

BY EMAIL

March 18, 2026

Council for the Municipality of Magnetawan
4304 Hwy #520, P.O. Box 70
Magnetawan, Ontario P0A 1P0

Dear Members of Council for the Municipality of Magnetawan:

Re: Closed meeting complaint

My Office received a complaint about a closed meeting held by council for the Municipality of Magnetawan (the “Municipality”) on September 17, 2025. The complaint alleged that council’s closed session discussion regarding an ongoing land transaction did not fit within the exception to the open meeting rules in the *Municipal Act, 2001* (the “Act”) for acquisition or disposition of land.¹

I am writing to advise that my review has determined that council did not contravene the Act during this meeting.

Ombudsman’s role and authority

The Act gives anyone the right to request an investigation into whether a municipality has complied with the open meeting rules 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 Municipality of Magnetawan.

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. 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

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



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 materials from the meeting on September 17, 2025 including closed session and open session minutes. We also spoke with the Municipality's Clerk.

During the September 17, 2025 meeting, council passed a resolution to move into closed session. The complaint pertains to council's closed session discussion about an ongoing land transaction.

The Clerk told my Office that, at the time of the meeting, the Municipality was engaged in negotiations to purchase privately owned property located within the Municipality. Council's closed session discussion was about this ongoing land transaction. According to the Clerk and the closed session minutes, council considered next steps in its negotiation strategy, including the option to expropriate the land.

When council returned to open session, it passed a by-law authorizing the execution of an application for approval to expropriate the land.²

The purpose of the exception for acquisition or disposition of land in section 239(2)(c) of the Act is to protect a municipality's bargaining position during negotiations to acquire or dispose of land.³ The exception does not generally apply to discussions about speculative land transactions where the municipality does not have a bargaining position to protect against potential harm.⁴

² Resolution 2025-253.

³ *Fort Erie (Town of) (Re)*, 2018 ONOMBUD 2 (CanLII), online: <<https://canlii.ca/t/hvmtm>>.

⁴ *Pelham (Town of) (Re)*, 2022 ONOMBUD 9 (CanLII), online: <<https://canlii.ca/t/jpsh5>>.

My Office has previously found that the exception is not limited to discussions about the purchase or sale of land; it also applies to discussions involving other types of property interests, including easements⁵ and lease agreements.⁶

My review confirmed that, during the September 17, 2025 meeting, council discussed an ongoing land transaction involving negotiations with a private property owner. Council considered next steps in its negotiation strategy, including the potential use of expropriation. This discussion was directly connected to the Municipality's bargaining position and, if discussed in public, could reasonably have undermined that position.

Accordingly, council's closed session discussion fit within the exception for acquisition or disposition of land.

Conclusion

Council for the Municipality of Magnetawan did not contravene the *Municipal Act, 2001* on September 17, 2025 when it discussed an ongoing land transaction in closed session.

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: Kerstin Vroom, Clerk

Cette lettre est aussi disponible en français

⁵ *Jocelyn (Township of) (Re)*, 2024 ONOMBUD 12 (CanLII), online: <<https://canlii.ca/t/k6vgw>>.

⁶ *Fort Erie (Town of) (Re)*, 2018 ONOMBUD 2 (CanLII), online: <<https://canlii.ca/t/hvmtm>>.