



Ombudsman Report

**Investigation into a complaint about meetings
held by council for the Municipality of Calvin**

**Paul Dubé
Ombudsman of Ontario**

March 2026

Complaint

- 1 My Office received a complaint about meetings held by council for the Municipality of Calvin.
- 2 The complaint alleged that the resolutions passed by council to move into closed session at the August 12, November 25, and December 16, 2025 meetings did not comply with the open meeting rules in the *Municipal Act, 2001* (the “Act”).¹
- 3 For the reasons set out below, I have concluded that the resolutions passed by council to move into closed session at each of the three meetings did not comply with section 239(4) of the Act as they failed to provide a description of the general nature of each matter to be discussed during the closed meetings.
- 4 Additionally, I have found that council failed to comply with section 4.5.3 of its procedure by-law, which requires the Chair to report back to the public the general nature of the matters dealt with in a closed meeting following its adjournment.

Ombudsman jurisdiction

- 5 Under the *Municipal Act, 2001*, all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.²
- 6 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the rules in closing a meeting to the public.³ Municipalities may appoint their own investigator.⁴ The Act designates the Ombudsman as the default investigator for municipalities or local boards that have not appointed their own.⁵
- 7 The Ombudsman is the closed meeting investigator for the Municipality of Calvin.

¹ SO 2001, c 25.

² *Ibid*, s 239.

³ *Ibid*, s 239.1.

⁴ *Ibid*, s 239.2(1).

⁵ *Ibid*, s 239.1.

- 8 My Office has reviewed and investigated hundreds of closed meeting complaints 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 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.
- 9 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.

Investigative process

- 10 On January 29, 2026, my Office advised the Municipality of our intent to investigate this complaint.
- 11 Members of my Office’s open meeting team reviewed the open and closed meeting agendas and minutes, as well as the video recordings of the open meetings. My Office also interviewed the CAO-Clerk-Treasurer and all members of council.
- 12 My Office received full co-operation in this matter.

Council meetings

August 12, 2025 special meeting

- 13 Council met on August 12, 2025 for a special meeting. At 6:31 p.m., council passed a resolution to proceed into a closed session to discuss two matters: “labour relations or employee negotiations” pursuant to section 239(2)(d) of the Act, and “advice subject to solicitor-client privilege” pursuant to section 239(2)(f)

of the Act. The resolution did not provide any description of the matters to be discussed under the cited open meeting exceptions.

- 14 Council returned to open session at 7:31 p.m. and reported back that it discussed matters under the two cited exceptions. No further details were provided.

November 25, 2025 council meeting

- 15 Council met on November 25, 2025 for a regular meeting. At 9:29 p.m., council passed a resolution to “move into closed session and go beyond the 4 hour limit to discuss: Advice that is subject to solicitor-client privilege, including communications necessary for that purpose” pursuant to section 239(2)(f) of the Act.
- 16 Council returned to open session at 10:30 p.m. and reported back that it discussed a matter pursuant to the exception for advice subject to solicitor-client privilege, including communications necessary for that purpose. No further details were provided.

December 16, 2025 council meeting

- 17 Council met on December 16, 2025 for a regular meeting. At 8:36 p.m., council passed a resolution to proceed into a closed session to discuss two matters: “advice subject to solicitor-client privilege, including communications necessary for that purpose” pursuant to section 239(2)(f) of the Act, and “personal matters about an identifiable individual s.239(2)(b) who is in non-compliance with the Zoning Bylaw” pursuant to section 239(2)(b) of the Act.
- 18 Council returned to open session at 9:45 p.m. and reported back that it discussed a matter under the exception for advice subject to solicitor-client privilege, including communications necessary for that purpose. Council also reported back that it discussed a matter under the exception for personal matters about an identifiable individual who was in non-compliance with the zoning by-law, and that council directed the Chief Building Officer to take the necessary steps to bring the matter into compliance within 60 days of the notice served.

Analysis

Resolutions to close meetings

- 19 Section 239(4)(a) of the Act requires council to pass a resolution prior to entering a closed session that states the fact of holding a closed meeting and the general nature of the matter to be considered. In *Farber v. Kingston*, the Ontario Court of Appeal noted that a resolution to proceed into closed session should “provide a general description of the issue to be discussed in a way that maximizes the information available to the public while not undermining the reason” for proceeding into closed session.⁶
- 20 Publicly stating that a meeting will be closed and identifying what issues will be discussed in the closed session is not a mere procedural technicality. The purpose of this obligation is to enhance the transparency of local democracy and ensure that decision-makers are accountable when they discuss matters behind closed doors. Failing to comply with this requirement can result in a loss of public confidence in municipal governance.⁷ I have also previously recommended that, where possible, councils should provide substantive detail in the resolution to close a meeting.⁸
- 21 The requirement to provide the general nature of the subject to be discussed in the closed meeting is not normally satisfied by only citing the exception from the Act.⁹ There may be instances where additional information cannot be included in the resolution, but in my experience those cases are rare. Generally, it is possible to provide additional information in the resolution to move into closed session without undermining the reason for the closed session.¹⁰
- 22 In this case, I reviewed three resolutions passed by council to proceed into closed session. On August 12 and November 25, 2025, council failed to provide any description of the issues being discussed in the closed session and only referenced the open meeting exception relied upon. On December 16, 2025, council provided a description of one of the matters to be discussed during the closed session, but failed to provide a description of the matter discussed under the exception of advice subject to solicitor-client privilege.

⁶ *Farber v Kingston (City)*, 2007 ONCA 173 at para 21, online: <<http://canlii.ca/t/1qztz>>.

⁷ *Casselman (Municipality of) (Re)*, 2022 ONOMBUD 14 at para 18 [“*Casselman*”], online: <<https://canlii.ca/t/jrkx7>>.

⁸ *Niagara (District Airport Commission) (Re)*, 2016 ONOMBUD 22, online: <<http://canlii.ca/t/h2stf>>.

⁹ *Brockville (City of)*, 2016 ONOMBUD 12 at para 47 online: <<https://canlii.ca/t/h2ssr>>.

¹⁰ *Casselman*, *supra* note 7 at para 22.

- 23 Accordingly, the resolutions to move into closed session for each of these meetings did not comply with section 239(4) of the Act.

Reporting back to the public after closed meetings

- 24 Numerous closed meeting investigators, including my Office, recommend as a best practice that municipalities report back after closed sessions and provide general information about what occurred.¹¹ A report back may consist of a general discussion in open session of subjects considered in closed session together with information about any decisions, resolutions, and directions given to staff. In some cases, the nature of the discussion might allow for considerable information about the closed session to be provided publicly.¹²
- 25 The Municipality of Calvin has enshrined a requirement to report back to the public in its procedure by-law. Section 4.5.3 of the by-law provides that, upon adjourning a closed meeting, the Chair shall report back to the public that the meeting has resumed in open session and the general nature of the matters dealt with in the closed meeting.¹³
- 26 With regard to the August 12 and November 25, 2025 meetings, council did not provide any information about the general nature of the closed session discussions when resuming in open session. On December 16, 2025, council included in its report back a description of the general nature of what was discussed under the exception for personal matters and also the direction it gave to staff, but failed to provide a description of the general nature of the matter discussed under the exception for advice subject to solicitor-client privilege.
- 27 Accordingly, council failed to comply with section 4.5.3 of its procedure by-law when returning from closed session at each of these meetings.

Opinion

- 28 Council for the Municipality of Calvin contravened section 239(4) of the *Municipal Act, 2001* on August 12, November 25, and December 16, 2025 when it failed to provide descriptions of the general nature of the matters to be discussed in closed session in the resolutions to proceed in closed session.

¹¹ *Oshawa (City of) (Re)*, 2016 ONOMBUD 10 at para 58, online: <<https://canlii.ca/t/h2ssm>>.

¹² *The Nation (Municipality of)*, 2019 ONOMBUD 4 at para 82, online: <<https://canlii.ca/t/j2b4c>>.

¹³ Municipality of Calvin, by-law No 2024-49, *Being a bylaw to establish rules governing the proceedings of council, the calling of meetings, and the conduct of members, staff and the public* (30 July 2024), s 4.5.3.

- 29 Council also contravened section 4.5.3 of its procedure by-law on August 12, November 25, and December 16, 2025 when, following the closed meetings, it failed to report back to the public the general nature of each matter discussed in the closed sessions.
- 30 During interviews, members of council told my Office that they were not familiar with the rules regarding the resolutions to move into closed session and reporting back to the public upon rising from a closed session. My Office was told that council was committed to following the rules and adopting these practices moving forward.

Recommendations

- 31 I make the following recommendations to assist the Municipality of Calvin in fulfilling its obligations under the Act and enhancing the transparency of its meetings:

Recommendation 1

All members of council for the Municipality of Calvin should be vigilant in adhering to their individual and collective obligation to ensure that the municipality complies with its responsibilities under the *Municipal Act, 2001* and its procedure by-law.

Recommendation 2

Council for the Municipality of Calvin should ensure that all resolutions to proceed into closed session include a description of the general nature of all items to be discussed.

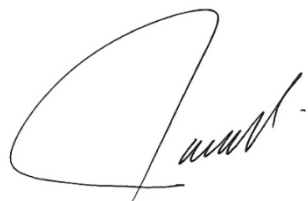
Recommendation 3

Council for the Municipality of Calvin should ensure that it reports back to the public following each closed session with a description of the general nature of each item discussed during the closed session.

Report

- 32 Council for the Municipality of Calvin was given the opportunity to review a preliminary version of this report and provide comments to my Office. Council indicated that they are committed to implementing the recommendations.

- 33** This report will be published on my Office’s website and should be made public by the Municipality of Calvin. In accordance with section 239.2(12) of the *Municipal Act, 2001*, the Municipality is required to pass a resolution stating how it intends to address this report.



Paul Dubé
Ombudsman of Ontario

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