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OFFICE OF THE INTEGRITY COMMISSIONER

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INTERIM REPORT OF J. DAVID WAKE, K.C. INTEGRITY COMMISSIONER

Re: The Honourable Doug Ford, Premier of Ontario and
Member for Provincial Parliament for Etobicoke North

Toronto, Ontario
March 16, 2023

Background to this Interim Report

- [1] On February 23, 2023, Marit Stiles, Leader of the Official Opposition and Member of Provincial Parliament for Davenport made a request to me under section 30 of the *Members' Integrity Act, 1994* ("the **Act**") that I investigate the Honourable Doug Ford, Premier of Ontario and Member of Provincial Parliament for Etobicoke North, as to whether he breached sections 2, 4, and 6(1) of the Act "as well as whether the premier may have violated Principles 3 and 4 of the Act or any other parliamentary conventions."
- [2] The basis for this broad request arose out of two Ford family events. Ms. Stiles claims that Premier Ford "is obligated to avoid conflict and the appearance of conflict" and requests an opinion on whether he "has acted improperly with respect to these events." This is an interim report addressing the issues raised by this request.
- [3] After receiving a request for my opinion under section 30 as to whether a member has contravened the Act or Ontario parliamentary convention, under section 31 of the Act I may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*. These include the power to summons witnesses to be interviewed and to require the production of documents. At the conclusion of the inquiry, I must file a report with the Speaker to be filed with the Legislative Assembly and made public.
- [4] Subsection 31(5) provides that I can conduct such an inquiry only if I am satisfied that there are reasonable and probable grounds to do so. Recently in a section 30 request brought by Mike Schreiner, Member of Provincial Parliament for Guelph,¹ I reviewed the legal requirements for me to conduct an inquiry and concluded that there was insufficient material to establish reasonable and probable grounds in that case. This is a high bar to meet.

¹ Report re. the Honourable Doug Ford and the Honourable Steve Clark, January 18, 2023 ["Ford and Clark Report"] at paras. 21-24.

Section 28 Opinions under the Act

- [5] There seems to be confusion in some quarters between the public opinions I must give following an inquiry under section 31, and the confidential opinions I routinely provide to members, at their request, under section 28 of the Act respecting their obligations under the Act and parliamentary convention. Typically these requests are made before a member follows a course of action such as accepting an invitation to an event, providing a letter of support, receiving a gift or voting on a matter in which the member or their spouse may have an interest, to name but a few. However, on occasion members will contact me after they have done or received something, and want confirmation as to whether they might be considered in breach of the Act or parliamentary convention and, if so, how they can mitigate the breach, e.g., by returning a gift that does not meet any of the exceptions in the Act's gift rule (section 6).
- [6] The factual basis for an opinion under section 28 is usually provided by the members or their staff. I may make inquiries for clarification purposes before providing my opinion. For example, if a member is provided a complimentary ticket to an event I will ask if the event is in the member's riding and if the member has a speaking role at the event. This additional information assists me in determining whether the member should accept or decline an invitation.
- [7] In providing my opinion under section 28, it is not contemplated or authorized under the Act for me to take the same steps I would if I were conducting an inquiry under section 31 of the Act. The differences between the two processes leading to an opinion are reflected in the numbers. In the seven years I have served as Integrity Commissioner, I have conducted 22 inquiries under section 31 and provided almost 2,500 opinions under section 28. To a large extent, the opinion provided under section 28 is only as good as the information provided to me by the member or their staff.

Section 28 Opinion Provided to Premier Ford

- [8] On January 25, 2023, Premier Ford’s staff contacted my office concerning a media inquiry they had received and asked to arrange a call between Premier Ford and myself with respect to it. They provided me with a copy of the media inquiry. Essentially, the reporter wanted to know the following: whether four developers, whom he named, and two sons of one of the developers attended the wedding reception of the Premier’s daughter; were any developers or lobbyists invited to attend a stag and doe or pre-wedding celebration, and whether any of them contributed financially to the wedding at the stag and doe, or provided gifts at the wedding. Further, the reporter wanted to know if any government business relating to “development policies” or “the Greenbelt land swap” was discussed between Premier Ford, his staff, and developers and lobbyists at the wedding or the stag and doe.
- [9] When I spoke to Premier Ford he stated that he had “stayed clear” of the planning for his daughter’s wedding and left it to his wife and daughters and their friends. This was consistent with what he had told me on an earlier occasion when he commented on the prospect of having two weddings in one year. He said the four named developers and the sons of one of them were guests at the wedding because they were friends of the Ford family, in some cases for decades. Some developers and lobbyists may have attended the pre-wedding celebration, but Premier Ford maintained that he was not keeping track of who may have attended the event, noting that most of the people were friends of his daughter and future son-in-law.
- [10] Premier Ford denied receiving any financial contribution from any developer or lobbyist for the wedding, either at the stag and doe or at any other time. The premier claimed that he had no knowledge of any gifts provided to his daughter and son-in-law since, he repeated, he “stayed clear of it.”
- [11] Premier Ford was adamant that there was no discussion of government business at either event.

- [12] In his request to the premier's office, the reporter had also asked about the propriety of inviting developers to the wedding. Premier Ford conveyed to me that he saw nothing wrong with it and viewed his daughter's wedding as a private, family matter unconnected to his role in government.
- [13] Viewed through the lens of the Act, I offered Premier Ford my opinion that there was nothing wrong with having invited personal friends, who happen to be government stakeholders, to either event, provided the provisions of the Act were adhered to, which includes not revealing confidential government information.
- [14] The gift rule in section 6 of the Act is very specific. It applies only to the member who receives the gift. It does not apply to gifts received from third parties to an adult child of the member or her spouse. Even the definition of "family" in the Act is restricted to the member, the member's spouse and minor children.
- [15] I did not address the question of propriety in my opinion since neither propriety nor appearances of conflict are subjects covered by the Act, as I will explain later. I did confirm that a member may invite friends who happen to be stakeholders to a wedding or party. I will have more to say on the subject of what the real issue is in this case later in this interim report.
- [16] Ordinarily an opinion provided to a member under section 28 is confidential to the member. They may release it themselves, or I may release it with the member's consent, which in this case Premier Ford provided. I believe that this interim report on Ms. Stiles's request is an appropriate time for me to release the opinion I provided on January 31, 2023. A copy of the opinion is attached as Appendix "A" to this report.

[Request from Ms. Stiles](#)

- [17] In her letter to me of February 23, 2023, Ms. Stiles raised a number of concerns about the two events in question. I find that those concerns do not fit easily into an analysis of whether there are reasonable and probable grounds that the Act or parliamentary

convention has been breached. I will set out below the concerns enumerated by Ms. Stiles and my analysis as to why there are problems with each:

i. Tickets to the stag and doe cost \$150 each

The opinion I provided to Premier Ford was in response to the question posed by the journalist: “Did any developers or lobbyists contribute financially to Doug Ford’s daughter’s wedding, either at a stag and doe or pre-wedding celebration.” Premier Ford denied receiving any money from guests to pay for the wedding or the pre-wedding party. For the gift rule in section 6 of the Act to apply it must be shown that Premier Ford himself accepted a financial contribution from guests. None of the media reports on which Ms. Stiles relies indicate that he did. While it is an intriguing question as to whether the stag and doe admission fees were used by the organizers to pay for the event itself and the raffle prize or prizes, with the net proceeds going towards paying for a wedding holiday or other wedding-related expenses, none of this really matters for section 6 purposes. The only question that matters is whether Premier Ford himself received any funds. This is similar to the so-called “cash for access” cases I decided several years ago. In those matters contributions were made to the Liberal Party of Ontario for private dinners at which cabinet ministers were in attendance. I held in one case that I was “not able to conclude that the attendees of the Event gave a gift or personal benefit to the Ministers because there was no evidence that the donated money was ever in either Minister’s possession or control.”² Therefore the gift rule was not offended.

ii. Media reports claimed that some of the guests at the stag and doe felt pressured to attend

I have frequently addressed the problem of relying on anonymous media sources in a section 30 request.³ It is difficult to assess the motivation or veracity of such claims. In the interest of fair process I must be able to interview actual witnesses and not cardboard cut-outs. I do note that one media article names its source, being the OPP detective who has

² Report re. the Honourable Bob Chiarelli and the Honourable Charles Sousa, August 9, 2016 [“Chiarelli and Sousa Report”] at para. 52.

³ Ford and Clark Report at para. 22; Report re. the Honourable Doug Ford, March 20, 2019 at paras. 8-9; and Report re. the Honourable Bob Chiarelli, the Honourable Michael Coteau and the Honourable Yasir Naqvi, December 8, 2016 at paras. 62-64.

looked into this matter and has acknowledged that he cannot establish reasonable and probable grounds to go forward with an investigation in the absence of witnesses.⁴ I am in a similar situation.

iii. Allegation that two principles in the preamble of the Act have been breached

I have held on several occasions⁵ that the principles set out in the Act's preamble are not substantive provisions of the Act on which a breach can be found. They can be used merely to assist in the interpretation of substantive provisions of the Act such as sections 2, 4 and 6, but they are not stand-alone provisions.

iv. Appearance of conflict of interest

Ms. Stiles claims that Premier Ford is obligated to avoid not only a conflict of interest, but also "the appearance of a conflict of interest." I can understand why Ms. Stiles and many members of the public might think that. After all, Ontario public servants are subject to the Conflict of Interest Rules⁶ which require that a public servant "shall endeavour to avoid creating the appearance that preferential treatment is being given to a person or entity that could benefit from it".⁷ Similarly lobbyists are restricted from, in the course of lobbying a public office holder, knowingly placing the public office holder in a position of real or **potential** conflict [**emphasis** added].⁸ However this is not the case for members of provincial parliament as I discovered in one of the first reports I issued.⁹ The first Integrity Commissioner, the Honourable Gregory T. Evans earlier had held in his Report re. the Honourable Frances Lankin¹⁰ that "the Act does not concern itself with a perceived conflict

⁴ Charlie Pinkerton, "'No one has come forward with proof' against Ford government in Greenbelt probe: detective's email" *The Trillium* (March 1, 2023), online: <https://www.thetrillium.ca/news/politics/no-one-has-come-forward-with-proof-against-ford-government-in-greenbelt-probe-detectives-email-6629733>.

⁵ Report re. Randy Hillier (MPP Hillier No. 2), April 13, 2022 at para. 23; Report re. the Honourable Peter Bethlenfalvy, October 21, 2020 at para.257; Report re: the Honourable Lisa MacLeod, May 23, 2019; and Report re: Patrick Brown, April 26, 2018 at para. 270.

⁶ *The Public Service of Ontario Act, 2006*, establishes that all Ontario public servants are subject to conflict of interest rules. Ministers' staff are subject to the rules prescribed in O.Reg. 382/07. Public servants employed in a ministry and most public bodies are subject to the rules prescribed in O.Reg. 381/07. Some public bodies have established unique rules, which are published on my website here: <https://www.oico.on.ca/en/public-sector-ethics-approved-rules-for-public-bodies>.

⁷ See section 6(2) of each of O.Reg. 381/07 and O.Reg. 382.07.

⁸ Section 3.4 of the *Lobbyists Registration Act, 1998*.

⁹ Chiarelli and Sousa Report at paras. 63-69.

¹⁰ Report re. the Honourable Frances Lankin, May 2, 1991 at p.4.

of interest as opposed to an actual conflict.” Although the language of the Act underwent a slight change since Commissioner Evans’s holding, it was not clear to me that the Legislature intended the conflict provisions of the Act to apply to the appearance of a conflict. I did recommend that the Legislature review the Act with a view to clarifying whether it should apply to appearances of conflict,¹¹ but nothing was ever done.

[18] In addition to the matters reviewed above, Ms. Stiles repeats the observation, already covered in my review of the journalist’s questions, that some of the guests were developers and government stakeholders. She does inject a further element in that some of these guests were PC Party donors. I find that fact not altogether surprising or at all determinative of the issue before me. An editorial in *The Globe and Mail* on February 14, 2023,¹² has, with one qualification, succinctly expressed the real issue arising out of the two Ford family events and the subsequent Greenbelt decisions:

The question now is not whether he [Premier Ford] has friends in the development business (he does), whether some landowners in the Greenbelt are PC Party donors (at least four are, based on a *Globe and Mail* investigation), and whether they could benefit from a decision made by the government (they could). **None of these things is inherently wrong.**

The question is whether Mr. Ford or someone in his government used their influence to further the interests of friends and donors in the Greenbelt.

[**Emphasis** added.]

[19] I would add to the last sentence of that quote, to be consistent with the language of the Act, that any furtherance of those interests by Premier Ford or someone in his government must be proven to have been done improperly.

[20] I am currently engaged in a section 31 inquiry to determine that very issue, as previously requested by Ms. Stiles. I have required the production of documents from government

¹¹ Chiarelli and Sousa Report at para. 69.

¹² The Editorial Board, “Developers at Doug Ford’s daughter’s wedding only deepen the mystery over his Greenbelt decision,” *The Globe & Mail* (February 14, 2023), online: <https://www.theglobeandmail.com/opinion/editorials/article-developers-at-doug-fords-daughters-wedding-only-deepens-the-trouble/>.

and non-government sources. My staff and I are reviewing the extensive material gathered so far and have done independent research on the matter. We are preparing summonses for numerous witnesses to be interviewed. In the end I will prepare and deliver a public report on our inquiry as I am required to do.

[21] Notwithstanding some of the flaws I have noted in Ms. Stiles's February 23, 2023, request, I am not prepared to dismiss it at this point since there is an overlap to some extent with the issue being determined in her first request. Therefore I am placing it in abeyance until I have completed the section 31 inquiry on her first request.

Dated at Toronto this 16th day of March, 2023.

A handwritten signature in black ink, appearing to read "J. David Wake". The signature is written in a cursive style with a prominent horizontal stroke at the top.

J. David Wake, K.C.
Integrity Commissioner

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Office of the Integrity Commissioner
The Honourable J. David Wake, Commissioner

Bureau du commissaire à l'intégrité
L'Honorable J. David Wake, Commissaire

CONFIDENTIAL

January 31, 2023

The Honourable Doug Ford, Premier
Room 281, Legislative Building
Queen's Park
Toronto, ON M7A 1A1

Dear Premier Ford,

I write further to our telephone discussion on January 25, 2023. You advised that your office received a media inquiry with respect to the guest list and gifts received by your daughter at her stag and doe party and wedding, which took place on August 11, 2022, and September 25, 2022, respectively. The media inquiry identified various developers whom you confirmed were in attendance. You indicated that they are personal friends some of whom you have known for decades. You also confirmed that you were not involved in the planning of the wedding and you have no knowledge of any of the gifts that were given to your daughter and son in-law or from whom they were given. You also confirmed that you did not receive any money from any of the guests to help pay for the wedding or the stag and doe party.

Based on the information provided, it is my opinion that it was permissible to invite personal friends who happen to be government stakeholders to events such as a wedding and stag and doe provided that there is adherence to the *Members' Integrity Act, 1994* ("Act"). You confirmed that no government confidential information was discussed at these events. Nor is there anything to suggest that the invitations were designed to benefit anyone improperly.

The gift provisions in the Act pertain to gifts or benefits received by MPPs that are connected with the performance of their duties of Office. As such, the gift rule is not applicable to any gifts received by your daughter and son in-law at the wedding or at the stag and doe.

Accordingly, based on this information, it is my opinion that there was nothing to indicate non-compliance with the Act.

My opinions pursuant to section 28 of the Act are confidential but may be released with the member's consent. I confirm that I have received your authorization to release information contained in this letter in response to a media inquiry.

Sincerely,

[original signed by]

The Honourable J David Wake
Integrity Commissioner