

## Integrity Commissioner Bulletin 2023-01: **Personal Interests and Conflict of Interest**

A citizen of Vancouver complained about two members of the City of Vancouver’s (“City”) Council (the “Members”) who voted on a Vancouver Police Department (“VPD”) budget issue (the “Motion”) despite having personal connections to the VPD. The Motion pertained to City Council “Enabling the Requisitioning and Hiring of 100 New Police Officers and 100 Mental Health Nurses.”

The citizen alleged that by voting on the Motion despite having personal connections to the VPD, the Members violated Part 4.1: Conflicts of Interest of the [Code of Conduct By-Law No. 12886](#) (“Code of Conduct”).

### **Conflicts of Interest**

The Integrity Commissioner found that the Members did not violate the Code of Conduct, and that the complaint should be closed. The Members’ interest was not personal to them but instead was an interest in common with the citizens of the City. The Integrity Commission relied on the following case law in making the decision.

- The test for conflict of interest was set out by the Supreme Court of Canada in *Old St. Boniface Residents Association Inc. v. Winnipeg (City) et al.*, [1990] 3 SCR 1170. In order to find a conflict of interest, a councillor must have a personal or other interest in the matter and that interest must be so related to the exercise of their public duty that a reasonably well-informed person would conclude that the interest might influence the exercise of that duty. A personal interest is particular to the councillor and not something held in common with other citizens in the electoral area.
- The case of *Watson v. Burnaby*, 1994 CanLII 1027 (BC SC) further explained the personal nature of the interest which must be at stake in order to find a conflict of interest. “The councillor’s interest in the subject matter of the vote must go beyond that which he or she may have in common with other members of the community; it must be an interest which is peculiar to the councillor, in effect, something that will serve his or her own personal ends.”

The Integrity Commissioner found that while both Members had personal connections with the VPD, there was no evidence to suggest that either Member had a personal interest which would be advanced by the approval of the Motion, including that there was no evidence of any direct or indirect benefit flowing to either Member on account of the Motion. Rather, the Integrity Commissioner found that any interest the Members had in the Motion was held in common with the citizens of the City given that, as residents of the City, they would be similarly impacted by the decision to increase resources in the areas of policing and mental health supports.

The Integrity Commissioner has already issued one Bulletin addressing the issue of “Election Activities and Conflicts of Interest” ([Bulletin 2022-03](#)). This is the second Bulletin on this issue.