
CITY OF DRYDEN INTEGRITY COMMISSIONER, GUY GIORNO

Citation: Noel v. Harrison / Noel v. City Council, 2025 ONMIC 8

Date: December 31, 2025

JOINT INQUIRY REPORT

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THE COMPLAINTS

1. This is my report to City Council under subsection 233.6(2) of the *Municipal Act* on whether the Respondents have contravened the Council Code of Conduct, Schedule A to By-law Number 3529-2007, Policy No. MU-CO-11.
2. Councillor Ritch Noel (Complainant) has filed two separate Complaints alleging that Mayor Jack Harrison (Respondent 1) and all Council Members except Councillor Noel (collectively, Respondent 2) contravened the Code.
3. Complaint 1 was filed December 19, 2024. It was assigned File No. 2024-06-CC. Complaint 2 was filed June 12, 2025, and was assigned File No. 2025-02-CC.
4. Complaint 1 alleges that the City and the Mayor contravened the Code of Conduct by publishing a news release on an Integrity Commissioner complaint against Councillor Noel. Because the City is not subject to the Code of Conduct, only the Mayor is an eligible Respondent to Complaint 1.
5. Complaint 2 alleges that everyone on City Council (except Councillor Noel) contravened the Code by deciding to restrict Councillor Noel from in-person attendance at Council meetings.

SUMMARY

6. The Respondents did not contravene the Code.
7. Decisions of Council cannot be found to contravene the Code. In any event, the allegations in the Complaints do not amount to breaches of the Code.
8. I also note that the same issues have already been raised in the Superior Court of Justice.

BACKGROUND

9. On June 16, 2024, a young Indigenous woman died tragically.
10. The next day, Councillor Noel went to the Dryden Crime Report Facebook page and replied to a four-day-old post with the words: “not anymore bahaha.”
11. I received multiple complaints about Councillor Noel’s post, conducted an inquiry, and issued a report in *City Council v. Noel*, 2025 ONMIC 3 (CanLII).

12. On June 19, 2024, before my inquiry commenced, the Mayor issued a news release titled, "Mayor Harrison's statement regarding Councillor Noel's comments on social media." The full text of the news release is reproduced in paragraph 35 of *City Council v. Noel*, 2025 ONMIC 3.

13. The penultimate paragraph of the news release read as follows:

As a result of his recent actions and behaviour, I am putting forward two motions at Monday's Council meeting. The first is to remove Councillor Noel as a member of The Working Circle Committee. The second is to seek approval to engage the Integrity Commissioner to formally review the councillor's conduct and to advise what other actions this Council can take.

14. On June 21, legal counsel for Councillor Noel wrote to the Mayor, asserting that the news release was libellous. On July 30, Councillor Noel issued a libel notice. On September 24, Councillor Noel sued the City and the Mayor in Small Claims Court, seeking \$35,000 for defamation.

15. Meanwhile, on June 24, 2024, the following motions were moved, seconded and adopted during an open meeting of City Council:

11

Moved by C. Kiewning

Seconded by J. Harrison

That Council rescind the resolution to appoint Councillor Ritch Noel to the City of Dryden Working Circle effective immediately.

12

Moved by J. Harrison

Seconded by C. Kiewning

That Council commit to engaging the City of Dryden's Integrity Commissioner to formally review the conduct of Councillor Noel regarding comments made on social media and to recommend actions which are within Council's authority to impose.

16. On December 19, 2024, the Small Claims Court noted the City and the Mayor in default, and it awarded Councillor Noel damages in the amount of \$35,000, plus interest.

17. The City told the news media that it had intended all along to respond to the lawsuit and that it would be moving to have the default judgment set aside.

18. On June 27, 2025, it was announced that Councillor Noel's action in Small Claims Court had been discontinued.

19. Meanwhile, through legal counsel, Councillor Noel filed Complaint 1 with me. Complaint 1 alleged that the Mayor's news release, particularly the penultimate paragraph's reference to an Integrity Commissioner inquiry, contravened the confidentiality provisions in sections 3.5¹ and 13.3 of the Code. (Complaint 1 also alleged breaches of section 223.5 of the *Municipal Act* and clause 48(1)(a) of MFIPPA and alleged that the motions mentioned in the Mayor's news release should have been considered in closed meetings.)

20. All the allegations in Complaint 1 were contained in the Plaintiff's Claim in Councillor Noel's small claims action.

21. In 2025, an independent, external investigator conducted a workplace investigation into complaints, against Councillor Noel, filed by two employees. The the investigator's findings and the background to the workplace investigation are summarized in my report in *Employees v. Noel*, 2025 ONMIC 7 (CanLII).

22. After reviewing the workplace investigation report, City Council made certain determinations. One was that Councillor Noel would not be permitted to attend City Council meetings in person until he has completed in-person harassment training.

23. On June 12, 2025, Councillor Noel filed Complaint 2. Complaint 2 alleges that, by voting to restrict Councillor Noel's in-person attendance at meetings, all the other Council Members acted unlawfully and contravened the Code of Conduct.

24. On July 8, 2025, Councillor Noel commenced an application for judicial review. His application seeks, among other remedies, an order quashing the restriction on his personal attendance.²

PROCESS

25. Under section 223.4 of the *Municipal Act*, an inquiry into the Complaints is not automatic. Subsection (1) uses the words, "if the Commissioner conducts an inquiry ...". The Divisional Court has confirmed that whether to commence an inquiry lies within the Integrity Commissioner's discretion.³

26. The process to be followed in an inquiry also lies within the Integrity Commissioner's discretion, so long as the process is fair.⁴

¹ Complaint 1 refers to section 3.7 of the Code. The appropriate reference in the Code version in effect at the relevant time is to section 3.5, the definition of Confidential Information.

² *Ritch Noel v. Dryden (Corporation of the City)*, Divisional Court File. No. 25-00000006-00JR.

³ *Dhillon v. Brampton (City)*, 2021 ONSC 4165 (CanLII), paras. 34, 40.

⁴ *Di Biase v. Vaughan (City)*, 2016 ONSC 5620 (CanLII)

27. In this case, I determined that I could conduct the inquiry without needing to hear from the Respondents and on the assumption that the factual assertions in the Complaints are true or capable of proof. I proceeded on that basis.

ISSUES AND ANALYSIS

28. I have considered the following issues:

- A. Can Council decisions be found to contravene the Code?
- B. Do the Complaints allege conduct that contravened the Code?

29. Before considering these issues, I note that the two Complaints raise issues already addressed in litigation before the Superior Court of Justice. Every allegation in Complaint 1 was already raised in the Small Claims Court action. Every allegation in Complaint 2 is being raised in the Divisional Court judicial review application.

30. In this inquiry, I find that the Respondents did not contravene the Code. If this were not the case, then I would nonetheless exercise my discretion to dismiss the Complaints, on the basis that is inappropriate and unnecessary to conduct Integrity Commissioner inquiries into the very same matters already being addressed in the Superior Court of Justice. Multiplicity of proceedings should be avoided.

31. Further, the finding that the Code was not breached makes it unnecessary to consider whether Complaint 1 is untimely. The applicable version of the Code required Complaint 1 to be submitted within six weeks of the matter first becoming known to Councillor Noel. Complaint 1 was filed more than six weeks after the Mayor's news release was issued.⁵

A. Can Council decisions be found to contravene the Code?

32. No. Once a decision has been made by Council, it cannot be found to contravene the Code. The participation of Council Members in the decision, such as by moving and seconding motions and voting, also cannot be found to contravene the Code.

33. According to the Divisional Court, whose rulings on Integrity Commissioner jurisdiction are binding on me:

In simple terms, the Commissioner reports to and is responsible to City Council. City Council is not responsible to and is not subject to having its decisions reviewed by the Commissioner.⁶

⁵ Councillor Noel was aware of the Mayor's news release no later than June 21, 2024, when his lawyer wrote to complaint about it.

⁶ *Chiarelli v. Ottawa (City)*, 2021 ONSC 8256 (CanLII), para. 68.

34. City Council's July 24, 2024, resolutions were duly passed, and I am unable to find that those results constituted a contravention of the Code. Similarly, I cannot find a Code breach arising from the decision the Council made on June 9, 2025, following consideration of the external workplace investigation report.

35. As I have previously explained to another municipal council:

Nothing in the *Municipal Act* permits an Integrity Commissioner to second-guess the decision-making process of Council, let alone to determine that a Council resolution or by-law is invalid.⁷

36. A person who wished to challenge Council's decisions would be required to apply to the Court. Indeed, in the case of the decision to restrict his in-person attendance at meetings, this is precisely what Councillor Noel has done. Councillor Noel is seeking relief from the Divisional Court through an application for judicial review.

37. In addition to finding that Council's decisions do not contravene the Code, I also find that the participation of individual Council Members in those decisions does not contravene the Code.

38. Inquiry reports in other municipalities have found that individual members cannot violate codes of conduct by moving and seconding motions, debating and voting. The legal basis for this conclusion is set out in detail in the Oshawa case *Foster v. Chapman*.⁸ A similar result was reached in the Peterborough case *Ayotte v. Akapo*.⁹

39. The same finding applies to the Mayor's news release. Council's July 24, 2024, resolutions did not breach the Code, so neither did the Mayor's public statement that he would move the motions. Indeed, Complaint 1's challenge to the Mayor's news release is an impermissible collateral attack on Council's decision to adopt the motions mentioned in the news release. An attack on Council's resolutions must be made in the appropriate forum,¹⁰ that is, in court. An Integrity Commissioner cannot find that the motions considered by Council and the resolutions adopted by Council were contraventions of the Code.

B. Do the Complaints allege conduct that contravened the Code?

40. None of the allegations in the Complaints supports a finding of a contravention of the Council Code of Conduct.

⁷ *Ayotte v. Akapo*, 2022 ONMIC 8 (CanLII), para. 64.

⁸ 2020 ONMIC 17 (CanLII), paras. 86-104.

⁹ Note 7, paras. 73-74.

¹⁰ *R. v. Al Klippert Ltd.*, [1998] 1 S.C.R. 737, at 746, para. 13.

41. Council Members are not subject to section 223.5 of the *Municipal Act*. An alleged breach of section 223.5 does not amount to a contravention of the Code.

42. Jurisdiction over whether a meeting should be open or closed does not belong to an Integrity Commissioner. A complaint that a meeting was improperly closed may be made to the Closed Meeting Investigator under section 238 of the *Municipal Act*. It does not give rise to a breach of the Code.

43. An alleged breach of FIPPA lies within the jurisdiction of Ontario's Information and Privacy Commissioner. It is not a contravention of the Code.

44. Section 3.5 of the Code is a definition. A definition cannot be contravened.

45. Section 13.3 of the Code does state that Complaints to the Integrity Commissioner shall be treated as confidential. However, section 13.3 does not override the *Municipal Act* requirements for Council decision making, including sections 5, 223.4, and 239. I find no breach of section 13.3.

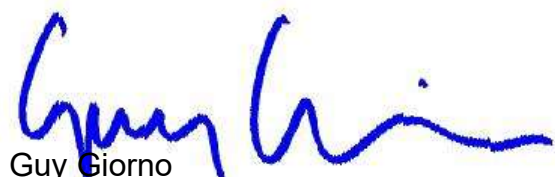
CONCLUSION

46. I find that the Respondents did not breach the Code of Conduct. Decisions of Council cannot be found to breach the Code, nor can the participation of Council Members in making those decisions be found to breach it. Further, the allegations in the Complaints do not amount to contraventions of the Code.

CONTENT

47. Subsection 223.6(2) of the *Municipal Act* states that I may disclose in this report such matters as in my opinion are necessary for the purposes of the report. All the content of this report is, in my opinion, necessary.

Respectfully submitted,



Guy Giorno
Integrity Commissioner
City of Dryden

December 31, 2025