

Town of Whitby
Integrity Commissioner's
Recommendation Report
Regarding Complaints Against Councillor Leahy
April 10, 2026

Executive Summary:

- [1] This report results from two complaints against Councillor Leahy for his conduct as a Member of Council for the Town of Whitby.
- [2] In the first complaint, it was alleged that videos concerning traffic speed and pedestrian safety on Dryden Boulevard, posted by him to Facebook on October 31 and November 6, 2025, encouraged distrust of Town staff, publicly exposed staff to public ridicule for what was an honest mistake, and cast doubt on Staff's professional integrity.
- [3] In the second complaint, it was alleged that a public confrontation with staff on November 14, 2025 at the BIA Christmas Market was disrespectful, hostile, and implied intentional misconduct, again casting doubt on Staff's professional integrity.
- [4] We find that Councillor Leahy's conduct as outlined in both complaints breached his obligations under the Code of Conduct.
- [5] We are recommending a one-month suspension of pay for Councillor Leahy.

Process

- [6] In conducting this investigation, Principles *Integrity* applied the principles of procedural fairness and was guided by the complaint process set out under the Code of Conduct.
- [7] This fair and balanced process includes the following elements:
 - Reviewing the complaints to determine whether they are within scope and jurisdiction and in the public interest to pursue, including giving consideration to whether the complaints should be restated or narrowed, where this better reflects the public interest;
 - Notifying the Respondent, and providing him with the opportunity to respond in full to the allegations, and considering related submissions;

- Reviewing the Code, watching the Facebook posts and other relevant documentation and interviewing relevant witnesses as necessary; and,
- Providing the Respondent with the opportunity to review and provide comments to the Integrity Commissioner’s Preliminary Findings Report and taking any comments into consideration prior to finalizing and submitting a Recommendation Report.
- Considering any identified or apparent Charter-related issues in the context of the evidence before us, and balancing any relevant protected rights against the reasonableness of the restrictions imposed by the Code of Conduct, our findings, and the recommendations set out in this report.

Code Provisions

[8] The relevant provisions of the Code are set out below:

Purpose

The principal objective of this Council Code of Conduct is to outline the behaviours expected of all Members to ensure that:

- Council works as a strong, respectful team with a positive vision;
- All municipal affairs are conducted with professionalism and integrity;
- Council is transparent, accessible and supports effective public consultation and engagement;
- Workplace morale remains a priority in order to facilitate a collaborative and creative work environment that engages the abilities of all staff members to solve problems, accomplish new things and deliver best outcomes to residents;
- Decisions are made through appropriate channels of government structure;
- Public office is not to be used for personal gain; and
- The conduct of Members of Council is of the highest standard.

1 Definitions

1.1 Complaint means an alleged contravention of the Code submitted to an Integrity Commissioner appointed by the Council of the Town of Whitby.

...

5.2 Further to the Council-Staff Relations Policy, every Member shall be respectful of the role of Employees to provide advice based on political neutrality and objectivity and without undue influence from any Member. Accordingly, **no Member shall injure or impugn the professional or ethical**

reputation of any Employee. Every Member shall show respect for Employees and for their professional capacities and responsibilities.

...

12.3 Any individual, including members of the public, Town employees and Members who have reasonable grounds to believe that a Member has breached a provision of the Code may proceed with a Complaint. Complaints must be submitted within six (6) weeks of the matter becoming known to the individual and no more than six (6) months after the alleged violation occurring. The Integrity Commissioner shall be responsible for ensuring compliance with these deadlines, and shall take no action on a complaint received beyond these deadlines.

12.4 A Complainant does not have to pursue the informal complaint process set out in the following section prior to pursuing the formal complaint process

...

Council-Staff Relations Policy (Policy G-080)

The Town of Whitby promotes **an environment of trust and respect** and ensuring a workplace free from discrimination and harassment in support of the delivery of quality public services and programs.

[emphasis added]

The Complaints

[9] This investigation stems from a formal complaint dated November 10, 2025, filed the next day, by the Chief Administrative Officer (CAO) and a further complaint filed November 19, 2026, both relating to the conduct and behaviour of Councillor Leahy in regard to Town Staff.

[10] In the first complaint, it was alleged that videos concerning traffic speed and pedestrian safety on Dryden Boulevard, posted by him to Facebook on October 31 and November 6, 2025, encouraged distrust of Town staff, publicly exposed staff to public ridicule for what was an honest mistake, and cast doubt on Staff's professional integrity.

[11] In the further complaint, it was alleged that a public confrontation with staff on November 14, 2025 at the BIA Christmas Market was disrespectful, hostile, and implied intentional misconduct, again casting doubt on Staff's professional integrity.

Background and Context

October 31, 2025 Video and November 6, 2025 Videos

- [12] On October 27, 2025 at Council, the Councillor put forward a motion requesting the assignment of a crossing guard at the intersection of Dryden Boulevard and Brookwood Boulevard.
- [13] A detailed question and answer period ensued between Council and Staff, canvassing the assignment of crossing guards, and the budget implications of additional crossing guards.
- [14] Town staff advised that crossing guards are not assigned where the speed limit is 60km or greater.
- [15] In the days that followed, the Councillor saw that the posted speed limit was 50 km and on October 31, 2025 he posted a video to this effect.
- [16] In that video, the Councillor stated that he put forward a motion to have a crossing guard assigned, and that one of the reasons his motion didn't pass was because staff advised that the speed limit is 60 km/h because there is policy against assigning crossing guards where the speed limit is 60 km/h or greater.
- [17] The Councillor's video included a screen grab of the video of the individual staff member providing this information at the Council (Committee) meeting. Staff at that time had advised that the location was posted at 60 km/h.
- [18] On noting that the speed limit was actually posted at 50 km/h, the Councillor stated in his video that "obviously the information provided to Council was incorrect so we need your help to reach out to Council to correct the record." He then asks residents to reach out to him at his email, saying that "You would like to have a crossing guard". This video closes with audio from Bruce Springsteen's *Dancin' in the Dark* :

**...I could use just a little help
... You can't start a fire
You can't start a fire without a spark...**

- [19] Following this Facebook post, the Councillor says he contacted Staff to tell them that the posted speed was, in fact, 50 km/h.

[20] Staff acknowledged this was in error and immediately corrected the signage to reflect 60 km/h, the speed established by Whitby's By-law.

[21] On November 6, 2025, Councillor Leahy posted a new Facebook video. This video opens with the recognizable theme music from the series ***Law and Order***, includes the same video clip of staff explaining the rules as to crossing guards not being assigned where speed limits are 60 km/h or greater.

[22] The Facebook post, opening and closing with the theme music from ***Law and Order***, and accompanied by statements which imply there is mischief afoot, leaves the viewer with the clear and intentional impression that Whitby Staff are not to be trusted, and that public support is needed in order to deal with it.

[23] It is a carefully-crafted and well-produced video. The following is a full transcript:

[The scene opens with the Councillor standing in front of a 60 km/h sign].

Councillor Leahy speaking throughout:

I'm here on Dryden Boulevard and *you are not going to believe what happened!*

I was here last Thursday. The sign used to say 50 k.

[cue ***Law and Order*** theme music]

Here I am standing before you on Tuesday. The sign now says 60 km/h.

You're asking what the heck is going on here? And let me explain.

This is the location where two students have been hit by cars over the last 2 years. You remember my last video when I was here on Dryden. I was talking about the need for a crossing guard. When I put forward my motion at Council, Staff stated that they don't normally put crossing guards at streets where its 60 km/h.

[video of staff explaining crossing guard policy relating to over 60 km/h]

So I came out here and discovered that the posted sign said 50 km/h.

When I contacted Staff and put up my video, I was told that the 50 km/h signs were posted by mistake. *I couldn't believe what I was hearing.* Staff told me that they were going to immediately change the posted speed limit from 50 to 60.

I've a million questions... for example, when was the 50 km/h sign installed? Who ordered or put in the work order to put up the 60 km/h sign? What happens to people who got tickets when it said 50 when the Bylaw says 60?

These and many more questions need to be answered, and I put forward some motions at Council and *I'd like you to come speak at Council next Monday night, have your voice heard so we can get to the bottom of this, correct the problem, lower the speed limit on this street, get the crossing guard, and make this as safe as possible.*

I need your help. Please reach out LeahyC@Whitby.ca
I need to hear from you and I need your help to come and speak at Council to advocate for the safety of our community.

[cue **Law and Order** theme music]

November 14, 2025 Incident

- [24] Over the summer of 2025 staff in Public Affairs began organizing a short video to promote the Town's hoodie fundraiser in support of Lakeridge Health Foundation and a new hospital in Whitby.
- [25] By email July 23, 2025 to all Members of Council, Staff invited participation of all Councillors, to be included in the video wearing a hoodie and talking about why a new hospital in Whitby matters, and advised that the finished video would be available for sharing on social media.
- [26] Staff requested to be notified by August 6, by those interested in participating.
- [27] A reminder was sent by email to all Members of Council on August 7, extending the deadline for expressing interest to August 8.
- [28] Councillor Leahy did not respond, did not contact staff in regard to participating in the video, and was not ultimately included in the video.
- [29] On November 14, 2025 at the Downtown Whitby BIA Christmas Market, a staff member from Public Affairs was volunteering at the Operation Cozy Toes/Operation Toy Mountain booth.
- [30] At about 5 pm, the staff member was approached by the Councillor, who questioned her in a confrontational and aggressive tone about being excluded from the promotional video.

[31] When it was explained that although she sent the emails in July and August, other staff had managed the logistics of the campaign.

[32] Councillor Leahy claimed that he was deliberately not invited by her.

[33] The confrontational dressing down occurred in front of other volunteers and the public.

Analysis and Findings

Facebook Posts regarding Speed Limit Sign

[34] The statements made by the Councillor in the Facebook posts are factually accurate. However, the dramatic presentation of the facts supported by the choice of music, and the overall production of the videos posted, strongly suggest wrong-doing by Staff:

The October 31, 2025 post, using a video clip of an identifiable staff member, invited the public's support with a Bruce Springsteen lyric *"I need a little help, can't start a fire without a spark"*.

The November 6, 2025 post, using the same video clip of staff (knowing they had simply been mistaken), used theme music from the TV series Law and Order, stating: *"I couldn't believe what I was hearing... I've a million questions... have your voice heard so we can get to the bottom of this, correct the problem."*

[35] The Councillor could have presented the facts, without dramatization, along the following lines:

I have sought to have a crossing guard assigned to this location.

A crossing guard is not typically assigned where the speed limit is 60 km/h or more. Even though this street was incorrectly signed, the actual speed limit established by By-law is 60 km/h.

I will be trying to get this changed.

[36] Informing constituents about the policy did not require including a video clip of the staff member explaining it to Committee of the Whole.

[37] Advising about the erroneously posted speed limit sign, now corrected, did not require a video produced with the dramatic undertone, complete with criminal series theme music

and inclusion (again) of the staff member explaining what had already been recognized as mistaken information.

[38] It is inconceivable to believe that the Facebook post was not crafted to intentionally have the viewer think that mischief was afoot, possibly even wrong-doing or malfeasance by Staff, and that Staff were attempting to deceive or hoodwink Council and the public.

[39] Councillor Leahy, through his legal counsel, has defended the videos as simply factual and an exercise of the Councillor's right to Freedom of Expression; that there is nothing 'critical of staff or offensive'; and that the use of an image of a staff person speaking at Council does not require obtaining consent from that person, as the meeting was livestreamed and recorded, so the image is already publicly available.

[40] We find that the Facebook postings of the videos by the Councillor intentionally imply wrong-doing or malfeasance by Staff, and an attempt to deceive Council and the public.

[41] The implication is that Staff at the Town are not to be trusted, and that a public groundswell is required in order to '*get to the bottom of this*'.

Exchange at the BIA Christmas Market

[42] The exchange with the staff members at the BIA Christmas Market was done in a confrontational tone and conveyed distrust – it amounted to a bald assertion of intentional exclusion by Staff which is demonstrably untrue as evidenced by the email communications through the summer.

[43] This conduct and behaviour was disrespectful of Staff and of their professional reputation, and is in contravention of s. 5.2 of the Code which provides that "*no Member shall injure or impugn the professional or ethical reputation of any Employee.*"

[44] The conduct – both the Facebook videos and the very public accusations against Staff at the BIA Christmas Market – undermine the public's trust and confidence in Town Staff and municipal operations, in contravention of the Council-Staff Relations Policy which encourages an environment of trust and respect at the Town.

[45] We find that the Councillor's conduct in both the Facebook video posts and the exchange with staff at the BIA Christmas Market breached the Code of Conduct by publicly disrespecting Town Staff.

Summary of Submissions Made

[46] Councillor Leahy, through his legal counsel, has denied that the facts could amount to contraventions of the Code of Conduct.

[47] In regard to the two Facebook posts, the Councillor claims the protection of the Charter right to freedom of expression. These arguments can be summarized as follows:

The objective of the Code of Conduct to protect staff from abuse can only infringe on the Councillor's rights where the infringement is proportionate to the objective of the Code.

The Councillor's statements are in and of themselves not offensive, and the complaint relies solely on unreasonable inferences and perceptions, and, even if they were reasonable, to constrain a Council member's freedom of expression would be a disproportionate remedy under the Charter, [given the presumed minimal or inconsequential impact on staff]; such a finding would have a chilling effect that outweighs any the Code seeks to achieve.

A finding of a breach is not justified or proportional and would offend the Charter. The Code must be interpreted to engage only the clearest of circumstances where a member of Council is attacking staff and improperly impugning their professionalism or their ethics. This aspect of the complaint must be dismissed.

[48] In regard to the complaint relating to the BIA Christmas Market, the Councillor through his legal counsel denies that his interaction with the staff was confrontational, aggressive or offensive, and asserts that "trivial allegations as found in this complaint ought not to consume public resources in an investigation".

Consideration of Applicable Charter Protections

[49] Freedom of expression, while a fundamental freedom, is not unrestricted; indeed section 1 of the Charter qualifies its guarantee of rights and freedoms and specifically recognizes that the right to free expression is "subject to such reasonable limits prescribed by law as can be demonstrably justified in free and democratic society."

[50] For instance, laws against defamation are an example of such a limitation, as are laws and rules against harassment. The establishment of reasonable standards of behaviour set out in municipal Council Codes of Conduct are another.

[51] Council adopted a Code of Conduct to guide and demand a level of integrity, respect, ethics, and decorum necessary to allow efficient and effective governance and citizen representation.

[52] The Councillor has voluntarily taken on this role; so long as he is a member of Council, he is subject to the Code and is required to conform to the standards of behaviour required by Council.

[53] The standards of behaviour set out in the Code minimally impair a Councillor's ability to comment on decisions and fully express themselves.

[54] In balancing the Member's freedom of expression rights against the objectives of the Code of Conduct, we are satisfied that, on balance, the limits imposed by the Code of Conduct are proportionate and justifiable.

[55] We are satisfied that constraining the Councillor from posting a video which, in our view, was intentionally crafted to suggest to the public there is wrong-doing or malfeasance and an attempt to deceive Council by Staff, because the video contravenes the Code-prescribed obligation not to undermine the public's trust and confidence in Town Staff and municipal operations, reflects a limit which is proportionate and justifiable under the Charter.

Recommendations and Concluding Remarks:

[56] An Integrity Commissioner's investigation report is not simply the conclusion of a technical exercise to determine whether there has been a breach of codified standards of behaviour. Our role is more than simply the task of bringing adjudication to grievances between individuals.

[57] We see as our highest objective in concluding an investigation to be the making of recommendations that serve the public interest.

[58] We find that the Facebook postings of the videos by the Councillor intentionally implied wrong-doing or malfeasance by Staff, and implied an attempt to deceive Council and the public.

[59] The conduct – both the Facebook videos and the very public accusations against Staff at the BIA Christmas Market – undermine the public’s trust and confidence in Town Staff and municipal operations, in contravention of the Council-Staff Relations Policy which encourages an environment of trust and respect at the Town.

[60] We find that the Councillor’s conduct in both the Facebook video posts and the exchange with staff at the BIA Christmas Market breached the Code of Conduct by publicly disrespecting Town Staff.

[61] An Integrity Commissioner may recommend a monetary penalty of up to 90-day suspension of pay.

[62] While a monetary penalty does not necessarily guarantee better behaviour, it can send a strong message of deterrence to the respondent, particularly where a pattern of behaviour may be developing.

[63] In light of the fact that this Report finds that two separate complaints have been substantiated (the Facebook posts and the BIA Christmas market exchange) we are recommending a suspension of pay of one month.

[64] In addition, although we do not ever direct the making of an apology (because an apology that is compelled may not be genuine) we would strongly encourage Councillor Leahy to sincerely acknowledge the inappropriateness of his conduct and to accompany this with an authentic apology, without reservation, qualification or excuse, to Council and to Whitby Town staff.

Additional Observations

[65] Finally, it has been noted that Council has, in the weeks following, voted to reduce the speed limit on the street from 60 km/h to 40 km/h and assigned a crossing guard to the location. This, it was asserted, demonstrates the importance of allowing Councillors to advocate for issues, unfettered by worries about complaints.

[66] We find it irrelevant to the complaint that Council voted to reduce the speed limit at this location.

[67] If anything, it demonstrates that the speed established by Bylaw (60 km/h) was ultimately entirely within Council’s purview to change, and that posting on Facebook served no

proper purpose, other than for the Councillor to take aim at undefended staff, collaterally impugning their professional reputation and eroding public trust in the wake.

[68] Accordingly, it is our recommendation:

1. That Councillor Leahy's pay be suspended for a period of one month (2 pay periods).

[69] We wish to conclude by publicly thanking all those who participated in our investigation.

[70] We will be available virtually to introduce this report and respond to questions during the Council meeting at which this report is considered.

About Principles Integrity and the Complaint Process

Principles Integrity was appointed the Integrity Commissioner for the Town of Whitby on November 15, 2022. We are also privileged to serve as Integrity Commissioner for a number of other Ontario municipalities. The operating philosophy which guides us in our work with all of our client municipalities is this:

The perception that a community's elected representatives are operating with integrity is the glue which sustains local democracy. We live in a time when citizens are skeptical of their elected representatives at all levels. The overarching objective in appointing an integrity commissioner is to ensure the existence of robust and effective policies, procedures, and mechanisms that enhance the citizen's perception that their Council (and local boards) meet established ethical standards and where they do not, there exists a review mechanism that serves the public interest.

The City has as part of its ethical framework a Code of Conduct which is the policy touchstone underlying the assessments conducted in this report. It represents the standard of conduct against which all members of Council are to be measured when there is an allegation of breach of the ethical responsibilities established under the Code of Conduct. The review mechanism contemplated by the Code, one which is required in all Ontario municipalities, is an inquiry/complaints process administered by an integrity commissioner.

Integrity commissioners carry out a range of functions for municipalities (and their local boards). They assist in the development of the ethical framework, for example by suggesting content or commentary for codes of conduct. They conduct education and training for members of council and outreach for members of the community. One of the most important functions is the provision of advice and guidance to members to help sort out ethical grey areas or to confirm activities that support compliance. And finally, but not principally, they investigate allegations that a person has fallen short of compliance with the municipality's ethical framework and where appropriate they submit public reports on their findings, and make recommendations, including recommending sanctions, that council for the municipality may consider imposing in giving consideration to that report.

It is important that this broad range of functions be mentioned in this investigation report. Our goal, as stated in our operating philosophy, is to help members of the community,

indeed the broader municipal sector and the public, to appreciate that elected and appointed representatives generally carry out their functions with integrity. In cases where they do not, there is a proper process in place to fairly assess the facts and, if necessary, recommend appropriate sanctions. In every case, including this one, the highest objective is to make recommendations that serve the public interest, if there are recommendations to be made.

Our role differs from other 'adjudicators' whose responsibilities generally focus, to state it colloquially, on making findings of fact and fault. While that is a necessary component when allegations are made, it is not the only component.

Our operating philosophy dictates the format of this report. The tenets of procedural fairness require us to provide reasons for our conclusions and recommendations, and we have done that. Procedural fairness also requires us to conduct a process where parties can participate in the review and resolution of a complaint.