

**THE CORPORATION OF THE TOWNSHIP OF
BLACK RIVER – MATHESON**
Integrity Commissioner’s Report
H.G. Elston

**REPORT ON THE MATTER OF A COMPLAINT AGAINST
MAYOR BENDER BY COUNCILLOR DYMENT**

Issued: May 15, 2024

BACKGROUND

- 1) I was appointed as the Integrity Commissioner for the Township of Black River-Matheson (the “**Township**”) on July 12, 2022. As part of my duties under section 223.3 (1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the “**Act**”), I am to apply the Township of Black River – Matheson’s Code of Conduct for Members of Council (the “**Code**”), to any complaint I receive.
- 2) On November 26, 2023, I received a complaint from Councillor Dave Dymont alleging that, during the Council meeting of October 13, 2023, he had been bullied by Mayor Doug Bender.
- 3) In particular, the complaint alleges that during a discussion of the labour dispute between management and the union representing some of the Township’s workers, the Mayor raised a concern about a “leak” from earlier, closed-session meetings. When Councillor Dymont asked the Mayor who had leaked the confidential information, it is alleged that the Mayor responded: “You’re not going to find out”. Councillor Dymont claims that the Mayor raised his voice and demanded to know what Councillor Dymont’s position on the lock-out would be. When Councillor Dymont said that he needed time to consider his position, the Mayor allegedly said that he was going to “bully” Councillor Dymont. It is alleged that the Mayor’s conduct was unprofessional and constituted bullying and harassment.
- 4) The complaint alleges the contravention of section 7.1 and 7.2 of the Code. Those sections read, as follows:

7. Conduct Respecting Others

- 7.1 Every Member has the duty and responsibility to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation, and to ensure that the municipal work environment is free from discrimination and harassment. The Member shall be familiar with, and comply with, the Municipality's Workplace Anti-Violence, Harassment and Sexual Harassment Policy.
- 7.2 A Member shall not use indecent, abusive or insulting words, tone or expressions toward any other Member, any municipal staff or any member of the public.

5) Following some back and forth with Councillor Dymont, I provided notice of the complaint to Mayor Bender on January 3, 2024.

6) I spoke with Mayor Bender on February 1, 2024. The Mayor recalled the exchange with Councillor Dymont and confirmed that it was about the possibility of locking the unionized workers out. He was concerned that Councillor Dymont was trying to delay the decision, when he thought Council needed to deal with it that evening. According to Mayor Bender, Councillor Dymont was not happy with the decision to move forward and make a decision on the matter.

DISCUSSION AND FINDINGS

7) As a result of local labour unrest, rising utility and property tax rates, and other difficult and contentious matters (the level of concern about being amplified through social media), the division and strife between residents and the Council, residents and staff, and amongst Councillors in the Township of Black River-Matheson, had been building during the months leading up to the Council meeting of October 13, 2023.

8) As we now know, the tension reached a breaking point, Council became dysfunctional and, in a stunning turn of events, the Minister declared all of the offices of the Members of Council to be vacant, and ordered that a by-election for all seats be held.

9) Looking back, it is not surprising that meetings of Council were becoming difficult, and that the level of discourse was falling. In this context, I am reluctant to find that the Mayor's admonishment of Councillor Dymont rose to the level of bullying, harassment or intimidation. It goes without saying that Council meetings must be conducted with decorum and respect but, at the same time, they are often inherently combative forums, where important local issues are debated with passion. There is a fine line between the two.

10) In the circumstances, I accept that the Mayor's rebuke arose from a sense of frustration or even exasperation, and that he did not set out to be disrespectful to Councillor Dymont. Although an unpleasant exchange and a poor choice of words, the Mayor's conduct did not contravene the Code. That being said, I would hope that, had he the choice to do-over the meeting, the Mayor would have adopted a more benevolent approach and tone.

11) While it may be that there was no saving this Council from itself, as witness to a truly distressing implosion of an elected body, perhaps the next Council will have a greater appreciation of the need for respectful relations and the danger in failing to get along.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 15th day of May, 2024.

A handwritten signature in black ink, appearing to read 'Harold G. Elston', with a long horizontal line extending to the right.

Harold G. Elston
Integrity Commissioner