

City of Pickering  
Integrity Commissioner's  
Recommendation Report  
Complaints against Councillor Robinson  
August 14, 2023

**Introductory Comments**

- [1] Principles *Integrity* was appointed the Integrity Commissioner for the City of Pickering on November 15, 2022. We are also privileged to serve as Integrity Commissioner for a number of other Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

*The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.*

- [2] The City has as part of its ethical framework a Code of Conduct which is the policy touchstone underlying the assessments conducted in this report. It represents the standard of conduct against which all members of Council are to be measured when there is an allegation of breach of the ethical responsibilities established under the Code of Conduct. The review mechanism contemplated by the Code, one which is required in all Ontario municipalities, is an inquiry/complaints process administered by an integrity commissioner.

- [3] Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

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- [4] It is important that this broad range of functions be mentioned at the outset of this investigation report. Our goal, as stated in our operating philosophy, is to help members of the community, indeed the broader municipal sector and the public, to appreciate that elected and appointed representatives generally carry out their functions with integrity. In cases where they do not, there is a proper process in place to fairly assess the facts and, if necessary, recommend appropriate sanctions. In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.
- [5] Our role differs from other ‘adjudicators’ whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.
- [6] Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.
- [7] In this regard, we have assessed the information fairly, in an independent and neutral manner, and have provided an opportunity to the respondents named in this Report to respond to the allegations, and where findings are made, to review and provide comment on the preliminary findings

### The Complaints

- [8] This Report responds to several complaints we received against Councillor Robinson on May 10 and May 11, 2023 arising out of a Facebook post by the Respondent Councillor.
- [9] That post which the Respondent posted on her own Facebook page, identifying individual citizens by name, read as follows:

Tonight It is with great sadness that I announce that this years Robinsons Charity Halloween Haunt and corn maze will have to be cancelled.  
A big Thank you to [redacted], [redacted], and [redacted] for your neighbourly kindness.

- [10] The complaints can be summarized as follows:

- The Respondent’s post was an inappropriate attack against individual residents who had simply participated in a public planning process by

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attending a Committee of Adjustment meeting to oppose her minor variance application which would have allowed permanent placement of a shipping container on her residential property.

- The Respondent's post incites her supporters to attack these residents on social media.
- The Respondent's post may intimidate and discourage others from expressing views which do not align with the Respondent's, for fear of similar singling out with attacks on social media.

[11] One of the complainants raised a further, separate matter, where it appeared that the Councillor's mother had collected and retained contact information of attendees at a Town Hall meeting she hosted, contrary to the municipality's obligations to maintain confidentiality around personal information.

[12] It was alleged that the contact information was used for improper purposes (real estate solicitations) by the real estate broker where the Councillor is employed.

### Process Followed for this Investigation

[13] In conducting this investigation, Principles Integrity applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.

[14] This fair and balanced process includes the following elements:

- Reviewing the complaints to determine whether they are within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaints should be restated or narrowed, where this better reflects the public interest
- Notifying the Respondent, and providing her with an opportunity to respond in full to the allegations
- Providing the complainants with an opportunity to review the Respondent's response, and provide further submissions
- Reviewing the Code of Conduct and other relevant documentation and interviewing relevant witnesses as necessary
- Providing the Respondent with the opportunity to review and provide comments to the Integrity Commissioner's Preliminary Findings Report, and taking those comments into consideration prior to finalizing and submitting this Recommendation Report.

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### Background and Context:

- [15] The Respondent Councillor lives in a bungalow at the North West corner of Rosebank and Toynevale Roads, kitty-corner the Rosebank Public School, having purchased the property some 12 years ago.
- [16] The Respondent was elected to Council on October 24, 2022.
- [17] In that same month, a steel shipping container appeared in her yard. The shipping container measures approximately 20' long, 8' wide and 8 ½' high.
- [18] In January 2023 there were complaints received by the City's By-law Enforcement Dept. about the shipping container located in the exterior side yard of her property.
- [19] In mid-February 2023 the Councillor began the process of applying for a minor variance to allow the shipping container to remain in her yard, ultimately completing the filing in late April.
- [20] On May 10, 2023 the Councillor's application for minor variance was before the City of Pickering's Committee of Adjustment.
- [21] The Councillor attended and spoke on her own behalf.
- [22] The Councillor explained that she has been putting on a Halloween Haunted House event for the past 12 years, with all proceeds going to a Charity.
- [23] She explained that the volume of Halloween paraphernalia – mostly large animatronics – has grown over the years.
- [24] Up until then, she told the Committee, she has been storing everything in the basement of her bungalow, which she described as half crawl space.
- [25] She would like to be able to store the items elsewhere than her basement, and the cost of renting storage space is excessive, so she arranged to purchase a shipping to store the Halloween items.
- [26] She purchased the shipping container for \$4,000 and had it delivered to her home. She arranged for a grey container as it matches the colour of her house.
- [27] She has no room for the container in her rear yard. She acquired the property about 12 years ago, because she became aware it might be severed (it is essentially double the width of other lots in the area) and she has planted extensively, so there is insufficient rear yard available to accommodate a shipping container.

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- [28] She had the container placed on her exterior side and front yard which faces Rosebank Road.
- [29] Planning Staff supported the minor variance but only if the shipping container were re-located to the interior side yard (between hers and the house next door) and moved it back so that it would be flush with the front wall of the house.
- [30] Three residents spoke (audio only) at the virtual meeting in opposition to the variances requested, and a fourth resident sent in a letter, asking to remain anonymous, which the Chair of the Committee read into the record. They objected to having a shipping container permitted as a permanent additional structure on the front or side yard of the house in a residential neighbourhood.
- [31] After some discussion, the Committee of Adjustment denied the Councillor's minor variance application.
- [32] Within hours, the Councillor posted the following to her Facebook page:



- [33] By the next day, a screenshot of the Councillor's Facebook post - calling out the three residents who had attended the Committee of Adjustment in opposition to the Councillor's application - was circulating on social media.

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[34] This report is our findings following investigation of the complaints subsequently filed with us, objecting to the Councillor's conduct in this regard.

## Code of Conduct:

[35] Some of the relevant provisions of the Council Code of Conduct are set out below:

### **Policy Objective:**

2. Attaining an elected position within one's community is a privilege which carries significant responsibilities and obligations. Members of Council are held to a high standard as leaders of the community and are expected to become well informed on all aspects of municipal governance, administration, planning and operations. They are also expected to carry out their duties in a fair, impartial, transparent, professional, and respectful manner.

3. All Members of the Council of the City of Pickering are committed to protecting and promoting the well-being and best interests of the citizens of the City with the highest standards of integrity and ethical conduct. This Code is an affirmation of this commitment. It recognizes and is based on the following key statements of principle:

a) Members are committed to performing their duties of office, and arranging private affairs, in a manner that promotes public confidence in the integrity of Member and respect for Council as a whole.

b) Members are committed to acting and being seen to act with integrity and impartiality that will bear the closest scrutiny.

c) Members are committed to serving their constituents in a conscientious and diligent manner.

d) Members are committed to working with City officials and staff in a conscientious and respectful manner.

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## **05 Interaction with the Public, Other Members, and Council/Staff Relations**

05.01 Members have a duty to treat members of the public, one another, and staff, with respect and dignity and without abuse, bullying, or intimidation.

## **06 Influence**

06.01 No Member shall use his or her office to seek to influence any decision made or to be made by Council, any Member, or any other person to the Member's private advantage or to the advantage of another person.

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06.02 No Member shall use his or her office to seek to influence or interfere with the administration or enforcement of the City's regulatory By-laws or other laws enforced by the City. Notwithstanding this, it is recognized that Members of Council may, in good faith, raise the concerns of residents with City staff for the purpose of determining if those concerns can be resolved, having due regard for the public interest in fair and impartial By-law enforcement.

### **08 Confidential Information**

08.04 No Member shall release, make public, or in any way divulge any such confidential information acquired by virtue of his or her office, unless expressly authorized or required by law.

08.05 No Member shall use information gained in the execution of his or her office that is not available to the general public, for any purpose other than his or her official duties.

08.06 No Member shall access or attempt to gain access to confidential information in the custody of the City except to the extent necessary for the performance of his or her duties as a Member.

### **11 Use of City Property**

11.01 A Member who has care or custody of City property shall ensure that such property is properly used, maintained, and secured. Members shall be held personally responsible for loss or damage if, in the opinion of the Chief Administrative Officer, City property under their care or custody has been used, maintained, or secured in a negligent or abusive manner.

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11.03 A Member shall not use, or permit the use of, City property or any other City resource for activities not associated with the discharge of his or her duties of office.

### Analysis and Findings:

#### Facebook Post

[36] The Councillor readily admitted to having made the post. Her position is that she posted it on her personal Facebook which can only be seen by those to whom she grants access.

[37] She asserts that by using her full legal name (which includes a middle name) as opposed to just her first and last name, and a different profile photo, there can be

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no confusion with her public role as an elected official. At least from her perspective, her constituents only know her as Lisa Robinson.

- [38] She also has a disclaimer on her personal Facebook page stating that it has no relation to the City of Pickering, or the Law Society of Ontario (she is a paralegal) or International Realty (her employer).
- [39] In making the Committee of Adjustment application, she asserts that she fastidiously took steps so as not to be seen as abusing her power or influence: she insisted on having staff not address her as Councillor; she used her personal email for all correspondence; she made no mention on her Councillor Facebook page about the application.
- [40] She has advised that “I made a comment on my private, personal Facebook page that it is not open to the public, to my friends and family with respect to not going ahead with my Halloween Haunt this year, and thanked [the three named residents] for their neighbourly kindness”.
- [41] On the contrary, we consider her ‘thanks’ to these residents, who dared to oppose a shipping container as permanent storage in a residential area, to be intended as sarcastic, blaming them for the loss of this annual event.
- [42] The Councillor has hosted a ‘Halloween Haunt’ event in the yard at her house for the past 12 years, donating the proceeds to charity, but that in recent years, she extended the event from a single day/evening to 9 days.
- [43] Although her application was simply to accommodate a shipping container in order to store the paraphernalia which, up until now she advised the Committee of Adjustment had been stored in her basement, her Facebook post implies that she now must discontinue the Halloween Haunt.
- [44] There was nothing within her application, nor in the decision of the Committee of Adjustment, which would compel her to discontinue the event.
- [45] We do not accept that the ‘Thank you’ was sincere but rather sarcastic.
- [46] There is nothing in the evidence we reviewed to suggest that the three residents had contributed in any special way to the holding of the Halloween Haunt, certainly not to the extent that they were due a ‘thank you’ when other residents were not.
- [47] On a reasonable reading of the Facebook post, the Respondent is blaming these three residents for causing the demise of her event.
- [48] The Committee’s refusal to allow the shipping container merely meant that she would have to continue to store items in her basement or source off-site storage. It

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had no bearing whatsoever on the on-site event which she has hosted annually for the past dozen years.

- [49] If she wishes to discontinue the event, that is certainly her prerogative, but to blame those who oppose the permanent location of a shipping container on her property for that decision is disingenuous, and patently unfair.
- [50] It is reasonable to conclude that she was aware she was speaking to a broader audience than just ‘family and friends’...certainly, she must have expected the information would be cascaded to others.
- [51] In the course of our investigation, we were made aware of an incident occurring just this spring in which a similar post to her personal Facebook became widely circulated, and the subject of public criticism: on March 2, 2023, in the online publication DurhamRegion.com, Councillor Robinson was criticized for attending the event of a German MP whose support for anti-Islamist views was widely acknowledged.
- [52] As noted in the article, “Although it was posted to her personal Facebook page, a screenshot of the image has been circulated and criticized.”
- [53] It does not lie in her mouth to now claim that she believes posting to her personal Facebook acted as some kind of firewall, limiting the information to friends and family.
- [54] Identifying the individuals by name enabled her followers to take up the torch, so to speak, on social media.
- [55] Her post may be seen as inviting others to blame, and perhaps attack on social media, those named.
- [56] Whether or not such attacks materialized, the fact that her post enabled and potentially fueled conflict merely because these individuals opposed her minor variance is irresponsible.
- [57] We find that her post must be understood as social media targeting in retaliation against those who dared to oppose her.
- [58] We note that at least one resident, who requested anonymity, stated that there was apprehension about expressing opposition to the Councillor’s application.
- [59] One of the concerns raised in the complaints was that the Councillor’s post may intimidate and discourage others from expressing views which do not align with hers, for fear of similar singling out with attacks on social media.

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[60] That apprehension appears well-founded.

[61] The Councillor has defended by referencing the Black's Law Dictionary definitions of 'bully' and 'intimidation', denying that her conduct meets these definitions.

[62] We would reference the definition of bullying in the Oxford Learner's Dictionary, which provides a simple, plain-language definition for children: 'the use of strength or power to frighten or hurt weaker people'.

In the still-evolving sphere of cyberbullying, memes and other posts can be used to invite targeting of others on social media, opening victims to on-line harassment and attack by persons unknown to them.

[63] The National Crime Prevention Council<sup>1</sup> defines cyberbullying as 'the process of using the internet, cell phones or other devices to send or post text or images intended to hurt or embarrass another person'.

[64] The Councillor defends her post as simply 'a sarcastic remark'.

[65] Studies on harassment recognize sarcasm as passive-aggressive, mean-spirited, and thinly-veiled meanness<sup>2</sup>.

[66] In the circumstances of this matter, her sarcastic remark had the arguably intended consequence of inviting her followers to blame the named individuals for cancellation of her event, setting them up for targeting on social media.

[67] If Lisa Robinson were just any homeowner who is disgruntled by the refusal of a minor variance application, her conduct would be regrettable.

[68] As a Councillor it must be recognized as a bully tactic. It shows a flagrant disregard for the well-being of others.

[69] We find that in making the post, her conduct contravened the Code of Conduct, in particular, paragraph 05.01 which provides that:

Members have a duty to treat members of the public, one another, and staff, with respect and dignity and without abuse, bullying, or intimidation.

### Staff Advice

[70] The Councillor claimed that she had received advice from some member of City staff that the shipping container was permitted on her property, before she went about buying it.

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<sup>1</sup> The National Crime Prevention Council is an American educational non-profit organization based in [Washington, D.C.](#) whose [mission](#) is to enable people to create safer and more caring communities.

<sup>2</sup> Sarcasm...is connected to Toxic Behaviors and Hostile Workplace, Claire Knowles B.S./HR, S.A.S, Feb 2, 2019

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- [71] There is no record of the Councillor speaking with anyone at the City prior to the arrival of the shipping container. We understand that no staff member in a position to provide such advice within any of the relevant departments would have given such binding oral advice in response to a request from a resident.
- [72] It appears that other residents who contacted the City, questioning the legality of the shipping container under the By-laws when it appeared, were advised without hesitation that it was not permitted.
- [73] The Councillor has suggested that there is no evidence that she did *NOT* obtain staff advice prior to purchasing the shipping container and placing it on her property. She advised us that her C/A application fee was refunded as evidence to us that she had received prior advice.
- [74] While the Councillor protests that we have not proven that she did *NOT* obtain such advice (essentially proving a negative), we have seen no evidence of such advice having been given.
- [75] For a professional Paralegal, engaged in the real estate industry, we find it not credible that the Councillor would not have ensured such information was documented prior to purchasing and installing the shipping container.

### Privacy Breach

- [76] One of the complainants raised a concern that the Councillor's mother had collected and retained contact information of attendees at a Town Hall meeting, contrary to the municipality's obligations to maintain confidentiality around personal information that is collected.
- [77] It has been alleged that the contact information was used for improper purposes (real estate solicitations) by the real estate broker where the Councillor is employed.
- [78] In her response, the Councillor advised that all information from all Town Hall meetings she held is now under the care of the City of Pickering and confirmed that she does not have any personal information of any attendees, nor has she made copies of any personal information of any attendees.
- [79] However, it is evident that information was being collected at Town Hall meetings by the Councillor's mother and that information remained in the Councillor's possession for some period of time following the Town Hall.
- [80] By involving her mother in the collection of such information, the Councillor erroneously allowed her mother access to the personal information of her constituents.

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- [81] Making it possible that constituents' personal information thus collected might be used for an improper purpose, such as 'cold-calling' a constituent whose phone number was otherwise unlisted, represents a breach of the Code.
- [82] It is inappropriate for members of Council, much less their family members, to improperly collect and use personal information about attendees at municipal meetings, whether Town Halls or otherwise.
- [83] Such conduct breaches both the Confidentiality provision (paragraph 08) and the Use of City Property provision (paragraph 11) of the Code of Conduct.
- [84] We have confirmed that the Councillor has turned the collected information over to the City Clerk. She appears to have recognized the impropriety of doing this again in the future.
- [85] Given that Councillor Robinson is an inexperienced member of Council, and this would appear to be a rookie mistake, while it constituted a breach, we do not believe this instance warrants a sanction.

### Findings:

- [86] For the above reasons, we find that the Councillor bullied and intimidated individual residents contrary to the Code of Conduct when she made her sarcastic post to her personal Facebook page.
- [87] We find that the Councillor breached the Code of Conduct in collecting and retaining constituent personal information, even if she did eventually turn these over to City administration, personal information of the attendees at a Town Hall.

### Recommendations and Concluding Remarks

- [88] An Integrity Commissioner's investigation report is not simply the conclusion of a technical exercise to determine whether there has been a breach of codified standards of behaviour. Our role is more than simply the task of bringing adjudication to grievances between individuals. As noted at the outset, we see as our highest objective in concluding an investigation to be the making of recommendations that serve the public interest.
- [89] As detailed above, we are of the view that the Respondent's conduct breached the Code of Conduct.
- [90] The Facebook post, regardless of whether made on the Councillor's *personal* page or elsewhere, was a bully tactic targeting those residents who dared oppose her C/A application and falsely blaming them for cancellation of her annual Halloween event.

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- [91] The Councillor has defended her conduct throughout, refusing to recognize any legitimacy to the complainants' concerns, and demonstrating no contrition.
- [92] The sanctions that may be imposed following a finding of contravention by an Integrity Commissioner are a reprimand, or a suspension of remuneration for up to 90 days.
- [93] The purpose of a sanction is to reinforce Council's ethical framework when education, or acknowledgement, is insufficient. In other words, the Code of Conduct must ultimately have 'teeth'.
- [94] A monetary penalty, although not remedial, can have a salutary effect and serve as a deterrent. In the matter at hand the Councillor's behaviour had real impact on the targets of her sarcastic remark and this Report must stand at minimum for the principle that municipal elected officials must avoid similar behaviour.
- [95] We therefore recommend:
1. That the remuneration paid to Councillor Robinson be suspended for a period of 30 days;
- [96] We wish to conclude by publicly thanking the parties and administrative staff, and all those who participated in our investigation. We express genuine appreciation for the sharing of time, knowledge and perspective by everyone concerned.
- [97] We will be available to introduce this report and respond to questions during the Council meeting at which this report is considered.