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February 23, 2023

**RE: Request for investigation and public ruling on Premier Ford's family soliciting gifts, and Premier Ford's daughter receiving gifts, from individuals who lobby the Premier Ford and his Cabinet and or represent entities seeking decisions from the Cabinet, and on Premier Ford's subsequent participation in decision-making concerning which properties to remove from Greenbelt protection**

Dear Commissioner Wake:

I am writing requesting an investigation and public ruling on the situation of Premier Ford's family soliciting gifts, and Premier Ford's daughter receiving gifts, from individuals who lobby the Premier Ford and his Cabinet and or represent entities seeking decisions from the Cabinet and, depending on the results of that investigation, also a ruling on whether Premier Ford violated the rules prohibiting "improperly" furthering the interests of another person or entity when he participated in decisions concerning which specific properties to remove from Greenbelt protection.

## A. The situation

This situation is described in several recent media articles:

1. According to a February 9, 2023 GlobalNews.ca article at: <https://globalnews.ca/news/9457569/ontario-premier-doug-ford-stag-doe/>
  - a. Several people were invited to a “stag-and-doe” party for Premier Ford’s daughter and her fiancé including, according to several sources, “large and small lobbying and government relations firms”.
  - b. The party was held on August 11, 2022 at Premier Ford’s house.
  - c. According to several, unconnected sources, the invitations were sent by email and text “by people connected to Ford and who previously worked for him.”
  - d. According to one source the invitation “came with a request to make a donation to the couple of up to \$1,000 and seemed “very dodgy” at the time.”
  - e. Sources say “invitees were “browbeaten” into buying tickets...at \$150 each”.
  - f. Many people “shared their discomfort with being invited and with the overall optics of the event” and one source “dubbed the party as a “pay for play” event and questioned the ethics of attending the stag and doe.”
  - g. And “multiple conservative sources said developers from the Greater Toronto area received an invitation to attend.”
2. The same GlobalNews.ca article states that, on February 2, 2023, your office issued a statement to Global News only, a statement that is not posted on your website despite the fact that it is obviously in the public interest for the full statement to be made public. According to the GlobalNews.ca article, the statement says:

“Last week, the premier and staff in his office provided information to the integrity commissioner about certain guests who attended the wedding and stag and doe party of the premier’s daughter and son-in-law... The premier confirmed that those guests, identified as developers, are personal friends.”

From this statement, “Last week” would mean Premier Ford sought the Commissioner’s opinion in January 2023, five months after the stag-and-doe party took place.
3. The same GlobalNews.ca article states that, in response to follow-up questions, your office responded that, based solely on information provided by Premier Ford, and claims made by him:

“The Commissioner issued an opinion that there was nothing to indicate non-compliance with the *Members’ Integrity Act* related to these events...The premier had no knowledge of gifts given to his

daughter and son-in-law...And that there was no discussion of government business.”

4. According to a February 15, 2023 Canadian Press article published on various media outlet websites, such as on CBC.ca at: <https://www.cbc.ca/news/canada/toronto/ontario-ford-stag-doe-1.6749487> and that same day a GlobalNews.ca article at: <https://globalnews.ca/news/9489196/doug-ford-stag-doe-daughter-ticket-price/> while Premier Ford confirmed that the ticket price for the stag-and-doe party was \$150, Premier Ford refused to answer questions from the media concerning who sent the stag-and-doe party invitations to developers and lobbying firms. There is nothing in your statements and responses to Global News contained in the article linked above in point #1 to indicate that you asked Premier Ford who sent the invitations, nor that he provided that information to you.
5. According to a February 10, 2023 *Toronto Star* article at: <https://www.thestar.com/news/investigations/2023/02/10/ontario-developers-who-benefitted-from-ford-government-decisions-on-greenbelt-and-mzos-dined-with-the-premier-at-his-daughters-wedding.html>
  - a. At the wedding of Premier Ford’s daughter, “Sitting with Ford at Table 10, according to a picture of the reception’s seating plan, was Mario Cortellucci, whose family’s companies have benefitted from at least four minister’s zoning orders that fast-track development since Ford’s Progressive Conservatives came into power.” The Minister’s Zoning Orders (MZOs) mentioned in this excerpt were confirmed by the *Toronto Star* article at: <https://www.thestar.com/news/investigations/2021/06/14/how-the-ford-governments-love-of-mzos-is-increasingly-benefiting-private-developers-with-ties-to-pc-and-local-politicians.html>
  - b. “Also invited to the September wedding, according to the seating chart, was Shakir Rehmatullah — one of the developers who stands to benefit from the Ford government’s Greenbelt land swap. In November, a 102-acre parcel of Markham land he owns through his company Flato Upper Markham Village Inc. was removed from the Greenbelt to be developed.... Rehmatullah has been one of the few developers to benefit from both the government’s increased use of zoning orders as well as the Greenbelt land swap. A 102-acre plot of land bought by Rehmatullah’s Flato Upper Markham Village Inc. in 2017 for \$15 million, is part of the land being removed from the Greenbelt for development. In 2021, Rehmatullah received four minister’s zoning orders on the border of Markham-Stouffville to fast-track development on land that sits adjacent to this Greenbelt parcel. He plans to build out numerous subdivisions, which would include single-detached homes, townhouses and apartment buildings. Flato also received an MZO

in 2021 to fast-track and develop a 115-hectare parcel of land into a mixed-use community with a diversity of housing options in Lindsay, near the Kawartha Lakes, despite resistance from local residents.”

- c. And “Seated at Table 10 alongside the premier and his wife was Carmine Nigro, president and CEO of Craft Development Corp. and current part-time chair of the LCBO board, according to the seating chart. Nigro was vice-chair of the PC Party’s fundraising arm until a few years ago. His company, Craft, received a zoning order for a project in Lindsay in 2020 to build 500 homes, and a 100,000-square foot commercial building.”

6. According to a February 15, 2023 CBC.ca article at: <https://www.cbc.ca/news/canada/toronto/ontario-ford-stag-doe-1.6749487> Premier Ford refused to answer questions from the media concerning who sent the stag-and-doe party invitations to developers and lobbying firms. There is nothing in your statements and responses to Global News contained in the article set out above to indicate that you asked Premier Ford who sent the invitations, nor that he provided that information to you.

In sum, according to these media reports, lobbyists and developers who seek favourable decisions from Premier Ford’s Cabinet were invited to pay \$150 and donate more to attend a party to raise money for Premier Ford’s daughter, held at Premier Ford’s house, with the money raised presumably saving Premier Ford from having to pay costs for his daughter’s wedding or other related costs she may have. Also, developers sat with Premier Ford at his daughter’s wedding.

## **B. The negligence of your opinion provided to Premier Ford re: the party**

Under subsection 28(1) of the *Members’ Integrity Act, 1994*, S.O. 1994, c. 38 (*MIA*), a member of the Ontario Legislature may request that you provide an opinion and recommendations “on any matter respecting the member’s obligations under this Act and under Ontario parliamentary convention.”

According to the February 9, 2023 GlobalNews.ca article linked above in subsection A.1, your spokesperson told Global News “it would be “impossible” to determine if a similar opinion to the stag and doe event had ever been requested or issued.” This suggests that your office is not keeping an accessible record of opinions issued to MPPs, and raises questions about whether you are issuing consistent opinions concerning similar-fact situations.

At the same time, the February 9, 2023 GlobalNews.ca linked above in subsection A.1 says that your spokesperson told Global News “I am not aware of

any of these being similar to the scenario you have described” – meaning the Ford party situation.

Given that, according to your own spokesperson:

- This was the first such situation you have issued an opinion about to an MPP;
- You relied solely on information provided by, and claims made by, Premier Ford;
- Premier Ford requested your opinion five months after the situation at issue, and only because of questions being asked by the media;
- You did not ask Premier Ford who invited the lobbyists and developers to the party;
- You did not verify any of the other information provided by Premier Ford;

it was simply negligent for you to issue an opinion, without investigating further, that the Ford family accepting the gifts of the ticket price and possible other donations from lobbyists and developers complied with the *MIA*.

It was especially negligent for you to conclude, according to the statement from your office issued to Global News, that “The premier had no knowledge of gifts given to his daughter and son-in-law...” Given that Premier Ford knew that lobbyists and developers who seek favourable decisions from Ford’s Cabinet were invited to the party, and given that Premier Ford knew who attended the party, and given Premier Ford knew that the party ticket price was \$150, it is obvious that Premier Ford knew that any lobbyist or developer who attended the party gave his daughter and son-in-law a gift of \$150.

It was also negligent for you to issue an opinion based on irrelevant reasons. See more details concerning why it was negligent for you to do this in sections C and D below.

### **C. Your guidelines on the Preamble and the gifts rule in the *MIA***

The Preamble of the *MIA* sets out the principles upon which the *MIA* is based. Part 3 of the Preamble states that:

“Members are expected to perform their duties of office and arrange their private affairs in a manner that promotes public confidence in the integrity of each member...”

and Part 4 states that:

“Members are expected to act with integrity and impartiality that will bear the closest scrutiny.”

You suggest, by quoting them under the heading “Standards of Behaviour” on the webpage:

<http://www.oico.on.ca/home/mpp-integrity/resources-for-new-mpps>

that you consider the expectations set out in the Preamble to be as enforceable as all the other rules in the *Act*, as you state at the end of that section on that webpage that:

“The Act contains further rules and statements of values that must be adhered to by all MPPs.”

It is a violation of subsection 6(1) of the provincial *Members’ Integrity Act* to accept a “fee, gift or personal benefit that is connected directly or indirectly with the performance of his or her duties of office.” The only broad exceptions to this rule are basic gifts or benefits that MPPs receive when attending public community events (clause 6(2)(b)), compensation paid to an MPP (clause 6(2)(a)) and transfers from parties, riding associations, election candidates or leadership contestants (clause 6(2)(c)).

According to clause 6(2)(d), and your own Guidance on the Gift Rule webpage at: <https://www.oico.on.ca/en/mpp-integrity-guidance-on-the-gift-rule>, MPPs are prohibited from receiving any other gift or benefit if it:

“gives rise to a reasonable presumption that the gift or benefit was given in order to influence the member in the performance of his or her duties.”

Under subsections 6(3) and (4) of the *MIA*, MPPs are also required to file a disclosure form with your office within 30 days after receiving any gift or benefit worth more than \$200. As well, the guideline makes it very clear that MPPs should check with the Commissioner’s office before accepting a gift or benefit that may be questionable.

#### **D. The situation, your negligent opinion, and the need for a full investigation and public ruling**

According to statements and responses to questions issued by your office as reported by the media (summarized above in section A), you knew when issuing the opinion concerning the party that lobbyists and developers were invited to the party, attended the party, and that the party was a fundraiser for the wedding of Premier Ford’s daughter.

According to media reports summarized above in section A, several sources have confirmed that:

1. the invitations to the Ford family party were sent by people with connections to Premier Ford;
2. lobbyists were invited;
3. donations above the ticket price for the party were solicited, and;
4. many people felt that, given they are a lobbyist, being invited to the party was improper.

Given this information, it is very reasonable to presume that:

1. any gift or benefit of money from a registered lobbyist or anyone else seeking favourable decisions from the Ford Cabinet;
2. provided to the daughter of Premier Ford to help cover the costs of her wedding, and;
3. provided through a family party held at Premier Ford's house;

is a gift or personal benefit for Premier Ford because it decreases the amount that Premier Ford would have to pay for the wedding, and is a gift or benefit at least indirectly connected to Premier Ford's official duties.

It is irrelevant whether any lobbyist or developer at the party is a friend of the Ford family. They are seeking favourable decisions from the Ford Cabinet and, therefore, Premier Ford cannot "take off his Premier hat" at any time he is engaging with them in any way, and any gift or benefit they provide is automatically connected to his official duties, at least indirectly.

It is also irrelevant whether or not government business was discussed at the party. A lobbyist or anyone else seeking favourable decisions from the Ford Cabinet could easily discuss the government business before or after giving the gift or benefit. If you interpret the gift rules as requiring that government business be discussed at the same time as the gift or benefit is being given, then you are essentially interpreting the rules in the same way as the *Criminal Code* provisions that prohibit bribery.

In law, the gift rules are obviously not the same as the *Criminal Code*'s anti-bribery rules – they are instead aimed at preventing even the appearance of a conflict of interest being created through an MPP accepting any gift or personal benefit that, again according to your own guideline "gives rise to a reasonable presumption that the gift or benefit was given in order to influence the member in the performance of his or her duties."

Premier Ford only sought your opinion five months after the party was held, and there is no mention in your statements reported by the media about Premier Ford disclosing anyone or any entity giving more than \$200 through the party, nor does Premier Ford's 2022 financial disclosure form, which can be viewed on your office's webpage at:

<https://pds.oico.on.ca/Pages/Public/PublicDisclosures.aspx>

list any gifts or benefits.

As a result, you should not have issued an opinion when requested by Premier Ford. Instead, under subsection 30(5) of the *MIA*, you should have consider his request to be a matter referred to you by the Executive Council, and you should have conducted a full inquiry as you are empowered to do under subsection 31.

Based on the evidence that has been reported to date, a full inquiry by you now is warranted into whether Premier Ford accepted illegal gifts or benefits.

## **E. Developers at the party and Premier Ford's participation in the Greenbelt decision**

If property developers provided a benefit to Premier Ford through paying for attending the Ford family party and/or provided a donation above the party ticket price to his daughter, it raises the question of whether, after the party, Premier Ford violated the rules in the *MIA* that prohibit "improperly" furthering the interests of another person or entity when he participated in the decision to remove certain lands from Greenbelt protection.

Sections 2 and 4 of the *MIA* state:

### **"Conflict of interest**

**2** A member of the Assembly shall not make a decision or participate in making a decision in the execution of his or her office if the member knows or reasonably should know that in the making of the decision there is an opportunity to further the member's private interest or improperly to further another person's private interest. 1994, c. 38, s. 2.

...

### **Influence**

**4** A member of the Assembly shall not use his or her office to seek to influence a decision made or to be made by another person so as to further the member's private interest or improperly to further another person's private interest. 1994, c. 38, s. 4."

The huge loophole in the *Act*, namely the definition in section 1 that says a "private interest":

"does not include an interest in a decision,  
(a) that is of general application,  
(b) that affects a member of the Assembly as one of a broad class of persons..."

would not allow Premier Ford to escape scrutiny for participating in the Greenbelt decision, given that the Ford Cabinet made specific decisions concerning which specific properties would be allowed to be developed in the Greenbelt.

Investigative reporting by the [Globe and Mail](#), [Toronto Star](#), [The Narwhal](#), [CBC](#) (and [CBC again](#)), has revealed multiple transactions to purchase Greenbelt land conducted prior to the November 4th announcement of the plan to remove 15 parcels of land from the protected Greenbelt. These transactions would seem to have been irrational if all the parties were unaware that these Greenbelt lands would be proposed for removal.



On page 8 of his February 8, 2002 ruling on the actions of then-Deputy Premier and Minister of Finance Jim Flaherty, then-Integrity Commissioner Coulter A. Osborne stated concerning the word “improperly”:

“that the qualification “improperly” is intended to convey a sense that the decision made (section 2) or influence exercised (section 4) was objectionable, unsuitable or otherwise wrong (see Black’s Law Dictionary definition of “improper”).”

You can see that ruling at:

<https://www.oico.on.ca/docs/default-source/commissioner%27s-reports/re-flaherty-minister-of-finance-feb-8-2002.pdf?sfvrsn=8>

If any benefits were provided to Premier Ford directly or indirectly by any developers attending the party, Democracy Watch’s position is that it would then be improper, objectionable and otherwise wrong, for Premier Ford to participate in the decision to remove properties owned by those developers from Greenbelt protection and, therefore, you should find Premier Ford in violation of sections 2 and 4 of the *MIA* for participating in the decision to remove those properties from Greenbelt protection.

I understand that your position is that you cannot conduct an inquiry unless a Member of the Legislative Assembly or the Executive Council requests it under section 30 of the *Act*.

Democracy Watch’s position is that, given undertaking an inquiry is a discretionary action by you (under subsection 31(1) and (5) of the *Act*), and given your general enforcement power as the administrative tribunal that enforces the *Act*, and specifically under sections 23.1 and 25 of the *Act*, you therefore have discretionary power to undertake an inquiry based on the information in this letter.

You have an opportunity to uphold key measures in a key democratic good government law, the *Members’ Integrity Act*.

We look forward to hearing back from you about this request, and hopefully to seeing your public ruling issued very soon.

Sincerely,



Duff Conacher, Co-founder of Democracy Watch  
on behalf of the Board of Directors of Democracy Watch