



Legislative Assembly of Ontario

OFFICE OF THE INTEGRITY COMMISSIONER

REPORT

of

**THE HONOURABLE GREGORY T. EVANS
ACTING COMMISSIONER**

**RE: THE HONOURABLE MICHAEL D. HARRIS,
PREMIER OF ONTARIO**

**TORONTO, ONTARIO
MAY 16, 2001**

REPORT
of
THE HONOURABLE GREGORY T. EVANS
ACTING INTEGRITY COMMISSIONER

RE: THE HONOURABLE MICHAEL D. HARRIS,
PREMIER OF ONTARIO

INTRODUCTION

On March 5, 2001 The Honourable Robert C. Rutherford resigned as the Integrity Commissioner and on the same date, I was appointed by Order-in-Council pursuant to subsection 23(6) of the *Members' Integrity Act, 1994* as Acting Integrity Commissioner. My appointment terminates upon the appointment of a new Commissioner on the address of the Assembly pursuant to subsection 23(2) of the above *Act*.

On September 11, 2000 David Ramsay, M.P.P. for Timiskaming-Cochrane Riding filed a complaint against the "*Minister of the Environment, the Hon. Michael Harris*" pursuant to s.30(1) of the *Members' Integrity Act, 1994*. Ramsay stated that he had reasonable and probable grounds to believe that Harris had contravened this *Act* or Ontario parliamentary convention and requested that the Commissioner give an opinion as to this matter. [I have not been able to confirm that Harris was ever Minister of the Environment after he became Premier although he apparently did serve as Parliamentary Assistant to the Minister of the Environment in 1983.] For convenience I have referred to the Premier as "Harris" and David Ramsay as "Ramsay".

Prior to his resignation, Commissioner Rutherford provided Reports with respect to some complaints relative to the Adams Mine controversy. Further complaints were subsequently filed relative to the same matter and as requested by Ramsay in his letter of February 12, 2001, I considered it advisable to review all the complaints and correspondence including his most recent letter dated May 7, 2001. In mid-February the Office of the Integrity Commissioner was deluged with a flood of approximately 1,500 letters, faxes and emails in support of such a review. A resident of New Liskeard

enclosed a copy of an advertisement (presumably from a local newspaper) requesting the Commissioner to review the matter. I have no jurisdiction to deal with complaints from the public and normally refer the complainants to a member of an opposing party in the Legislative Assembly, preferably the local member. In this instance I did not consider it necessary to forward copies to Ramsay as they referred to the same complaints filed by him.

The complaints refer specifically to sections 2, 3 and 4 of the *Act* in addition to Ontario parliamentary conventions. These sections are set below:

“Conflict of interest

2. *A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is an opportunity to further the member’s private interest or improperly to further another person’s private interest. 1994, c. 38, s. 2.*

Insider information

3. (1) *A member of the Assembly shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member’s private interest or improperly to further or seek to further another person’s private interest.*

(2) *A member shall not communicate information described in subsection (1) to another person if the member knows or reasonably should know that the information may be used for a purpose described in that subsection. 1994, c. 38, s. 3.*

Influence

4. *A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member’s private interest or improperly to further another person’s private interest. 1994, c. 38, s. 4.”*

In the interest of clarity, I insert at this point the following from the definition section of the *Act*, s.1:

“Definitions

1. *In this Act,*
...
“private interest” does not include an interest in a decision,
 - (a) *that is of general application,*
 - (b) *that affects a member of the Assembly as one of a broad class of persons...*”

BACKGROUND

The Landfill proposal, which is the subject of this reviewed complaint, is referred to as the Adams Mine project. This worked-out open pit iron mine is located in the District of Timiskaming about 5 miles from the town of Kirkland Lake. 1,500 hectares, surrounding 3 pits at the site were purchased in 1989 by Notre Development Corporation (“Notre”). Gordon McGuinty is the president of Notre and resides in North Bay, the hometown of Harris.

Notre was formed to provide a long-term waste disposal facility for Ontario garbage. Rail Cycle North is a consortium of companies, including Notre, Canadian Waste Services Inc., CN Rail and Ontario Northland Railway, which proposed to transport garbage from Metro Toronto to the Adams Mine site by rail in specially designed containers.

In 1995 Metro Toronto carried out a feasibility study and decided not to develop the site. Notre proceeded with its efforts to obtain a Certificate of Approval for the disposal of waste at the Adams Mine from the Environmental Assessment Board. Hearings were held with local residents strongly opposing the application. The Board approved the project; the Cabinet rejected an appeal by the citizens groups opposed and approved the decision of the Board. In July 1999, the Divisional Court dismissed an application for review and on October 14, 1999, the Court of Appeal refused to hear an appeal from that decision. The Minister of the Environment on July 7, 2000 rejected the protestors’ request for reconsideration of the approval previously granted. Rail Cycle North then entered into negotiations with Metro Toronto to send its waste to the Adams Mine site.

I have not dealt with the question of the suitability of the Adams Mine site as a garbage dump nor have I any comment to make on the approval and subsequent rejection by Metro Toronto of the Rail Cycle North proposal, as those matters do not fall within the jurisdiction of my office. Suffice it to say that the negotiations terminated when Metro Toronto insisted on the inclusion in the contract of an additional liability provision which Rail Cycle North was not prepared to accept. Following the rejection Metro Toronto

entered into a contract with a waste disposal corporation in Michigan to accept a stated amount of dry garbage over a period of years. The disposition of household garbage remained the problem of Metro Toronto.

Mike Harris, a veteran member of the Ontario Legislature, represents the constituency of Nipissing, with the City of North Bay as the largest centre of population. It is a railway, tourist and distribution community commonly referred to as the "Gateway to the North". As the Member of Provincial Parliament, he is expected to support activities which will benefit the citizens of that political riding. In his capacity as Premier and President of the Executive Council, he is the leader of the government and responsible to the people of Ontario for the manner in which the government conducts its business.

Admittedly, Harris is convinced that the Adams Mine proposal is the best solution presently available to the Metro garbage problem. The transportation by rail will provide long-term employment to his riding, as well as the depressed Kirkland Lake area. The risks associated with truck transport on Highway 401 to the American border will be eliminated and traffic problems on an already crowded highway lessened. He is confident that the necessary safeguards to the environment have been met and that his caucus colleagues and their constituents, who might be adversely affected by alternate arrangements, will be satisfied and the re-election of his party would not be jeopardized.

Ramsay is a long time member of the Ontario Legislature representing the riding of Timiskaming-Cochrane which includes the area in which the Adams Mine is located. He is a forceful debater in the Ontario Legislature and is strongly opposed to the Rail Cycle North proposal. The citizens of his constituency are divided on the issue. Some welcome the project as a tax benefit and a source of employment while many, including those who live south of the area, see it as an environmental disaster which will destroy the water system and adversely affect the health of the residents. Another group takes the position that Toronto should follow the pattern of other large cities and build within Metro Toronto a modern waste disposal facility.

The decision as to the disposition of Toronto's garbage has been a lively political issue for more than a decade. Many of the landfill sites, which for years had received the garbage, were closed and the Keele Valley operation is expected to close in the immediate future. These factors made it evident that unless new landfill sites were found, the problem would soon become a crisis. Contracts for disposal in Ohio and Michigan were entered into and some garbage was trucked over Highway 401 to the United States. The cost of the operation and the ever-present possibility of intervention by U.S. Federal or State Authorities to prohibit importation of foreign garbage remain a matter of some concern.

In 1992 the New Democratic Government ("N.D.P.") endeavored to deal with the garbage problem by establishing the Interim Waste Authority Ltd. under *the Waste Management Act* which recommended certain sites in the Municipalities of Durham, Peel and York as potential waste disposal sites. The residents of those areas raised the standard objection – "No Toronto garbage in our back yards". The matter became an election issue in 1995.

The Progressive Conservative Party ("P.C.") campaigned on the promise that should it form the government the matter of municipal waste disposal would be the responsibility of the municipalities. It is of some significance that the voters in the "905" corridor of the Greater Toronto Area ("G.T.A.") in which the sites proposed by the N.D.P. were located, all elected P.C. candidates to the Legislative Assembly.

The P.C. Party under the slogan "The Common Sense Revolution" was elected and formed a majority government. The new government, exercising its mandate, fulfilled its promise "to get out of the garbage business" by promptly terminating the Interim Waste Authority Ltd. The municipalities became responsible for their garbage disposal with the Ontario government retaining control over the location of the sites and the adequacy of the proposals including environment issues.

On November 19, 1996 the *Environmental Assessment and Consultation Improvement Act* received Royal Assent and was proclaimed on January 1, 1997. This legislation gave the Minister of the Environment considerable flexibility in the appointment of members to the Environment Assessment Board; to issue policy guidelines, and to impose deadlines with respect to notice to the public and to grant exemptions subject to certain restrictions.

These changes were part of the government policy to download certain responsibilities on the municipalities in the interests of efficiency and economy. In the matter of municipal waste, the new legislation appears to grant considerable discretion to the Ministry in determining the documentation required to be filed in support of an application of approval. It also permits the Ministry to appoint public servants to the Environmental Assessment Board, all of whom serve for terms at the discretion of the Minister.

The legislation enacted by the Legislature, after due debate, became the law of the Province of Ontario upon proclamation. The fact that Harris supported the legislation does not mean that sole responsibility for the content of the legislation should be attributed to him. As a member he has one vote. As the leader of the majority party there can be little question of his influence upon the legislation. In our democracy, the voters expect the leader of the government, which they have elected, to bring forward and support legislation which will implement the political platform upon which the party sought their support. In other words, we elect governments to govern. It is the public, through the members whom they elect to office, who influence the legislation and it is the public which in a subsequent election determines whether their present government retains their confidence and will be returned to office.

Amendments to legislation with respect to the *Environmental Assessment Act* by the *Environmental Assessment and Consultation Improvement Act, 1996*; the enactment of the *Red Tape Reduction Act, 2000* and the *Environmental Review Tribunal Act, 2000* are acts of general application rather than of specific application to the Adams Mine situation, but there is little doubt that their enactment would facilitate the Adams Mine

project or similar proposals where environmental problems are at issue. Ramsay is of the opinion that these various legislative enactments were part of a scheme by Harris to assist Rail Cycle North to obtain a contract with Metro Toronto for its waste disposal.

There is no evidence to support this opinion. Legislation results from government action, after debate in which all members of the Assembly have a vote. It is the product of our democratic process.

Every member of the Assembly, whether leader of the government or a back bencher in opposition, has the right and the duty to suggest, advocate, and promote the interests of his or her constituents. The fact that a friend or even a member of the Legislative Assembly may benefit from legislation which is of general application does not create a conflict of interest under s.1 of the *Members' Integrity Act*. Environment legislation, like all legislation unless specifically directed to a defined project or purpose, is legislation of general application.

The changes in the Ontario environment legislation resulted from the stated intention to deal effectively and efficiently with a problem of waste disposal which concerned all communities in Ontario and are accordingly of general application.

The environment was not the only area which attracted the attention of the government as it proceeded with its platform outlined in the "Common Sense Revolution". The merging of several municipalities to form one larger unit was carried out with or without the consent of the residents directly affected. Privatization and downsizing created drastic changes in Health, Education, Transportation as well as Corrections and other Ministries. These changes were enacted by a vote of the members of the Legislative Assembly.

A government positions itself for re-election by enacting legislation and establishing policies which it hopes will appeal to the electorate. Harris, as leader of the government, is legitimately entitled to seek public support for his policies and for the activities which he believes will foster their implementation in any manner that is not prohibited by the

Criminal Code of Canada, the Legislative Assembly Act or is not a violation of the Members' Integrity Act.

Section 3 Insider Information

“(1) A member of the Assembly shall not use information that is obtained in his or her capacity as a member and that is not available to the general public to further or seek to further the member's private interest or improperly to further or seek to further another person's private interest.

(2) A member shall not communicate information described in subsection (1) to another person if the member knows or reasonably should know that the information may be used for a purpose described in that subsection.”

Issue:

In the material submitted by Ramsay, there is no allegation that Harris used any information obtained in his capacity as a member of the Assembly that is not available to the general public, to further or seek to further his private interest (as defined in the definition section *supra*) or improperly to further or seek to further another person's private interest.

Finding:

As there is no suggestion of any violation by Harris under s.3 of the *Members' Integrity Act*, I do not find it necessary to deal further with that section.

Section 2 Conflict of Interest

“A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is an opportunity to further the member's private interest or improperly to further another person's private interest.”

Issue:

Ramsay does not suggest that Harris benefited personally in supporting Rail Cycle North's proposal to transport Toronto garbage to the Adams Mine site. He submits however, that Harris is in violation of s.2 of the *Act* in that as a member of the Legislative Assembly, he made a decision or participated in making a decision in the execution of his

office when he knew or reasonably should have known that in the making of the decision there was an opportunity improperly to further another person's private interest -- the "other person" being Rail Cycle North and its shareholders.

Black's Law Dictionary defines "improperly" as:

" 'Improper'. Not suitable; unfit; not suitable to the character, time, and place. ... Not in accordance with fact, truth, or right procedure and not in accord with propriety, modesty, good taste, or good manners."

Finding:

There is no evidence to support a conclusion that Harris acted "improperly" when the government of which he was the leader revoked, amended and enacted environment legislation to provide an "efficient and effective" solution to waste disposal in Ontario.

Nor is there any evidence to support a conclusion that he acted "improperly" when the Executive Council rejected an application, advanced by a committee of citizens opposed to the granting of the Certificate of Approval to Notre, to review that action.

The decision by the Executive Council was consistent with the decision of the Ontario Court of Appeal which refused to disturb the finding of the Divisional Court that there was no error in the process granting the Certificate of Approval to Notre.

I am of the opinion that there was no violation of s.2 of the *Members' Integrity Act*.

Section 4 Influence

"A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest."

Issue:

Did Harris use his position as a member of the Legislative Assembly to seek to influence a decision made or to be made by Metro Toronto Council with respect to a contract with Rail Cycle North to transport garbage to the Adams Mine site,

- (a) to further his private interest, or

(b) improperly to further another person's private interest, i.e. shareholders of Rail Cycle North?

There is no suggestion by Ramsay that Harris had any financial interest in Rail Cycle North. There is no evidence that Harris used the influence of his office, in the decisions of Metro Toronto Council to conditionally accept and later reject the Rail Cycle North proposal. He is entitled to support the proposal even after rejection, provided his activities do not fall within the meaning of "improper".

Much of the material presented by Ramsay to support the allegations that Harris contravened the *Members' Integrity Act* consists of newspaper and other media reports. While the material may be informative, it is hearsay and lacking in evidentiary value.

'Hearsay' is defined in Black's Law Dictionary as:

"... A term applied to that species of testimony given by a witness who relates, not what he knows personally, but what others have hold him or what he has heard said by others."

Such testimony is generally inadmissible. The very nature of the evidence shows its weakness. The reasoning for such exclusion is that the statement being offered as an assertion to show the truth of matters asserted therein, depends for its value, upon the veracity and competency of others.

There is a difference between fact and opinion. Journalists express their personal views about certain issues following interviews with persons frequently unidentified who may be uninformed about the particular issue or whose assessment of the situation is, for any number of reasons, highly prejudicial and accordingly not credible.

Proof of a breach or complicity in a breach of the *Members' Integrity Act* must be based on facts rather than conjecture, suspicion, or affinity based on friendship, common interest or political affiliation. A person's reputation, irrespective of his station in life, is important and if it is to be impugned, there must be evidence to support that challenge.

The perception standard of morality which some suggest should be the test applied to politicians would require that a legislator should not engage in conduct which would appear to be improper to a reasonable, non-partisan, fully informed person. The problem with such an ‘appearance standard’ is that there are few, if any, reasonable, non-partisan, fully informed persons.

One person’s perception of another’s conduct is a purely subjective assessment influenced by many factors including the interest of the individual making the assessment. It is not the proper criteria by which the conduct of a legislator should be measured.

The fact that the individual whose character is impugned is a politician does not create an “open season” in which unproved accusations are accepted without challenge.

Many of the allegations display a tendency by Ramsay to assume that they are proof of the matters alleged instead of appreciating that failing proof, they remain rumours or unsubstantiated statements.

The initial complaint, dated September 11, 2000 supported by an affidavit of Owen J. R. Smith, a lawyer practicing in New Liskeard dated October 8, 1996, refers to a dinner meeting at Bigliardi’s Steak House in Toronto on June 6, 1991. Among those attending with Harris were Gordon McGuinty; Joe Mavrincac, Mayor of Kirkland Lake; Bob Ferguson, Toronto Public Works Commissioner; Joan King, Toronto Councillor and Peter Minogue.

Mr. Smith was not a party to the meeting but was in the same area and could overhear the conversation. He stated in his affidavit:

“...The gathering obviously took the form of a strategy meeting and it was quite obvious that Mr. McGuinty was seeking the assistance of Mr. Harris and that he was responsive of the wishes of Mr. McGuinty, Mr. Mavrincac and Ms. King in particular and that he was prepared to lend his support to the project if and when he was in a position to do so.”

On March 4, 1990, Harris stated during a P.C. Leadership debate in Sudbury that he did not support hauling waste to Northern Ontario. Obviously he has changed his position. In 1994, Ramsay issued a press release at Kirkland Lake.

“KIRKLAND LAKE...David Ramsay, MPP for Timiskaming, called the proposal to ship Metro Toronto garbage to Ohio ridiculous.

‘It is ridiculous to think that the Province would even consider allowing this to happen’ said Mr. Ramsay.

A bid by WMI Waste Management of Canada Inc. has proposed to dispose of tons of Metro Toronto waste over a twenty year span. The proposal is quite similar to the Rail Haul North/Adams Mine proposal.

‘Because of Bill 143, the government won’t even consider approving a government sponsored environmental assessment but would let hundreds of jobs leave Ontario in order to solve their waste problem’ added Mr. Ramsay.

‘It’s interesting to note that the Americans can see the economic advantages of disposing waste but that our government is blind to that fact. It would be a shame to see jobs created by waste management go to the United States. The government should allow Metro Toronto to proceed with an environmental assessment of the Adams Mine proposal’ said Mr. Ramsay.”

Different times, different locations and different situations only demonstrate that politicians are entitled to change their opinions.

Whatever had been Harris’ opinion in 1990, it changed, as did Ramsay’s some time after 1994. I do not consider either situation of importance.

Ramsay refers to several individuals whom he claims received “political rewards” from the P.C. majority government because of their interest in Rail Cycle North as shareholders in Notre or as supporters.

Joe Mavrinac former Mayor, Kirkland Lake; supporter of Notre – appointed to a government agency and later resigned.

Robert Power Toronto lawyer and registered lobbyist for Canadian Waste Services Inc.; advised government on environment legislation and represented McGuinty at Hearings for Approval. – Appointed to Trillium Corporation.

Blake Wallace Toronto and North Bay lawyer and shareholder of Notre - appointed to T.V. Ontario.

Peter Minogue shareholder of Notre; North Bay developer – friend of Harris.

Barbara Minogue shareholder of Notre and local campaign manager for Harris – appointed to Trillium Corporation.

I had hesitated to refer to these individuals, who while no doubt interested in the success of Notre, play no part in determining the issues in this complaint. I do so only because of Ramsay’s repeated inferences that they are involved with Harris and others in a plan or agreement to enable McGuinty and the others participating in Rail Cycle North, through some improper or suspect activity, to obtain a contract to transport Toronto garbage to the Adams Mine. They are supporters of the project for personal reasons and their interest in its success does not serve as a foundation to support a claim that a scheme or conspiracy exists.

The “political rewards” which the above named are said to have received are usually referred to as “patronage appointments”. This process has a long history in Canadian politics and has been indulged in by all parties when able to do so. The government when announcing the appointments refer to the appointees as distinguished citizens of outstanding competence, while the opposition parties frequently assert that the individuals are lacking in character and hopelessly incompetent in the skills and ability required to perform the duties associated with the positions to which they have been appointed.

Finding:

The allegation that Harris attempted to improperly influence Metro Toronto to accept the Rail Cycle North proposal fails for lack of credible support. The fact that the government advised Metro Toronto on July 21, 2000 that the Keele Valley landfill site would be closed no later than the year 2002, was in response to a request for confirmation, in a formal manner, by the Metro Toronto Works Commission, of the closing date of the

landfill site. It was not an attempt to influence but a statement of what was already publicly known and supported by the leader of the Liberal Party.

Post Rail Cycle North

Issue:

There is also a complaint with respect to Harris' alleged involvement in matters which arose after Metro Toronto rejected the Rail Cycle North proposal and contracted to ship waste to Michigan.

Finding:

The Governor of Michigan, John Engler, who reportedly shares the services of the same "political spin doctor" as Harris, wrote to Mayor Lastman suggesting that Metro Toronto reverse its decision to ship 1.3 million tons of garbage each year to his State. There is no evidence that Harris requested Engler to contact Lastman. It is equally probable that Engler was constrained to write because his constituents do not want Toronto garbage in their backyard.

It is also claimed that a Harris supporter was encouraging municipal politicians along Highway 401 between Toronto and the American Border to "stir things up". It is unlikely that those politicians will require any outside stimulus – a daily parade of garbage trucks passing through their area would be sufficient to arouse the interest of the citizens of the area.

There is no evidence that Engler's letter to Mayor Lastman, or that a Harris supporter was encouraging municipal leaders along Highway 401 to become involved, was done at the request of Harris.

There can be no doubt that Harris and the P.C. party would have benefited politically if Metro Toronto had entered into a contract with Rail Cycle North to transport Metro garbage to the Adams Mine site.

- a) It would confirm Harris' long held and publicly declared opinion that it would benefit employment in his riding and in the Kirkland Lake area.
- b) The members of the P.C. caucus in the Greater Toronto Area and "905" area would be rid of a garbage problem which might inhibit their re-election.
- c) Voters residing in proximity to Highway 401 from Toronto to the U.S. border would escape the obvious problems arising from the transport of garbage by truck to the United States.
- d) Motorists using Highway 401 would not be exposed to the additional truck traffic on a highway already noted for a high accident rate.
- e) The risk of termination by an American government would be eliminated.

Metro Toronto's garbage problem has not disappeared. It is temporarily off the table as a result of Metro's arrangements with an American waste management company to take a limited amount of garbage for a short period of time. It is an interim solution to a continuing problem and will, no doubt, be resurrected should the American contract be terminated by American legislation or by expiry of the present contract.

Notre President, McGuinty, and its shareholders have a substantial investment in the Adams Mine. They hold a Certificate of Approval for its use as a waste disposal site and they can be expected to seek customers to use the facility.

There is a fundamental error in Ramsay's submission in that he assumes that actions of the majority P.C. Government must be attributed to Harris:

- When the Legislature amended environment legislation, Harris was in violation of the *Members' Integrity Act*;
- When the Environment Review Board awarded a Certificate of Approval for the Adams Mine site, Harris was in violation of the *Members' Integrity Act*;
- When the Executive Council rejected the application for review of the approval made by a committee in opposition, although the Court of

Appeal held that there was no error in the process, Harris was in violation of the *Members' Integrity Act*;

- When the government granted “patronage appointments” to Robert Powers, a lobbyist for Canadian Waste Services Inc., to the Trillium Corporation; Blake Wallace, a lawyer and shareholder in Notre, to T.V. Ontario; Barbara Minogue, a shareholder and Harris campaign worker, to the Trillium Corporation, Harris was in violation of the *Members' Integrity Act*.

Harris is not the government, but only one member of the government.

A government cannot be in violation of the *Members' Integrity Act*. If it should exceed its legislative powers, it is a constitutional issue for judicial consideration. Otherwise, its actions are to be assessed by public opinion through our election process.

A political benefit which may result from legislation favourable to a program or project which a member personally espouses, may be open to political analysis, media comment, public approval or concern, but it is not a conflict of interest.

The support by a member of the Legislative Assembly for the success of an undertaking sponsored by the government in the area which he or she represents, is in conformity with the member's duty, a principle stated in the Preamble of the *Members' Integrity Act*.

That support includes the member's right to advise, encourage and promote such undertaking.

Harris has the right to support the Adams Mine proposal. Ramsay has the right and the duty not only to oppose the proposal, but also to promote and encourage others to do so. There is no conflict provided their actions are legitimate and in conformity with the law.

CONCLUSION

Section 31(5) of the *Members' Integrity Act* states:

“If the Commissioner is of the opinion that the referral of a matter to him or her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an inquiry, the Commissioner shall not conduct an inquiry and shall state the reasons for not doing so in the report.”

I do not question the good faith of Ramsay in referring the matter to me nor do I consider the complaint to be frivolous or vexatious. However, the various allegations are unsupported by admissible evidence.

For the reasons referred to in the body of this Report, it is my opinion the material forwarded to this office, which I have carefully reviewed, does not support a contravention of the *Members' Integrity Act*, and accordingly does not provide sufficient grounds for further inquiry.

DATED at Toronto, this 16th day of May, 2001.

The Honourable Gregory T. Evans