

**BETWEEN**

**Borderland Pride, the Northern Ontario Pride Network, Douglas W. Judson and Katie Shoemaker**

**(the “Applicants”)**

**and**

**The Township of Emo, Harold McQuaker, Harrold Boven and Warren Toles**

**(the “Respondents”)**

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**BRIEF OF DOCUMENTS OF THE RESPONDENTS – MCQUAKER, BOVEN, TOLES**

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**COUNSEL FOR THE RESPONDENTS  
MCQUAKER, BOVEN, AND TOLES:**

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**FOR THE RESPONDENT – THE TOWNSHIP  
OF EMO**

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# TAB 1



# Borderland Pride

c/o PO Box 105, Fort Frances, ON P9A 3M5 or  
PMB 181, 1801 2nd Ave, International Falls, MN 56649

[borderlandpride@gmail.com](mailto:borderlandpride@gmail.com)  
[www.borderlandpride.org](http://www.borderlandpride.org)

April 22, 2019

Township of Emo  
P.O. Box 520  
Emo, ON P0W 1E0

*Via Email: [township@emo.ca](mailto:township@emo.ca)*

Dear Mayor and Council:

**Re: Pride Week 2019 – Invitation and Request**

Borderland Pride is hard at work planning for Pride Week 2019 – the second installment of our region's annual celebration of diversity and inclusion!

***About Pride Week***

This year's Pride Week will take place a month earlier – from **June 2 to 9, 2019**. The purpose of this change is to provide better alignment with the school year and to celebrate Pride during the month of June, which is internationally recognized as Pride Month.

Pride festivals are held around the world to highlight a community's openness and acceptance of LGBTQ2 (lesbian, gay, bisexual, trans, queer/questioning, and two-spirit) people, and to show support for LGBTQ2 youth in particular.

Borderland Pride is the only LGBTQ2 Pride organization in the Rainy River District, Koochiching County, and the southern part of Treaty 3 territory. We offer events that are open to LGBTQ2 people and their Allies from across this region. We were immensely proud of the success of our first-ever Pride Week last summer, and plan to make this one even better.

For our second annual Pride Week, we are once again preparing a program of activities aimed at boosting the visibility of our area's LGBTQ2 community, engaging and identifying its Allies, and recognizing supportive businesses and organizations. This year's events will continue to be family-oriented, and will build on the success of Pride Week 2018. We are fortunate to have the continued support, input, and enthusiasm of the community to refine our programming.

***Invitation to Upcoming Pride Events***

Borderland Pride aims to be a resource for LGBTQ2 people from across the region, and for that reason, the involvement of all community leaders is an important part of our initiatives.

To that end, please accept this letter as your invitation to participate in our Pride events in June. While a full roster of activities will be revealed in May, please mark your calendar for the following:

- The *Passport to Pride March*, which will take place on Saturday, June 8 starting at Smokey Bear Park in International Falls and ending in Fort Frances. To our knowledge, we have made history as the *only* Pride march in the world to cross an international border. More details will be available soon.
- Rainy River's *Pride 'Mini-March'*, hosted by the Northwestern Health Unit, will take place on Saturday, May 25 starting at the Rainy River Municipal Office at 10 AM.

### ***Requests from Borderland Pride***

As with Pride Week 2018, one of our goals is to show that the spirit of Pride exists across our region as a whole. To that end, we have the following requests of your council or organization:

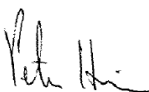
- First, we are requesting that you pass a resolution or proclamation declaring the dates of June 2 to 9 as Pride Week. We would prefer a resolution using the text of the enclosed document. We are able to meet with you to discuss this resolution (or Pride Week more generally) if it would be of assistance to you. Please send us a copy of the resolution via email, once passed.
- Second, we would appreciate if you are able to take a photo with a Pride flag for our use on social media in the lead up to Pride Week. Photos can also be sent to us by email.
- Third, we would appreciate if you could please fly or display a Pride flag at your office location(s) from the dates of June 2 to 9. If you would like, we would be delighted to plan a special event or photo-op to raise a flag. Please let us know.

We note that Pride flags were distributed to all communities last year. However, please contact us if you need any assistance finding a replacement. They are widely available online for purchase.

~ ~

Thank you for considering our invitation and requests. Together, let's show that our communities are supportive of LGBTQ2 young people and families! Should you have any questions, I can be reached directly at (807) 861-0638 or [borderlandpride@gmail.com](mailto:borderlandpride@gmail.com).

Sincerely,



Peter Howie

Encl. Text of Requested Proclamation/Resolution

**RESOLUTION / PROCLAMATION  
IN OBSERVANCE OF PRIDE WEEK 2019**

**WHEREAS:**

1. Borderland Pride is the lesbian, gay, bisexual, trans, queer, and two-spirit (“LGBTQ2”) Pride organization for the Borderland region, which is comprised of the Rainy River District, Koochiching County, and the southern part of Treaty 3 territory;
2. Pride events across Canada and the United States and around the world promote diversity and inclusion and take a positive stance against discrimination and violence towards LGBTQ2 people;
3. Pride is necessary to show community support and belonging for LGBTQ2 individuals and families, and LGBTQ2-identifying youth in particular;
4. Acknowledging and participating in Pride underscores and affirms our respect for the dignity, equality, and visibility of LGBTQ2 people and families;
5. The diversity of sexual orientation, gender identity, and gender expression represents a positive contribution to society and is a matter in which to take pride, show support, and celebrate;
6. The same community values of diversity and inclusion should be shared in common by all people, and know no border;
7. Pride Week was successfully observed and celebrated in the Borderland region for the first time in July 2018; and
8. The month of June is internationally recognized as Pride Month and Borderland Pride has identified the dates of June 2 to 9, 2019 as Pride Week;

**THEREFORE, IT IS RESOLVED THAT:**

9. I, *(Name of Mayor, Reeve, Chief, etc.)* do hereby proclaim the week of June 2 through 9, 2019 to be Pride Week *(in/at) (Name of Town, City, Organization, or First Nation)*;
10. The *(Name of Town, City, Organization, or First Nation)* will publicly *(display/fly/raise)* a Pride flag in a prominent location throughout Pride Week; and
11. All citizens are encouraged to take part in Pride Week activities, and to reflect and work together on equality, acceptance, and inclusion for all people throughout the year.

**IN WITNESS WHEREOF**, I hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
*(Name of Mayor, Reeve, Chief, etc.)*

# TAB 2



# The Corporation of the Township of Emo

P.O. Box 520, Emo, Ontario, P0W 1E0

Website: [www.emo.ca](http://www.emo.ca)  
E-mail: [township@emo.ca](mailto:township@emo.ca)

Phone: 807-482-2378  
Fax: 807-482-2741

## PROCLAMATION

### IN OBSERVANCE OF PRIDE WEEK 2019

*BE IT RESOLVED that I, Mayor Harold McQuaker, do hereby proclaim the week of June 2 through 9, 2019 to be Pride Week in the Township of Emo;*

*And further, that all citizens are encouraged to reflect and work together on equality, acceptance, and inclusion for all people throughout the year.*

*IN WITNESS WHEREOF, I hereunto set my hand this 14<sup>th</sup> day of May, 2019.*

  
Mayor Harold McQuaker



# TAB 3

Action (R) 40 13

**Township of Emo**

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**From:** Borderland Pride <borderlandpride@gmail.com>  
**Sent:** May-27-19 9:53 PM  
**To:** Township of Emo  
**Subject:** Re: Pride Week 2019

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Good evening:

We have reviewed this proclamation and have noticed that it does not reflect the requested language.

Can you please advise us as to why the proclamation we requested was not adopted as drafted?

We note that your council provided a far more sufficient proclamation in 2018.

Sincerely,

Borderland Pride

On Thu, May 23, 2019 at 10:03 AM Township of Emo <[township@emo.ca](mailto:township@emo.ca)> wrote:

Good morning,

Please find attached letter and proclamation regarding Pride Week 2019.

Thank you.

Suzanne Soucy  
Administrative Assistant  
Township of Emo  
Ph. 807-482-2378

*Council agreed  
not to respond*

**RECEIVED**

MAY 27 2019

**TWP. OF EMO**



# Borderland Pride

c/o PO Box 105, Fort Frances, ON P9A 3M5 or  
PMB 181, 1801 2nd Ave, International Falls, MN 56649

[borderlandpride@gmail.com](mailto:borderlandpride@gmail.com)  
[www.borderlandpride.org](http://www.borderlandpride.org)

July 2, 2019

Township of Emo  
P.O. Box 520  
Emo, ON P0W 1E0

To Whom It May Concern:

**Re: Follow Up to Email of May 27, 2019**

We are writing in follow up to our email dated May 27, 2019 requesting further information about your council's decision to significantly edit the language of the proclamation requested for Pride Week. We received your proclamation, as passed, on May 23, 2019. We have not yet received a response to our May 27 inquiry.

We presume that our May 27 email was a subject of discussion at the council meeting of May 28, 2019, as it is reflected at item 13 of your agenda of that date. However, the meeting minutes contain no reference to this item or to how the item was disposed of.

We note that section 239(7) of the *Municipal Act* requires a municipality to "record without note or comment all resolutions, decisions, and other proceedings at a meeting". According to the Ontario Ombudsman in his July 7, 2010 report on an investigation into the Town of South Bruce Peninsula, "minutes should record the various substantive and procedural items that were discussed at the meeting" and any local procedural bylaws or practices must be consistent with the record keeping obligations set out under the *Municipal Act* (see para. 78).

The minutes of May 14, 2019 provide no guidance as to why the requested proclamation was altered to begin with. At which councillor's behest were these changes made, on what basis, and why were the amendments accepted? As you can imagine, this is deeply disturbing to us in light of the language removed. Our 2018 proclamation was passed as requested and there is virtually little substantive difference between the two documents. The only difference from summer 2018 would appear to be the composition of your council.

As such, please accept this letter as a request for access to records, pursuant to the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA"). Kindly forward all records of the township, the municipal council, or its members in respect of our initial proclamation request, our May 27 follow up, and the discussion of these matters at the May 14 and 28 meetings of council. Such records to be produced shall include, but not be limited to, (i) agendas, minutes, and drafts of the same; (ii) briefing notes, reports, or recommendations from staff; (iii) emails among or between staff or council members, phone messages, or notes; and (iv) public complaints, deputations, or correspondence received in respect of our request of council.

Please forward the relevant records within the time period stipulated by *MFIPPA*. We would be pleased to accept electronic copies, via email, of any pertinent documents or records. Your cooperation is appreciated.

Sincerely,

Douglas W. Judson  
Co-Chair / Director

# TAB 4

**EMO MUNICIPAL COUNCIL  
REGULAR MEETING AGENDA**

**Tuesday, November 12, 2019**

- ⇒ Regular Council Meeting scheduled for 6:00 p.m.
- ⇒ DISCLOSURE OF INTEREST.
- ⇒ MOMENT OF REFLECTION.
- ⇒ ADOPTION OF MINUTES/ERRORS OR OMISSIONS –October 29, 2019 Regular Council Meeting and November 1, 2019 Special Council Meeting Minutes.
- ⇒ ADDITIONS AND/OR DELETIONS TO REGULAR AGENDA.
- ⇒ Peter McQuaker – Public Works Superintendent.
- ⇒ Bridget Foster – CAO/Clerk-Treasurer.
- ⇒ Richard Hallam – Chief Building Official

**DELEGATIONS:**

6:15 p.m. Emo Feed Service Ltd.: RE: Taxes.

6:30 p.m. S. Burnett & Associates Ltd.: Meadowlands Subdivision.

**OLD BUSINESS:**

**NEW BUSINESS:**

**TABLED ITEMS:**

1. S. Burnett & Associates Ltd.: RE: Draft Engineering Standards.
2. Municipal Tax Equity: RE: Quotation to amend tax ratios.
3. Quotations on lawn tractors.
4. Review of user fee rates, including water and sewer rates.

**Items of Discussion**

1. Preliminary 2020 budget preparation.
2. Hiring of arena attendants during tournaments.
3. Arena ice plant maintenance contract.
4. Investing in Canada Infrastructure Program grant application for arena ice plant.
5. Water shut-offs.
6. Flag and Proclamation Policy.
7. Committee/Board Terms of Reference.
8. Outdoor rink tender package.

9. Committee updates – Emo-LaVallee Community Centre Board, Emo Recreation Committee, Emo Cemetery/Parks Committee, Emo Toy Library Committee, Emo Public Library Board, Walking Trail Committee, Recycling Committee, Job Description Committee.
10. Approve payment of invoices on file.

**RESOLUTIONS/BY-LAW:**

1. S. Burnett & Associates Ltd.: RE: Invoices to October 24, 2019.
2. Transport Canada: RE: Transport Canada Rail Safety Signals Inspection Report.
3. S. Burnett & Associates Ltd.: RE: 2019 Final Bridge and Culvert Action Report.
4. Pinchin Ltd.: RE: Investigation of Mould Growth, Provincial Building, Hwy 11.
5. Nancy Flook: RE: Request for additional streetlight along Hwy 11/71.
6. Renewal of CACC Fire Service Agreement.
7. Rainy River District Social Services Administration Board: RE: Funding agreement for Emo EarlyON Child and Family Centre.
8. Memorandum of Understanding agreement with the Emo Public Library Board.

**CORRESPONDENCE:**

**Action (for consideration):**

1. LAS: RE: LAS Natural Gas Program - \$759.03 rebate for 2017-2018.
2. TBT Engineering Ltd.: RE: Notice of Hwy 71 rehabilitation project.
3. Ministry of Natural Resources and Forestry: RE: Environmental Registry Notice 019-0732 – proposal to amend three statues and make a new regulation.
4. Enbridge Gas Inc.: RE: 2020 Rate Application, Notice of Hearing.

**REPORTS:**

1. Northwestern Health Unit: RE: Public Health Communique.

**MINUTES:**

1. Emo-LaVallee Community Centre Board – October 1, 2019 and October 10, 2019.
2. Emo Recreation Council – September 9, 2019.
3. Emo Cemetery/Parks Committee – September 19, 2019.
4. Emo Toy Library/Resource Centre – May 13, 2019 and September 23, 2019.
5. Emo Public Library Board – September 25, 2019.
6. Rainy River District Municipal Association – July 31, 2019.

**IN-CAMERA:** Personal matters regarding an identifiable individual, including employees – *appointments of Emo Volunteer Firefighters; Crosswalk Guard position; Hiring at Emo-LaVallee Community Centre.*

Next Regular Council Meeting is scheduled for at <b>6:00 p.m.</b>	<b>, 2019</b>
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# TAB 5

**THE CORPORATION OF THE TOWNSHIP OF EMO**

**BY-LAW NO. 2019-04**

Being a By-law for governing the calling, place and proceedings of meetings of the Municipal Council for the Township of Emo.

**Whereas *Municipal Act, 2001, S.O. 2001, c. 25, section 238, requires that every municipality shall pass a procedure by-law for governing the calling, place and proceedings of meetings;***

**And Whereas Council deems it expedient to pass such a by-law;**

**Now Therefore Council of The Corporation of the Township of Emo hereby enacts as follows:**

**1.0 Definitions:**

1. "Council" means the elected and sworn members of the Council of the Township of Emo.
2. "Head of Council" means the Mayor.
3. "Acting Head of Council" shall first mean the Deputy Mayor and secondly another designate who shall act as presiding officer in the absence of the Mayor or Deputy Mayor.
4. "Clerk" shall mean the Clerk of The Corporation of the Township of Emo or his/her designate who shall have all the powers and duties of the Clerk under the *Municipal Act, 2001* and every other Act.
5. "Closed Session" shall mean closed to the public as defined in Subsection 4.2 of this By-law.
6. "Committee of the Whole" shall mean a meeting of Council in Committee format for discussion purposes.
7. "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50 per cent of the members are also members of one or more Councils or local boards.
8. "Committee Chair" means the Chairperson of any committee and the Committee Chair shall have the same powers during a Committee Meeting of Council as Head of Council during Council Meetings whether or not the Chair is a voting member.
9. "Conflict of Interest" means a pecuniary interest as defined in the *Municipal Conflict of Interest Act*.
10. "Electronic Participation" means participating in a meeting via telephone, video or audio conferencing or other interactive method whereby Members, staff and the public are able to hear the Member participating by electronic means and the Member participating by electronic means are able to hear the other Members, staff and the public.
11. "Local Board" means a local board established or exercising any power under any Act with respect to the affairs or purposes of the municipality.



12. "Meeting" shall mean any regular, special, committee or other meeting of a Council, of a local board or of a committee of either of them, where a quorum of members is present, and members discuss or otherwise deal with any matter in a way that materially advances the business or decision making of a council, local board or committee.
13. "Quorum" shall mean a majority (more than half) of the whole number of members of Council or a Committee except where a member has or members have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*, the quorum may be less than half plus one of the whole number of members but shall not be less than two.
14. "Registry" means a Registry maintained by the municipality for the purposes of documenting every written statement of pecuniary interest, direct or indirect, in any matter, and includes a copy of each statement filed with the Clerk and a copy of each declaration recorded. The Registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

## **2.0 Intent of By-law:**

1. The rules and regulations hereinafter provided shall govern the proceedings of the Council thereof. Any part or parts of this By-law may be suspended if agreed upon by a majority of the Members present unless the part or parts is prescribed by statute or law.

## **3.0 Locations, Meeting Times and Notice**

1. The first Inaugural Meeting of the Council of a local municipality for regular elections following the 2022 regular election and subsequent elections, shall be held on the first Tuesday of December, at a time determined by Council, in the Township of Emo Council Chambers.
2. Notice of Council Meetings shall be given by publication of future meetings in previous Agendas and posting of Meeting Agendas on the Town website prior to the meeting and by notice of the meeting, posted at the Emo Post Office and Municipal Office. In the case of Special Meetings called in accordance with Section 5.0 of this By-law, notice shall be given by posting of a notice at the Emo Post Office and Municipal Office, while including on the notice all items that will be discussed.

## **4.0 Meetings of Council**

1. At the hour appointed, when a quorum is present, the Mayor shall call Council to order and if a quorum is not present within fifteen (15) minutes after the hour appointed the meeting shall be cancelled;
2. The first and each succeeding regular meeting of Council shall be held on the second and fourth Tuesday of each month at 6:00 p.m. If the meeting is not to be held on the second or fourth Tuesday of the month, a resolution shall be adopted at the preceding regular meeting stating the date of the regular meeting. If the regular meeting date of Council is a public or civic holiday, the Council meeting shall meet at the same hour on the next following day which is not a public or civic holiday, unless the Council, by resolution passed at the preceding regular meeting, direct otherwise;
3. All meetings shall be open to the public, but a meeting, or part of a meeting may be closed to the public if the subject matter being considered is:
  - a) The security of the property of the municipality or local board;

- b) Personal matters about an identifiable individual, including municipal or local board employees;
  - c) A proposed or pending acquisition or disposition of land by the municipality or local board;
  - d) Labour relations or employee negotiations;
  - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
  - f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
  - g) A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
  - h) Information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - i) A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j) A trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - k) A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board;
  - l) A request under the Municipal Freedom of Information and Protection of Privacy Act, if the council, board, commission, or other body is the head of an institution for the purposes of that Act;
  - m) An ongoing investigation respecting the municipality, a local board or a municipally- controlled corporation by the Ombudsman appointed under the Ombudsman Act, an Ombudsman referred to in subsection 223.13 (1) of the Municipal Act, or the investigator referred to in subsection 239.2 (1) of the Municipal Act;
  - n) The meeting is held for the purpose of educating or training the members, and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
4. All votes of Council shall be open to the public except those votes taken during a meeting or part thereof that is closed to the public in accordance with Section 4.3 of this By-law and if said vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the Town or persons retained by or under contract with the Town or to rise from the closed session.
  5. Before holding a meeting or part of a meeting that is closed to the public, Council shall state by Resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.
  6. With the exception of the Inaugural Session, no person but a member of Council or support staff shall be allowed to approach Council during a Session of Council without the permission of the Mayor or Council or unless given deputation status as described in Section 13.
  7. Every meeting of Council shall be deemed to be adjourned at the hour of 10:00 p.m. except with the unanimous consent of Council.
  8. The Head of Council or the Chair of a Committee, prior to a regularly scheduled meeting, may cancel the meeting due to inclement weather, a matter of respect or a lack of corporate business requiring immediate attention and where a statutory

public meeting under the *Municipal Act, 2001*, the *Planning Act*, and the *Development Charges Act* or any other Act as scheduled for the cancelled meeting. The public notice will indicate that the public meeting shall be held at the next regular meeting of Council and any notice requirements shall be deemed to have been complied with.

In the event of a cancelled statutory public meeting, Staff shall make every effort to give notice of the cancellation to interested parties and the public as soon as is practicable via either telephone, e-mail, Town website, radio, or any other method, as well as the date of rescheduling.

Where a statutory public meeting has been scheduled, every reasonable effort shall be made to conduct the meeting, subject to the provisions of this clause.

9. Council meetings held in the Council Chambers, that are not closed to the public, may be recorded by the municipality for the purpose of webcasting the meetings to the public. Inability to record a meeting will not prohibit the meeting from commencing or continuing. The official minutes of a meeting, shall be the minutes adopted by Council, and retained in the Clerks Department.
10. Members of Council, along with the public attending the meeting, shall turn off all cell phones and pagers during Council meetings.
11. During meetings that are closed to the public, no member of Council or staff (with the exception of the Clerk, or designate) shall be permitted to have in their possession, any cell phone or electronic device that has the ability to record.

#### **5.0 Special Meetings of Council**

1. The Mayor shall, if requested in writing by any three members of Council, call a special meeting of Council other than as described in Section 3.0 or this By-law.
2. The Mayor may call a special meeting other than as described in Section 3.0 or this By-law to deal with a matter which is deemed to require immediate action. Notice of such a special meeting shall be given by contacting each member of Council and verbally advising them of the time and place of the meeting, or notice may be given in writing or via voice recording or email message.
3. Special meetings require minimum notice of 48 hours, unless otherwise agreed to, by a majority of members to the satisfaction of the Clerk.
4. At special meetings of the Council, no financial decisions shall be made or incurred, unless the same shall be referred to in the notice calling the meeting.

#### **6.0 Role of the Mayor**

1. It is the role of the Mayor as Head of Council:
  - a) To act as Chief Executive Officer of the Municipality;
  - b) To preside over council meetings so that its business can be carried out efficiently and effectively;
  - c) To provide leadership to council;
    - i) without limiting clause c (above), to provide information and recommendations to the council with respect to the role of council described in paragraph 7.1 (d) and (d i) below);
  - d) to represent the municipality at official functions;
  - e) to carry out the duties of the head of council under the Municipal Act or any other Act; and

f) to provide overall leadership to the Community Control Group in responding to an emergency as detailed in the Emergency Response Plan for the Township of Emo.

2. As Chief Executive Officer of a municipality, the Head of Council shall,
  - a) Uphold and promote the purposes of the municipality;
  - b) Promote public involvement in the municipality's activities;
  - c) Act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - d) Participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.

## **7.0 Role of Council**

1. It is the role of Council:
  - a) To represent the public and to consider the well-being and interests of the municipality;
  - b) To develop and evaluate the policies and programs of the municipality;
  - c) To determine which services the municipality provides;
  - d) To ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
    - i) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
  - e) To maintain the financial integrity of the municipality; and
  - f) To carry out the duties of council under the Municipal Act or any other Act.

## **8.0 Conduct of Members**

1. Every member, prior to speaking, shall address the Chair, shall confine his/her remarks to the question and shall not use any indecorous or offensive language and shall avoid personalities.
2. Should more than any one member at one time wish to address the Chair, the Chair shall name the member who is to speak first.
3. No person other than the one proposing a question (who shall have to leave a reply) shall speak more than once without leave of the Chair, unless it is to explain their remarks which have been misunderstood, and then the member shall not introduce any new matter.
4. The Chair may call a member to order while speaking, whereupon the member called to order shall be silent on the matter and shall not further speak until the point of order is determined, unless it be to appeal the decision of the Chair.
5. When the Chair is putting a question, no member shall walk out of, or across the Council Chamber, nor when a Member is speaking shall any other member hold discourse or interrupt the speaker except to a question of order, nor pass between the speaker and the Chair.

## **9.0 Agenda**

1. The Council Meeting Order of Business shall be as follows:
  - a) Meeting called to order;
  - b) Moment of reflection;
  - c) Approval of Agenda;

- d) Declaration of Conflict of Interest – as defined in the Municipal Conflict of Interest Act. Where a member, either on his or her own behalf, or while acting for, by, or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member:
- i) Shall, prior to any consideration of the matter at the meeting, disclose the interest and the general nature thereof;
  - ii) Shall, at the meeting or as soon as possible afterwards, file a written statement of the interest and its general nature with the clerk of the municipality or local board, for inclusion on the Registry;
  - iii) Shall not take part in the discussion of, or vote on any question in respect of the matter and shall leave the Council Chambers during the discussion and vote. (NOTE: Effective March 1, 2019, members may take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to the member under Section 223.4(5) or (6) of the *Municipal Act*);
  - iv) Shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question;
  - v) Where the meeting is closed to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration;
  - vi) Where the interest of a member has not been disclosed by the reason of the member's absence from the meeting referred to therein, the member shall disclose the interest at the next meeting of council, as the case may be, attended by the member;
- e) Adoption of Previous Minutes;
- f) Deputations – as referred to in Section 13 of this By-law;
- g) Correspondence – as received in the Municipal Office no later than 9:00 a.m. on the Tuesday previous to the subject meeting (one week in advance) and circulated to members of Council for review no later than 4:00 p.m. on the Thursday previous to the subject meeting.

Following the release of a meeting agenda, any person wishing to submit correspondence regarding a matter included on the agenda, shall submit the correspondence to the Clerk's Office, no later than 12:00 p.m. noon on the Monday immediately before the subject of the meeting, for circulation to Council by the end of the business day on Monday;

- h) Motions and Staff reports – as received in the Clerk's Office no later than 9:00 a.m. on the Friday previous to the subject meeting and circulated to members of Council for review no later than 4:00 p.m. on the Friday previous to the subject meeting;
- i) Committee Updates – this is an opportunity for members of Council to provide a verbal or written update on Committees that they are sitting on, as a representative of the Township of Emo;
- j) By-laws - as received in the Clerk's Office no later than 9:00 a.m. on the Thursday previous to the subject meeting and circulated to members of Council for review no later than 4:00 p.m. on the Thursday previous to the subject meeting. By the one motion, by-laws are to be numbered and considered read the number of times required at that session of Council, and shall be discussed, committed or amended forthwith.
- k) New and Unfinished Business – new matters to be raised or matters directed by Council for completion at a previous meeting for presentation at the meeting, including giving of Notice of Motion.
- l) Agenda Additions – shall include matters that were not able to be shown on the Agenda on the Thursday preceding the next regular meeting, but which the Clerk has deemed to be of a status requiring Council to act upon, including motions for which notice or recommendation has not been given prior to the meeting and

shall be presented at the meeting but shall not include matters requiring a financial commitment by Council unless agreed to by a majority of Council. As an issue of accountability and transparency and the provision of notice, Council and Staff shall make every effort to minimize Agenda Additions.

-Agenda Additions will be limited to matters as received in the Clerk's Office no later than 12:00 p.m. noon on the Monday preceding the next regular meeting and such Additions will be circulated to Council and Staff and shall be posted on the Town's website at that time. Agenda Additions received after this date and time shall be considered at the next regular Council meeting unless they are deemed to be of significant importance to the business of the municipality.

- k) Confirmation By-law and Adjournment – a motion to adjourn is always in order and shall be decided upon.

#### **10.0 Order of Business**

1. The business of Council shall be taken in the order in which it stands upon the agenda unless otherwise agreed upon by a majority of the members present.
2. The Chair or designate of each Committee submitting a report shall field questions regarding same during discussions of that report as may be required.
3. When any matter listed on the agenda is left undisposed of at the time of adjournment, either for want of a quorum or otherwise, such matter(s) shall be considered at the next meeting of the Council.

#### **11.0 Council Minutes**

1. The Minutes of Council, as taken by the Clerk or designate, shall consist of a record of all proceedings taken in the Council. Pursuant to the *Municipal Act, 2001*, the Minutes shall be a factual recount, without note or comment.
2. All Minutes and Reports following adoption by Council and all By-laws passed by the Council shall be kept in the Clerk's Office and shall be made available for viewing during normal office hours and shall be posted on the Town website, save except for those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.2 of this By-law and subject to the provisions of any applicable by-law, act or statute.
3. Minutes of Council meetings shall be prepared by the Clerk and be made available to the members prior to the next meeting for consideration and revision and adoption at the next meeting, following which they will be made available to the public save and except those minutes and reports recorded during a meeting or part thereof that was closed to the public in accordance with Section 4.3 of this By-law and subject to the provisions of any applicable by-law, act or statute.

#### **12.0 Correspondence and Communication**

1. Correspondence directed to the Mayor and Council shall be referred by the Mayor and/or Clerk to the appropriate Department before or after presentation to Council at a Council Meeting. Correspondence for which no action has been directed nor discussion taken place shall be deemed to have been received by Council.
2. Correspondence addressed to Council may be presented by a Council member in place of the author.
3. Correspondence addressed to Council or directed to any Public Meeting forming part of a Council meeting, including names and addresses, become part of the public

record and may be published in a staff report or a Council Agenda and may be viewed by the general public upon release of the Agenda addressing the matter.

### 13.0 Deputations

1. Any person desiring to present information orally on matters of fact on to make a request of Council shall submit a completed Deputation and Procedure Request Form, no later than 4:00 p.m. on the Tuesday before the subject meeting (one week in advance), together with their Deputation material, that provides an explanation of their deputation and their request of Council, if any. Any exceptions must be approved by a majority of Council.

Following the release of a meeting agenda, any person desiring to present information orally on a matter included on the agenda, shall submit a completed Deputation and Procedure Request Form as attached to this By-law, no later than 12:00 p.m. noon on the Thursday immediately before the subject meeting, together with their Deputation material, that provides an explanation of their deputation and their request of Council, if any. The Deputation material will then be circulated to Council by the end of the business day Friday. Any exceptions must be approved by a majority of Council.

2. Each deputation shall be limited in speaking to not more than fifteen minutes. Extensions to these limits will be at the discretion of the majority of Council.
3. The Clerk or designate may direct that a deputation be received by a Committee for Committee consideration and recommendation to Council on a particular matter rather than addressing Council directly.
4. Deputations shall be restricted to two deputations for each meeting of Council. The Head of Council may authorize the addition of a third deputation for a particular meeting where he/she deems it necessary and appropriate.

### 14.0 By-laws and Agreements

1. Every By-law and/or Agreement, other than agreements for which signing authority has been delegated by By-law, shall be circulated to members of Council as referred to in section 9.1 h) of this By-law. And by such circulation to Council members shall be deemed to have been made known to the public.
2. Every By-law and/or agreement shall be introduced by Motion or leave, specifying the title thereof, or on recommendation of an adopted report or by an order from Council.
3. By the one Motion, By-laws are to be considered read the number of times as required at that session of Council and shall be discussed, committed or amended forthwith.
4. Every By-law once passed and/or Agreement once authorized shall be dated and duly signed and sealed by the Mayor or presiding officer at the meeting and Clerk or designate.
5. At a Council meeting where a public meeting has been scheduled under the *Municipal Act, 2001*, the *Planning Act*, the *Development Charges Act* or any other Act to receive public input in the consideration of any By-law, the By-law shall not be later considered at the same meeting but may be considered at the next meeting.

## 15.0 Motions/Resolutions

1. After a Motion has been Moved and Seconded, and placed under the direction of the Mayor or Chair, it shall be considered to be in the possession of the Council but may be withdrawn with the consent of the Mover and the support of a majority of Council.
2. Every Motion herein provided when duly Moved and Seconded shall be read by the Mayor or Chair in the precise form in which it was introduced and in which it will be recorded in the Minutes and the question shall then be open for discussion and consideration.
3. Prior to a question being voted on, each member present in the Council Chamber shall take their seat in respect of the vote unless they have declared a pecuniary interest pursuant to the *Municipal Conflict of Interest Act*.
4. A motion to amend when duly moved and seconded:
  - a) May be presented verbally or in writing;
  - b) Shall receive disposition of Council before the original question;
  - c) Shall not be amended more than twice before voting;
  - d) Shall be relevant to the question to be received;
  - e) Shall not be received proposing a direct negative to the question;
  - f) May propose a separate and distinct disposition of a question;
  - g) May propose to separate two or more components contained in the original question.
5. After a question is deemed to be finally put by the Mayor or Chair no member shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.
6. The decision of the Mayor as to whether the question has been finally put shall be final, except on appeal by any member, upon which the decision of a majority of Council shall be conclusive.
7. Any member may require any question to be repeated from the Chair prior to voting on such question.
8. If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote with the Chair voting last. A member expressing preliminary intent to call for a recorded vote does not act to minimize, terminate or quash debate on a matter.
9. A failure to vote under Clause 8 above, by a member who is present at the meeting at the time of the vote and who is qualified to vote, shall be deemed to be a negative vote.
10. The Mayor shall declare the vote on all questions and should his/her declaration be stated by any member to be in doubt, the Mayor shall require the vote to be retaken in an alternative manner and the results of this vote shall be final.
11. A tie vote shall be declared to be a lost vote.

## 16.0 Notice of Motion

1. A member may introduce a notice of motion directly to a Council meeting, following which a copy of the motion shall be filed with the Clerk and the motion shall form



no debate or discussion on the motion until it is contained in an Agenda or unless agreed upon by a vote of a majority of the members present.

At the next Council meeting, the notice of motion will be treated as any other motion, requiring the Mover and Secunder for the Motion to be put before Council.

**17.0 Rules of Debate**

1. Every member prior to speaking to any question or motion must first be recognized by the Chair.
2. Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.
3. The following motions may be introduced without notice and without leave and shall take precedent over the main Motion in the descending order in which they appear starting at a):

	Type of Motion
a) Fix the time for a continued meeting	Privileged
b) Adjourn	Privileged
c) Recess	Privileged
d) Raise a question or privilege – Council	Privileged
e) Raise a question of privilege – Individual	Privileged
f) Postpone temporarily	Subsidiary
g) Close debate	Subsidiary
h) Limit or extend debate	Subsidiary
i) Postpone to a certain time	Subsidiary
j) Refer to a Committee	Subsidiary
k) Amend	Subsidiary
l) Postpone indefinitely	Subsidiary
m) Motion(s)	Main

**18.0 Reconsideration**

A motion to reconsider a Resolution entered upon the Minutes shall not be received or put unless agreed upon by two thirds of the full membership of Council (being five <sup>4</sup> members) prior to the question being considered and any motion to reconsider shall be considered a main motion.

**19.0 Procedural Appeals**

1. Any member may raise a point of order.
2. The Chair shall decide all questions of order and the decision of the Chair shall be final, or subject to appeal, with the Chair retaining the option of putting any question of order to Council and in such instance the decision of Council shall be final. Upon appeal of any decision of the Chair the question of order shall be decided by Council and the decision shall be final.

**20.0 Accessibility**

1. Documents can be made available in other accessible formats as soon as practicable and upon request.

## 21.0 Electronic Participation:

Members may participate in meetings by Electronic Means subject to the following:

1. Electronic Means of participating in a meeting are available only for meetings of Council that take place in Council Chambers;
2. Requests to participate in a meeting by Electronic Means must be made to the Clerk at least three (3) business days before the meeting;
3. A Member will be counted as present at all meeting participating by electronic means and will not have his/her remuneration reduced;
4. A maximum of two (2) Members may participate in the same meeting by Electronic Means. Where more than two Members request to participate in the same meeting by Electronic Means, the requests will be granted to the first two Members who made the request;
5. A Member may participate in an unlimited amount of open meetings per calendar year by electronic means;
6. Members may not participate in Closed Sessions of any meeting by Electronic Means;
7. A Member participating in a meeting by Electronic Means shall be considered to be present at such meeting but shall not be counted towards quorum;
8. The Chair must be present in person at a meeting;

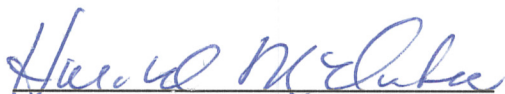
The following practices will be followed when a Member(s) participate in a meeting by Electronic Means:

9. Each Member participating in a meeting by Electronic Means shall be available at least fifteen (15) minutes before the beginning of the meeting to assist staff in establishing the electronic connection;
10. Each Member participating by Electronic Means will mute his or her electronic device when he or she is not speaking;
11. The Chair will canvass Members participating by Electronic Means about their intention to speak to a matter on the floor and will notify each Member when it is his or her turn to speak;
12. After putting a motion to a vote, each Member participating by Electronic Means will be required to identify how he or she wishes to vote;
13. Each Member participating by Electronic Means shall inform the Chair about his or her intentions to leave the meeting either on a temporary or permanent basis;
14. A Member participating by Electronic Means will be deemed to have left the meeting when they are no longer electronically connected to the meeting;
15. In the case of a loss of connection, or any connection issue which impedes the ability of a Member to participate in the meeting in real time, the meeting will continue without attempts by either staff or the Member to reconnect.

**AND FURTHER that this By-law does hereby repeal and replace By-law No. 2007-42 in its entirety and any previous By-laws of the Township of Emo to govern calling, placing and proceedings or Council meetings;**

**AND FURTHER that this By-law shall come into force and take effect upon the enactment thereof.**

**Enacted and passed this 5<sup>th</sup> day of February, 2019.**

  
 Harold McQuaker,  
 Mayor

  
 Bridget Foster,  
 CAO/Clerk-Treasurer

# TAB 6

## OHRC rules that City of Hamilton actions were discriminatory

March 2, 1995

A landmark Ontario Human Rights decision on March 6, 1995 found that Hamilton Mayor Bob Morrow discriminated against homosexuals by refusing to proclaim Gay Pride Week in Hamilton in 1991. Morrow was ordered to pay \$5,000 to the complainant in the case, Joe Oliver.

The 26-page decision released on March 2, 1995, said Morrow contravened the Ontario Human Rights Act by discriminating on the basis of sexual orientation. Morrow was ordered to proclaim Gay Pride Week the following year if it was requested, but instead council passed a ban of all proclamations to avoid issuing the Gay Pride edict.

Politics & Politicians

## Same-sex couples gain legal adoption rights in Ontario

May 24, 1995

AA

queerevents.ca



# TAB 7






[YOUR RIGHTS](#) [CODE GROUNDS](#) [SOCIAL AREAS](#) [EDUCATION & OUTREACH](#) [OUR WORK](#)

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Creed, freedom of religion and human rights – Special issue of Diversity Magazine – Volume 9:3 Summer 2012

- Editor's introduction: Human rights, creed and freedom of religion
- Protecting religious freedom in a multicultural Canada
- The relationship between religions and a secular society
- The missing link: Tolerance, accommodation and... equality
- Two errors in relation to respecting religious rights: Driving a wedge between religion and ethics/morals and treating all kinds of religious employers the same
- Inducing Fundamentalisms: Law as a cultural force in the domain of religion
- Trying to put an ocean in a paper cup: An argument

## Human rights, sexuality and religion: Between policy and identity




**Heather Shipley** has a PhD in Religious Studies (2009), an M.A. in Religious Studies (2006), and a B.A. in Religious Studies and Psychology (2004). She is Project Manager for The Religion and Diversity Project, a SSHRC Major Collaborative Research Initiative and teaches part-time at the University of Ottawa and Carleton University. Publications include: 2012. "Fairies, Mermaids, Mothers and Princesses: Sexual Difference and Gender Roles in *Peter Pan*," *Studies in Gender and Sexuality*, 13(2), in press; 2008. "Examining Sexual Diversity: Sexual Orientation and Marriage in Canadian Legal Discourse." *Journal of Religion and Culture* 20: 95-116; "One of these things is not like the other: Regulating Sexual Difference," *Reasonable Accommodation: Managing Religious Diversity*, edited by L. Beaman, Vancouver: UBC Press, in press.

### Abstract

As important policy changes are discussed and opened to public response, the urgency to reflect more critically about the narrow and essentialized identity constructions within policy is evidenced. While there will continue to be conflict in the public arena regarding religion and sexuality, from those who identify solely with one aspect and condemn or criticize the other, our policies should be reflective and inclusive of more than these narrow assumptions; if our policies and the application of policies can become more adaptive in response to these challenges, perhaps the assumed inherent conflict can be managed with more productive, alternative strategies.

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This paper examines implications and consequences when religion and sexuality are assumed to be inherently in conflict, an argument which centres on discourses that essentialize both religious and sexual identities. Discussing two specific examples I explore the framing of religion and particular sexual identities (i.e. LGBTQ); frameworks which are then used to regulate and manage identity based on assumed inherent traits. I conclude with some reflections, suggestions and recommendations regarding inclusivity in policy and law, and further where I think we need to bridge between policy and application.

- for the "un-definition of religion"
- Towards an inclusive interpretation of 'creed'
- Toward a definition of legitimate religions
- Accommodation and compromise: Why freedom of religion issues cannot be resolved through balancing
- The need for greater protection of religious associational rights in employment
- Faith in the public school system: Principles for reconciliation
- Human rights, sexuality and religion: Between policy and identity
- Equality, human rights and religion or belief in England and Wales
- On religious accommodation and discrimination in the experience of Jewish communities in Ontario
- Discrimination experienced by Muslims in Ontario
- On Canadian Buddhist engagement with religious rights discourse and the law
- Humbug! Seventh-day Adventist conscientious objectors in WWII standing before the Mobilization Board

Increasingly media coverage in Canada, and beyond, has been focused on the<sup>31</sup> subject of the reasonable accommodation of religious minority groups, highlighting numerous controversies regarding the role of religion and religious practices in Canada, often counter positioned to assumed 'secular' principles of Canadian society. When the controversies relate to gender and sexuality, often the strongest religious voices heard in the public arena are voices arguing that sexuality equality rights challenge religious beliefs. Additionally, certain frameworks of 'religion' are regularly framed as inherently oppressive, often toward women and children. Increasingly it is clear that not all religious groups are unified in their approach on the topic of equality rights based on gender, sexuality or sexual orientation. So too are voices of those who are both religious and sexually 'other' or religious and in support of sexual diversity becoming more loudly heard, though often the assumption is that to be religious is to stand on one side of this particular dichotomy.

There is widespread evidence that the relationship between religion and sexuality is not inherently in conflict, but often is constructed as such in public discourse/media, further reinforced through policy. What is frequently portrayed in public controversies and debates is that "religion" and "religiosity" necessarily oppose sexual diversity, which perpetrates the assumption that certain groups and individuals ought to be seeking freedom from religious imposition. As important policy changes are being formulated, the urgency to reflect more critically about narrow and essentialized identity constructions within policy is of critical importance. There will continue to be conflict in the public arena regarding religion and sexuality, from those who identify solely with one aspect and condemn or criticize the other, however if our policies and the application of policies can become more adaptive in response to these challenges, perhaps the assumed inherent conflict can be managed with more productive, alternative strategies.

I propose we begin to think not just about how creed-based rights or religious identification challenges those considered to be 'non-religious,' but rather want to suggest that it is time to think of how policies of inclusion can be formulated so that religion is not necessarily posited as in conflict with sexual diversity, or equality regarding sexuality.

Relating directly to non-discrimination policies, such as the *Charter*, it is important to reflect on how these policies are intended to be adopted in institutional settings. Recent proposed changes to Ontario's sex education policy caused enough controversy for 2 years of curriculum development to be shelved as a result of 'competing' rights controversies. There is a clear gap between the existence of policies of non-discrimination, policies that recognize intersections and the experience and application of policy within a lived context. Although publicly funded schools are required to commit to the *Charter* and provincial policy, it can be demonstrated that there is a gap between the requirement and the actuality of that in the education environment. This goes to the challenge regarding application of policy, or what I am calling the transmission of policy into experience.

In *Heintz v. Christian Horizons*, Connie Heintz argued that the termination of her employment as a support worker as a result of her sexual orientation violated the *Ontario Human Rights Code*. During her employment at the residence operated by Christian Horizons, Heintz's identity as a lesbian came into conflict with Horizons' Lifestyle and Morality Statement, which prohibits homosexual relationships. Christian Horizons argued that it fell within section 24(1)(a) of the *Code*, which permits restrictive hiring or hiring preferences for certain organizations based on one of the proscribed grounds of the code, in this case is creed.

In considering these rights, the Tribunal states: "At the same time, it has been said that no right is absolute. Rights may conflict, and courts and tribunals may be called upon to reconcile competing interests and balance conflicting rights" (para 9). Arguing that the Human Rights Commission is an agency with a mandate to promote human rights, the Tribunal felt that:

the issue in this case is whether an organization which is effectively 100 per cent publicly funded, which provides social services on behalf of the government to the broader community, and offers those services to individuals without regard to their race, creed or cultural background, may discriminate in its hiring policies on the basis of one of the proscribed grounds in the Code (at para 12).

Christian Horizons is a publicly funded institution, and therefore it was argued by the Tribunal that they are required to commit to policies of non-discrimination as outlined in the *Code*. The Tribunal did not claim that the organization was not religious simply because it received public funding (para 116), noting "There may well be legitimate public policy discussions and debate about whether an organization that has restrictive membership or employment policies should receive public funds" (para 116) but stated that Christian Horizons' client base and organization structure was such that it could not be considered under the *Code* regarding exemptions for employment and hiring purposes based on religious beliefs.

In the decision, the Tribunal argued that the *Code* was violated because Christian Horizons suggested Heintz seek counselling to effect 'restoration'; they created/permitted a poisoned work environment (and no steps were taken to remedy harmful effects); and they acted on discriminatory views (para 205). Heintz was awarded for damages, and Christian Horizons was ordered to modify policies and to take steps to undergo non-discrimination training with their employees.

Interesting to note is that Heintz herself stated she discovered her changing sexual orientation during the course of her employment with Christian Horizons, and that as a woman of deep Christian faith this required a process of understanding on her own part. This process for Heintz was not aided by the environment in which she worked after it became known that she was a lesbian and was involved in a same-sex relationship. Heintz states, however, that she would not have filed a claim against Christian Horizons had they not been the recipients of public funding. There is a connection for Heintz and the Tribunal between policies of non-discrimination and equal treatment principles and the role of public institutions in safe-guarding those principles.[1]

While I argue that policies require revisions in order to respond to contemporary identity politics, I also mentioned the gap between policy and the experience of policy. In addition to this gap, there is of course the problem of the application of policies in any given tribunal or court case; application which relies on interpretation and judgement by those applying policies. Notions of identity categories and the relationship of aspects of identity such as religion and sexuality go directly to the specific policy controversy regarding gender and sexuality that I turn to here; sex education curriculum.

Recently Ontario witnessed a brief but intense public debate regarding the sex education curriculum, culminating in Ontario's premier claiming that the changes



were put on hold to consider the multicultural and religiously diverse needs of the province.

In April 2010, when first asked to comment on the proposed changes to Ontario's sex education curriculum, Dalton McGuinty responded by defending the changes (CBC 2010d). In the aftermath of his defense, however, the Premier backed off the curriculum changes, which have since been placed on hold. Notably, the timeline of events is incredibly brief: McGuinty was first asked about the changes April 21; he had reversed his opinion regarding the proposed changes by April 23.

The revisions that seemed to evoke the most concern were as follows: Grade 1: identifying genitalia using the correct words, such as penis, vagina and testicle; Grade 3: learning about invisible differences, such as gender identity, sexual orientation, and allergies; Grade 6: masturbation and wet dreams; Grade 7: oral and anal sex; how to prevent unintended pregnancy and sexually transmitted infections, including HIV.

These changes were suggested as necessary to adapt to contemporary sexual health education standards and to increase understanding regarding sexual identity; the new topics were to be introduced to students at age and developmentally appropriate stages in their education. The existing curriculum is much more general; the modifications include specific body parts, activities and give name to the topics which should be addressed at any given level.

Two years of development went into the proposed changes, beginning in 2007, including a year of research and consultation with public and Catholic school boards, university faculties of education, health groups and parent groups. The first draft of the proposal was sent out for public feedback, circulated to 5,000 parents in Ontario (many of whom were supportive of the changes), resulting in 3,000 responses which subsequently involved further revision and fact checking prior to finalizing the proposed changes in 2009 (The Star 2010; Globe and Mail a-b).

Controversy in the course of those two days included statements by the Institute for Canadian Values, Canada Christian College and the Greater Toronto Catholic Parent Network. What was repeated in the coverage of the proposed changes and controversy regarding the changes was an emphasis of the continued argument that the opposition to the changes was representative of religious ideologies. This repeated emphasis reaffirms the notion that not only is it acceptable for "the religious" to oppose teaching sexuality, it is in fact expected that religious groups/individuals will feel this way.

In response to the swift controversy over the curriculum, Premier McGuinty backed away from the policy changes, citing the need to consider the multicultural and religious diversity of the province and concerns of parents (CBC2010a-c). Parents who were interviewed about the curriculum expressed both support and opposition to the changes, there was not the same one sided representation of what 'the parents' felt. McGuinty has since introduced the "Accepting Schools Act" which has elicited a new firestorm of debate.

Current research that challenges binary oppositions regarding religion and sexuality includes a recently completed study in Britain and Wales regarding religious and sexual identities of youth (Yip et al. 2011). Among the projects findings, respondents who articulated both religious and sexually diverse identities (i.e. gay, lesbian, etc.) often reported feeling a requirement to downplay their religious identities within particular LGBTQ communities. Respondents' who self-identified as both religious and lesbian/gay/bisexual, etc., did not however report

internal struggles regarding these aspects of their identity, but rather that external communities and social forces required them to marginalize at least one part of the identity in contemporary British society. Queer religious women interviewed in the Los Angeles area have demonstrated that religious communities extended welcoming arms to the LGB community in the Los Angeles area for over 50 years, the participants themselves did not report personal identity conflict when addressing both religious and sexual aspects of their identity; rather, the consternation comes from external assumptions and impositions (Wilcox 2011).

Importantly religious identity is also complex, nuanced, fluid and resistant to essentialization. While there are clear voices of individuals who argue that sexual diversity and same-sex relations challenge their religious beliefs, we also have evidence that religious identity is as multifaceted and nuanced as is sexual identity. There is a wide body of literature on the differences between religious teaching and lived religion; or between what religion is assumed to be and how people practice their faith by contextualizing doctrine based on their own needs, experiences, and cultural influences (McGuire 2008). As diverse religious groups continue to cohabit in closer proximity to one another, it becomes increasingly evident that there is no one unified understanding of what being religious means (see Beyer 2008).

Additionally, scholars debate the supposed neutrality of 'the secular' within western countries. Janet Jakobsen and Ann Pellegrini (2008), among others, challenge the use of 'the secular' in its construction as rational, objective and without embedded ideologies, including religious ideologies. Rather, they, and Lori Beaman (2010), argue that the turn toward secularism as a universal, neutral dialogue in fact perpetuates ideological constructions regarding religion, gender and sexuality.

## Reflections and recommendations

How do we change policy to be reflective and yet also effective?

How do we ensure that the application of policy correlates to experiential context of contemporary society?

How do we bridge the gap between the policies that are formulated to promote inclusivity/ regulate discrimination and the experiences of the individuals on a daily basis regarding identity negotiation and equality?

In light of this, proposed further challenges regarding policy regarding religious rights and LGBTQ identity are to think on:

1. Intersections: consideration for the intersections of religion, gender identity and sexual orientation; the preconceived notion that they will necessarily be in competition ignores the challenges faced by individuals who might be discriminated against because of multiple aspects of their identity.
2. Transmission: it is part of the process that individuals will come to the courts or tribunals as a result of identity politics; when we continue to perpetrate the notion that religion and sexual diversity are inherently in conflict, we end up transmitting the message that one remains privileged over the other; and we miss transmitting from policy to application based on authentic experiences of individuals for whom policy is not so black and white.

## Notes

[1] It is important to note that the *Code* includes consideration for grounds of intersection regarding policies of non-discrimination and protection. S 2.2 of the *Code*, regarding sexual harassment, states "A person may be especially vulnerable when they are identified by more than one *Code* ground." Citing multiple possible examples of vulnerability based on multiple grounds, such as race, disability, sexual orientation, it is stated "Where multiple grounds intersect to produce a unique experience of discrimination or harassment, we must acknowledge this to fully address the impact on the person who experienced it."

## References

Beaman, Lori. 2010. "Is Religious Freedom Impossible in Canada?" *Law, Culture and the Humanities* 6(3): 1-19.

Beyer, Peter. 2008. From Far and Wide: Canadian Religious and Cultural Diversity in Global/Local Context. In *Religion and Diversity in Canada*, ed. L.G. Beaman and P. Beyer, 9-39. Leiden: Brill Academic Press.

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**Commission ontarienne des  
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# TAB 8

# WHY EMO NEEDS PRIDE

**Dan Pollard** It's interesting how the charter of rights and freedoms guarantees me the freedom of beliefs but as soon as I don't agree with [a] group suddenly they label me a bigot.

# WHY EMO NEEDS PRIDE

**Jason Strom** I don't care if someone is gay or straight, the respect I'm given is the respect i will give back but this pride crap is getting out of hand.

# WHY EMO NEEDS PRIDE

**Shane McQuaker** Straight bullshit. Just be careful they don't stop to try and recruit you. Gonna have a queen contest won't that be awesome for all the little kids to see.



# WHY EMO NEEDS PRIDE

**Shane McQuaker** they are offering to toss ur salad and throw their hotdog down ur hallway as part of special events. Sick bunch of cock suckers.

# WHY EMO NEEDS PRIDE

**Regan Arnould** Nothing will change in these people's lives if they get their wish. It is just grandstanding and I applaud Emo city council for not pandering to them. Enough of shoving the bullshit down our throats.

# WHY EMO NEEDS PRIDE

**Mike Wilson** Why couldn't u just have your parade like you always do [...] but of course like everything you gotta take things one step to far.

# WHY EMO NEEDS PRIDE

**Marlene McQuaker** Children usually cry with a no answer. Adults should respect a no answer [...] And the way they are criticizing our little town of Emo is heart wrenching.

# WHY EMO NEEDS PRIDE

**Eileen Armstrong** Emo does not deserve the hate that has been shoved onto them. [...] Leave the residents of this beautiful community alone and let there be peace and harmony.

# WHY EMO NEEDS PRIDE

**Frank Szeder** what the fuck is wrong with you.. Do what you want in your own home [...] do not share your immoral ideas and beliefs where it is not wanted

# WHY EMO NEEDS PRIDE

**Adam Sharp** Pathetic. We get it, you're queer [...] people wonder why there's discrimination? Probably because they don't know when to stop

# WHY EMO NEEDS PRIDE

**Bruce Wreggitt** Pride  
and proud fine with  
me so go to the closet  
where you belong!





**Adam Sharp**

Yesterday at 10:36 PM ·



Pathetic. We get it, you're queer. Stop making such a big deal about it..people wonder why there's discrimination? Probably because they don't know when to stop and people get sick of it.



**Fort Frances Times Ltd.**

Yesterday at 12:00 PM ·

Read the press release in tonight's Fort Frances Times or online here <https://www.fftimes.com/news/local/district/pride-a...> See More

# Pride to ambush Emo!

Borderland Pride is taking truckloads of queer cheer to a community in need of some rainbows this Pride Month....



11

27 Comments 1 Share



8:20



**Colleen Wieringa**  
Active 14m ago



JUN 18, 2020, 8:03 AM

Hi Doug I just heard what is being planned for Emo this month with the ambush. This is not ok. I have nothing against your community but I do have a problem with the total disrespect that your group has for the town of Emo. I think this is wrong in so many ways and will cause both your group and the people who already have issues with it more division. This could also start some violence that is so unnecessary hurtful to both sides. You can not force this on people it just won't do you any good. There are banners and flags being displayed in Emo I'm so disappointed in your groups reaction to councils decision. The town council deserves the same respect that your group is demanding it goes against what you are fighting for. In light of all that is happening in the states I would think that



8:20

**Colleen Wieringa**

Active 14m ago



disappointed in your groups reaction to councils decision. The town council deserves the same respect that your group is demanding it goes against what you are fighting for. In light of all that is happening in the states I would think that you would not make this decision to do this. Thanks for listening and I hope you will reconsider and be respectful.



JUN 18, 2020, 8:33 AM

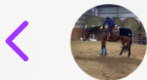
Hello Colleen. We are exercising our constitutional right of peaceful protest in order to demonstrate our disapproval of the council's decision. Not only was that decision wrongful, but it was illegal. They will face political and legal accountability for it. Nothing stops any organization or group from holding a peaceful demonstration against the government. We are fortunate to live in a



Aa



8:20





**Colleen Wieringa**  
Active 14m ago



JUN 18, 2020, 8:33 AM

Hello Colleen. We are exercising our constitutional right of peaceful protest in order to demonstrate our disapproval of the council's decision. Not only was that decision wrongful, but it was illegal. They will face political and legal accountability for it. Nothing stops any organization or group from holding a peaceful demonstration against their government. We are fortunate to live in a community where it is not often necessary, but that also means that people are unnecessarily triggered when it does.

JUN 18, 2020, 8:48 AM

I think you are wrong  
You have lost the cause in the fight it's just a fight now very sad to say the  t makes my heart hurt a lot for this  also



8:20



**Colleen Wieringa**

Active 14m ago



...egan. They will use political  
and legal accountability for it.  
Nothing stops any organization  
or group from holding a  
peaceful demonstration  
against their government. We  
are fortunate to live in a  
community where it is not  
often necessary, but that also  
means that people are  
unnecessarily triggered when it  
does.

JUN 18, 2020, 8:48 AM

I think you are wrong  
You have lost the cause in the  
fight it's just a fight now very  
sad to say the least makes my  
heart hurt a lot for this 😞 also  
believe you are doing so much  
more damage and I don't this  
will end well for anyone



I think it will end with  
accountability and justice, and  
a better understanding of what  
the role of public officeholders  
are.



Aa



20 mutual friends

Lives in Winnipeg, Manitoba

See All >




DrDavid Haner

3 hrs · 🌐



Be aware people of emo area LGBTQ's group that is holding the ambush next weekend is threatening people on Facebook be aware of who adds you as a friend they are trying to ruin the working class that doesn't approve of there pride month in emo we all know who's behind it

 Ken Vogan and 4 others

1 comment



DrDavid Haner

11 hrs · 🌐



June 25, 2020

Dear Borderland Pride,

As a tax-paying and proud citizen of Emo, I have watched from afar this "dispute" between you and members of Emo Town Council, but the recent complaint to the Human Rights Tribunal from Borderland Pride has led me to be quiet no longer.

Whether people stand with you or stand with our mayor and two town councillors on this issue – pursuing a complaint and in particular, a financial award, strikes me as vindictive and spiteful. To me, you should embody in your words and actions what you are promoting: Love. I want to see your organization display tremendous amounts of love and kindness to everyone around them, so that your message of "Love is Love" is caught, is passed on, and is something that people look towards to exemplify. While you believe this complaint is standing up for diversion, inclusion, and human rights of LGBTQ2 people, I fear it has done the opposite.

Borderland Pride – if you win, what do you plan to do with \$35,000? That's a lot of money for signs and inclusion programming! The excessiveness of this amount averts people who may quietly champion your cause, and certainly disgusts people who do not, which is the exact opposite of what you are trying to achieve by getting people to understand, accept, love, and value LGBTQ2 people. This division now in my town saddens me as someone who believes in love and kindness and saddens me for the negativity it now puts on LGBTQ2 people – some of whom are very dear to me.

You have asked for \$10,000 from each of our councillors. That's an incredible amount of money for someone who only earns a small stipend to serve on town council – and I fear, will dissuade anyone from pursuing this opportunity in the future, and will certainly prevent them from feeling that they can vote "no" on issues brought forth from citizens and organizations, even if they completely agree with the request. Your intention to seek \$10,000 from individual hardworking citizens seems cruel. It is not as if they forbade all pride signs from Emo homes and businesses.

You have also asked for \$15,000 from our municipality. Where will we get this money from? Raise taxes? Are you aware that the Rainy River District Women's Institute Museum, aka the Emo Pioneer Museum, is going to have to shut its doors and either sell, discard, or hopefully find another museum to take on all its historical artifacts (the history of Emo), all because of the numerous fundraisers put on by the good people of Emo cannot raise its measly yearly operating budget of \$10,000 needed to keep it open? That is after years of asking the township to help pay even a portion of that budget.

Fifteen thousand dollars goes a long way in a small town. We could have put on the best, fun-est Fun Day this town has ever seen with bouncy castles, and a giant slip and slide, and a free BBQ -- capped at night with the district's best fireworks -- to celebrate the end of COVID-19. That would bring people together! Or, we could have many benches made to

place around our spray park so that parents and grandparents have a place to sit and visit while their children/grandchildren are playing. Or, we could set up a fund that parents who can't afford hockey can utilize to ensure they don't have to break it to their kids that they won't be able to play that year. Or, we could buy more books for our library, ensure our food bank is never empty, plant new trees for our cemetery, donate it to the Mission House, Emo Walleye Classic, EarlyOn Centre, Emo Speedway, or Borderland Snowmobile Club. I'm sure our volunteer firefighters, volunteer minor hockey board members, volunteer Fall Fair board, volunteer Girl Guides leaders could all benefit from \$15,000. Heck, we could even ask the kids of our town to spend it in ways that would benefit our community – basketball hoops, guys? A fun tall slide going the park hill? More swings at the sports field so that you don't have to wait all evening for a turn? Dream away! Except don't dream – we have to pay a fine of \$15,000.

Borderland Pride – I ask you to please stop your bullying tactics. You have created division in our town instead of bringing people together. You have turned away your own allies and those who you may have won as allies had you handled this situation with love. I will continue to love and support LGBTQ2 people, but I do not support your organization. For me, I can separate my views on LGBTQ2 people and my views on your organization. Know though that for people who have not had the wonderful opportunity to have their lives blessed by LGTBQ2 people, they cannot make that same distinction. You may think that what you are doing is justified and is necessary to bring change. However, perception is reality and you are current being perceived as unkind, rude, and a bully to anyone who dares hold a different opinion than your own – and I agree with them. You have mocked people on social media for the pettiest things, like spelling, and even have shamed people who dare to write a letter to the editor. Did you really publicly write, "You are embarrassing yourself" to a fellow person? Do you think that shows love to her? Why not write her a private letter asking to meet up for coffee because you want to share why Emo celebrating pride means so much to you and to LGBTQ2 people? You will win the hearts and minds of people through kindness, love, and a willingness to engage in respectful conversations. It may not be as fast and as flashy as an Emo Ambush, but it will begin to break down barriers that unfortunately for LGBTQ2 people, you have only made worse.

Finally, Borderland Pride, let the people of Emo go about continuing to show love and kindness to each other by bringing our immune compromised groceries, by volunteering for Meals on Wheels or with the Emo and District Auxiliary, by coaching our kids hockey and soccer, by preparing meals for families who are going through a difficult time, by baking muffins for our neighbours who just experienced a death in the family, by volunteering on the numerous boards and organizations, by hugging a friend or neighbour in need, and by showing our support to marginalized people in the quiet ways we do so, or if we choose, with a Pride flag or sign in front of our own homes.

A concerned citizen of Emo



Personnel soignants, merci!

Thanks, healthcare workers

Borderland Pride

PO Box 105

Fort Frances, ON

P9A 3M5



# All lifestyles equal

Dear Editor

I am writing in response to your May 20th editorial "Intolerance should be history." I agree that tolerance of disgraceful inhumane treatment of other humans should be a thing of history and I can fight alongside of you for that sort of a future in Canada. Your article errors in that you are not fighting for humane treatment of other humans but instead for the special treatment of a particular group of human beings. The "LGBTQ2+ citizens" you address are first human beings and should have the rights of respect and fair treatment as humans and not as LGBTQ2+ citizens. The attack on people who view this lifestyle as un-

natural or sinful is an attack on free speech and free thought. It has never been criminal to disagree strongly with another person?

Freedom of thought and speech as well as freedom of religion is also within the Charter of Rights. The LGBTQ2+ citizens don't have a right to force other people to accept their lifestyle. They do have a right before God and this country to be treated with respect as fellow humans. You make a person's lifestyle the definition of his humanity and this is simply contrary to fact. Civil rights battles were about human rights not lifestyles. We are created in the image of the creator God and are of more value than any other living creature.

For this reason, all humans deserve respect and decent treatment— "Love your neighbor as yourself". To argue that the LGBTQ2+ citizens have special rights is simply false and destructive for all sides. The lifestyle choices of any particular group should not be promoted over any other group. The Mayor of Emo is actually respecting the rights of all humans by not promoting one group over the other; elected officials have no business placing the imprimatur (declaration of authorization) of government on any lifestyle. There are no special interest group flags flown in Emo nor should there be.

*Pastor Shane G Belding  
Victory Baptist Church,*

Sign Up

Email or Phone

Password

Log In

Forgot account?



**Phil Whatley**

11 hrs ·

Anyone who has attempted to train a child, or a student, or an animal or even himself is aware that to disapprove of one's behavior is not to hate. It is hope and vision for something which could be. To endorse behavior of which one actually disapproves is hypocrisy. To choose not to care is unloving, or perhaps hate. To demand that others endorse behaviors of which they disapprove is bullying.

26

11 Comments 25 Shares

Share



**Stacey Jolicoeur-Fuhrer** Well said.

11h

1



**Carolyn Ahrens** Truth!!!

10h



**Tanya Cunningham** Love this! Can you please make it so that I can share it?

10h



**Phil Whatley** I changed it to "Public". Does that help?

10h



**Phil Whatley** Or see here:

<https://philwmusing.wordpress.com/.../disapproving-is.../>



PHILWMUSING.WORDPRESS.COM  
Disapproving is not hating.

10h

2

[View 1 more reply](#)



**Linda Weller Scheidemantle** Well said!

10h



**Edward Carlson** So true!

10h



**Nolan Matthew Bowes Faragher** I suppose that's easy to say when you haven't had the crap kicked out of you for liking boys

11m



**Brian James Hagarty** Dr Wheatley what we need to do is to start training you to be a human being. So when you get up tomorrow maybe you could check in with me to see if I approve of your behaviour or not. Or perhaps you find it irrelevant what I think of you. Dido

8m

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# TAB 9

To Emo (and towns like it),

On May 26th the Emo, Ontario town council discussed their decision to not fly the pride flag during a week in June. The counter arguments and rebuttals resulted in refusal by the mayor, and two other council members, to reconsider their decision.

I would like to thank Lori Anne Shortreed and Lincoln Dunn for expressing that the values cited by Mayor Harold McQuaker, Harold Boven, and Warren Toles are not the values held by the town as a collective. I recognize that positions in public office are difficult as decisions and opinions held by individuals have to be weighed with the responsibility of representing those that support you. This letter is not intended to change the minds of mayor McQuaker and council members Boven and Toles, as this does not seem like a realistic goal. Rather, it is written to offer alternative solutions and methods of change in Emo and other small towns that are holding on tightly to their "values".

Resistance to change often stems from a lack of understanding. If the individuals supporting the decision to not recognize pride month by raising a simple flag understood the shame, confusion, and hurt that often plagues those who identify within the LGBTQ family, they may understand why this is such an important issue. Especially in small towns where the LGBTQ circle is small, not discussed, and being proud of who you are may result in bullying, social rejection, and abuse. To say that a pride flag does not need to fly because only a few citizens within Emo identify as queer negates these experiences and continues to push this minority out despite adamant statements, by those doing so, of acceptance.

The rainbow flag will not fly as decided by the majority of council and the vocal conservative citizens of Emo. However, I urge these council members, who claim to be accepting, to put action behind their words and encourage citizens to show their support on an individual and community level so that next year this decision will not be the sideshow it has been forced to become. Rather, flying the pride flag will seem like a natural next step in moving forward.

After listening to the council meeting, my first thought was to bring as many rainbows and LGBTQ peers and supporters as possible to Emo to protest. While there is a time for protest, this may block the levels of communication and conversation that need to happen. Understanding is slow in coming to small communities so let's take this time to educate our neighbours around why this is an important issue, the history of the LGBTQ family, and what love really looks like all while being rational and proud. Let's show how citizens of Emo and other small towns really feel by flying flags, by sending out messages of love and acceptance and by considering the people we vote into office. To those that have questions, please ask! Ask why this is so important, about the experiences had by those who identify as LGBTQ within your community, what LGBTQ means and stands for. If you ask with intent to learn and not to shame, we are happy to answer and discuss. To those in surrounding communities, utilize the month of June to bring increased attention to the discussion as well.

The inability of Mayor Harold and council members Harrold Boven, and Warren Toles to hear from their fellow colleagues Lori Ann Shortreed and Lincoln Dunn, who spoke for the LGBTQ community on May 26th, 2020, was beyond disappointing. Let's fight back the Pride way: with love, determination, solidarity and all the colour we can find.

#### How to support the LGBTQ community:

- Don't make assumptions about anyone's sexual identity.
- Have open, respectful discussions: be a good listener, speak calmly, take time to process the information around you.
  - Speak out against anti-gay messages.
- Fly a rainbow flag at your home or business. Wear and make buttons showing your support.
  - Donate to LGBTQ charities and organizations.
- Make sure the people in your life know they are loved and accepted no matter their sexual orientation.
- Pay attention to politics and the route of political change. Vote and participate!

# TAB 10

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

-----Original Message-----

From: "hboven" <hboven@emo.ca>  
Sent: Sunday, June 21, 2020 11:03pm  
To: "Bridget Foster" <bfooster@emo.ca>  
Subject: Lawyer advice- confidential

Bridget, trying to figure out if we can get some closure to what is happening in our community.  
Trying figure out what is best for Emo.

Ask lawyer.

If council were to pass last years PRIDE resolution would that stop the human rights stuff?

We have a council meeting Tues night. So we could still have a pride week of 7 days.

We are still in June and we could still proclaim June as pride month.

There is stuff going that I am not really aware of and it doesn't sound good.

Item g in one of the documents as it referenced 2020 got me thinking if we could still do something to prevent more damage to our community.

Our agenda has petition identified in the agenda, so it can be brought up in that item that council reconsider as per the petition request?

Please call me for clarification, but please call lawyer for advice or direction.

Will call you shortly after 8.

Thanks

Sent from my Samsung Galaxy smartphone.



Email provided by <https://smex-ctp.trendmicro.com:443/wis/clicktime/v1/query?url=www.timeswebdesign.com&umid=bff2708a-73fb-4a6f-bc8c-a8f1a3f1d640&auth=51bde99c48f4ce0ce0f7462b392fb12798789fe5-ce938771882134850f2eb461cd82307df5028088>

# TAB 11

**Borderland Pride**16h · **Statement from Borderland Pride**

We understand that Mayor Harold McQuaker is busying himself galavanting around the district telling people that we have racked up \$80,000 in legal bills for his municipality.

Does anyone actually believe this guy's bullsh\*t?

This is another lie. In reality, it is Mayor McQuaker, Councillor Harrold Boven, and Councillor Warren Toles that are directly responsible for this waste of tax dollars.

They were explicitly informed by us and Councillor Lincoln Dunn in May 2020 that they would face a legal proceeding if they refused to comply with human rights law in Ontario by recognizing Pride Month.

That law was settled over thirty years ago. They were told this too. They didn't want to listen. They are firmly committed to their bigotry and homophobia and that is what is costing taxpayer money to defend.

So, if you happen be enjoying coffee with Mayor McQuaker at Cloverleaf Grocery and this comes up, you should ask him how many other bad decisions his council has made that has cost taxpayers money.

Ask how much they have had to pay to settle pay equity claims because they don't believe women deserve equal pay to men for work of equal value. Ask how members of council have responded to workplace harassment complaints from their staff. Ask why they were still holding public meetings on their 2021 budget in October.

There are no answers to any of these questions that don't boil down this council's bigotry or incompetence. That is what is costing you money, not Borderland Pride or the 2SLGBTQIA+ community.

###



Douglas W. Judson is in Emo.



4m ·

Unlike John, I don't see any misstatement of fact about the council of the Township of Emo:

- Their use of taxpayer money to defend their homophobia is inexcusably wasteful.
- Their legal position is untenable and has been for over 30 years.
- Their actions on this issue have caused embarrassment in national and international media.
- They are bigots and hateful, based on the public record of their ignorant, bigoted, and hateful comments.

And we are going to win.

## Who is intolerant?

Dear editor,

In response to "Borderland Pride issues offer to Emo"

Quoting from your article;

The Pride organization issued a complaint...

The letter was critical of Emo council...

The letter said, All of this is inexcusable and foolish...

The letter said, Your untenable legal position...

The letter said, You will agree to...

The letter said, You should do this..

The letter said, You are embarrassing...

The letter said, You are bigots...

The letter said, You are hateful...

Seems to me it's not the Emo council who is intolerant or hateful.

And as far as the unnecessary expense, it wouldn't have been necessary if there was acceptance and tolerance of their position, and no letter.

*John Hettinga*



Like



Comment



Send



Share

# TAB 12

## THE CORPORATION OF THE TOWN OF FORT FRANCES

## BY-LAW 43-22

(BEING A BY-LAW TO PROVIDE INDEMNIFICATION FOR MEMBERS OF COUNCIL, BOARDS AND EMPLOYEES WITH RESPECT TO CERTAIN ACTIONS OR PROCEEDINGS ARISING FROM THEIR DUTIES)

WHEREAS subsection 279(1) of the *Municipal Act, 2001*, as amended, states that despite the *Insurance Act*, a municipality may be or act as an insurer and may exchange with other municipalities in Ontario reciprocal contracts of indemnity or inter-insurance in accordance with Part XIII of the *Insurance Act* with respect to the following matters:

- 1) protection against risks that may involve pecuniary loss or liability on the part of the municipality or any local board of the municipality;
- 2) the protection of its employees or former employees or those of any local board of the municipality against risks that may involve pecuniary loss or liability on the part of those employees;
- 3) subject to section 14 of the *Municipal Conflict of Interest Act*, the protection of the members or former members of the council or of any local board of the municipality or any class of those members against risks that may involve pecuniary loss or liability on the part of the members;
- 4) subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any damages or costs awarded against any of its employees, members, former employees or former members or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees or members, including while acting in the performance of any statutory duty;
- 5) subject to section 14 of the *Municipal Conflict of Interest Act*, the payment of any sum required in connection with the settlement of an action or other proceeding referred to in paragraph 4 and for assuming the cost of defending the employees or members in the action or proceeding; and

AND WHEREAS subsection 14(1) of the *Municipal Conflict of Interest Act* provides that councils may pass by-laws to enable the municipality to act as an insurer to protect a member of the council or of any local board thereof who has been found not to have contravened section 5 of the *Municipal Conflict of Interest Act* against any costs or expenses incurred by the member as a result of a proceeding brought under that legislation, and for paying on behalf of or reimbursing the member for any such costs or expenses in that regard;

AND WHEREAS s. 448(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that no proceeding for damages or otherwise shall be commenced against a member of council or an officer, employee or agent of a municipality or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this Act or a by-law passed under it or for any alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS s. 448(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, states that s. 448(1) does not relieve a municipality of liability to which it would otherwise be subject in respect of a tort committed by a member of council or an officer, employee or agent of the municipality or a person acting under the instructions

of the officer, employee or agent.

AND WHEREAS paragraph 278(1)(b) of the *Municipal Act, 2001* defines "employee" and authorizes a municipal council to pass by-laws designating certain persons or classes of persons as employees for the purposes of insurance; and

AND WHEREAS it is advisable to protect Members of Council and Employees of the Corporation that are acting in good faith and within the scope of their duties against pecuniary losses, liabilities, risks, costs and expenses that relate to their offices or arise because of their being, or having been, Members or Employees;

NOW THEREFORE the Council of The Corporation of the Town of Fort Frances hereby ENACTS AS FOLLOWS:

1. DEFINITIONS

In this By-law, unless a contrary intention appears,

- 1.1 "Act" means the *Municipal Act, 2001*, SO 2001, c 25, as amended;
- 1.2 "By-law" means this By-law, and as it may be amended from time to time;
- 1.3 "CAO" means the person within the Corporation's employ who holds the title of "Chief Administrative Officer", including his or her designate;
- 1.4 "Claimant" means a Member or Employee who claims coverage pursuant to this By-law;
- 1.5 "Corporation" means The Corporation of the Town of Fort Frances;
- 1.6 "Corporation's Legal Counsel" means legal counsel employed or retained to represent the interests of the Corporation, including his or her designates;
- 1.7 "Council" means the elected Municipal Council for the Corporation;
- 1.8 "Employee" means any salaried officer, or any other person in the employ of the Corporation or of a Local Board and includes, as applicable:
  - (a) a member of the police force of the Corporation;
  - (b) persons that provide their services on behalf of the Corporation without remuneration, exclusive of reimbursement of expenses or honoraria, if Council of the Corporation has passed a by-law designating such persons or classes of person as employees for the purposes of this By-law;
  - (c) any person or class of person designated as an employee of the Minister for the purposes of sections 279, 280 and 282 of the Act who is in the employ of the Corporation; or
  - (d) a Former Employee.
- 1.9 "Former Employee" means a person who was formerly an Employee of the Corporation;
- 1.10 "Former Member" means a person who was formerly a Member of Council of the Corporation;
- 1.11 "Local Board" means a local board as defined in subsection 278(1) of

the *Municipal Act, 2001*;

- 1.12 "Member" means a person who is a Member of the Council of the Corporation and includes a Former Member;
- 1.13 "Proceeding" means a proceeding before a court or statutorily created judicial tribunal commenced by a Third Party in which a remedy is sought against the Claimant.; and
- 1.14 "Third Party" means any person or authority including the Crown., but does not include the Corporation, or a Local Board.

## 2. INTERPRETATION RULES

In this By-law,

- 2.1 wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances;
- 2.2 references to items in the plural include the singular, as applicable;
- 2.3 the words "include", "including", "included" or "includes" are not to be read as limiting the phrases or descriptions that precede or follow them; and
- 2.4 headings are inserted for ease of reference only and are not to be used as interpretation aids.

## 3. STATUTES

- 3.1 Unless otherwise defined, specific references to statutes in this By-law are printed in italic font and are meant to refer to the current statutes applicable within the Province of Ontario as at the time this By-law was enacted, as they are amended and revised from time to time.

## 4. INDEMNITY FOR MEMBERS

- 4.1 The Corporation may, subject to the provisions of this By-law, indemnify a Member that was acting in good faith and within the scope of his or her duties at all material times in the manner and to the extent provided herein in respect of any Proceeding brought against such Member by a Third Party arising out of acts or omissions done or made by such Member in his or her capacity as a Member or by reason of being a Member, including, without limitation:
  - 4.1.1 while acting in the performance of any statutory duty; and
  - 4.1.2 while being or acting as an appointee, nominee, delegate, member, officer or in any other capacity on a Local Board, Committee, Corporation, Association or other body pursuant to the direction, request or other authority of the Corporation.
- 4.2 Subject to the provisions of this By-law, the Corporation may indemnify a Member by:
  - 4.2.1 assuming the cost of defending the Member in the Proceeding;
  - 4.2.2 where permitted by law, paying any fines, monetary penalties, damages or costs imposed on or awarded against that Member



as a result of the Proceeding;

- 4.2.3 paying, either by direct payment or reimbursement, any expenses reasonably incurred by that Member as a result of the Proceeding;
- 4.2.4 paying any sum required in connection with the settlement of the Proceeding.
- 4.3 In the case of a Proceeding under the *Municipal Conflict of Interest Act*, the following shall apply:
  - 4.3.1 any indemnity the municipality decides to pay will only be by way of reimbursement for costs or expenses actually paid by the Member and subject to the following conditions;
  - 4.3.2 the indemnity is limited to the costs and expenses reasonably incurred by the Member as a result of the Proceeding brought under that statute;
  - 4.3.3 the Member is not entitled to any indemnity unless such Member is found not to have contravened that statute;
  - 4.3.4 legal counsel, approved by the CAO in advance of the costs being incurred shall be retained by the Member directly; and
  - 4.3.5 no payment or liability shall be made or assumed by the Corporation unless and until the conditions in clause 4.3.3 hereof have been met.

#### 5. INDEMNITY FOR EMPLOYEES

- 5.1 The Corporation may, subject to the provisions of this By-law, indemnify an Employee that was acting in good faith and within the scope of his or her duties at all material times in the manner and to the extent provided herein in respect of a Proceeding brought against such Employee by a Third Party arising out of acts or omissions done or made by such person as an Employee or by reason of he or she being or having been an Employee, including while acting in the performance of a statutory duty.
- 5.2 Subject to the provisions of this By-law, the Corporation may indemnify an Employee by:
  - 5.2.1 assuming the cost of defending the Employee in the Proceeding;
  - 5.2.2 paying any fines, monetary penalties, damages or costs imposed on or awarded against that Employee as a result of the Proceeding;
  - 5.2.3 paying, either by direct payment or by reimbursement, any expenses reasonably incurred by such Employee as a result of the Proceeding;
  - 5.2.4 paying any sum required in connection with the settlement of the Proceeding.

#### 6. INDEMNITY - OTHER

- 6.1 In addition to the persons covered in sections 4 and 5 of this By-law, the Corporation may:

- a) on a case-by-case basis, and
- b) in the Corporation's sole and absolute discretion;

provide indemnity to any person that the Corporation is authorized under sections 278 to 280 of the *Municipal Act, 2001* to provide indemnity to and do so in accordance with the provisions of this by-law or as otherwise stipulated by the Corporation.

- 6.2 With respect to a proceeding that is brought against a Member or Employee by a person who is not a Third Party, the Corporation may:

- a) on a case-by-case basis; and
- b) in the Corporation's sole and absolute discretion;

provide indemnity to such Member or Employee in accordance with the provisions of this by-law or as otherwise stipulated by the Corporation.

## 7. EXCLUSIONS

- 7.1 The obligations of the Corporation in this By-law shall not apply in the following circumstances:

- 7.1.1 where the proceeding has arisen out of the illegal, dishonest, fraudulent or malicious act of the Claimant, or his or her willful or reckless violation of any law, duty, contract, policy or obligation;
- 7.1.2 where the Claimant is acting or proceeding in a manner that is contrary to a decision, policy or position of the Corporation;
- 7.1.3 where the Claimant has failed to comply with the provisions of this By-law, unless strict compliance has been waived by a Resolution of Council;
- 7.1.4 to the extent by which the Corporation is prejudiced, where the claim is of a nature covered by an insurance policy or indemnity, whether placed or provided by the Corporation, the Claimant, a Local Board or otherwise, and there has been a policy violation or other act on the part of the Claimant prejudicing the right of indemnity under that policy or other right of indemnity; and
- 7.1.5 to any Claimant in respect of whom the Corporation has agreed to provide indemnity under a collective agreement or employment agreement and the rights of such persons and any union, association or other organization representing them shall be governed solely by such agreement and not by any of the provisions of this By-law, whether or not such agreement extends to any or all of the indemnities or other protections provided for in this By-law.

- 7.2 The liability of the Corporation under this By-law shall be reduced by the amount of indemnity paid pursuant to an insurance policy or indemnity as referred to in section 7.1.4 of this By-law and, at the reasonable request of the Corporation, the Claimant shall assign to the Corporation his or her rights pursuant to that insurance policy or indemnity and to any amount payable under it.

- 7.3 Notwithstanding that the Corporation may have assumed the defence of any proceeding or the cost thereof, it shall be deemed to have reserved

its rights with respect to the applicability of any exclusion under this By-law.

7.4 The Corporation may waive the reservation of rights referred to in section 7.3, subject to such conditions as the Corporation deems appropriate in the circumstances.

7.5 The provisions of this By-law are intended to supplement the protection provided by policies of insurance. For purposes of clarity, there is no entitlement to any coverage under this By-law when the Claimant has or had insurance coverage pursuant to an insurance policy, whether placed or provided by the Corporation, the Claimant, a Local Board or otherwise, with respect to the proceeding and coverage under any policies of insurance that the Claimant may have in respect of such proceeding must first be exhausted before any right to indemnity under this By-law may be triggered.

## **8. LIMIT OF COVERAGE**

8.1 Subject to section 14.1, the maximum amount for which the Corporation may be liable hereunder (inclusive of claims, costs, expenses and any other amount) shall not exceed \$250,000.00 in respect of any claim or combination of claims arising under the same circumstances, made against a Claimant.

## **9. IF CAO IS CLAIMANT**

9.1 If the Claimant is the current CAO, Council shall designate the Clerk to carry out the duties under this By-law assigned to the CAO; however, any decisions that the CAO would make under this By-Law are to be made by Council.

## **10. NOTICE TO CORPORATION**

10.1 A Claimant shall promptly give written notice to the CAO of any threatened or actual Proceeding. Where a Claimant is served with any process or notice with respect to a Proceeding, he or she shall immediately deliver a true copy of the document to the CAO.

10.2 A Claimant shall, concurrently with giving notice under section 10.1 of this By-Law, provide the CAO with full written particulars of any other insurance or indemnity providing coverage available to the Claimant.

10.3 In the event that a Claimant fails to give such notice or deliver such document or provide such full written particulars to the CAO within 30 days of the receipt of such notice or such document by the Claimant, no indemnity will be provided to a Claimant pursuant to this By-law.

## **11. DETERMINATION OF COVERAGE**

11.1 Subject to sections 7.1.3 and 9:

(a) Where the Claimant is an Employee the CAO shall determine, in his or her sole and absolute discretion, whether or not the Claimant is covered under the provisions of this By-law.

(b) Where the Claimant is a Member, the CAO shall provide a written report and recommendation to Council regarding whether or not the Claimant is covered under the provisions of this by-law and

Council shall determine, by majority vote at a duly constituted meeting, whether to authorize indemnity.

- 11.2 As a condition precedent to the Corporation making any payment in respect of the costs of or representation of any Employee or Member pursuant to this By-law, the Employee or Member must agree in writing to comply with the provisions of this by-law and such other terms and conditions as are determined to be appropriate by the Corporation's Legal Counsel, and shall agree to repay the Corporation on demand, in the event that the Employee or Member is convicted of an offence in respect of the Proceeding, all sums paid by the Corporation in respect of the costs of defence or representation as to such charges and must execute an indemnity agreement or other documentation requested by the Corporation to secure such repayment to the Corporation. No retainer shall be made on behalf of a Claimant and/or no money shall be paid by the Corporation with respect to any Proceeding until an indemnity agreement and/or other documentation has been executed. The CAO is hereby authorized to execute such indemnity agreements on behalf of the Corporation upon recommendation of the Corporation's legal counsel.
- 11.3 In the event that a Claimant commences a legal proceeding to enforce a claim for indemnity under this By-law, such legal proceeding must be commenced within 90 days of receipt of the final decision made by the CAO or Council, as the case may be, pursuant to sections 11.1 and 11.2 of this By-law.

## 12. LEGAL COUNSEL

- 12.1 The Corporation's Legal Counsel may, in appropriate cases, provide representation to a Claimant at the cost of the Corporation and the Corporation may take general carriage of any proceeding where the Corporation and the Claimant are both parties to the Proceeding, and it is in the interests of the Corporation to do so.
- 12.2 The Corporation may apply for party, intervener or other status in any proceeding with which a Claimant is or may be involved if to do so is in the interest of the Corporation, and the Corporation's Legal Counsel may, in proper cases, also represent the Claimant, or take general carriage of any such proceeding, at the cost of the Corporation.
- 12.3 Despite any other provision of this By-law, any Legal Counsel retained by the Corporation's Insurer to defend any proceeding shall also represent the Claimant with respect to that proceeding unless the Corporation requires or consents to the retainer of different Legal Counsel.
- 12.4. Except as otherwise provided in this By-law, the Corporation shall have the right to select and retain Legal Counsel to represent the Claimant in any proceeding.
- 12.5 Notwithstanding section 12.4, a Claimant who the Corporation has determined is entitled to coverage under this By-law may request, in writing, approval of the CAO of Legal Counsel of the Claimant's own choice to represent him or her in a Proceeding, and such a request shall include the name, and contact information of such Legal Counsel, together with a statement of his or her rates, fees, charges and experience.
- 12.6 The CAO of the Corporation shall, within 10 working days from receiving the request under section 12.5, in his or her sole and absolute discretion,

approve the request or deny the request and appoint Legal Counsel of the Corporation's choice and, in either case, advise the Claimant in writing.

- 12.7 If a Claimant's request to use Legal Counsel of his or her own choice is denied, and the Claimant still wishes to use that Legal Counsel, such costs shall be the responsibility of the Claimant.
- 12.8 If, after 10 days from receiving the request, the CAO has not advised the Claimant in writing of the disposition of his or her request, the Claimant may retain his or her choice of Legal Counsel to act on his or her behalf until the Corporation retains other Legal Counsel.
- 12.9 If the Corporation retains other Legal Counsel to act on behalf of the Claimant in place of Legal Counsel originally retained by the Claimant in accordance with the provisions of this By-law, the Corporation shall, subject to the *Solicitors Act*, pay to the Claimant's Legal Counsel all of his or her reasonable legal fees and disbursements from the time that the Claimant retained such Legal Counsel, until replaced by Legal Counsel retained by the Corporation.
- 12.10 Subject to the requirements of the Law Society of Ontario, all Claimant Legal Counsel in any proceeding shall cooperate fully with, and provide all relevant information to, the Corporation's Legal Counsel.
- 12.11 Unless otherwise agreed to by the CAO, Legal Counsel retained by or for the Claimant shall render detailed accounts to the Claimant on a monthly basis for all services rendered in the immediately preceding month, and shall deliver such statements of account to both the Claimant and the CAO. Upon approval of such accounts by the Claimant and the CAO, the Corporation shall pay such accounts. Legal accounts may, at the request of the Corporation or the Claimant, be submitted for assessment in accordance with the *Solicitors Act* and the Corporation shall not be liable for payment of an account which has been assessed, unless it has been given notice of and the full opportunity to participate in the assessment process.

### 13. COSTS

- 13.1 No costs, expenses or other liability shall be incurred or assumed on behalf of the Corporation under any circumstances without the prior written approval of the CAO, or by by-law or resolution of Council, as the case may be.
- 13.2 Where the Corporation has provided indemnity to a Claimant pursuant to this By-law, and costs are awarded in favour of that Claimant in the proceeding, the Claimant shall assign the amount of the costs award and the right to collect it to the Corporation.

### 14. RELIANCE ON INSURANCE

- 14.1 Notwithstanding any other provision of this By-Law to the contrary, in the event a Proceeding is covered by the Corporation's insurance policy, any lawyer retained by the Corporation's insurers from time to time shall represent a Claimant with respect to the Proceeding and the Corporation shall have no obligation to indemnify such Claimant for the retention of any other counsel, unless the Corporation agrees otherwise in writing.

### 15. SETTLEMENTS

- 15.1 The Corporation, at its option, shall have the right at its own expense to

investigate any claim and may negotiate the settlement of any claim, or any aspect of any claim, including any non-monetary terms of settlement, as it deems expedient but the Corporation shall not commit the Claimant to any settlement without the Claimant's consent, unless the failure to settle results or may result in any continuing liability, including but not limited to vicarious liability, to which the Corporation may be exposed, but which would have been released by such settlement. In that case, the Corporation has the right to settle the claim to the extent required to obtain a release of the Corporation from liability and to decline indemnity of the Claimant if the Claimant fails to join in the implementation of the settlement as may be required by the Corporation.

15.2 If the Claimant's consent is required and the Claimant refuses to consent to any settlement recommended by the Corporation, and the Claimant elects to contest the claim or continues to defend the proceeding in connection with such claim, then, subject to the provisions of this By-law, the Corporation's limit of liability for the claim or for indemnity of the Claimant shall not exceed the amount for which the claim could have been settled, including costs, charges and expenses incurred with the Corporation's consent up to the date of the refusal of the Claimant to settle.

15.3 In the event that the Corporation elects to reject a settlement and elects to contest the claim or continue any Proceeding in connection with such claim and the rejected settlement was within the maximum limit of liability provided for in this By-law, the Corporation shall be liable for any amount awarded against the Claimant in excess of the maximum otherwise applicable.

## **16. COOPERATION**

16.1 A Claimant shall at all times cooperate fully with the Corporation and the Corporation's Legal Counsel and shall make available to the Corporation's Legal Counsel all information and documents relevant to the matter as are within the Claimant's knowledge, possession or control. A Claimant shall not do anything to compromise or prejudice the position of the Corporation in any proceeding. A Claimant shall attend at all proceedings, and all meetings related to the proceedings, when required to do so by operation of law or when requested to do so by the Corporation's Legal Counsel or CAO.

## **17. RIGHTS TO TERMINATE OR AMEND**

17.1 The Corporation shall be entitled to terminate or change its obligations under this By-law by repealing or amending the By-law provided that the repeal or amendment of this By-law shall not prejudice the rights of a Claimant in respect of a Proceeding that was commenced prior to the repeal or amendment.

## **18. BY-LAW NOT TO BE OF RETROACTIVE EFFECT**

18.1 This By-law only applies to claims for indemnity respecting proceedings which are commenced after the effective date of this By-law. It does not apply to proceedings that were commenced, continued or concluded prior to its coming into effect.

## **19. APPEALS**

19.1 Where an individual seeks to appeal a judgment in a covered proceeding, the Corporation shall have the sole and absolute discretion

to determine whether an appeal should be pursued, and whether the cost of the appeal will be covered by this By-law. If a Claimant pursues an appeal without representation by the Corporation and is successful in that appeal, the Corporation may, in its sole and absolute discretion, indemnify the Claimant for his or her legal fees or a part thereof.

**20. SHORT TITLE**

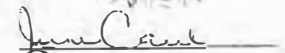
20.1 This By-law shall be known as the "Indemnification By-law".

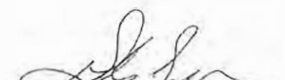
**21. EFFECTIVE DATE**

21.1 This By-law shall come into force and take effect on the date of its final passing.

Enacted and Passed this 13<sup>th</sup> day of June, 2022.



  
J. Caul, Mayor

  
G. Lecuyer, Clerk

MINUTES

TOWN OF FORT FRANCES

June 13, 2022

A meeting of the Committee of the Whole of Council was held virtually and in the Council Chambers.

PRESENT: Mayor J. Caul, Chairperson; Councillors M. Behan, W. Brunetta, A. Hallikas, D. Judson, J. McTaggart and R. Wiedenhoef.

ALSO PRESENT: CAO, F. Anwar, Municipal Clerk, G. Lecuyer, IT Manager, J. Hughes, Manager of Operations & Facilities, T. Rob, HR Manager, A. Hansma and CBO/Municipal Planner, C. Vangel

1. **COUNCIL MEETING**

(Session No. 094) to immediately follow the Committee of the Whole

## 1.1 Call to Order / Roll Call

Mayor Caul called the meeting to order at 6:34 p.m.

## 1.2 Territorial Acknowledgement

## 1.3 Moment of Meditation

## 1.4 Disclosure of pecuniary interest and the general nature thereof.

Councillor Judson declares an interest on agenda Item 5.2. The general nature this is his per diem.

2. **Consent Agenda:**

## 2.1 Items Referred from Committee of the Whole

1007 **Recommendation:** THAT the following Consent items be approved:

1) Committee of the Whole Consent Items: 5.2 & 5.3

**5.2 Recommendation:** THAT Council support the Rainy River Vet Services Committee's request for a contribution to the Vet Assistance Trust Fund in the amount of \$650.00 funded from Council Public Relations expense.

**5.3 Recommendation:** THAT Council support an advertisement of 1/10 page (Business Card B&W) size in the "Military Service Recognition Book" in the amount of \$225.00.

2) Council Consent Items: 2.2 & 2.3

CARRIED

<b>Result:</b>	CARRIED
<b>Mover:</b>	John McTaggart
<b>Seconder:</b>	Andrew Hallikas

## 2.2 CORR: Fort Frances Canadian Bass Championship July 20-July 23, 2022 Event Support

**Recommendation:** THAT Council refer the Correspondence submitted by the Fort Frances Canadian Bass Championship scheduled for July 20-23, 2022 to the



Administration & Finance Executive Committee for recommendation with input from all other Executive Committees

- 2.3 CORR: Knox United Church Express Gratitude and Appreciated to the Town of Fort Frances Public Works

Recommendation: THAT Council receive the correspondence from the Knox United Church with appreciation

3. **Approval of Council Minutes: \***

- 3.1 Regular Council Meeting Minutes Session No. 093 May 24, 2022

- 1008 Recommendation: THAT the meeting minutes of Council Meeting Session No. 093 dated May 24, 2022 having been typed and distributed be approved.

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconder:	Wendy Brunetta

4. **Approval of Committee of the Whole Minutes: \***

- 4.1 Committee of the Whole meeting minutes Session No. 100 May 24, 2022

- 1009 Recommendation: THAT the report of Committee of the Whole being Session No. 100 dated May 24, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Douglas Judson
Seconder:	Rick Wiedenhoef

5. **Resolutions from tonight's Committee of the Whole meeting**

- 5.1 John Beaton, Peggy Loyie, Hugh Dennis - Safe Communities Rainy River District

- 1010 Recommendation: THAT Council of the Town of Fort Frances receive the deputation from the Safe Communities Rainy River District with appreciation

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Wendy Brunetta

- 5.2 Councillor D Judson NOMA Honorarium  
Councillor Judson declared a conflict

- 1011 Recommendation: THAT Council approve Schedule "F" Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$240.00 as submitted by Councillor Douglas Judson for attendance at the NOMA Annual Meeting and Conference held April 28-29, 2022

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Michael Behan

- 5.3 Appointment of Closed Meeting Investigator and Integrity Commissioner  
Recorded vote called by Councillor Judson

- 1012 Recommendation: THAT Council receive Report number AR-22-0009 from the Municipal Clerk, regarding the appointment of the Town of Fort Frances Municipal Integrity Commissioner, and Closed Meeting Investigator;

AND THAT Council direct Staff to proceed with (i) one Request for Proposals (RFP) in order to start the process for the appointment of a Integrity Commissioner and Closed Meeting Investigator for the Town of Fort Frances; and

AND FURTHER Council direct Staff that upon the close of the Request for Proposal that Staff bring forward a report to Council for decision to provide an overview and recommendation for the appointment of a Integrity Commissioner and Closed Meeting Investigator for the Town of Fort Frances

CARRIED.

<b>Result:</b>	CARRIED.
<b>Mover:</b>	Andrew Hallikas
<b>Seconder:</b>	Rick Wiedenhoef
<b>Ayes:</b>	Andrew Hallikas, Rick Wiedenhoef, Wendy Brunetta, June Caul, Michael Behan, and John McTaggart
<b>Nays:</b>	Douglas Judson

- 5.4 Hard Drive Shredding

- 1013 Recommendation: THAT Council of the Town of Fort Frances authorize the Mayor and Clerk to execute a Repetitive Services Agreement with The Electronics Recycling Association of Alberta.

CARRIED

<b>Result:</b>	CARRIED
<b>Mover:</b>	Douglas Judson
<b>Seconder:</b>	Michael Behan

6. By-Laws:

- 6.1 By-Law to be enacted:  
By-Law 03-14AC was pulled by Councillor Wiedenhoef By-Law 43-22 was pulled by Councillor Judson

- 1014 THAT the following By-Laws be introduced and read, and finally passed, signed by the Mayor and the Clerk, sealed with the Corporate Seal and become law forthwith:

- By-Law 42-22 Being a By-Law to authorize the levying and collection of a special charge of taxes upon the Business Improvement Area as provided in the Municipal Act, 2001, S.O. 2001, c.25, Sections 204 – 215
- By-Law 03-14 AB Being a By-Law to amend Zoning By-Law #03/14, as amended – 1037 Third Street East
- ~~By-Law 03-14 AC Being a By-Law to amend Zoning By-Law #03/14, as amended – 1229 Cornwall Avenue (Lagoon Property)~~
- ~~By-Law 43-22 Being a By-Law to provide Indemnification for Members of Council, Boards and Employees with respect to certain Actions or Proceedings arising from their Duties~~
- By-Law 44-22 Being a By-Law to approve an agreement with WSP Canada Inc. for the development of a new Official Plan and Comprehensive Zoning By-law
- By-Law 45-22 Being a By-Law to authorize the execution of an agreement with Hatch Ltd – Bay City Contractor re: RFT 2022-OF-06(A) – 2022 Road Reconstruction Mowat Avenue Hydrant & Valve Replacement  
As amended

CARRIED

<b>Result:</b>	CARRIED
<b>Mover:</b>	Rick Wiedenhoef
<b>Seconder:</b>	Andrew Hallikas

6.2 By-Law 03-14 AC Amend Zoning By-Law 03-14 1229 Cornwall Avenue

1015 By-Law 03-14 AC Being a By-Law to amend Zoning By-Law #03/14, as amended – 1229 Cornwall Avenue (Lagoon Property) be introduced, read and finally passed, signed by the Mayor and Clerk sealed with the Corporate Seal and become law forthwith

CARRIED

<b>Result:</b>	CARRIED
<b>Mover:</b>	Andrew Hallikas
<b>Seconder:</b>	Michael Behan

6.3 By-Law 43-22 indemnification By-Law  
Recorded vote called by Councillor Judson

1016 By-Law 43-22 Being a By-Law to provide Indemnification for Members of Council, Boards and Employees with respect to certain Actions or Proceedings arising from their Duties be introduced, read and finally passed, signed by the Mayor and Clerk sealed with the Corporate Seal and become law forthwith

CARRIED

<b>Result:</b>	CARRIED.
<b>Mover:</b>	Rick Wiedenhoef
<b>Seconder:</b>	Michael Behan
<b>Ayes:</b>	Wendy Brunetta, June Caul, Michael Behan, Andrew Hallikas, John McTaggart, and Rick Wiedenhoef
<b>Nays:</b>	Douglas Judson

7. **New Items:**

7.1 Shared information from Integrity Commissioner and Per Diem Claims - Councillor Wiedenhoef  
Councillor Wiedenhoef shared with Council the opinion obtained from the Integrity Commissioner relating to per diem claims and the exemption in the Municipal Conflict of Interest Act.

8. **Information Correspondence:**

The following items were received. Council was provided an opportunity for clarification and questions relating to all information items.

8.1 CORR: Allan Dustak Re: Boat Slip / Flood

8.2 CORR: City of Cambridge Resolution Motion – Ontario Must Build it Right the First Time

8.3 CORR: Municipality of Shuniah - Resolution Community Schools Alliance Action Plan

8.4 CORR: Municipality of Shuniah - Resolution Support for Infrastructure

8.5 CORR Nomination 2022-2024 AMO Board of Directors

8.6 CORR: Municipality of Chatham-Kent Resolution - Retirement Home Funding

8.7 CORR: Order in Council - International Falls Bridge

8.8 CORR: Shadow Minister for Rural Economic Development

9. **Minutes of Local Boards / Committees: None**

10. **In-Camera:**

10.1 Council proceeds in-Camera at 7:06 p.m.

1017 THAT Council now meet in-camera in order to address a matter pertaining to:

1. **Land Inquiry**

(c) a proposed or pending acquisition or disposition of land by the municipality or local board;

2. **CAO Performance Appraisal**

(b) personal matters about an identifiable individual, including municipal or local board employees;

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Andrew Hallikas

10.2 Land Inquiry

The following staff members were present: F. Anwar CAO, G. Lecuyer, Clerk, and C. Vangel, Transportation Superintendent, CBO/Planner

The CBO / Planner provided Council a confidential relating to a Land inquiry.

10.3 CAO Performance Appraisal

The following staff members were present: A. Hansma Human Resources Manager / Acting Clerk

The HR Manager provided Council a confidential report.

10.4 Review Closed Meeting Minutes May 24, 2022

The following staff members were present: F. Anwar CAO, G. Lecuyer, Clerk

Council received the closed draft meeting minutes without comment to be approved in open session.

11. **Public Session Resumes: at 8:40 p.m.**

11.1 Report out of the Close Session

Mayor Caul reported that the agenda items 10.2 relating to the land inquiry was discussed and direction was provided to staff to proceed and agenda items 10.3 CAO performance appraisal was discussed and direction was provided to staff to proceed.

12. **Resolutions Required as a result of In-Camera discussions:**

12.1 Closed Council Meeting Minutes Session No. 093 May 24, 2022

1020 **Recommendation:** THAT the Closed meeting minutes of Council Session No. 093 dated May 24, 2022 having been typed and distributed be approved.

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Andrew Hallikas

13. **ADJOURNMENT**

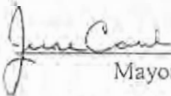
13.1 The Council Meeting adjourned at 8:43 p.m.


1021 THAT this meeting of the Council of the Town of Fort Frances be now closed.


CARRIED

Result:	CARRIED
Mover:	Douglas Judson
Seconder:	Michael Behan

- 14. \* Previously distributed to Council
- 15. \*\* Items can be viewed by contacting the Clerk

  
\_\_\_\_\_  
Mayor, J. Caul

  
\_\_\_\_\_  
Clerk, G. Lecuyer

CERTIFIED TRUE COPY  
Date Feb 7/23  
  
\_\_\_\_\_  
Clerk  
Corporation of the  
Town of Fort Frances



SESSION NO.096

MINUTES

TOWN OF FORT FRANCES

June 27, 2022

The meeting of Council of the Town of Fort Frances was held in the Council Chambers, Civic Centre and virtually

PRESENT: Councillor A. Hallikas, ~~Chairperson~~<sup>Mayor</sup> J. Caul; Councillors M. Behan (virtual), W. Brunetta (virtual), D. Judson (virtual), J. McTaggart and R. Wiedenhoef. ~~A. Hallikas~~

ALSO PRESENT: CAO, F. Anwar, Municipal Clerk, G. Lecuyer, IT Manager, J. Hughes, Treasurer, D. Galusha, Manager of Operations & Facilities, T. Rob, HR Manager, A. Hansma, CBO/Municipal Planner, C Vangel, T Young, Recreation & Culture Manager

1. **COUNCIL MEETING**

(Session No.096 to immediately follow the Committee of the Whole)

- 1.1 Call to Order / Roll Call  
Mayor Caul calls the meeting to order at 6:30 p.m.
- 1.2 Territorial Acknowledgement
- 1.3 Moment of Meditation
- 1.4 Disclosure of pecuniary interest and the general nature thereof.  
Councillor Judson declared a pecuniary interest relating to Closed Session Item 10.4. The general nature he stated the matter is payable to him by the Corporation.

2. **Consent Agenda:**

- 2.1 Items Referred from Committee of the Whole

- 1025 THAT the following Consent items be approved:
  - 1) Committee of the Whole Consent Items 5.2, 5.3, 5.4 and 5.5
  - 2) Council Consent Items 2.2, 2.3 and 2.4

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Douglas Judson

- 2.2 CORR- AFNOO, Proclamation Request and Flag Raising - Franco-Ontarian Day September 23, 2022

Recommendation: THAT the proclamation for the Franco-Ontarian Day September 23, 2022 and the flag raising be coordinated with the Mayor's Office

CARRIED

- 2.3 CORR: Rail Safety Week 2022 Proclamation Request

Recommendation: THAT the proclamation for Rail Safety Week September 19-25, 2022 be coordinated with the Mayor's Office

CARRIED

2.4 CORR: Safe Communities Rainy River District, Request for Support

Recommendation: THAT the communication received by the Safe Communities Rainy River District request for support be referred to the Administrative and Finance Executive Committee for a recommendation

CARRIED

3. Approval of Council Minutes: \*

3.1 Regular Council Meeting Minutes Session No. 094 June 13, 2022

1026 Recommendation: THAT the meeting minutes of Council Meeting Session No. 094 dated June 13, 2022 having been typed and distributed be approved.  
As amended.

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Rick Wiedenhoft

3.2 Special Council Meeting Minutes Session No. 095 June 21, 2022

1027 Recommendation: THAT the Special meeting minutes of Council Meeting Session No. 095 dated June 21, 2022 having been typed and distributed be approved.

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Wendy Brunetta

4. Approval of Committee of the Whole Minutes: \*

4.1 Committee of the Whole meeting minutes Session No. 101 June 13, 2022

1028 Recommendation: THAT the report of Committee of the Whole being Session No. 101 dated June 13, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconder:	Rick Wiedenhoft

5. Resolutions from tonight's Committee of the Whole meeting

5.1 Tom Janzen and Wes Paetkau, BMI Group / Ziibi Investments / Aazhogan Renewal re: Conceptual Land Use Plan for the Redevelopment of the Former Fort Frances Mill Properties

1029 Recommendation: THAT the deputation from Tom Janzen and Wes Paetkau, BMI Group / Ziibi Investments / Aazhogan Renewal re: Conceptual Land Use Plan for the Redevelopment of the Former Fort Frances Mill Properties be received with appreciation

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Douglas Judson

6. By-Laws:

6.1 By-Law to be enacted:

- 1030 THAT the following by-laws be introduced and read, and finally passed, signed by the Mayor and the Clerk, sealed with the Corporate Seal and become law forthwith:
- By Law 46-22 Being a by law to authorize the execution of an agreement with Electronic Recycling Association of Alberta) re: Repetitive Services Agreement / Hard Drive Shredding be introduced, read and finally passed, signed by the Mayor and Clerk, sealed with the Corporate Seal and become law forthwith
  - By Law 47-22 Being a by law to authorize the execution of an agreement with Hatch Ltd re: RFT 2022-OF-09 – Kings Highway & Sinclair Street Reconstruction

CARRIED

7. **New Items: None**

8. **Information Correspondence:**

8.1 CORR: Municipal Engineers Association

9. **Minutes of Local Boards / Committee : None**

10. **In-Camera:**

10.1 Council proceeds in-Camera at 6:41p.m.

1031 THAT Council now meet in-camera in order to address a matter pertaining to:

**1. CAO Performance Appraisal**

(b) personal matters about an identifiable individual, including municipal or local board employees;

(d) labour relations or employee negotiations;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

**2. RTR and Point Park Litigation**

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

**3. Correspondence received by a Council Member**

(b) personal matters about an identifiable individual, including municipal or local board employees;

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;

CARRIED

Result:

CARRIED

Mover:

Rick Wiedenhoef

Seconder:

John McTaggart

10.2 **CAO Performance Appraisal**

The following staff members were present: A. Hansma Human Resources Manager / Acting Clerk and CAO Faisal Anwar

The HR Manager provided Council a confidential report. Council finalized the performance appraisal.

10.3 **RTR and Point Park Litigation**

The following staff members were present: Clerk Gabrielle Lecuyer, and CAO Faisal Anwar



Council received a confidential report from the CAO.

10.4 **Correspondence received by Member of Council**

Councillor Judson exited the meeting as he has declared a pecuniary interest on the subject matter. The following staff members were present: F. Anwar CAO, G. Lecuyer, Clerk

Council received correspondence from a Member of Council along with a confidential report from the CAO and the Clerk. A resolution will follow the closed session for Council's final consideration.

10.5 **Review Closed meeting minutes**

Session 094, June 13, 2022 and;  
Session 095, June 21, 2022

Council received the closed draft meeting minutes without comment to be approved in open session.

11. **Public Session Resumes: 9:08 p.m.**

Councillor Judson returns virtually to the Regular Council meeting

11.1 **Report out of the Closed Session**

Mayor Caul reported that Council held a closed session relating to the CAO Performance appraisal, the RTR Point Park litigation where direction was provided to Administration and correspondence that was received from a member of Council where a resolution was to follow the closed session for final consideration.

12. **Resolutions Required as a result of In-Camera discussions:**

12.1 Closed meeting minutes of  
Session 094, June 13, 2022 and;  
Session 095, June 21, 2022

1036 **Recommendation: THAT the Special closed meeting minutes of the Council dated June 13 and June 21, 2022 having been typed and distributed be approved**

**CARRIED**

<b>Result:</b>	<b>CARRIED</b>
<b>Mover:</b>	John McTaggart
<b>Seconder:</b>	Andrew Hallikas

12.2 **Correspondence received by a Member of Council**

Mayor Caul called for a recorded vote

1037 **Recommendation: THAT Council approve the reimbursement request from Councillor Judson regarding the Code of Conduct Expenses**

**DEFEATED.**

<b>Result:</b>	<b>DEFEATED.</b>
<b>Mover:</b>	Andrew Hallikas
<b>Seconder:</b>	Rick Wiedenhoef
<b>Ayes:</b>	Andrew Hallikas
<b>Nays:</b>	Wendy Brunetta, June Caul, Michael Behan, John McTaggart, and Rick Wiedenhoef
<b>COI:</b>	Douglas Judson

13. **ADJOURNMENT**

13.1 The Council Meeting adjourned at 9:12 p.m.

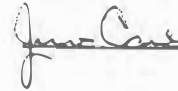
1038 **THAT this meeting of the Council of the Town of Fort Frances be now closed.**


**CARRIED**

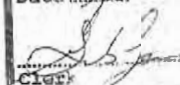
<b>Result:</b>	<b>CARRIED</b>
----------------	----------------

Mover: John McJaggart  
Secunder: Michael Behan

- 14. \* Previously distributed to Council
- 15. \*\* Items can be viewed by contacting the Clerk

  
J. Caul, Mayor

  
G. Lecuyer, Clerk

CERTIFIED TRUE COPY  
Date 10/2/23  
  
Clerk  
Corporation of the  
Town of Fort Frances

# TAB 13

**CITATION:** Judson v. Boven, 2023 ONSC 6915  
**COURT FILE NO.:** CV-22-0013  
**DATE:** 2023-12-07

**ONTARIO  
 SUPERIOR COURT OF JUSTICE**

**B E T W E E N:** )  
 )  
 LUKE JUDSON ) *Douglas W. Judson and Peter A. Howie, for*  
 ) the Applicant  
 )  
 Applicant )  
 )  
 - and - )  
 )  
 )  
 ) *J. Paul R. Cassan, for the Respondent*  
 )  
 HARROLD BOVEN )  
 Respondent )  
 )  
 )  
 ) **HEARD:** April 18, 2023, at Fort Frances,  
 ) Ontario (via Zoom)

**Justice Bonnie R. Warkentin**

**Reasons on Application**

[1] The applicant alleges that the respondent, Harrold Boven, contravened the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50 (*MCIA*) when, as an elected council member of the Township of Emo (the Township), he seconded a motion to indemnify the mayor, Harold McQuaker, himself, and one other council member, Warren Toles, for legal expenses incurred to respond to an application before the Human Rights Tribunal of Ontario (HRTO). The complaint to the HRTO was against the Corporation of the Township of Emo, and named the mayor, the respondent, and Councillor Toles personally, alleging that the Council’s refusal to adopt a resolution recognizing Pride Month was discriminatory within the meaning of the *Human Rights Code*, RSO 1990, c.H.19.

[2] The Township Council is comprised of the mayor and four elected councillors. The complaint to the HRTO named only those members of Council who opposed the resolution. In other words, three of the five elected members of Council.

[3] At a council meeting on June 29, 2022, Council voted in a split decision, in favour of indemnifying the respondent, the mayor and Councillor Toles for legal fees and expenses incurred or to be incurred in responding to the HRTO complaint. The decision was split with the mayor, the respondent and Councillor Toles voting in favour and the two councillors not personally named in the HRTO voting against.

### **Motions to Strike**

[4] Prior to hearing argument on the application, both the applicant and the respondent brought procedural motions seeking to have certain portions of the affidavit of the respondent and portions of the affidavit and factum of the applicant struck under Rule 25.11 of the Rules of Civil Procedure. They each allege that various statements made by the other are:

- a) unsupported by the evidence;
- b) outside the personal knowledge and belief of the deponent of the affidavit;
- c) speculative;
- d) irrelevant to the matters in issue;
- e) impermissibly controversial or contain impermissibly contentious facts;
- f) contain legal argument; and
- g) scandalous, frivolous or vexatious; or an abuse of the process of the court.

[5] Argument on the application immediately followed the motions to strike.

[6] Having had the benefit of reviewing the entire record and hearing oral argument regarding the substantive issues in this proceeding, I am able to determine the issues in the application without consideration of those portions of the affidavits that fall outside the boundaries of Rule 25.11.

[7] I find that both motions to exclude evidence or statements made have some merit. However, the issues in this application are narrow and my reasons are an analysis of the law of pecuniary interest by members of a municipal council and the appropriate remedy should I find that the *MCIA* was contravened.

[8] It is unnecessary to delineate each of the alleged contraventions of statements made as set out above to reach my decision.

### **Summary of this Application and the Evidence**

[9] An application by the applicant, a constituent (voting member of the public) of the Township, alleging contravention of the *MCIA* by members of Council was first issued on July 22, 2022. The respondents were the mayor, Harold McQuaker and Councillors Harrold Boven and Warren Toles. That application alleged, among other things, that the three of them contravened the *MCIA* by failing to declare a conflict of interest and disclose a pecuniary interest when voting at Council on June 29, 2022.

[10] On January 2, 2023, a Fresh as Amended Application was issued that withdrew the allegations against the mayor and Councillor Toles, leaving only one respondent, Harrold Boven.

[11] The issues in the Fresh as Amended Application are limited to whether the respondent contravened the *MCIA* when he declared a potential pecuniary interest in an agenda item and then proceeded to participate in the discussion and vote on the issue in question.

[12] The applicant is seeking a finding that the respondent contravened s. 5 of the *MCIA* and an order that the respondent's seat on council be declared vacant.

[13] Sections 5, 5.1 and 5.2 of the *MCIA* are as follows:

5 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the council or local board at which the matter is the subject of consideration, the member,

(a) shall, prior to any consideration of the matter at the meeting,

disclose the interest and the general nature thereof;

(b) shall not take part in the discussion of, or vote on any question in respect of the matter; and

(c) shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question.

(2) Where the meeting referred to in subsection (1) is not open to the public, in addition to complying with the requirements of that subsection, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration. ...

5.1 At a meeting at which a member discloses an interest under section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board, as the case may be.

5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

[14] The facts that are not contentious are:

- a) The main applicants in the HRTO complaint are two northern Ontario-based LGBTQ2 organizations. Their application to the HRTO alleges that in the spring of 2020, Council's refusal to adopt a resolution recognizing Pride Month was discriminatory within the meaning of the *Human Rights Code*. (The merits of the HRTO proceeding are not relevant in this application),
- b) In November 2020, the members of council who voted against the resolution to recognize Pride Month, being the respondent, the mayor, and Councillor Toles, together with the Corporation of the Township of Emo, were named as respondents in the HRTO proceeding,

- c) On November 18, 2021, one year after the HRTO application was served, Township Council enacted an indemnification by-law, numbered 2021-21 that set out the circumstances under which an officer or employee may be indemnified, the maximum amount of indemnification that may be provided, and any conditions that must be met before indemnification is granted. Members of Township Council are covered by this by-law,
- d) The indemnification by-law requires the Township to indemnify a member of the corporation who acted in the scope of their duties if a proceeding is brought against them by a third party, including the cost of defending the member, pay any fines or costs imposed, reimburse expenses, and pay any settlement amount required,
- e) When a proceeding is under the *MCIA*, the indemnity is limited to reasonable costs and expenses, and the member is only entitled to indemnity if found not to have contravened the statute. The member must retain legal counsel approved by the Chief Administrative Officer, and no payment or liability will be assumed until the member is found not to have contravened the statute,
- f) Section 17 of the indemnification by-law states the by-law is not retroactive to proceedings commenced prior to it coming into force on November 18, 2021:

#### **17. BY-LAW NOT TO HAVE RETROACTIVE EFFECT**

17.1 This By-Law only applies to claims for indemnity respecting Proceedings which are commenced after the effective date of this By-Law. It does not apply to Proceedings that were commenced, continued or concluded prior to its coming into force.

- g) During a council meeting on June 29, 2022, Council met in a closed session where Council received legal advice regarding the HRTO proceeding. The closed session agenda item 12.2 included “Advice subject to solicitor-client privilege including communications necessary for that purpose;” - Alan McKitrick – Indemnity By-Law/HRTO35”,



- h) While the advice provided by legal counsel, Alan McKitrick, was subject to solicitor-client privilege, the agenda item described the purpose of the meeting to advise Council regarding the HRTO proceeding and to provide advice regarding the indemnity by-law, and
- i) The minutes of the June 29, 2022 meeting show that after the closed session Council returned to open session, where it debated the following resolution, which was seconded by the respondent and carried with three votes in favour and two votes against:

13. ~~TOLES—BOVEN~~ BE IT RESOLVED that the Corporation of the Township of Emo hereby Indemnify the one (1) Mayor and two (2) Councillors name[d] in the HRTO 2020-41858-I Borderland Pride v Township of Emo et al; File Number 2003696 using By-Law 2021-21, also known as Indemnification By-Law.

WHEREAS all terms and conditions are to be follows as pertained in By-Law 2021-21.

WHEREAS the one (1) Mayor and two (2) Councillors names in the HRTO 2020-41858-I Borderland Pride v Township of Emo et al; file 2003696 are:

Mayor Harold McQuaker  
Councillor Harrold Boven  
Councillor Warren Toles

[15] The respondent's evidence regarding this council meeting and the closed session is as follows:

- a) The respondent understood that there were two separate issues being dealt with in agenda item 12.2: (1) the advice from their lawyer about the indemnification by-law; and (2) advice from their lawyer about the HRTO application.
- b) Near the start of the Council meeting when the chair called for declarations of interest, the respondent stated "not at the moment, but possibly later... there is a lack of clarity on some things."
- c) At some point during the meeting, the respondent filed a written Declaration of Interest with the interim CAO/Clerk Treasurer, Ms. Crystal Gray, in which he declared a potential pecuniary interest in Item 12.2 on the Council agenda, Titled:

Indemnity bylaw/HRTO. The respondent completed the Declaration of Interest in which he stated that he had a potential pecuniary interest in the “HRTO File 2020-41858 as it related to Municipal Settlement”.

- d) During the closed session meeting, the respondent participated in the discussion regarding the indemnification by-law but did not participate in the HRTO application portion of item 12.2. He declared a conflict and left the Council chambers and the municipal building while that matter was discussed as required by s. 5(2) of the *MCIA*.
- e) After Council finished dealing with the HRTO matter in the closed session, the respondent was summoned to re-join the meeting and participated in the remaining matters being considered by Council. Council then moved back into open session at which time the resolution to apply the indemnity by-law to reimburse himself and the others named in the HRTO matter was debated and passed, with Councillor Toles moving and the respondent seconding the resolution.

[16] The applicant alleges that the respondent breached the *MCIA* by participating in and voting on that resolution because the respondent had a pecuniary interest in the outcome that he had identified at the outset of the Council meeting and confirmed with a written Declaration of Interest. The applicant argued that the circumstances of this violation are so serious that they require an extreme sanction against the respondent by removing him from his office as a municipal councillor on Township Council and declaring his seat vacant.

[17] Other types of sanctions that might be imposed if a contravention of the *MCIA* is found are set out in section 9 of the *MCIA* and include a reprimand, a suspension from office for up to 90 days, declaring the seat vacant, disqualifying the member from seeking re-election for up to seven years and/or ordering restitution.

[18] When considering the appropriate penalty, section 9(2) permits the court to consider the factors that resulted in the contravention such as whether the member took reasonable steps to prevent the contravention, sought the input of the Integrity Commissioner under the *Municipal*

*Act, 2001*, S.O. 2001, c. 25 or whether the contravention was committed through inadvertence or by reason of an error in judgment made in good faith.

[19] The respondent submitted that he declared a potential conflict of interest in only the discussion regarding the HRTO proceeding. He argued that his Declaration of Interest was limited to the discussion of that issue and not the issue of whether he could participate in the resolution to enact the indemnification by-law in favour of covering the legal fees and related expenses in the HRTO proceeding for himself and for the mayor and Councillor Toles.

[20] He also argued that the indemnification by-law was in fact mandatory. In other words, a resolution at Council to cover the legal expenses for his and the others named in the HRTO application was a formality that did not require a Council resolution and therefore did not contravene his obligations under the *MCIA*.

[21] Council for the respondent in legal argument, submitted that the relevant sections of the *MCIA* regarding the disclosure of a “pecuniary interest” were not intended to apply to circumstances where a member of a municipal council is provided financial coverage for legal fees and expenses related to decisions made by that council in the ordinary course of their business. He argued that these types of decisions would be exceptions under the mandatory declaration of pecuniary interest obligation.

### **Indemnification of Municipal Councillors for Legal Costs and Expenses**

[22] Municipalities in Ontario have broad powers to govern their affairs as set out in the *Municipal Act, 2001* (the *Act*). Those powers include passing by-laws for any purpose that a municipality considers necessary or desirable for the public welfare. (Section 8 of the *Act*.)

[23] Many municipalities pass by-laws for the indemnification of its officers and employees to protect them from financial loss or liability that may arise from their official duties.

[24] In addition to indemnification by-laws that are passed by individual municipalities, section 279 of the *Act* sets out the circumstances in which a municipality may indemnify its councillors for

legal costs and expenses incurred in the course of their duties. A Council resolution is not required for s. 279 to apply.

[25] One of the purposes of s. 279 of the *Act* and of the indemnification by-laws enacted by municipalities, is to recognize that councillors may be exposed to legal risks and expenses in the course of their duties.

[26] Where a municipality does not have an indemnification by-law in place, s. 279 provides guidance to municipalities on when indemnification may be in the public interest. This assists, among other things, in ensuring that municipalities can attract and retain qualified and committed individuals to serve on Council and make difficult or controversial decisions without fear of personal liability for expenses incurred when forced to defend the decisions of Council.

### **The Municipal Conflict of Interest Act**

#### ***General Principles and the 4(i) Exception***

[27] The purpose of the *MCIA* is to assist in the identification of and to prevent conflicts of interest by those making decisions on behalf of municipalities. Under the *MCIA*, a councillor must not vote or participate in any discussion on a matter in which they have a pecuniary interest, which includes an interest in a contract, a lease, or a sale of land.

[28] Unfortunately, the term “pecuniary interest” is not defined in the *MCIA*. However, in *Ferri v Ontario (Attorney General)*, 2015 ONCA 693 (CanLII) at para 10, Hourigan J.A., held that a “pecuniary interest” under the *MCIA* is restricted to a financial, monetary, or economic interest. He clarified that not all conflicts of interests are captured by the provisions of the *MCIA* at para 10 of his reasons:

[10] This court has held that, given the purpose of the *MCIA*, “what constitutes a pecuniary interest sufficient to trigger the provisions of the *MCIA* is not to be narrowly confined”: *Orangeville (Town) v. Dufferin (County)*, [2010] O.J. No. 429, 2010 ONCA 83, 266 O.A.C. 207, at para. 22. The competing policy imperative is that “pecuniary interest” must not be construed so broadly that it captures almost any financial or economic interest such that it risks needlessly disqualifying municipal Councillors, and others captured under the ambit of the *MCIA*, from participating in

local matters of importance to their constituents. Section 4 (k) of the *MCIA* operates to respond to this concern and ameliorate the potentially harsh effects of a broad definition of pecuniary interest by ensuring that pecuniary interests that are truly remote or insignificant are not caught under s. 5.

[29] The *MCIA* also provides for exceptions to the provisions in s. 5 of the *MCIA*. One such exception is set out in section 4(i) that provides:

4. Sections 5, 5.2 and 5.3 do not apply to a pecuniary interest in any matter that a member may have,

[...]

(i) in respect of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the member may be entitled by reason of being a member or as a member of a volunteer fire brigade, as the case may be; ...

[30] There is limited jurisprudence on the interpretation of the s. 4(i) exception, however, the decisions that have addressed this exception appear to interpret it to prevent councillors from using their position on Council for their personal gain; not from carrying out their duties or to prevent them from being indemnified for legal costs that are incurred during the course of carrying out their duties on Council. (*Moll v Fisher et al*, 1979, CanLII 2020 (ON SC) and *Furniss v Nishikawa*, 2018 ONSC 3674).

[31] The court in *Furniss* found (at para 21) that indemnification under the by-law is a “benefit” pursuant to s. 4(i) of the *MCIA*: “*The public nature of a counsellor’s work means that the threat of lawsuits is very real. Protection from the costs of litigation is an important benefit for anyone fulfilling that role*”. The court found that the respondent was also entitled to make her case to Council: doing so was a fundamental principle of the Canadian justice system where a decision would affect a person's rights, liberty, or property.

[32] The court held that the respondent’s participation in meetings dealing with her right to compensation did not violate s. 5(1) of the *MCIA*. Her participation and vote were in the context of a discussion involving a benefit to which she was or may have been entitled within the meaning of s. 4(i) of the *MCIA*.

[33] In *Furniss* at paragraph 23, the Court compared the application of the section 4(i) exception to a Council members' discussion of remuneration and benefits, stating: "*Municipal Councils have statutory authority to pass by-laws granting compensation and benefits to Council members. This task would be impossible if members of Council could not discuss the issues or vote to pass the appropriate by-laws.*"

[34] The jurisprudence that describes when a contravention is found to have occurred under s. 5 tend to include those instances where a councillor, their business or a family member has personally benefited from a decision of Council, and where they failed to declare a pecuniary interest or they participated in Council debates and resolutions in spite of having a pecuniary interest. (*The Corporation of the Townships of Brudenell, Lyndoch and Raglan (Integrity Commissioner) v. Andrea Emma Budarick*, 2021 ONSC 7635, aff'd 2022 ONSC 640 (Div. Ct.); *Espanola (Integrity Commissioner) v. Val Alstine*, 2022 ONSC2881; *Mondoux v. Tuchenhagen*, 2010 ONSC 6536, aff'd 2011 ONSC 5398 (Div. Ct.) and *Adamiak v. Callaghan*, 2014 ONSC 6656.)

### **Summary and Conclusion**

[35] While the record and the submissions addressed multiple issues regarding municipal governance, I find that there are two discrete issues to be determined:

- a) Did the respondent contravene s. 5 of the *MCIA* when he verbally indicated he might have a potential pecuniary interest in an item on the Council agenda, filed a Declaration of Interest, and then participated in and voted on the resolution to utilize Township Council's indemnification by-law to cover legal fees and related expenses incurred by him, the mayor, and another councillor?
- b) Was the indemnification by-law mandatory and as such, the resolution adopted by Council *ultra vires*?

[36] The respondent was named personally in an HRTO complaint together with mayor, another councillor, and the Township corporation. The Township council consists only of the mayor and four elected councillors. Because three of the five members of Council were to be indemnified, it

would not be possible for Council to conduct its business if “pecuniary interest” is “construed so broadly that it captures almost any financial or economic interest such that it risks needlessly disqualifying municipal Councillors, and others captured under the ambit of the *MCIA*, from participating in local matters of importance to their constituents.” (*Ferri* at para 10.).

[37] I find that the respondent, by indicating a possible pecuniary interest both orally at the outset of the Council meeting and then by completing a written Declaration of Interest in which he identified the HRTO proceeding, was ensuring he was transparent regarding the issues before Council.

[38] I do not find that because he made these declarations, he therefore should be found to have contravened the *MCIA*, when he participated in the discussion and vote on the issue regarding enacting the indemnity by-law to cover legal expenses, as alleged by the applicant.

[39] The applicant has alleged that the respondent’s declaration applied to all parts of agenda item 12.2 and therefore included the discussion regarding the indemnification by-law, not just the HRTO application. That argument also fails. Council clearly included more than one item for discussion in this enumerated agenda item. The respondent did not participate or vote on issues regarding the HRTO application and in fact absented himself from the closed meeting room when that portion of the agenda was discussed.

[40] I also disagree with the applicant that members of a municipal council are prohibited from participating in discussion and voting on resolutions that serve to indemnify them from legal actions taken by third parties for business conducted on behalf of a municipal council, even when those decisions are controversial or unfavourable. One can imagine a scenario where every member of a municipal council is personally named in a third party proceeding. It is unfathomable that they would be unable to participate in a discussion and vote on a resolution that would indemnify them from personal legal expenses as a result, regardless of whether they recognized that there was a potential pecuniary interest that flowed to them by virtue of such a resolution.

[41] The Fresh as Amended Application serves to support this approach because the original application was discontinued against both the mayor and Councillor Toles, both of whom

participated in the discussion and vote, and presumably would have also benefited from being personally indemnified for legal expenses in the HRTO application.

[42] The respondent's second argument that the indemnification by-law was mandatory, also serves to support these conclusions.

[43] Because the Township was obligated to indemnify the respondent and the other councillors for legal expenses they incur in the course of their duties while serving on Council, the respondent's participation was confirmatory of a by-law that required indemnification. It would have been *ultra vires* for the Township not to approve the indemnity resolution.

[44] In making these findings, I have not addressed the issue of whether the indemnity by-law was retroactive. While that issue was raised in the argument, it was not an issue that I was asked to determine.

[45] Even if I am incorrect in finding that the respondent did not contravene s. 5 of the *MCIA*, I find that such a contravention was not of the severity claimed by the applicant that would warrant the respondent being removed from office and declaring his seat vacant. A penalty of that nature, in the face of no penalty being imposed or sought against the mayor and Councillor Toles, both of whom participated in the same meeting and neither of whom declared a potential pecuniary interest, would be an unwelcome precedent.

[46] I consider the conduct of the respondent to have been made in good faith and as such would not warrant any penalty in these circumstances.



**Costs**

[47] The application is therefore dismissed with costs. If the parties are unable to agree on costs, they shall make written submissions to my attention within 30 days. Submissions are limited to four pages together with their Bills of Costs.



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Justice B. R. Warkentin

**Released:** December 7, 2023

**CITATION:** Judson v. Boven, 2023 ONSC 6915  
**COURT FILE NO.:** CV-22-0013  
**DATE:** 2023-12-07

**ONTARIO**

**SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

LUKE JUDSON

Applicant

**- and -**

HARROLD BOVEN

Respondent

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**REASONS ON APPLICATION**

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B. Warkentin J.

**Released:** December 7, 2023

# TAB 14

Mayor Harold McQuaker  
Emo, Ontario

December 3, 2020

R. Douglas Elliot  
Cambridge LLP  
31 Nova Scotia Walk, Suite 301  
Elliot Lake, ON P5A 1Y9

Dear Mr. Elliot:

**Re: Borderland Pride et al., Human Rights Complaint**

Over the past several months, I have reflected a great deal on my vote against the proclamation proposed by Borderland Pride, and my statements both during and after the Council meetings in May 2020.

When I cast my “no” vote, I was doing my best to represent my constituents in good faith. However, in the time since then I have committed to learning about the struggles faced by minority communities, including the LGBTQ2 community. I now have a better understanding of the importance of Pride.

As the Mayor of the Township of Emo, I have a responsibility to lead as an example. And so, I apologize to the members of the LGBTQ2 community if my actions or comments made them feel unwelcome in Emo. That was never my intention.

Going forward, I will work to protect all minorities, including the LGBTQ2, and to promote equality and inclusion for all members of this community. I will continue to consult and work with individuals and communities to make everyone feel welcome in our town.

Thank you.

Sincerely,



Mayor Harold McQuaker

# TAB 15

# CERTIFICATE

Awarded to:

Harrold Boven

For completion of:

Diversity, Equity, Inclusion, and Belonging (DEIB) Training

Employer signature

*Friendship of Emco*

June 30, 2023

Date of issue



HRdownloads

# TAB 16



April 5, 2024

## OPEN LETTER

Mayor and Council  
Township of Emo  
P.O. Box 520  
Emo, ON P0W 1E0

*Via Email (township@emo.ca; cao@emo.ca)*

Dear Mayor and Council:

### **Re: Final Settlement Proposal**

In June, our complaint about your bigoted and discriminatory decision to refuse to recognize Pride Month in 2020 will proceed to a full hearing on its merits before the Human Rights Tribunal of Ontario. The hearing is scheduled for 5 days. Our legal team will be ready.

Our proceeding at the Tribunal is based in case law that has been settled in Ontario for 30 years. We cautioned you about this at the outset of this saga in May 2020 – after you made your ill-advised decision and we asked you to reconsider. In other words: you face an uphill battle in this hearing, and are likely going to lose and be ordered to pay significant compensation to us and the other complainants for violating the *Human Rights Code*.

Even if you do win (which is a very remote possibility, and one we would likely seek judicial review of), you cannot recover your legal costs at the Tribunal. We imagine that your lawyers have already told you this. It is unclear why you are not heeding that advice, especially after losing your motion to have our claim against the individual council members dismissed.

Emo taxpayers must understand that you have now spent tens of thousands of dollars *of their money* on exorbitant legal fees to defend the homophobia and transphobia of Harold McQuaker, Harrold Boven, and Warren Toles. Despite those significant expenditures, it is unclear what has been paid for given the very limited material that has been served on us to-date. All of this is an inexcusable and foolish waste of taxpayer money at a time when your council is also hiking taxes and cutting local services.

Specifically, this is playing out while your council is soliciting public donations to keep the lights on at its public library, including accepting handouts from the local food bank. You've also hemorrhaged taxpayer money to pay for other discrimination around the council table — such as the six-figure pay equity sum owing after it was determined that you had been underpaying women on your staff for decades. And if Mr. McQuaker's comments around the community are to be believed, that isn't even the only workplace settlement you have had to cough up lately.



One would think that a small municipality with a small tax base that finds itself in a hole like this would stop digging. But here we are, on the eve of Emo being added to the list of homophobic towns in publicly reported Tribunal decisions, and you are still scratching your heads wondering why the municipality can't entice new medical professionals to live and work there. It is breathtaking that you have not connected the dots between your defence of anti-2SLGBTQIA+ bigotry and its damage to the public image of your community. Your untenable legal position is simply worsening your municipality's other challenges.

We sympathize with the hard-working members of the community who are watching this car accident in slow motion. That's why, despite that you have rebuffed all prior efforts to settle on reasonable terms, we want to offer a final off-ramp from this impending national public relations tire fire for your council and community. We are even willing to pitch in to support the municipality in its time of need. Here's our proposal:

1. You will agree to the settlement terms extended to you by our legal counsel at Cambridge LLP in March 2022, including the published apology, financial compensation (reduced from what we will seek from the Tribunal), diversity and inclusion training for council, and a commitment to adopt Pride proclamations in the future without stripping out their 2SLGBTQIA+-affirming language.
2. Borderland Pride will donate one-third of the financial compensation paid to us by the municipality directly to the Emo Public Library, on the condition that it host a drag story time event, free to all to attend, on a date of our choosing this year.
3. Borderland Pride will, before the end of 2024, host its next charitable drag event in Emo, the proceeds of which will support the Emo Public Library. The municipality will provide facilities for this event at no charge.

This is a good deal. You should take it. The alternative is to continue to waste taxpayer money fighting a losing battle in defence of bigotry and hate. That path will be embarrassing for your municipality and council, not to mention all of those with ties to your community and who expect better from its leadership.

Look at it this way: can you really demand that your voters pay more in taxes and offer up donations to support basic municipal services while also refusing an offer that could generate revenue and end your litigation bills? If this crusade of yours isn't really about your prejudice and contempt for the 2SLGBTQIA+ community, we look forward to your acceptance of our terms, which can be transmitted to our legal counsel at Cambridge LLP.

This offer remains open until May 3, 2024.

Sincerely,

**BORDERLAND PRIDE**



Douglas W. Judson (he/him)  
Co-Chair/Director

C. R. Douglas Elliott and Timothy Phelan, Cambridge LLP, *Via Email*

# OFFICE TO EMO

## Staff

Borderland Pride has offered to drop a human rights complaint against The Township of Emo, if a set of conditions are met.

The Pride organization issued a formal complaint against the Township to the Human Rights Tribunal, after council voted against a Pride affirming proclamation and flag raising heading into June, 2020.

According to an open letter, which was sent to the Mayor, council and Township CAO on April 5, the Tribunal will see the case over a five day period this June. The letter was critical of the Township for spending taxpayer funds on legal fees, which can't be recouped at the Tribunal.

"All of this is an inexcusable and foolish waste of taxpayer money at a time when your council is also hiking taxes and cutting local services," states the letter. It specified the Library, which saw an unexpected increase in expenses, and has been accepting donations, and has cut staff to help mitigate its financial situation.

Although the letter states the Emo Food Bank has been donating to the Library, it is the Emo Thrift Store has been providing relief; the fundraising entity provides funds to a variety of causes in and around Emo, including the Food Bank.

"One would think that a small municipality with a small tax base that finds itself in a hole like this would stop digging. But here we are, on the eve of Emo being added to the list of homophobic towns in publicly reported Tribunal decisions, and you are still scratching your heads wondering why the municipality can't entice new medical professionals to live and work there. It is breathtaking that you have not connected the dots between your defence of anti-2SLGBTQIA+ bigotry and its damage to the public image of your community. Your untenable legal position is simply worsening your municipality's other challenges," stated the letter.

It goes in to present an option to stop the hearing, under several conditions. They are written as:

- 1. You will agree to the settlement terms extended to you by our legal counsel at Cambridge LLP in March 2022, including the published apology,

See "Emo" A2

By Elisa Nguyen  
Local Journalist  
Reporter  
enguyen@fo

Fishing grounds in the United States are being worked in Canada, making local Canadian fishermen sound the alarm to government officials for success.

"We want to see people from the given work in Canada work in Canada fishery," said a fishing guide in the River District. "I don't want to spend any money yet they can't catch our fish."

As a Canadian, I feel for the Hamilton fishermen who miss out on the competition in his own waters.

"We don't want the industry on the water," said. "And the only thing we have left is our water and our jobs on this side."

If a local council had to lose two good jobs for 26 weeks to a foreigner, the amount of money they are open that is a loss of revenue worth \$100,000, Hamilton fishermen say.

He added that the loss of revenue from restaurants, gas stations, and grocery stores in the area is a significant blow. Frustrated by the situation, he said...

## g praises Festival

tival of the Per-  
rts is underway,  
ith the two-day  
petition.

## results n B1



## Family fun hits the ice

der Skating Club  
ed all things Family  
for their end of sea-  
ating exhibition.

## e photos

De

# Emo Library support on the table in Borderland Pride offer to municipality

## More from A1

financial compensation (reduced from what we will seek from the Tribunal), diversity and inclusion training for council, and a commitment to adopt Pride proclamations in the future without stripping out their 2SLGBTQIA+-affirming language.

2. Borderland Pride will donate one-third of the financial compensation paid to us by the municipality directly to the Emo Public Library, on the condition that it host a drag story time event, free to all to attend, on a date of our choosing this year.

3. Borderland Pride will, before the end of 2024, host its next charitable drag event in Emo, the proceeds of which will support the Emo Public

Library. The municipality will provide facilities for this event at no charge.

"This is a good deal. You should take it. The alternative is to continue to waste taxpayer money fighting a losing battle in defence of bigotry and hate. That path will be embarrassing for your municipality and council, not to mention all of those with ties to your community and who expect better from its leadership."

The Township has been given until May 3 to respond.

The Times reached out to mayor Harold McQuaker for comment on the letter. Because the matter involves an active legal proceeding, he declined to comment.

The full text of the open letter can be found on the Borderland Pride Facebook page.

## See us for...

✓ letterhead

✓ business cards

✓ envelopes

✓ statements

✓ purchase orders

✓ newsletters

✓ laminating

BORDERLAND PRIDE et al  
*Applicants*

v. Township of Emo et al  
*Respondents*

File No. 2020-41858-1

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**HUMAN RIGHTS TRIBUNAL  
OF ONTARIO**

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**DOCUMENT BRIEF OF  
THE RESPONDENTS**

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**WISHART LAW FIRM LLP**  
Barristers and Solicitors  
390 Bay Street, 5th Floor  
Sault Ste. Marie, ON P6A 1X2

(705) 949-6700 Phone  
(705) 949-2465 Fax

**J. PAUL R. CASSAN**  
Lawyer for the Respondents