
CITY OF DRYDEN INTEGRITY COMMISSIONER (FOR THIS INQUIRY),
GUY GIORNO

Citation: Mayor and Council v. Noel, 2026 ONMIC 4

Date: May 13, 2026

INQUIRY REPORT

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CONTEXT

1. By-Law Number 2021-96, passed November 22, 2021, re-appointed me as the City's Integrity Commissioner. Resolution #20, adopted the same day, and incorporated into Confirmatory By-law 2021-97, indicated that the term of appointment was to run to the end of 2026.
2. While duly serving as the appointed Integrity Commissioner, I received the Application and launched this inquiry.
3. On January 12, 2026, before receiving the application and launching the inquiry, I wrote to inform City Council that it was not my intention to seek re-appointment at the end of the term. I further indicated that I preferred to end my appointment earlier: ideally, as soon as Council has selected a replacement.
4. A new Integrity Commissioner was appointed February 9, 2026. Prior to voting to approve the new appointment, City Council was informed by the Mayor that I would complete the inquiries that were already underway. This I have done, with the City's agreement and consistent both with the practice in other municipalities and with Divisional Court jurisprudence.¹

THE COMPLAINT

5. This is my report to City Council under subsection 233.6 (2) of the *Municipal Act* on whether the Respondent has contravened the Council Code of Conduct, Schedule A to By-law Number 3529-2007, Policy No. MU-CO-11.
6. On January 26, Mayor Jack Harrison, with the approval and on behalf of the Council (Complainant), filed a Complaint alleging that Councillor Ritch Noel (Respondent) contravened the Code through comments directed to the City's Chief Administrative Officer, Roger Nesbitt (the CAO), during the December 15 Council meeting, as well as through certain social media posts published in November 2025.
7. In particular, the Complaint alleges that, during the Council meeting, the Respondent: made disrespectful comments about the CAO, including referring to him as a "bully," contrary to section 7.3.3 of the Code; publicly criticized and impugned the CAO's professional and ethical reputation in relation to alleged staffing and human resources

¹ *Patrie v. Elliot Lake (City) (Integrity Commissioner)*, 2023 ONSC 7017 (CanLII), paras. 82-83. See also *Elliot Lake (City) v. Pearce*, 2021 ONSC 7859 (CanLII) and *Elliot Lake (City) v. Pearce*, 2021 ONSC 1851. These three decisions involve a former Integrity Commissioner that issued a code of conduct report under section 223.4 of the *Municipal Act*, issued reasons for determination under section 223.4.1 of the *Municipal Act*, commenced an application under section 8 of the *Municipal Conflict of Interest Act*, and then appealed from the decision on that application.

issues within the municipality, contrary to section 7.3.4 of the Code, and; used threatening remarks and intimidation in an attempt to influence the CAO from bringing forward staff reports regarding Council legal costs, contrary to section 7.3.6 of the Code.

8. The Complaint was assigned File No. 2026-03-CC.

SUMMARY

9. The Respondent did not contravene the Code.

10. This Complaint arises following a period of sustained conflict among the Respondent, his Council colleagues, the CAO, and the City. By the time of the December 15 Council meeting, the relationship between the Respondent, the majority of Council, and City administration had already deteriorated. This conflict remains ongoing, as discussed below.

11. The documentary record reflects a reciprocal and charged political dispute between the Respondent and the CAO concerning matters of official City business, public expenditures, litigation costs, workplace investigations, and institutional accountability.

12. Strong words were exchanged by the Respondent. However, strong words are not automatically words that violate the Code. There are many words spoken in public life which hindsight might have softened. Council Chambers are sometimes noisy places. Personalities can clash. Elected officials may defend their conduct publicly and, at times, inelegantly. Through all of this, the Code exists to address specific misconduct, not to enforce perfect manners.

13. Code provisions protecting City staff from disrespect and intimidation are essential to the proper functioning of local government. However, they must not be interpreted so strictly as to transform Council Chambers into places of managerial consensus where disagreements are spoken only in whispers.

14. My role is not to decide whether the Respondent's spoken remarks or social media posts were wise, diplomatic, or measured. Nor is it my role to decide whether I would personally have spoken the same way. My task is to interpret and apply the Code and to determine whether the impugned remarks and social media posts crossed the lines that the Code establishes. In my view, they did not.

BACKGROUND

15. In 2025, an independent, external investigator conducted an investigation into two employees' complaints against the Respondent. The background to the investigation and

the investigator's findings are summarized in my report in *Employees v. Noel*, 2025 ONMIC 7 (CanLII).

16. On June 9, 2025, after reviewing the investigation report, City Council made certain determinations. One was that the Respondent would not be permitted to attend City Council meetings in person until he has completed in-person harassment training.

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

18. As of the date of this report, the judicial review application is an ongoing matter.

19. The present Complaint arises in the context of the ongoing and sustained conflict between the Respondent and other members of City Council, as well as senior municipal administration.

20. Against that backdrop, on November 11 and November 24, 2025, the Respondent published social media posts regarding municipal legal costs, workplace investigations, alleged human resources issues within the municipality, and Council's handling of matters involving the Respondent personally.

21. The Complaint alleges that these social media posts contravened section 7.3.3 of the Code.

22. The Complaint refers to a November 10 post on the Respondent's Facebook profile. The post was actually made November 11. The text of the post was as follows:

I'm going to make a proper freedom of information request to disclose it because all of Council voted to keep it secret. I'm done playing nice. Once I get it, I'll make it public if I can. Roger [CAO] tried making my request seem like the bulk of the cost was on my litigation only. I'm sure they have way higher ones going on. The question the public should ask is, why do we have so many HR issues going on? Why won't people stay? Our new Treasurer didn't stay 90 days, I don't think.³

23. The November 24 social media post cited in the Complaint stated:

Last Council meeting on November 10, 2025, I made a motion to have the City disclose legal costs to the public. The City CAO suggested we could not do that for fear of potentially violating someone's privacy. That's a valid point, so the motion was amended to protect anyone's anonymity. I put the amended motion forward and every single Councillor and Mayor Harrison all voted to keep this information from the public. I can share, as

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

³ My standard practice in these reports is to edit direct quotations to correct spelling, grammar and names, and to achieve uniformity in punctuation and capitalization.

it's available on the agenda for tonight, that the 2025 budget was \$82,200.00 for the entire year. So far, the City has spent \$358,296.00 and we have been warned that legal costs for 2026 "are anticipated to be extraordinarily high." I'm not sure why the information was released despite Council voting specifically NOT to share it. Had this information not been shared, I was going to draft a Freedom of Information request to get the details, and my intent was to release it to the public. The cost of defending their illegal attack on my integrity and ability to represent those who elected me is a large part of this bill but certainly is not all of it. Now, Council is being asked to increase our water rates over 6% and burden the taxpayer with more costs, when we have expenditures like this! When there appears to be multiple human resource issues pending. As a manager and owner of a business for many years, if my staff makes a mistake, guess whose fault it is ultimately?? It's my fault as the manager. Managers should, at the very least, accept some responsibility when labour issues arise and progress to the litigation stage. I can tell you for sure that I will not agree to any increase....0%...as long as things like this are being thrust upon the citizens of this City. What's more, I can't even attend in person to make this a live issue really, even though I intend to appear remotely as it is the only option they have left me with.

24. At the December 15 Council meeting, in response to these two social media posts, the CAO presented a staff report titled "Administration – 2025-029 Fact Checking Social Media Post – CAO."

25. The CAO delivered remarks, and the Respondent replied. My office prepared the following transcript from the recording:

[48:45]

Mayor Harrison: I'd like to call on Mr. Nesbitt to present his report, please.

Mr. Nesbitt: Thank you, and through Your Worship, on November 10th, and then again, on November 24th of this year, a Dryden Councillor made social media posts, which I feel compelled, I need to address by providing additional and clarifying details for Council and the public. The posts which are shown in the submitted report and are provided for reference were documented from screen captures of the actual social media posts with identifying names removed for the purpose of this report. All other text appears as it was posted.

Both posts refer to legal fees incurred by the municipality. At the November 24th Council meeting, I shared our budgeted and year-to-date legal costs with Council, which are again provided in this report. The year-to-date legal costs associated with the Council department in the amount of over \$248,000 are attributed to workplace harassment investigations tied to a single member of Council, a judicial review response that is associated with a single Councillor's filing of a review application, and

integrity commissioner costs associated with that same single member of Dryden City Council.

The Councillor's statement made in their November 24th social media post stating, "the cost of defending their illegal attack on my integrity and ability to represent those who elected me" is false. The reference costs were to engage a neutral investigator to investigate workplace harassment complaints against the member of Council, the findings of which were challenged by the member of Council. The municipality has filed a response to the application for judicial review with a hearing date yet to be assigned.

The statement of their "illegal attack" has not been proven, and the municipality maintains Council has operated within their authority and has responded to what the law requires of an employer when they receive serious complaints of harassment under the *Occupational Health and Safety Act*. Both posts also make vague reference to human resource issues within the municipal organization. Again, my November 24th report included information regarding municipal employee turnover rates and paid severance amounts, which again has been included for Council's awareness.

The combined amount of severance payments made through 2024 and '25 was noted in the November 24th report as a total of \$30,203.00, which was a net amount paid over those two years. Gross severance amounts include statutory deductions, but could also include employee entitlement clawbacks, thereby making the net amount more accurate summary amount to use. The vague reference to human resource issues has no merit, which I've clearly shown, unless of course the Councillor's references to the workplace harassment associated with the Council department legal fees.

Employers found to have harassed employees would definitely constitute a very serious human resource issue. In the Councillor's November 24th post, they state that managers should at the very least accept some responsibility when labor issues arise and progress to the litigation stage. As a general statement, I find that this makes no sense.

If a manager or employer follows organizational policy, contractual obligations, provincial or federal laws, and seeks qualified legal counsel, how does that equate to having to accept responsibility for another party making a claim? The statement seems to be made with a sole intent to falsely disparage municipal staff. The Councillor's attempt to publicly blame municipal staff for the extremely rare occasions of labor related litigation is a completely baseless insinuation that exposes the municipality to further liability and associated costs by further creating a toxic work environment for municipal staff. Thank you.

[53:15]

Mayor Harrison: I'll open up the floor for Councillors. I see Councillor Noel.

Councillor Noel: Thank you, Mayor Harrison.

So, first of all, Mr. Nesbitt, I don't blame staff for this management. I blame you. You've tried to bully me, and I don't think you like that I won't tolerate it. And I call you on it. And as you said, the city has a right and an obligation, so do I, Mr. Nesbitt. I have every right to defend myself in court, and I intend to do so most fervently.

You know, I'll point out, you said, how can those in charge be responsible? Well, when a hockey team or a baseball team or something fails, and there's problems, turnover, who gets fired? Management.

So, I don't blame staff, sir, I blame you. I blame you for being a bully, and I won't put up with it.

Now, you said that the total severances in 2023 was 30,000 – 2023/2024 was 30,203 and nothing in 2025. And you said that on a number of occasions. So, I put it to you, sir, that if I made an FOI request and found out that there was something else paid out in 2025 and could prove it without disclosing a name, would you resign for misleading Council and the taxpayers of this city?

Now, I want to repeat that I do not blame staff, Mr. Nesbitt, I blame you. You're the head of all those departments, and we've had some key people go, key people. And sure, my legal bills are high, but you know what? I have that right to defend myself. I'm not going to just lay back and let you bully me.

You got to remember, Mr. Nesbitt, you serve at our discretion, it's not the other way around. And you could have chose to not bring any of those costs forward, but you made them public. You wouldn't wait till I made an FOI request.

You made them public, just like you put this post out and you had to make it public. So you know what, you made your bed, and I'm going to make sure that you lie in it. And I'm going to send one more final word of caution. You made a point at that last meeting about saying that the city might go after costs. Well, sir, that's a double-edged sword. And you better hope that if I'm successful that I don't go after costs. And because you know, I'm spending my money. I'm not spending the taxpayer's money. And you're not spending your money. You're spending the taxpayer's money. And a lot of it's unnecessary. A lot of it.

That's all I have.

[56:27]

Mayor Harrison: Mr. Nesbitt, your response. Let's kind of keep this short.

Mr. Nesbitt: Thank you, through your worship. Councillor Noel speaks to bullying. He knows a lot about bullying. So, we'll just leave it at that.

My staff report tonight, your Worship, is completely factual. That was the severance amount that was paid across 2024 and 2025.

My original report stated that amount was paid in '24. But a portion of that was actually paid in '25. The amount remains the same. Just the timing of the payments.

There was a severance negotiated at the end of '24. And it was actually paid out in '25. Without going into any further details. And this report corrects that error in my original report.

Thank you.

[57:25]

Mayor Harrison: Thank you Mr. Nesbitt. I just will say – to remind all of Council – we need to stay within in our roles, Council / Staff.

Staff is managing the corporation, following policy and procedures. Council is meant to govern and provide overall leadership. I'll just say we need to stay within our roles to make this Council / Staff relationship function well.

With that, I think we should move on to our next report.

26. The Complaint alleges that the Respondent's intervention contravened section 7.3.3 of the Code by referring to the CAO as a "bully."

27. It is further alleged that the Respondent's remarks publicly criticized and impugned the CAO's professional and ethical reputation in relation to alleged staffing and human resources issues within the municipality, contrary to section 7.3.4 of the Code.

28. Lastly, it is alleged that the Respondent contravened section 7.3.6 of the Code by using threatening remarks and intimidation in an attempt to influence the CAO from bringing forward staff reports regarding Council legal costs.

PROCESS

29. 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.⁴

30. The process to be followed in an inquiry also lies within the Integrity Commissioner's discretion, so long as the process is fair.⁵

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

⁴ *Dhillon v. Brampton (City)*, 2021 ONSC 4165 (CanLII), paras. 34, 40.

⁵ *Di Biase v. Vaughan (City)*, 2016 ONSC 5620 (CanLII)

ISSUES AND ANALYSIS

32. I have considered the following issues
- A. Did the Respondent's remarks during the December 15 Council meeting contravene section 7.3.3 of the Code?
 - B. Did the Respondent's December 15 remarks contravene section 7.3.4 of the Code?
 - C. Did the Respondent's December 15 remarks contravene section 7.3.6 of the Code?
 - D. Did the Respondent's November 11 and November 24 social media posts contravene section 7.3.3 of the Code?

A. Did the Respondent's remarks contravene section 7.3.3 of the Code?

33. No, the Respondent's remarks did not contravene section 7.3.3 of the Code.
34. Section 7.3.3 of the Code provides that: "Council Members shall be respectful of staff's professional capacities and responsibilities."
35. This provision protects the institutional role of municipal staff and recognizes that staff members are entitled to carry out their duties free from personal abuse or improper interference. However, the section cannot be interpreted as prohibiting elected officials from carrying out their legitimate functions, which include questioning staff reports, disputing factual assertions, and defending themselves publicly in the course of debate on the Council floor.
36. In other words, Section 7.3.3 must not be interpreted in a manner that drains democratic debate of its ordinary vigour.
37. Respect for the staff does not mean that a Member must agree with everything the staff recommends. As was observed in *Sinnott v. McConkey*:⁶

Disagreement with the staff does not equate to disrespect for with staff.
Disagreement with the staff does not equate to disrespect for the staff's professional capacities and responsibilities.

...

The Code of Conduct requires that elected officials show respect for the staff; it does not compel deferring to the staff's advice in all cases.

⁶ *Sinnott et al. v. McConkey*, 2021 ONMIC 4 (CanLII), paras. 210, 213.

38. Context matters. Words spoken in a formal Council debate, particularly in response to allegations or criticism directed at the Member personally, ought not to be assessed as though they were delivered in a vacuum. As I explained in *Montforts v. Brown*:⁷

As I have explained, the [Member] was required by [the Code of Conduct] to treat everyone with dignity, understanding and respect, but those concepts are shaped by the nature of the conversation. In other words, a response can push back and still be dignified, understanding and respectful. The [Member] was entitled to defend his position. To use the [Member's] word, the Code of Conduct does not require that a Council Member become a piñata. Rejecting a criticism – such as the assertion that the [Member] had broken rules or the insinuation that he was drunk – is not necessarily the same as failing to show dignity, understanding and respect.

39. I would apply the same principle here. Immediately before Respondent made the impugned remarks, the CAO delivered a lengthy public report which was critical of the Respondent's conduct, social media activity, comments respecting municipal administration, and litigation position.

40. Although the CAO's remarks did not expressly name the Respondent, I find that it was obvious to everyone that the Respondent was the subject of the CAO's staff report.

41. The CAO stated in his remarks, among other things, that the Respondent's online comments were "false," "baseless," had "no merit," and appeared intended "to falsely disparage municipal staff." The CAO further stated that the Respondent's conduct was contributing to "a toxic work environment."

42. I find that the Respondent's remarks at issue in this Complaint were responsive to those criticisms. The Code does not oblige elected officials to respond to public criticism with only polite silence.

43. The Respondent's remarks were not directed at the staff generally, nor did they amount to a sweeping denunciation of the CAO's competence or integrity in all respects. Rather, the comments were directed at specific matters raised or alluded to by the CAO himself in the staff report and accompanying presentation to Council.

44. The CAO had publicly attributed significant legal costs, workplace disruption, and reputational harm to the Respondent's conduct, and characterized aspects of the Respondent's public statements as "false," "baseless," and harmful to the municipal workplace. The Respondent's reply was plainly responsive to those allegations. The Respondent disputed the CAO's characterization of events, defended his right to pursue litigation, challenged the CAO's management decisions, and expressed his opinion that the CAO had acted improperly toward him.

⁷ 2021 ONMIC 10 (CanLII), para. 153.

45. While I recognize the distinct relationship between the role of a Member, such as the Respondent, and a municipal employee, such as the CAO, it is relevant in the instant case that the verbal exchange occurred following the CAO delivering what was, facially, a pointed report that was “fact checking” the online comments of the Respondent.

46. By preparing and delivering the report to Council, it was entirely foreseeable that the Respondent would take an adverse position to the CAO’s characterization of events and articulate that publicly.

47. I also observe that the Respondent’s comments did not prevent or materially interfere with the CAO’s participation in the meeting or the performance of his functions. The CAO was afforded an opportunity to respond to the Respondent’s remarks and availed himself of that opportunity. Indeed, the exchange concluded with the CAO directly defending the accuracy of his report and, in substance, rejecting the Respondent’s characterization of him by suggesting that the Respondent himself “knows a lot about bullying.”

48. The record reflects a contentious but reciprocal exchange between two participants in a dispute over official City business, not a circumstance in which the professional capacities and responsibilities of staff were disrespected. The Respondent’s use of the word “bully” may have been sharp. However, political discourse, particularly during periods of institutional conflict, is not always antiseptic.

49. It has been said that if someone uses political speech to make unfair or misleading comments, then political speech itself offers a remedy: *Re Maika*, 2018 ONMIC 11 (CanLII), paras. 138-139; *Gerrits v. Currie*, 2020 ONMIC 6 (CanLII), paras. 38-48. In a democracy, political speech offers the opportunity to call out, to correct, and to criticize inaccuracy and unfairness – usually in a manner that is direct, immediate, and proportionate to the original speech.

50. The Respondent’s remarks did not contravene section 7.3.3 of the Code.

B. Did the Respondent’s remarks contravene section 7.3.4 of the Code?

51. No, the Respondent’s remarks did not contravene section 7.3.4.

52. Section 7.3.4 of the Code provides that: “A Council Member shall not publicly criticize, or maliciously or falsely injure or impugn the professional or ethical reputation of staff members.”

53. Here, the Respondent expressed strong disagreement with the CAO’s handling of legal expenditures, staffing matters, and the publication of the CAO’s report. He asserted that the CAO had “tried to bully” him following the CAO’s report about the Councillor’s activities and online comments. The Respondent criticized the CAO’s leadership and

management, particularly in relation to staff turnover and litigation involving the City. He questioned whether severance-related information previously disclosed by the CAO was accurate.

54. The Respondent was not introducing unrelated personal allegations or gratuitous insults detached from municipal business that was before the Committee. He was responding to the staff report's criticism of his own conduct.

55. There is nothing in the record to indicate that the Respondent's comments crossed the line into malicious or knowingly false attacks on the CAO's reputation. The Respondent's statements reflected his opinions about management, governance, staffing turnover, and the ongoing disputes between himself and the City. I make no comment or finding on the validity of the Respondent's views. Rather, I note that all these matters were brought to the floor by the CAO through the staff report.

56. Context matters not only in considering the words spoken, but also in assessing the weight those words realistically carried. In assessing whether the Respondent's remarks improperly impugned the CAO's professional or ethical reputation, I also consider it relevant that the Respondent lacked the institutional influence necessary to undermine the CAO's standing among Council or within the City's organization.

57. This was not a circumstance in which a powerful Member marshalled institutional authority to damage the standing of a vulnerable staff member. Instead, the record reflects a Councillor who was deeply at odds with most of Council, not one exercising meaningful influence over them. Simply put, the Respondent's remarks did not carry the weight to impugn the CAO's professional reputation within the municipality.

58. The Respondent's remarks did not contravene section 7.3.4 of the Code.

C. Did the Respondent's remarks contravene section 7.3.6 of the Code?

59. No, the Respondent's remarks did not contravene section 7.3.6.

60. Section 7.3.6 of the Code provides that: "A Council Member shall not use authority, intimidation, threats or coercion to influence any staff members."

61. The purpose of section 7.3.6 is to protect staff from improper pressure or misuse of political authority that compels them to act contrary to their duties. The section is aimed at intimidation, coercive conduct, or attempts to improperly direct staff through fear, threats, or abuse of office.

62. The Respondent's statements to the CAO included that the CAO "serve[s] at our discretion," that the CAO had "made [his] bed," and that the Respondent would "make

sure that [the CAO] lie[s] in it.” The Complaint also points to the Respondent’s comments regarding potential cost consequences in the ongoing litigation involving the Respondent.

63. Context again matters in considering the Respondent’s interventions. The exchange occurred during a public debate concerning legal expenditures, workplace investigations, and criticism directed at the Respondent. The Respondent was not directing the CAO to take or refrain from taking a specific administrative action. Nor was he attempting to compel the CAO to alter a report, suppress information, or breach a statutory duty.

64. To the contrary, the staff report had already been prepared and presented before the Respondent spoke. In that respect, the Respondent’s comments were reactive, not coercive.

65. The Respondent’s references to litigation costs and possible cost consequences must also be understood in their full context. The City and the Respondent were already engaged in active judicial review proceedings when these remarks were made. References to legal cost consequences in the course of discussing ongoing civil litigation do not amount to threats prohibited by the Code. Cost consequences are a reality to be contented with in any litigated dispute. Acknowledging that reality is not intimidation.

66. I also note that the Respondent did not purport to direct the CAO’s employment status or invoke any unilateral authority over the CAO. Indeed, no individual member of Council possesses independent authority over the CAO and given the deterioration of the relationship between the Respondent and the rest of Council, I do not find that Councillor Noel had the ability or the perceived ability to influence any negative consequences on the CAO’s employment.

67. The Respondent’s remarks did not contravene section 7.3.6 of the Code.

D. Did the Respondent’s social media posts contravene section 7.3.3 of the Code?

68. No, the Respondent’s social media posts did not contravene section 7.3.3.

69. As noted above, section 7.3.3 cannot reasonably be interpreted as prohibiting elected officials from publicly discussing matters of institutional accountability.

70. Elected officials are expected to communicate with constituents about controversial matters affecting the municipality, including matters involving public spending and the conduct of municipal administration. That obligation does not disappear merely because criticism of administration may be uncomfortable or unwelcome.

71. The November 11 Facebook post criticized the handling and disclosure of legal costs and questioned whether broader HR issues existed within the municipality. The Respondent wrote: “The question the public should ask is, why do we have so many HR issues going on? Why won't people stay?”

72. The November 24 post similarly questioned legal expenditures, criticized Council's handling of the Respondent's litigation, and expressed the Respondent's opinion that management bears responsibility when labour disputes progress to litigation stages. The Respondent expressly framed his criticism in managerial terms, stating:

When there appears to be multiple human resource issues pending, as a Manager and owner of a business for many years, if my staff makes a mistake, guess whose fault it is ultimately?? It's my fault as the manager.

73. These comments were undoubtedly critical of City management. They were also political. But criticism of municipal management, staffing decisions, employee turnover, legal spending, or institutional culture does not automatically constitute disrespect for the staff's professional capacities within the meaning of section 7.3.3. To find otherwise would place elected officials in the untenable position of being unable to publicly question the administrative operation of the municipality they were elected to govern.

74. I adopt in this report the following observation in the City of Peterborough case, *Chan v. Therrien*:⁸

Further, it is essential to interpret section 10 of the Code with an understanding of how social media function. Nobody is required to follow Mayor Therrien. People are not confronted with her opinions; they choose to access them. Canadian courts have underscored the difference between messages that people can avoid and messages that confront a captive audience. [*Committee for the Commonwealth of Canada v. Canada*, 1991 CanLII 119 (SCC), per L'Heureux-Dubé, J.] This difference must be taken into account in interpreting “abuse, bullying or intimidation.” Only people who choose to access the Mayor's posts will see them. In my view, their *voluntary* engagement with her online content is inconsistent with a finding that they are being abused, bullied or intimidated. One cannot be bullied or intimidated by a message that one need never view in the first place, and that one is free to ignore.

75. Similar considerations apply here. The Respondent's Facebook posts were not sent by the Respondent to any member of staff, including the CAO, and it was open to any one to simply not engage with the Respondent's Facebook profile.

76. The Code obligation to treat staff respectfully is an important one, but it does not require elected officials to speak in the muted language of institutional harmony whenever

⁸ 2021 ONMIC 6 (CanLII), para 128.

genuine disputes over governance, accountability, or public spending arise between Council and administration.

77. I pause to note that different facts might have led me to a different conclusion. For instance, the analysis might differ if the Respondent's posts had targeted the CAO personally in a manner detached from municipal business, or if the comments had descended into personal ridicule, attacks on private character, or gratuitous allegations unrelated to the performance of the CAO's official responsibilities. The analysis might also differ if the posts were directed at staff generally, rather than expressing criticism of the conduct of the CAO and the handling of specific matters of public administration, legal expenditures, and governance.

78. I am not satisfied that the Respondent's November 11 and November 24 social media posts crossed that line. The posts constituted political commentary and criticism on matters of public administration and municipal governance. They did not contravene section 7.3.3 of the Code.

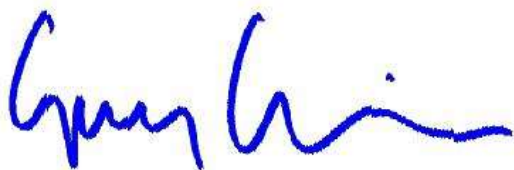
CONCLUSION

79. I find that Councillor Noel did not contravene the Code.

CONTENT

80. 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.

The undersigned, who was appointed as Integrity Commissioner under section 223.3 of the *Municipal Act* and who commenced the inquiry while duly in office, issues these reasons pursuant to the authority preserved with the City's agreement.



Guy Giorno
Integrity Commissioner (for this inquiry)
City of Dryden

May 13, 2026