including the right of freedom of expression” (see *Re VanLeeuwen*, 2021 ONMIC 13).
- The comment in the radio interview was a matter of opinion which could be accepted, challenged, or rejected by those who chose to engage with it. Free and open debate is guaranteed under the *Canadian Charter of Rights and Freedoms* and is subject to limitations only as can be justified in a free and democratic society and no such limitations were engaged in this case.
- On a review of the applicable law, the comment falls within subject matter of “controversial and/or highly visible topics” which a “Council member is entitled to communicate” (see *Monforts v. Brown* 2021 ONMIC 10).

The Integrity Commissioner has already issued two Bulletins that deal with what a City Council member can and cannot say in public ([bulletin-2022-01](#) and [bulletin-2022-02](#)). This is the third Bulletin on this issue.