

**BY EMAIL**

February 12, 2026

Council for the Municipality of Central Manitoulin  
6020 Highway 542, P.O. Box 420  
Mindemoya, ON P0P 1S0

Dear Members of Council for the Municipality of Central Manitoulin:

**Re: Closed meeting complaint**

My Office received a complaint about a closed session discussion held by council for the Municipality of Central Manitoulin during its special meeting on September 17, 2025. The complaint alleged that council improperly discussed a matter in closed session in violation of the open meeting rules under the *Municipal Act, 2001* (the “Act”).<sup>1</sup>

I am writing to advise that following my Office’s review, I have determined that the meeting did not contravene the open meeting rules under the Act.

**Ombudsman’s role and authority**

The Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. My Office is the closed meeting investigator for the Municipality of Central Manitoulin.

My Office has investigated hundreds of closed meetings. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting

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<sup>1</sup> SO 2001, c 25 [“*Municipal Act, 2001*”].

procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: [www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest](http://www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest).

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

## Review

My Office reviewed the September 17, 2025 meeting materials and spoke with the CAO/Clerk. The CAO/Clerk also provided my Office with a video recording of the entire special meeting, which follows my Office's best practice recommendation to make audio or video recordings of all meetings in order to provide the most accurate and accessible record.

## September 17, 2025 special meeting

On September 17, 2025 at 3:00 p.m., council gathered for a special meeting to receive a presentation by external consultants contracted by the Municipality regarding the Community and Recreation Infrastructure Planning Project. The consultants provided council with a summary of their findings from their infrastructure study to date, including community and stakeholder engagement, and the creation of an infrastructure master plan. At 3:20 p.m., after concluding the portion of the presentation by the consultants listed on the agenda for the open session, council resolved to close the meeting, citing the exception for a proposed or pending acquisition or disposition of land by the municipality in section 239(2)(c) of the Act.

During the closed session, the consultants reviewed with council different options they had prepared for the Municipality to develop its community and recreation infrastructure. Each of the options considered involved land that the Municipality was, at the time, in ongoing negotiations for purchase.

Upon returning to open session, council passed a resolution that the municipality proceed with matters as discussed *in camera*. Council adjourned the special meeting at 5:17 p.m.

## Analysis

### *Applicability of the exception for acquisition or disposition of land*

Council cited the open meeting exception for a proposed or pending acquisition or disposition of land by the municipality under section 239(2)(c) of the Act when it proceeded into closed session. The purpose of this exception is to protect the Municipality's bargaining position during negotiations to purchase or sell land.<sup>2</sup> The discussion must involve an actual land transaction that is currently pending or has been proposed.<sup>3</sup>

My Office's review confirmed that the presentation to council and the discussion held in the closed session concerned the possible uses of land that was the subject of ongoing negotiations for purchase by the Municipality. I am satisfied that the discussion of the potential purchase and use of this land in closed session fit within the open meeting exception for the acquisition or disposition of land.

### *Parsing the discussion*

Portions of the presentation and discussion held in closed session, such as the general context for community recreation centres and community needs, did not directly relate to the land that was subject to ongoing negotiations for the Municipality's purchase. Therefore, it is necessary to determine whether the discussion could have been parsed.

My Office has found it unrealistic to parse a discussion between open and closed sessions when the topics of the discussion are significantly intertwined.<sup>4</sup> The Ontario Divisional Court has explained that it is unreasonable to expect municipal councils to split up discussions between open and closed sessions where it would "detract from free, open and uninterrupted discussion."<sup>5</sup> Discussions closely related to the acquisition or disposition of land, even if not entirely on topic, may be permissible as a matter of practicality.<sup>6</sup>

In this case, I am satisfied that it was unrealistic to expect council to have parsed the presentation and its discussions between open and closed session. The other aspects of the presentation and discussion of the Municipality's recreational infrastructure project were intertwined with the land under negotiation for purchase, as the discussions would refer back to the options presented to council, each of which involved use of some or all

<sup>2</sup> *Fort Erie (Town of) (Re)*, 2018 ONOMBUD 2 at para 31, online: <<https://canlii.ca/t/hvmtm>>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Plympton-Wyoming (Town of) (Re)*, 2021 ONOMBUD 4 at para 26, online: <<https://canlii.ca/t/jd49k>>; *Kitchener (City of) (Re)*, 2025 ONOMBUD 4 at para 54, online: <<https://canlii.ca/t/kctv2>>.

<sup>5</sup> *St. Catharines (City) v IPCO*, 2011 ONSC 2346 at para 42, online: <<https://canlii.ca/t/fkqfr>>.

<sup>6</sup> *Ibid* at para 42.

of the land under negotiation. Accordingly, the exception for the acquisition or disposition of land applied to the entirety of council's discussion in the closed session.

## Conclusion

I find that the September 17, 2025 meeting did not contravene the open meeting rules under the *Municipal Act, 2001*. I would like to thank the Municipality for its co-operation during my Office's review.

The CAO/Clerk indicated that this letter will be shared with council and placed on the agenda for the next council meeting, and that a copy will be made available to the public prior to that meeting. At that time, I will also post a copy of this letter on my website at [www.ombudsman.on.ca](http://www.ombudsman.on.ca).

Sincerely,



Paul Dubé  
Ombudsman of Ontario

CC: Denise Deforge, CAO/Clerk, Municipality of Central Manitoulin

*Cette lettre est aussi disponible en français*