



Ombudsman Report

**Investigation into a complaint about a meeting
of council for the Township of Strong
on February 25, 2025**

**Paul Dubé
Ombudsman of Ontario**

January 2026

Complaint

- 1 My Office received a complaint about a special meeting of council for the Township of Strong (the “Township”) held on February 25, 2025. The complaint alleged that part of the discussion in closed session regarding a letter to council from a resident did not fit within the cited exception for personal matters about an identifiable individual under section 239(2)(b) of the *Municipal Act, 2001* (the “Act”).¹
- 2 My investigation determined that council for the Township of Strong did not contravene the *Municipal Act, 2001* on February 25, 2025. Parts of council’s discussion fit within the cited exception for personal matters about an identifiable individual under section 239(2)(b) of the Act.
- 3 Although parts of council’s discussion did not fit within the exceptions to the open meeting rules on their own, I have determined that council was not required to parse these parts of the discussion from the closed session. Accordingly, council’s entire closed session discussion was permitted under the Act.

Ombudsman jurisdiction

- 4 Under the Act, all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.
- 5 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality or local board has complied with the Act in closing a meeting to the public. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 6 The Ombudsman is the closed meeting investigator for the Township of Strong.
- 7 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the applicable governing procedures have been observed.
- 8 Our Office has reviewed and investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be

¹ SO 2001, c 25.

discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest.

- 9 The Ontario Ombudsman also has the authority to conduct impartial reviews and investigations of hundreds of public sector bodies. This includes municipalities, local boards, and municipally-controlled corporations, as well as provincial government organizations, publicly funded universities, and school boards. In addition, the Ombudsman's mandate includes reviewing complaints about the services provided by children's aid societies and residential licensees, and the provision of French language services under the *French Language Services Act*. Read more about the bodies within our jurisdiction here: www.ombudsman.on.ca/en/make-complaint/what-we-can-help-you/organizations-you-can-complain-about.

Investigative process

- 10 On May 2, 2025, my Office advised the Township of our intent to investigate this complaint.
- 11 We reviewed materials from the February 25, 2025 meeting, including the agenda, open and closed meeting minutes, and the audio recording of the closed session. My Office also spoke with the Clerk and interviewed the Mayor.
- 12 My Office received full co-operation during our investigation.

February 25, 2025 council meeting

- 13 Council met in the council chambers on February 25, 2025, at 5:30 p.m. After discussing an item of correspondence (a letter) on the public agenda, council passed a resolution to receive the letter. A councillor requested to discuss a matter related to the letter further in closed session later in the meeting.
- 14 At 7:01 p.m. council passed a resolution to move into closed session to discuss an unrelated item, which is not part of this complaint, and the requested item for a "Council Conduct Matter," citing the exception for personal matters about an identifiable individual under section 239(2)(b) of the Act.

- 15 During the closed session, after considering the unrelated item, council discussed several concerns about the conduct of a member of council, that member's compliance with various requirements related to public communications, and unsubstantiated allegations about the member's conduct. Council then discussed its public communication practices.
- 16 Council returned to open session at 8:17 p.m. The Mayor reported that council had discussed the matters they were permitted to under the resolution authorizing the public's exclusion. Council adjourned at 8:19 p.m.

Analysis

- 17 Under the Act, all meetings of council, local boards, and committees of either of them must be open to the public, unless they fall within a prescribed exception under section 239 of the Act.

Applicability of the exception for personal matters about an identifiable individual

- 18 Council's resolution to proceed into closed session cited the exception for personal matters about an identifiable individual at section 239(2)(b) of the Act. I have previously determined that the exception for "personal matters" will apply to discussions of "personal information" that can be reasonably expected to identify an individual.² To qualify as personal information, information must be about an individual in their personal capacity, rather than their professional or official capacity. However, the exception for personal matters is not limited to discussions of personal information and can include discussions about a person in their professional capacity, if something personal is revealed.³ My Office has previously determined that the exception for personal matters has applied to discussions regarding something of a personal nature about an individual,⁴ or scrutiny of an individual's conduct.⁵

² *Amherstburg (Town of) (Re)*, 2022 ONOMBUD 11 at para 19, online: <<https://canlii.ca/t/jr5rc>>; *Amherstburg (Town of) (Re)*, 2015 ONOMBUD 13 at para 22, online: <<https://canlii.ca/t/gtp5z>>.

³ *Burk's Falls / Armour (Village of / Township)*, 2015 ONOMBUD 26 at para 68, online: <<https://canlii.ca/t/gtp6w>>.

⁴ *Ibid.*

⁵ *Lanark Highlands (Township of) (Re)*, 2018 ONOMBUD 1 at para 50, online: <<https://canlii.ca/t/hvmtf>>.

- 19 Scrutiny of the conduct of a member of council may sometimes extend beyond mere commentary on someone's conduct in a purely professional capacity such that it becomes a personal matter, typically when connected to unsubstantiated allegations. For example, in other cases, I have previously determined that the exception for personal matters applied to discussions about specific councillors' emails with named residents in the context of speculative information and contested allegations,⁶ about whether to proceed with a code of conduct complaint based on unproven allegations,⁷ and about an alleged but uninvestigated and unproven council member's breach of confidentiality.⁸
- 20 However, not all discussions of a council member's conduct will fit within the exception for personal matters, regardless of whether they concern unproven allegations. In a 2015 report to the City of Niagara Falls, my Office determined that although some members of council had raised concerns about the mayor's and a staff member's conduct on an overseas trip, my Office determined the discussion was limited to actions the officials took in their professional capacities, and the exception for personal matters did not apply.⁹
- 21 In this case, portions of council's discussion concerned unsubstantiated allegations about the conduct of a member of council and speculation as to whether the member's conduct contravened certain obligations. These portions of the discussion went beyond scrutiny of the council member in their professional capacity. Because they were personal in nature, these portions of the discussion fit within the exception for personal matters.
- 22 However, council also discussed the council member's professional conduct and communications. Portions of the discussion only concerned the council member's conduct in a professional capacity that did not become personal in nature. Accordingly, these portions of the discussion did not fit within the exception for personal matters.

Parsing the discussion

- 23 Because only parts of council's discussion fit within the open meeting exceptions, it is necessary to determine whether the discussion could have been parsed.

⁶ *Emo (Township of) (Re)*, 2020 ONOMBUD 6 at paras 11, 17, online: <<https://canlii.ca/t/jb1g6>>.

⁷ Letter from the Ontario Ombudsman to the Municipality of Temagami (9 February 2017), online: <<https://www.ombudsman.on.ca/en/our-work/municipal-meetings/municipality-temagami-february-9-2017>>.

⁸ Letter from the Ontario Ombudsman to the City of Elliot Lake (8 September 2014), online: <<https://www.ombudsman.on.ca/en/our-work/municipal-meetings/city-elliott-lake-september-8-2014>>.

⁹ *Niagara Falls (City of) (Re)*, 2015 ONOMBUD 9 at paras 32–35, 45–51, online: <<https://canlii.ca/t/gtp86>>.

- 24 In *St. Catharines v IPCO, 2011*, the Divisional Court found that it is unrealistic to expect municipal councils to split up discussions between open and closed sessions where it would “detract from free, open and uninterrupted discussion.”¹⁰ In other words, where it would be unrealistic to expect council to parse intertwined subjects, topics that do not otherwise fit within an open meeting exception may still be discussed *in camera*.¹¹ However, if the topics can be separated, council is expected to return to open session for those portions of the discussion that do not fit within an open meeting exception.
- 25 In a 2015 report to the Township of McKellar, my Office reviewed a committee’s discussion about the comments and conduct of certain councillors and private citizens under the exception for personal matters.¹² My Office determined that while the discussion about the identifiable private citizens fit within the exception, and the discussion about the conduct of the councillors in their official capacities did not, it would have been unrealistic for the committee to parse the discussions, because they were directly related.
- 26 In this case, council’s discussion could not be parsed. The discussion of the council member’s professional conduct and communications was directly related to and intertwined with the discussion of the unsubstantiated and speculative allegations made against the same council member. Because the portions of the discussion that did not fit within the exception for personal matters could not have realistically been parsed, the exception for personal matters applied to the entire discussion.

Opinion

- 27 Council for the Township of Strong did not contravene the *Municipal Act, 2001* on February 25, 2025, when it discussed in closed session the conduct of a member of council. Although parts of the discussion concerned the member’s conduct only in a professional capacity and did not fit within the exceptions to the open meeting rules, requiring council to parse the discussion between open and closed sessions would have detracted from free, open, and uninterrupted discussion. Accordingly, council’s entire discussion of the council member’s conduct fit within the exception for personal matters at section 239(2)(b) of the Act.

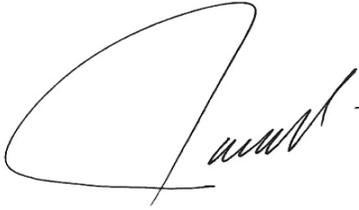
¹⁰ *St. Catharines (City) v IPCO*, 2011 ONSC 2346 at para 42, online: <<https://canlii.ca/t/fkqfr>>.

¹¹ *Plympton-Wyoming (Town of) (Re)*, 2021 ONOMBUD 4 at para 26, online: <<https://canlii.ca/t/jd49k>>.

¹² *McKellar (Township of) (Re)*, 2015 ONOMBUD 39 at paras 50–52, online: <<https://canlii.ca/t/gtp7s>>.

Report

- 28 Council for the Township of Strong was given the opportunity to review a preliminary version of this report and provide comments to my Office. No comments were received.
- 29 The Township's Clerk indicated that my report will be shared with council and made available to the public at an upcoming council meeting. This report will also be published on our website at www.ombudsman.on.ca.



Paul Dubé
Ombudsman of Ontario