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CITY OF DRYDEN INTEGRITY COMMISSIONER, GUY GIORNO

**Citation:** Employees v. Noel, 2025 ONMIC 7

**Date:** December 30, 2025

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## JOINT INQUIRY REPORT

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# THE COMPLAINTS

1. Two employees (Complainants) separately filed Complaints alleging that Councillor Ritch Noel (Respondent) contravened the Council Code of Conduct, Schedule A to By-law Number 3529-2007, Policy No. MU-CO-11.
2. Under the version of the Code of Conduct in effect when the Complaints were filed, a Code complaint by a staff member against a Council Member was to be directed to the Human Resources Manager for processing in accordance with the Workplace Harassment Policy & Procedure.<sup>1</sup> Following processing under the Workplace Policy, a summary report was to be sent to the Integrity Commissioner who would either deem the matter resolved and a send brief report to Council or elect to continue the investigation.
3. Employee 1 filed Complaint 1 on December 23, 2024. It was assigned File No. 2024-05-CC. Employee 2 filed Complaint 2 on January 2, 2025; it was assigned File No. 2025-01-CC.
4. The Complaints were submitted for independent investigation under the Workplace Policy. I received the workplace investigation report on May 15, 2025. I received an updated version of the report on May 23.
5. Upon reviewing the investigation report, I identified one set of allegations by Employee 1 (Complaint 1) that warranted further inquiry. I deemed the workplace investigation report sufficient to resolve the issues raised by Employee 2 (Complaint 2). Employee 2 disagreed with my determination. I subsequently have considered certain additional allegations in Complaint 2.

## SUMMARY

6. The independent workplace investigation report made findings of harassment and bullying. City Council has already acted on the report. The workplace report addresses most of the allegations raised in the two Complaints.
7. I am unable to find breaches of the Code arising from the remaining allegations in the Complaints.

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<sup>1</sup> The actual reference in the Code, to the Workplace Anti-Violence, Harassment and Sexual Harassment Policy, was obsolete. See paragraph 10 of this report for the updated reference.

## BACKGROUND AND PROCESS

8. 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.<sup>2</sup>

9. The version of the Code (September 2024 version) in effect at the relevant times provided, in section 13.4, as follows:

Note: In the event of complaint by a staff member against a Member of Council, the Integrity Commissioner will direct the complaint to the Human Resources Manager and advise the complainant accordingly. The Human Resources Manager will proceed with the complaint in accordance with the Workplace Anti-Violence, Harassment and Sexual Harassment Policy and, on completion, will provide a summary report to the Integrity Commissioner. If the Integrity Commissioner deems the matter resolved, a brief report will be sent to Council. Otherwise, the Integrity Commissioner may elect to continue the investigation. In the case of a repeat complaint involving the same parties, the process may proceed directly to an Integrity investigation.

10. The reference to the Workplace Anti-Violence, Harassment and Sexual Harassment Policy was obsolete. It is understood that the appropriate updated reference was to two policies: Workplace Harassment Policy & Procedure and Workplace Violence Policy & Program, both amended and approved by Council on March 25, 2024.

11. On October 14, 2025, City Council repealed the old Code and enacted a new one (By-law Number 2025-47). However, the previous Code continued to apply to these Complaints.

12. Complaint 1 (Employee 1) alleged contraventions of sections 5.5, 7.2.1, 7.2.2, 7.3.2, 7.3.5, 7.3.6 and 10.1 of the Code.

13. Complaint 2 (Employee 2) alleged contraventions of sections 7.2.1, 7.2.2, 7.3.1, 7.3.2 and 7.3.5 of the Code, and sections 4.7, 4.8 and 5.1. of the Workplace Harassment Policy & Procedure.

14. On March 20, 2025, Employee 2 wrote to ask that I add to Complaint 2 allegations that, in court testimony on December 19, 2024, the Respondent had made untrue statements about the staff and particularly about Employee 2. The allegations were that this testimony breached confidentiality (contrary to the Code) and harassed and harmed the reputation of Employee 2 (contrary to the Code).

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<sup>2</sup> *Dhillon v. Brampton (City)*, 2021 ONSC 4165 (CanLII), paras. 34, 40.

15. On December 24, 2024, the day after I received Complaint 1, I was informed that Human Resources was referring it for a workplace investigation by an independent, external person.

16. Subsequently, Complaint 2 was also referred to the independent, external investigator.

17. However, the addition allegations in Complaint 2, described in paragraph 14, above, did not form part of the original workplace investigation.

18. The independent investigator was a lawyer with significant experience conducting investigations, including workplace investigations and harassment investigations.

19. On May 15, the City's Director of Human Resources sent me the investigator's final report.

20. On May 23, the Director of Human Resources sent me an updated report. The update consisted of a single additional paragraph, included by the investigator at the City's request. This paragraph described the internal process that would be followed by City Council upon receipt of the report. The addition of this paragraph has had no effect on my determinations in this matter.

21. The investigator found that the Respondent had bullied and harassed both Employee 1 and Employee 2.

22. The workplace investigation report was presented to City Council.

23. City Council made certain determinations which are now the subject of a judicial review application brought by the Respondent against the City.

24. Section 13.4 of the Code (the version then applicable) requires that I exercise my discretion and assess whether I seemed the workplace investigation report sufficient to resolve the issue.

25. The investigator's report expressly stated:

I have refrained from making conclusions related to the Code of Conduct as those matters should be referred to the Integrity Commissioner. I would be pleased to share my file with the Integrity Commissioner for that purpose.

26. In two separate passages of the workplace report, the investigator made specific references to the Respondent's interaction with an individual responsible for by-law enforcement and recommended that I consider that interaction in light of the Code.

27. In one other passage of the report, the investigator referred to an incident in which the Respondent made a request directly to an employee and not to the CAO. The investigator recommended that I consider the incident in the context of the Code.

28. In addition to the report, I received and I reviewed copies of the investigator's interview notes (each annotated with the witness's comments), evidence of communications between the Respondent and Complainants, and submissions to the investigator by the Respondent's lawyer.

29. I also reviewed the record of Council's disposition of the recommendations in the workplace investigation report.

30. Together, the two Complaints cite eight sections of the Code and three sections of the Workplace Harassment Policy & Procedure.

31. Since the workplace investigation report was expressly conducted under the Workplace Harassment Policy & Procedure, I deem it and Council's decision sufficient to have resolved the allegations under sections 4.7, 4.8 and 5.1 of that document.

32. Section 5.5 of the Code is part of the "Principles Upon Which This Code of Conduct Is Based." While the statement of principles is an important part of the Code, and can be used to inform the interpretation of the substantive rules in the Code, the principles themselves are not substantive rules, they are not capable of being contravened, and they cannot give rise to a complaint.<sup>3</sup> Consequently, I will not inquire further into the section 5.5 allegation.

33. Sections 7.2.1 and 7.2.2 of the Code address, respectively, abuse, bullying, intimidation, discrimination and harassment, and indecent, abusive, or insulting words and expressions. Both sections expressly cross-reference the Workplace Harassment Policy & Procedure and the Workplace Violence Policy & Program. I am satisfied that the investigation report that made findings of harassment and bullying under the Workplace Harassment Policy & Procedure was sufficient to address the issues under sections 7.2.1 and 7.2.2 of the Code.

34. Section 7.3.1 of the Code reads as follows:

Council Members shall be respectful of the role of staff to serve the Corporation as a whole under the overall direction of the Chief Administrative Officer; and to provide advice based on political neutrality and objectivity, free from undue influence.

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<sup>3</sup> *Re Chirico*, 2025 ONMIC 6 (CanLII), paras. 13-14; *Therrien-Hale et al. v. Leal*, 2025 ONMIC 4 (CanLII), para. 73; *Re Patterson, Lawrence, Shirton, O'Neill and Metcalfe and Mayor Bentley*, 2024 ONMIC 15 (CanLII), para. 101; *Re Danko*, 2024 ONMIC 11 (CanLII), paras. 11-15; *Mayor John Tory*, 2023 ONMIC 3 (CanLII), para. 460; *Bays v. Pinto and Meadows*, 2022 ONMIC 16 (CanLII), para. 61; *Newman v. Brown*, 2021 ONMIC 11 (CanLII), paras. 55-59; *Jacobs v. Gardhouse*, 2021 ONMIC 1, para. 67; *Re Wilson*, 2017 ONMIC 13 (CanLII), paras. 118-123.

35. The allegations in the Complaints are not about political neutrality or the independence of the staff's advice to City Council.

36. The incident mentioned in paragraph 27, above, does not, in my view, rise to the level of a breach of section 7.3.1. The Respondent made a request to an employee and not directly to the CAO, who is responsible for the entire staff. The request came to the attention of the CAO, who declined it. The Respondent then told the CAO that he would not be asking the CAO's permission for anything. The Respondent told the employee, "F\*\*k [CAO's] name." The investigator found these comments to constitute bullying and harassment. What is left for me to consider is whether the Respondent's initial action – that of submitting a request to an employee and not to the CAO – contravened Code section 7.3.1.

37. Bullying and harassment are serious matters, and the independent workplace investigator already made those findings. I am reluctant to make an additional finding under section 7.3.1, for four reasons.

38. First, I find that the Respondent's statement that he would not be seeking the CAO's permission was not a challenge to the CAO's authority. The Respondent decided to redirect his request to the OPP, making the CAO's approval moot. Saying that he would not ask the CAO for permission was an accurate, albeit blunt and brusque, explanation of where things stood.

39. Second, I do not think section 7.3.1 bears the meaning suggested by Complaint 2. The words "respectful of the role of staff to serve the Corporation as a whole under the overall direction of the Chief Administrative Officer" do not support an interpretation that a request made to an employee other than the CAO necessarily breaches the Code.

40. Third, I find that alleged misdirection of a request pales in significance compared to bullying and harassment, which the workplace investigator found to have occurred.

41. Fourth, it is unnecessary, inefficient and redundant to find contraventions of multiple sections of the Code arising from essentially the same facts and a single wrong.<sup>4</sup>

42. I take the same view of the first half of section 7.3.2, which requires that Council Members respect the staff's professional capacities. The workplace investigator's finding of bullying and harassment subsumes disrespect of the employees being bullied and harassed.

43. Section 10.1 of the Code refers to the misuse of City land, facilities and resources. This provision clearly is meant to apply to a misuse committed by a Council Member through use or misuse of the Member's office and role. It does not apply to an alleged

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<sup>4</sup> *Re Bradley*, 2017 ONMIC 15 (CanLII), para. 84.

misuse of City land, contrary to by-law, in one's capacity as an ordinary resident, which would be subject to by-law enforcement in the same manner as anyone else alleged to have committed the same infraction.

44. This leaves sections 7.3.5 and 7.3.6, and the second half of section 7.3.2. In the exercise of my discretion under section 13.4, I determined that I would inquire into a set of allegations that the Respondent contravened the Code by interfering in the independence of by-law enforcement. While sections 7.3.5 and 7.3.6 and the second half of section 7.3.2 are all relevant to these allegations, in my view, section 7.3.6 is most applicable. I exercised my discretion to focus the inquiry on section 7.3.6.<sup>5</sup>

45. Employee 2 was dissatisfied with my determination that I deemed the external investigator's report and Council's decisions arising from the report to have resolved most of the issues in the Complaints.

46. Upon further review, I acknowledge that Employee 2's allegations described in paragraph 14 of this report were not considered by the external investigator. I address them here.

47. On July 10, I interviewed the Respondent. I have considered that evidence.

48. I have also considered the evidence provided to me by Employee 1 on January 3 and November 13, the evidence provided to me by Employee 2 on March 20 and July 10, my interviews of Employee 2 on January 7 and July 10, and correspondence from Employee 1.

49. Additionally, I have considered the documentary evidence gathered by the investigator and the investigator's notes of interviews with Employee 1 and Employee 2.

## ISSUES AND ANALYSIS

50. I have considered the following issues:

- A. Did Councillor Noel's December 19, 2024, Court testimony contravene the Code?
- B. Did Councillor Noel breach section 7.3.6 of the Code by interfering in by-law enforcement by an employee?

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<sup>5</sup> *Di Biase v. Vaughan (City)*, 2016 ONSC 5620 (CanLII) (Div. Ct.), para. 39. An Integrity Commissioner "must be able to interpret and reformulate complaints submitted by members of the public who may lack specific knowledge of the Code... and who may, therefore, not be familiar with how to identify and formulate alleged breaches." See also *Wallace v. Mercer*, 2022 ONMIC 11 (CanLII), para. 21.

## A. Did Councillor Noel's Court Testimony Breach the Code?

51. On September 24, 2024, the Respondent sued the City and the Mayor in Small Claims Court.<sup>6</sup> On June 27, 2025, it was announced that the Respondent's small claims action had been discontinued.

52. On December 19, 2024, during the course of the small claims action, the Councillor was affirmed as a witness and gave testimony in response to questions posed by the Deputy Judge.

53. Employee 2 alleges that the Respondent's testimony was a) false, b) an attempt to damage Employee 2's reputation, c) harassment, and d) a reference to information obtained during a closed meeting of Council, all of which contravened the Code of Conduct.

54. I am unable to conclude that a witness's testimony in court can support a complaint under the Code or an Integrity Commissioner finding that the Code was contravened.

55. First, the Respondent was required to answer the questions posed by the Deputy Judge. Refusal to answer could have been punishable as a contempt of court.<sup>7</sup>

56. The confidentiality provision of the Code of Conduct expressly provides that confidential information may be disclosed "when required by law."<sup>8</sup> Answers provided by a witness in response to questions posed by the court are "required by law."

57. Second, the testimony that a witness gives in court is privileged and cannot be used against the witness in any other proceeding (except prosecution for perjury).<sup>9</sup>

58. According to the Supreme Court of Canada, "statements made by a witness as such, in court, are absolutely privileged," and "the protection by privilege of the testimony of witnesses in court is regarded by the law as essential to the administration of justice."<sup>10</sup>

59. Consequently, there is no legal basis for an Integrity Commissioner to hold that a witness's privileged testimony before the court contravenes a municipal code of conduct.

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<sup>6</sup> *Ritchie Noel v. Dryden (Corporation of the City) and Mayor Jack Harrison*, Superior Court of Justice (Thunder Bay) Court File No. SC-24-00000030.

<sup>7</sup> *Jackson v. Jackson*, 2016 ONSC 3466 (CanLII), para. 44.

<sup>8</sup> Code of Conduct, s. 9.1.

<sup>9</sup> *Reynolds v. Kingston (Police Services Board)*, 2007 ONCA 166 (CanLII), para. 14; *Samuel Manu-Tech Inc. v. Redipac Recycling Corporation*, 1999 CanLII 3776 (ON CA), paras. 19-20. See also: *Sankreacha v. Cameron J. and Beach Sales Ltd.*, 2018 ONSC 7216 (CanLII), para. 187; *Prkacin v. Winter*, 2005 CanLII 14011 (ON SC), para. 24; *Read v. Munt*, 2004 CanLII 66336 (ON SC), para. 5; *Read v. Munt*, 2003 CanLII 40735 (ON SC), para. 5.

<sup>10</sup> *Halls v. Mitchell*, [1928] S.C.R. 125, at 145.

60. I am aware of a report from the Integrity Commissioner of West Grey, purporting to find that a councillor's testimony in court was subject to that municipality's code of conduct. This report makes no reference to the established law on the privilege attaching to a witness's testimony.<sup>11</sup> It is poorly reasoned and unpersuasive, and I decline to follow it.<sup>12</sup>

61. I am satisfied that an Integrity Commissioner has no jurisdiction to determine whether a witness's testimony before the Superior Court of Justice<sup>13</sup> was false. Similarly, an Integrity Commissioner has no jurisdiction to determine whether testimony in the Superior Court of Justice constituted harassment, damaged someone's reputation, or violated a confidence.

62. I note that the City was a party to the action in which the witness gave evidence. The City may or may not have been able to seek a remedy in that proceeding; that is for the Court, not for an Integrity Commissioner, to determine. What occurred in the Superior Court of Justice cannot be reviewed under the Code of Conduct or in an inquiry under Part V.1 of the *Municipal Act*.

### **B. Did Councillor Noel Interfere in By-Law Enforcement?**

63. A Council Member must not interfere in the independent exercise of discretion by an official responsible for law enforcement.

64. Officials charged with responsibility for law enforcement, including enforcement of by-laws, are entitled and required to exercise discretion. As observed by the Supreme Court of Canada, "Police necessarily exercise discretion in deciding when to lay charges, to arrest and to conduct incidental searches ..." <sup>14</sup>

65. Politicians must not interfere with the exercise of discretion by law enforcement officials. "Political interference in core law enforcement decisions – such as who to investigate or charge – risks damage to the rule of law."<sup>15</sup>

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<sup>11</sup> *Re Hergert* (October 18, 2021), Township of West Grey Integrity Commissioner.

<sup>12</sup> The report confuses the *sub judice* convention, which restricts politicians from making comments outside the courtroom, with the law applying to witness testimony inside the courtroom. The *sub judice* restriction does not apply to "evidence properly submitted" to the court: J.C. McRuer, "Criminal Contempt of Court Procedure: A Protection to the Rights of the Individual" (1951), 30 *Can. Bar Rev.* 225 at 228, cited with approval in *Zehr v. McIsaac et al.*, 1982 CanLII 1938 (ON SC).

<sup>13</sup> The Small Claims Court is part of the Superior Court of Justice.

<sup>14</sup> *R. v. Beare*, 1988 CanLII 126 (SCC), para. 51.

<sup>15</sup> *R. v. Rak*, 2020 ONCJ 404 (CanLII), para. 19, paraphrasing *Smith v. Ontario (Attorney General)*, 2019 ONCA 651 (CanLII), paras. 62-63.

66. The requirement that politicians respect the independence of law enforcement has been explained and upheld in many previous Integrity Commissioner reports.<sup>16</sup>

67. I most recently delivered training to City Council on January 23, 2023. An entire slide of that presentation was devoted to this topic. It read as follows:

**Independence of Law Enforcement**

- Law enforcement, including the decision to lay (or not to lay) a charge under a by-law, must be free from political interference
- Council collectively has the right to enact by-laws, set policies, fix budgets, uphold accountability, and address general (but not case-specific) matters of by-law enforcement
- Code, sections 7.3.5, 7.3.6: Do not influence or interfere with staff members performing duties under *Provincial Offences Act*

68. I have considered the Respondent's interaction with an employee responsible for by-law enforcement. In particular, I have examined whether the Respondent attempted to interfere with that official's independence.

69. For the reasons set out in paragraph 33, above, I did not reexamine the workplace investigator's findings of bullying and harassment. Those findings were already made and Council acted on them. There is no need for me to revisit what the workplace investigator has already done.

70. The incidents I examined consisted of the following: a) incidents related to the Respondent's property, including the Respondent's effort to identify the complainant and fallout from that; b) an incident involving long grass at another individual's property; c) a statement by the Respondent that he did not want the CAO to "trespass" on the Respondent's property; and d) the request described in paragraph 25.

71. While a politician must not interfere in law enforcement, a politician has the same rights as any other individual when being investigated for, or accused of, an alleged breach of the law. These rights include a fair and objective investigation,<sup>17</sup> disclosure,<sup>18</sup> and the ability to make full answer and defence.<sup>19</sup> The politician must not interfere in a decision about who is investigated or who is charged, but the politician who is investigated or charged obviously retains the same rights as any other defendant or subject of an investigation.

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<sup>16</sup> *Greatrix v. Williams*, 2018 ONMIC 6 (CanLII), paras. 134-141; *Gobin v. Nicholson*, 2020 ONMIC 13 (CanLII), paras. 65-69; *Jacobs v. Gardhouse*, 2021 ONMIC 1 (CanLII), paras. 75-78; *Re Partner*, 2018 ONMIC 16 (CanLII), paras. 46-51.

<sup>17</sup> *R. v. Pauliuk*, 2005 ONCJ 119 (CanLII); *R. v. Strabag Limited*, 2012 ONCJ 862 (CanLII).

<sup>18</sup> *R. v. Andriano*, 2025 ONCJ 644 (CanLII); *R. v. Law*, 2013 ONCJ 533 (CanLII)

<sup>19</sup> *Provincial Offences Act*, subs. 46(2).

72. Having reviewed the incidents in category a), I find that the Respondent was not attempting to interfere in the independence of by-law enforcement. Instead, he was asserting his rights as the subject of by-law enforcement or the owner of a property that was the subject of by-law enforcement. Whether the Respondent was correct in asserting his positions would be up to the Ontario Court of Justice; it is not a determination that the Integrity Commissioner may make. For example, a defendant might not be entitled to the name of the person who made the by-law complaint;<sup>20</sup> however, that is a matter for judicial determination and is not within my jurisdiction to decide. Should it turn out that the Respondent was not entitled to seek the identify of this individual, the Integrity Commissioner still lacks jurisdiction to handle the issue under the Code. Likewise, whether the Respondent did or did not contravene the by-law is a question I have no authority to answer.

73. In the case of incident b), I find that the Respondent did not interfere but instead let law enforcement take its course. An ill and elderly property owner was given a deadline to cut grass. The Respondent and other individuals arranged for the grass to be cut as required. This constituted respect for by-law enforcement, not interference.

74. Incident c) involves the Respondent's actions as a property owner not as a Council Member. If someone wants to use rights – or wants to threaten to use rights – under the *Trespass to Property Act* to keep the CAO off private property, then that is ultimately a matter for the courts, not for an Integrity Commissioner operating under the Code of Conduct. Whether the property owner has acted correctly is a determination outside my jurisdiction. Further, nothing in Part V.1 of the *Municipal Act* indicates that a Code of Conduct overrides the rights and remedies under the *Trespass to Property Act* that might be available to Council Members who own properties.

75. In paragraphs 36 to 42, above, I have already addressed the request that constitutes incident d).

## CONCLUSION

76. I find that the independent workplace investigation report, on which Council has already acted, addresses most of the issues raised in the two Complaints.

77. For the reasons outlined above, I am unable to find breaches of the Code arising from the remaining allegations in the Complaints.

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<sup>20</sup> *Caledon (Town) v. Eagle Demolition & Excavation Inc.*, 2022 ONCJ 241 (CanLII), para. 223.

## CONTENT

78. 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,

A handwritten signature in blue ink, appearing to read "Guy Giorno".

Guy Giorno  
Integrity Commissioner  
City of Dryden

December 30, 2025