

Legislative
Assembly
of Ontario



Assemblée
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OFFICE OF THE INTEGRITY COMMISSIONER



REPORT

OF

**THE HONOURABLE J. DAVID WAKE
INTEGRITY COMMISSIONER**

**RE: THE HONOURABLE DOUG FORD, PREMIER OF
ONTARIO**

TORONTO, ONTARIO

May 7, 2019

RE: THE HONOURABLE DOUG FORD, PREMIER

EXECUTIVE SUMMARY

This report relates to a request made by Kevin Yarde, the Member of Provincial Parliament for Brampton North, under section 30 of the *Members' Integrity Act, 1994* (the “**Act**”) about the Honourable Doug Ford, Premier of Ontario and Member of Provincial Parliament for Etobicoke North.

Mr. Yarde alleges that the Premier contravened sections 2 and 4 of the Act by approving a decision to have Brad Blair dismissed from his position as Deputy Commissioner of the Ontario Provincial Police (the “**OPP**”).

I found that there were insufficient grounds to conduct an inquiry into this matter.

I. BACKGROUND

- [1] On December 5, 2018, Mr. Yarde sent an affidavit to my Office in which he alleged that the Premier contravened the Act in regard to the appointment of Ron Taverner to the position of OPP Commissioner. I advised the Premier on December 17, 2018 that I was commencing an inquiry into that matter (the “**Inquiry**”).
- [2] On March 5, 2019, during the course of the Inquiry, Mr. Yarde sent a letter and a new affidavit (the “**Affidavit**”) to my Office in which he requested that I conduct an inquiry regarding the Premier’s alleged involvement in the termination of Brad Blair from his position as Deputy Commissioner of the OPP. As the Affidavit raised new allegations, I considered it to be separate from Mr. Yarde’s request of December 5 and accordingly, it did not form part of the Inquiry. The Affidavit, which is the subject of this report, is described in the section below.
- [3] On March 20, 2019, I reported my opinion to the Speaker of the Legislative Assembly about whether the Premier had breached the Act in regard to the appointment of Mr. Taverner. That decision is published on my Office’s website.

II. MR. YARDE’S REQUEST

- [4] Relying on sections 2 and 4 of the Act, Mr. Yarde alleges in the Affidavit that the Premier used his office to influence the decision to terminate Mr. Blair and participated in that decision. Mr. Yarde also alleges that “this decision improperly furthered the interest of [the Premier’s] personal friend, and preferred candidate for the OPP Commissioner position, Ronald Taverner, by seeking to silence and intimidate a prominent critic of the process that led to Taverner’s appointment.”
- [5] Mr. Yarde explains in the Affidavit that Mr. Blair sought a review of Mr. Taverner’s appointment, first in a letter to the Ombudsman of Ontario on December 11, 2018 and subsequently, in an application to the Divisional Court to compel the Ombudsman to review the OPP Commissioner hiring process.
- [6] Mr. Yarde also states that the Premier expressed his displeasure with Mr. Blair in numerous public comments which are described in the Affidavit. Mr. Yarde indicates that it is Mr. Blair’s position that these comments were made by the Premier to intimidate him (Mr. Blair).
- [7] Mr. Yarde states that it was reported by the media on March 4, 2019 that Mr. Blair had been terminated from his position as Deputy Commissioner of the OPP. He indicates that the Honourable Sylvia Jones, Minister of Community Safety and Correctional Services

(as it then was) subsequently confirmed that the decision to terminate Mr. Blair was finalized by Cabinet through an order-in-council.

III. LEGISLATIVE FRAMEWORK

- [8] Under section 30(1) of the Act, a member of the Legislative Assembly of Ontario who has reasonable and probable grounds to believe that another member has contravened the Act or Ontario parliamentary convention may request that I give an opinion on the matter.
- [9] When a matter is referred to me I may then conduct an inquiry and report my opinion to the Speaker in accordance with section 31 of the Act. Alternatively, I may refuse to conduct an inquiry if I am of the opinion that the referral was frivolous, vexatious, not made in good faith or that there are either no or insufficient grounds for an inquiry as set out in section 31(5) of the Act.

IV. OPINION

- [10] I find that there are insufficient grounds to conduct an inquiry.
- [11] For sections 2 and 4 of the Act to apply, the Premier must have had some involvement in or have sought to influence the decision to terminate Mr. Blair from his position. However, Mr. Yarde has not provided any information in his Affidavit to describe specifically how the Premier was involved in this decision.
- [12] According to the statement of Minister Jones to the Legislative Assembly on March 4, 2019, the decision to relieve Mr. Blair of his duties was made by the nine members of the Public Service Commission. Minister Jones stated that it was as a result of the termination by the Public Service Commission that Mr. Blair could not serve as a deputy commissioner and his order-in-council was revoked. There is no indication from Mr. Yarde that the Premier participated in either the Public Service Commission's decision or the consequential order-in-council. As for section 4, there is no indication from Mr. Yarde that any of the members of the Public Service Commission or the Cabinet were improperly influenced by the Premier to arrive at their decision. To commence an inquiry in these circumstances would be tantamount to embarking on a fishing expedition.
- [13] Moreover, sections 2 and 4 apply only where the member has an opportunity to further his or her private interest or improperly further another person's private interest by being involved in or influencing a decision. Mr. Yarde suggests in the Affidavit that the decision to terminate Mr. Blair from his position furthered the interest of Mr. Taverner by seeking to silence and intimidate a critic of the process that led to Mr. Taverner's

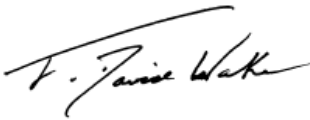
appointment. However, Mr. Yarde does not explain how Mr. Blair would be silenced or intimidated by the termination and in fact, one could argue that the termination would have the opposite effect.

[14] I have said in the past that it would be helpful to the Commissioner, who must define the scope of an inquiry, if direct sources relied upon could be clearly identified in the request for a section 30 opinion.¹ It should not require the Commissioner to chase down every possible source which might support the allegations made. When requesting an opinion under section 30(1) of the Act, members are required to have reasonable and probable grounds to believe that another member has contravened the Act or Ontario parliamentary convention. I find that Mr. Yarde's request in this case does not meet this threshold.

V. CONCLUSION

[15] I find that there are insufficient grounds to conduct an inquiry into Mr. Yarde's request of March 5, 2019.

DATED at Toronto this 7th day of May, 2019.



The Honourable J. David Wake
Integrity Commissioner

¹ Report re the Honourable Bob Chiarelli, the Honourable Michael Coteau and the Honourable Yasir Naqvi, December 8, 2016, at para. 64.