

KEEPING CURRENT

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Complaint to Integrity Commissioner about Dresden landfill unworthy of inquiry (*Re: The Honourable Doug Ford, Premier of Ontario, August 20, 2025*)

By Stephen Thiele

Founded in the 1920s, Gardiner Roberts LLP has grown to become a strategically placed mid-sized business law firm with a diverse client base which includes several of Canada's largest banks, public companies including mining, high tech and software companies, real estate enterprises, lenders and investors.

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Integrity Commissioners occupy a very important office because, among other things, they are tasked with ensuring that duly elected politicians behave appropriately and adhere to their respective codes of conduct. For example, politicians are prohibited from acting in a conflict of interest or using their position to improperly influence a decision made or to be made by another person. Where the politician acts in a conflict of interest or improperly influences a decision-maker, the Integrity Commissioner has authority to conduct an investigation or inquiry upon receipt of a complaint.

However, as discussed in previous blogs, the complaint process is now too often being used as a weapon to harass politicians and arguably obstruct democracy.

At the provincial level, Premier Ford has been the subject of several Integrity Commissioner complaints, the most recent being set out in [Re: The Honourable Doug Ford, Premier of Ontario \(August 20, 2025\)](#).

Although Premier Ford has never suggested that the complaints will cause him to not seek re-election, the results of these complaints suggest that they are simply being made to unfairly politically smear the Premier.

In this complaint, Liberal MPP Ted Hsu alleged that Premier Ford and three other members of his government breached sections 2, 3, 4 and 8 of the [Members' Integrity Act, 1994](#) (the "**Act**") in regard to a decision about a landfill site in Dresden, Ontario (the "**Dresden Landfill**"). The decision was a part of Bill 5, *Unleashing Our Economy Act*.

The complainant explained that, in his view, the decisions about the Dresden Landfill "raise serious concerns about whether political donations, lobbying relationships, and insider connections may have unduly influenced the exercise of public authority". MPP Hsu relied on two media articles published in The Trillium to support his complaint. The Trillium promotes itself as a "trusted source for insightful, in-depth coverage of politics and policy-making in Ontario."

Premier Ford and his colleagues denied contravening the Act and argued that there were no reasonable and probable grounds for an inquiry. The Ontario Integrity Commissioner agreed.

Under the Act, it is a threshold requirement that before being able to conduct an inquiry, the Integrity Commissioner must be satisfied that there are “reasonable and probable grounds to believe” that the Act has been contravened.

The threshold test contains a subjective and objective component. Subjectively, the complainant must have an honest belief that the Act has been contravened. Objectively, there must exist reasonable grounds for the belief. As determined by the Supreme Court of Canada in [R. v. Beaver, 2022 SCC 54](#) at [paragraph 72](#), reasonable grounds for the belief must be based on compelling and credible information. A reasonable suspicion will not satisfy the test.

In the circumstances, MPP Hsu was found to have had an honest belief that the Act had been contravened. However, he was unable to satisfy the objective part of the test.

With respect to the specific sections of the Act that were alleged to have been breached, section 2 prohibits MPPs from acting in a conflict of interest. An MPP cannot improperly further their own private interest or improperly further another person’s private interest.

This section does not regulate “apparent” conflicts of interest, and a “private interest” is distinguishable from a “political interest”. The distinction between a “private interest” and a “political interest” was particularly important to MPP Hsu’s complaint because he alleged that the owners of the Dresden Landfill had improperly benefited from a government decision to exempt the expansion of their landfill from an environmental assessment as a result of having purchased tickets to fundraising events attended by Premier Ford.

Furthermore, the phrase “to improperly further another person’s private interest” requires the Ontario Integrity Commissioner to consider the following:

- The relationship between the member and “another person”;
- The degree of the member’s involvement in the decision at issue, or the process leading to it;
- Whether the member acted for an improper purpose;
- The process used for the decision; and
- Whether there was an objective basis for the decision.

These considerations also apply to sections 3 and 4 of the Act.

Under section 3, an MPP is prohibited from using “insider information” to further private interests.

Under section 4, an MPP is prohibited from improperly influencing decisions to further private interests.

Under section 8, an MPP who has a conflict of interest on an issue must disclose the nature of the conflict and withdraw from votes and consideration of the issue.

MPP Hsu’s complaint failed because he provided no information relevant to the factors the Ontario Integrity Commissioner was required to consider. The media articles relied upon by MPP Hsu did not establish that Premier Ford had a relationship with the owners of the landfill or that Premier Ford had actually been lobbied by them.

In addition, among other things, there was no information cited to suggest that anyone acted for an improper purpose nor any information about the process used for the decision.



In contrast, Premier Ford and his colleagues explained that the Dresden Landfill was chosen for inclusion in Bill 5 to reduce reliance on American landfills. It was noted that Ontario sends a large amount of waste to the U.S. for disposal and that Michigan had announced increased fees for accepting Ontario's waste.

In the result, there were insufficient grounds to conduct an inquiry under the Act.

Although the key takeaway from this decision is that complaints to an integrity commissioner about a politician's conduct should be supported with direct evidence rather than media articles, in my view, MPP Hsu's complaint underscores how the complaint process can be abused. Notwithstanding several decisions in which the use of media articles have been commented upon, MPP Hsu's complaint was only supported by comments contained in such articles. In general, media articles rarely contain firsthand knowledge to establish reasonable and probable grounds. Accordingly, it is arguable that MPP Hsu's complaint simply represented another in a series of frivolous and vexatious complaints made against Premier Ford over policy decisions made by his government. In my view, the opposition parties at Queen's Park should concentrate on developing policies that capture the imagination of Ontarians rather than bringing meritless integrity commissioner complaints.

Meritless complaints do little to advance democracy and can instead have a chilling effect upon it by silencing the voices of politicians.

In this regard, in August 2025, first term Chatham-Kent Councillor Alysson Storey indicated that she might not seek re-election in the 2026 municipal election because an integrity commissioner complaint had been made against her over statements she had made about a proposed \$53 million community hub project. In a 76-page report, Integrity Commissioner Suzanne Craig determined that the Councillor's

comments breached the council's code of conduct and recommended that her pay be suspended for 10 days.

Even though the Chatham-Kent Council later voted against suspending Councillor Storey's pay, the process left Councillor Storey unsure if she would run again. In a media report, she said: "Yes, sadly, it's a major consideration. I've already had people, primarily women, who have reached out to me and said I would never run for council after seeing what you have gone through in this process."

Although there is value to the integrity commissioner complaint process, the process should never be used to discourage a politician from seeking re-election or causing "would-be" politicians from running for public office.

[Author Stephen Thiele and his colleague, Gavin Tighe, K.C., have defended several politicians against integrity commissioner complaints at both the municipal and provincial level.]

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