



J. Paul Dubé, Ombudsman

BY EMAIL

October 2, 2025

Council for the City of London
300 Dufferin Avenue
London, ON N6B 1Z2

Dear Members of Council for the City of London:

Re: Closed meeting complaints

My Office received two complaints that committees of the City of London violated the open meeting rules under the *Municipal Act, 2001*.¹ First, my Office received a complaint alleging that an email sent by the Mayor to all council members on January 23, 2025 constituted an improperly closed meeting of the Community and Protective Services Committee. Second, my Office received a complaint alleging that a meeting held on March 11, 2025 between the Mayor, three councillors, and a Member of Parliament constituted an improperly closed meeting of the Planning and Environment Committee.

I am writing to advise that following my Office's review, I have determined that the email sent on January 23, 2025 and the meeting held on March 11, 2025 did not contravene the open meeting rules under the *Municipal Act, 2001*.

Ombudsman's role and authority

As of January 1, 2008, 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. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the City of London.

My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases.

¹ SO 2001, c 25 ["*Municipal Act, 2001*"].

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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 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.

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.

Review

My Office reviewed the Mayor's January 23, 2025 email and councillors' notes from the March 11, 2025 meeting. We also spoke with the Clerk, the Mayor, and the three councillors in attendance at the March 11, 2025 meeting.

The January 23, 2025 email

On January 23, 2025, the Mayor sent an email to all members of council, the Clerk, and the City's senior leadership team regarding the City's response to extreme cold weather and an upcoming meeting of the Community and Protective Services (CPS) Committee scheduled for January 27, 2025. Five of the councillors who received the email are also members of the CPS Committee.

In the email, the Mayor requested that members of the CPS Committee hold off on bringing motions about future plans for extreme cold weather alerts ahead of the upcoming CPS Committee meeting. The Mayor explained that staff were stretched thin responding to the cold weather emergency and he did not want them to be burdened with preparing feedback on motions before the deadline for adding items to the agenda, which was the next morning at 9 a.m.

Instead, the Mayor explained, the CPS Committee would receive an update on the extreme cold weather response from the senior leadership team at the meeting. The Mayor requested that CPS Committee members hear the update first before deciding whether to bring any motions at that time.

The Mayor told us that his email was a “polite request” that could be ignored. He also explained that he was not restricting any CPS Committee members from bringing motions at the upcoming meeting. Rather, since the topic would be on the agenda, CPS Committee members could bring their motions at that time. The Mayor explained that his email was only a request that members refrain from giving over-worked staff more work to do (in the form of preparing motion materials) before the deadline to add items to the meeting agenda. We were told that no one responded to the Mayor’s email.

Analysis

The Mayor’s January 23, 2025 email was not a “meeting” subject to the Act

Although the email was sent to the entire council, the complaint was that the email constituted an improperly closed meeting of the CPS Committee. The CPS Committee is a committee of council and, as such, is subject to the open meeting rules.²

For a gathering to be considered a “meeting” under the *Municipal Act, 2001*, two criteria must be met:

- i. A quorum of members must be present; and
- ii. The discussion must materially advance the business or decision-making of the committee.³

My Office has found that for the purposes of quorum, members may be “present” in an “electronic place,” which includes when they exchange emails.⁴

The Mayor sent the email to all members of council, which included all five CPS Committee members. Because every member was included, both a quorum of the CPS Committee and a quorum of council received the Mayor’s email.

² *London (City of) (Re)*, 2024 ONOMBUD 2, online: <<https://canlii.ca/t/k27t7>> [“London”].

³ *Municipal Act, 2001*, *supra* note 1, s 238(1).

⁴ *Frontenac Islands (Township of) (Re)*, 2025 ONOMBUD 5 at paras 22-24, online: <<https://canlii.ca/t/kdx12>>; *The North Shore (Township of) (Re)*, 2025 ONOMBUD 1 at paras 8-9, online: <<https://canlii.ca/t/k98j5>>.

My Office has previously found that discussions materially advance council business or decision-making when they move forward the business of the municipality, local board, or committee.⁵ Discussions that are intended to lead to specific outcomes or to persuade decision-makers one way or another are likely to materially advance business or decision-making.⁶

On the other hand, mere updates on recent activities or the receipt or exchange of information do not materially advance business or decision-making, as long as there is no attempt to discuss or debate that information as it relates to a specific matter that is or will be before the municipality, local board, or committee.⁷ I have also previously determined that discussions about procedural options do not generally materially advance business or decision-making.⁸

In this case, the Mayor's email included information on the City's recent response to extreme cold weather, along with a request for CPS Committee members to refrain from giving staff additional work ahead of the following morning's deadline to add items to the meeting agenda. The email did not seek to prevent CPS Committee members from bringing any motions; the email explained that the senior leadership team would provide an update at the meeting and requested that any motions be held until after the update.

I find that the email contained an informational update and a procedural request. Moreover, there is no evidence that anyone responded or that it led to any other exchange between CPS Committee members, which further supports that the email did not concern the substantive business of the CPS Committee. In these circumstances, the email did not materially advance the business or decision-making of the CPS Committee.

Similarly, the email did not materially advance the business or decision-making of council, since the informational update and procedural request for CPS Committee members did not relate to business before council.

Accordingly, the Mayor's email was not a "meeting" within the definition of the *Municipal Act, 2001*.

The March 11, 2025 meeting

On March 11, 2025, the Mayor held a gathering in his office with three councillors – all of whom were members of the Planning and Environment (P and E) Committee – and a Member of Parliament. We were told that the Member of Parliament's director of operations

⁵ *Casselman (Municipality of) (Re)*, 2018 ONOMBUD 11 at para 30, online: <<https://canlii.ca/t/hvmtk>>.

⁶ *Ibid*, at para 31.

⁷ *Ibid*; see also *London*, *supra* note 2 at para 35.

⁸ *London*, *supra* note 2 at para 36.

and the Mayor's chief of staff were also present for at least part of the gathering. No one we spoke with recalled with certainty the length of the gathering, but we were told it lasted approximately an hour.

We were told that the Member of Parliament had requested the gathering, as he wished to discuss the impact, at the local level, of the new trade tariffs the United States had imposed on Canada, as well as any potential counter-tariffs. Those we spoke with described the gathering as being for the purpose of sharing information. We were told that nothing discussed during the gathering was within the mandate of the P and E Committee.

Analysis

The P and E Committee is subject to the open meeting rules

To be subject to the open meeting provisions under the *Municipal Act, 2001*, a body must be a council, local board, or committee of either of them. The Act defines "committee" as any advisory or other committee, subcommittee, or similar entity of which at least 50% of the members are also members of one or more councils or local boards.⁹

Pursuant to the City's procedural by-law, the P and E Committee is a standing committee of council.¹⁰ It is comprised of five members, all of whom are also members of council.¹¹ The procedural by-law also provides that the open meeting provisions of the Act shall apply to standing committee meetings.¹² Accordingly, the P and E Committee is a committee under section 238(1) of the Act and the City's procedural by-law, and is subject to the open meeting rules.

The March 11, 2025 meeting was not a "meeting" subject to the Act

As I have explained above, in order for a gathering to be considered a "meeting" under the Act, there must be a quorum of members present and the discussion must materially advance the business or decision-making of the municipality, local board, or committee.

The P and E Committee is comprised of five councillors, three of whom attended the March 11, 2025 meeting. Accordingly, a quorum of the P and E Committee was present at the meeting.

⁹ *Municipal Act, 2001*, *supra* note 1, s 238(1).

¹⁰ City of London, by-law No A-61, *A by-law to provide for the Rules of order and Procedure for the Council of the Corporation of the City of London, and to repeal By-law A-50* (5 November 2024), s 1, ["Procedure By-law"] online: <<https://london.ca/by-laws/council-procedure-law-61>>.

¹¹ *Ibid*, ss 24.1-24.2.

¹² *Ibid*, ss 5.1-5.2.

The discussion at the March 11, 2025 meeting involved the sharing of information. The mere receipt or exchange of information does not materially advance the business or decision-making of a committee when there is no attempt to discuss or debate that information as it relates to a specific matter that is or will be before the committee.¹³

Those we spoke with were consistent about the topic that was discussed: the impact of trade tariffs and potential counter-tariffs at the local level. They also explained that these topics are not within the P and E Committee's mandate. According to section 25.3 and Schedule C of the City's procedural by-law, the mandate of the P and E Committee is limited to general matters of land use, planning, and environment.¹⁴ Accordingly, the discussion did not materially advance the business or decision-making of the P and E Committee. This was not a meeting of the P and E Committee within the meaning of that term under the *Municipal Act, 2001*.

Conclusion

I find that the email sent on January 23, 2025 and the meeting held on March 11, 2025 did not contravene the open meeting rules under the *Municipal Act, 2001*. I would like to thank the City for its co-operation during my Office's review.

The 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.

Sincerely,



Paul Dubé
Ombudsman of Ontario

CC: Michael Schulthess, Clerk, City of London

Cette lettre est aussi disponible en français

¹³ *London, supra* note 2 at para 36.

¹⁴ Procedure By-law, *supra* note 10, s 25.3 and Sched C, online: <<https://london.ca/by-laws/council-procedure-law-61>>.