

MUNICIPALITY OF CENTRAL MANITOULIN

REPORT ON APPLICATION RE: J. BISAILLON

EXECUTIVE SUMMARY

During the month of September 2025, the Integrity Commissioner received an Application naming Councillor J. Bisailon as Respondent and alleging breaches of the *Municipal Conflict of Interest Act*. The allegations related to a committee meeting of August 21, 2025, wherein it was alleged that the Respondent failed to declare a pecuniary interest.

Following receipt of the Application the Integrity Commissioner interviewed the Applicant, requested relevant documents from the Municipality, and conducted interviews with the Respondent and any other relevant witness identified through review of the documentation or arising from the prior interviews. Following the completion of the inquiry process, the Integrity Commissioner provided a preliminary copy of the report to the Applicant and Respondent for comment. The Applicant and Respondent were invited to provide comment if desired prior to the submissions of this final report.

The Integrity Commissioner does not find that there has been a violation of the *Municipal Conflict of Interest Act* by the Respondent as alleged in the original Application. Accordingly, no application to a Judge will be made by the Integrity Commissioner arising from this Application.

ALL OF WHICH IS RESPECTFULLY SUBMITTED



Zachary Courtemanche

As provided to the Municipality, March 21, 2026

MUNICIPALITY OF CENTRAL MANITOULIN
REPORT ON APPLICATION RE: J. BISAILLON

1. During the month of September 2025, the Integrity Commissioner received an Application naming Councillor Bisailon as Respondent and alleging breaches of the *Municipal Conflict of Interest Act* (“*MClA*”). The Applicant ultimately provided a completed Application dated September 17, 2025 which was received by the Integrity Commissioner shortly thereafter on September 22, 2025.
2. The Integrity Commissioner has reviewed the Application and determined that it appears to include the necessary elements and received from an Applicant eligible to bring such an Application.
3. The Applicant also made a Complaint that the Respondent had violated elements of the Municipality’s Code of Conduct. This report addresses the *MClA* allegations, and a second, separate report will address the Code of Conduct Complaint.
4. The allegations in the within Application related to an alleged violation of the *MClA* by the Respondent in relation to a Committee meeting on August 21, 2025. The Applicant alleges that the Respondent attended a meeting of the Finance & Economic Development Committee on that date and failed to recuse himself from an item on the agenda with which the Respondent had, as alleged by the Applicant, a pecuniary interest. The Applicant further alleges that, since the Respondent was present in the room during this agenda item, his mere presence would have affected the Committee’s decision and biased the discussion.
5. Following receipt of the Application, the Integrity Commissioner interviewed the Applicant (as the individual will be referred to in this report and who is not a member of Council), reviewed relevant documents, and conducted interviews with relevant witnesses, including the Respondent. Where appropriate, the Integrity Commissioner interviews witnesses suggested by the Applicant, Respondent or other witnesses in order to determine the relevant facts.

6. For ease of reference, this report has been labelled as CM-25-03.

THE RELEVANT PORTIONS OF THE *MCLIA*

7. As a first step, it must be noted that the Application alleges breaches of s.5(1) of the *MCLIA*.
8. With respect to the *MCLIA* itself, the relevant portions of the legislation's applicable sections alleged to be violated read as follows:

When present at meeting at which matter considered

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. R.S.O. 1990, c. M.50, s. 5 (1).

Where member to leave closed meeting

(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. R.S.O. 1990, c. M.50, s. 5 (2).

[. . .]

THE FACTUAL OUTLINE

9. Following review of the relevant documentation and interviewing the relevant parties, it is appropriate to summarize the relevant facts as it relates to the matter.
10. The Municipality's Finance & Economic Development Committee held a meeting on August 21, 2025. The Respondent is not a voting member of this Committee, but attended the meeting in a non-voting capacity, which is a normal practice within this Municipality.
11. At the said meeting, an item arose on the agenda in relation to a staff report arising from Old Business from the last meeting of the Finance & Economic Development Committee. Staff of the Municipality reported back on a question posed from this previous meeting. Some members of the Committee asked questions of the staff in relation to the question, following which the Committee Chair called the next item and moved on with the agenda.
12. The Respondent did not ask questions or make any comment on the topic of conversation.
13. There was no motion voted upon in relation to this agenda item, nor was one proposed. The Committee also did not vote to receive the report.

CONSIDERATION OF VIOLATION BY THE RESPONDENT

14. A pecuniary interest has been defined by case law as relating to monetary considerations. Specifically, *Magder v. Ford*, 2013 ONSC 263 (CanLII) reads as follows:

[6] Case law has determined that a pecuniary interest for purposes of the MCIA is a financial or economic interest. For the MCIA to apply, the matter to be voted upon by council must have the potential to affect the pecuniary interest of the municipal councillor (*Greene and Borins (Re)* (1985), 1985

CanLII 2137 (ON SC), 50 O.R. (2d) 513, [1985] O.J. No. 2510 (Div. Ct.), at p. 8 (QL)).

15. A pecuniary interest can be direct or indirect. The *MClA* outlines various bases for an “indirect pecuniary interest” at section 2. A deemed pecuniary interest can also occur where the circumstances in section 3 of the *MClA* arise.
16. In this case, the first operative question is truly whether there was a matter under consideration by the Committee. In the view of the Integrity Commissioner, this threshold is not met in this matter.
17. The content of the relevant topic of the meeting consisted of a short summary of findings by staff to the Committee, followed by a short series of questions regarding, predominantly clarity regarding the scope of municipal jurisdiction regarding waterways. The entirety of the exchange was less than ten (10) minutes, and then the Committee moved on to other topics.
18. In this case, given the above determination, it is not necessary for the Integrity Commissioner to evaluate the existence or nature of the Respondent’s alleged pecuniary interest. As there was no motion under consideration, and none was proposed (assuming without finding that to do so on the floor would be in order), there was, in my view, no decision point that was truly “under consideration” in this Committee meeting sufficient to trigger the application of the *MClA*.
19. Further, it bears note that the Respondent is not a voting member of this Committee (though, as above, the attendance of members of Council at committee meetings where they are not voting members is a normal practice in the Municipality). Therefore, the Respondent does not have a vote to cast in this forum, even where there is a decision item under consideration. While this fact certainly does not preclude the ability of the Respondent to violate the *MClA*, in this specific circumstance this is not and cannot be a situation where the Respondent participated in a vote where a pecuniary interest could exist.

20. Additionally, the Application suggests that the Respondent's presence in the meeting during the course of the report could have influenced the topic. However, such a determination cannot be found.
21. It bears note that s.5(1)(c) of the *MClA* states that a member of Council "shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question". At this point there was no voting to occur, but importantly the *MClA* requirements that a member of council vacate the room is more limited than that contemplated by the Applicant.
22. Section 5(2) of the *MClA*, reproduced above, requires a member to "forthwith leave the meeting or the part of the meeting during which the matter is under consideration" when a matter is being considered in a meeting that is not open to the public. This requirement, by necessary implication, does not extend to a meeting that is open to the public, as the August 21, 2025 meeting was. Therefore, if there is no prohibition on a member's attendance in a meeting even where a pecuniary interest exists, then it cannot be found that their presence offends the legislation.
23. Accordingly, the Integrity Commissioner is unable to determine that the allegations contained in the Application regarding a violation of the *MClA* are substantiated.

CONCLUDING REMARKS

24. It should be emphasized that this is a borderline case on the key issue, and considerable thought has been given to the above determination. While the above reasons outline the basis for concluding that no violation has been substantiated, it bears note that, should this matter become subject to consideration by Council, or any vote had taken place, the determination could have been different. Council members are strongly encouraged to review the *MClA*, and to be mindful, not only of their obligation to declare a pecuniary interest, but also to refrain from conduct which may constitute an attempt in any way, before, during or after a meeting to influence the voting on such an item.

25. Since the Integrity Commissioner does not believe that there has been a violation of the *MClA* by the Respondent in relation to the allegations made in the Application, no application to a Judge will be made by the Integrity Commissioner.
26. The Integrity Commissioner has considered the implications of subsection 223.8 of the *Municipal Act*, and has not found it to apply to the within matters.
27. The *Municipal Act* requires that, after deciding whether or not to apply to a Judge, the Integrity Commissioner shall publish written reasons for this determination and advise the Applicant. These are those reasons. The final report shall be published electronically through the Municipality's website, and a copy will be provided to the Applicant.
28. Subsections 223.6(2) and 223.5(2.3) of the *Municipal Act*, as applicable, state that the Integrity Commissioner may disclose in these written reasons such information as, in the Integrity Commissioner's opinion, necessary. All the content of these reasons is, in the opinion of the Integrity Commissioner, necessary.
29. The Respondent and Applicant, should they wish to respond to the determinations in this report, ought to be permitted to do so.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Zachary T. Courtemanche

Zachary Courtemanche

March 18, 2026