LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Report

City Council

The Corporation of the City of Brampton

Background

This Report addresses sexual misconduct allegations made by a Brampton Resident (the "Complainant") against a member of the City of Brampton's Council, Councillor Gurpreet Dhillon ("Councillor Dhillon"). I have chosen to exercise my discretion to keep the name of the Complainant confidential given the sensitive and sexualized nature of the allegations. The following will outline the events that led to my investigation, the investigation itself, my findings, and my recommendations.

A. Events that triggered my investigation of this matter:

My investigation was triggered in response to a phone call I received from Mayor Brown's office regarding purported misconduct by Councillor Dhillon in November 2019, pursuant to section 223.4(1)(a) of the *Municipal Act, 2001* (also attached hereto under **Appendix "1"**)

> **223.4** (1) This section applies if the Commissioner conducts an inquiry under this Part,
>
> (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member

To be specific, Mayor Brown informed me over a phone call on November 27, 2019 that the Complainant had reached out to him regarding an allegation of sexual assault and harassment. The allegation was that Councillor Dhillon had sexually assaulted/harassed the Complainant while they were in her hotel room in Turkey earlier that month. Mayor Brown did not state his intention to file a complaint against Councillor Dhillon, but only to provide me with a summary of what had taken place during his conversation with the Complainant.

Mayor Brown advised me that on November 19, 2019, the Complainant had a conversation with Gary Collins ("Mr. Collins") (the Mayor's Director of Communications) and had asked to meet with Mayor Brown on an urgent basis. Mayor Brown told me that he, Babu Nagalingam ("Mr. Nagalingam") (the Mayor's Chief of Staff), and Mr. Collins met with the Complainant at her hair salon in Brampton on November 20, 2019. At that meeting, the Complainant told Mayor Brown that while she was in Turkey with the Canadian Turkish Business Council, she met with Councillor Dhillon, and he forced himself on her while in her hotel room on November 14, 2019. During the meeting, the Complainant also played an audio recording for Mayor Brown, which captured a portion of the encounter between herself and Councillor Dhillon.

According to Mayor Brown, when the Complainant made inquiries of the City's "next steps" in relation to her complaint, Mayor Brown confirmed that he would contact my office, which was responsible for dealing with misconduct issues involving City Councillors insofar as they related to the City's Code of Conduct. Mayor Brown also contacted the Regional Chief of Police for Peel, Nish Duraiappah, to advise him both of the conversation that he had with the Complainant and of her intention to contact him regarding her allegations against Councillor Dhillon.

While Mayor Brown did not file an official formal complaint against Councillor Dhillon, I exercised my own discretion to treat it as a complaint that required at least a preliminary investigation so that I could better understand what happened in Turkey. I chose to exercise my discretion in doing this, as the allegations were extremely concerning in nature. I was and still am of the view that allegations of this nature (sexual misconduct) are to be investigated immediately and without delay.

Despite my view as set out above, Mayor Brown also told me that he understood that the Peel Regional Police ("Peel Police") was investigating the matter. As such, I decided to stay my investigation until the matter was disposed of by Peel Police. In staying my investigation (or preliminary investigation), I did not put my mind to the circumstances under which I would resurrect my investigation. I did understand at the time that I decided to stay my investigation, that I had the right to exercise my discretion in this regard. Put simply, I am aware that in some municipalities there are Integrity Commissioners that have run their investigations alongside the Police investigation.

On December 17, 2020, I spoke to David Barrick ("Mr. Barrick"), the City's Chief Administrative Officer (CAO), who provided me with the contact information for the Peel Region Police Chief, so that I could make inquiries as to the stage of the criminal investigation (if there was an investigation) involving Councillor Dhillon (the correspondence is attached hereto as **Appendix "9"**).

On or about December 19, 2019, I spoke with Supt. Don Cousineau from the Peel Police office and learned that neither the Peel Police nor the RCMP were investigating the matter (the correspondence is attached hereto as **Appendix "9"**). I was provided with no explanations as to why this was the case.

Around this time, I also became aware of a few media publications around the allegations, which also confirmed that Councillor Dhillon had not been criminally charged.

Since there was no criminal investigation (at least one that I knew of), I decided to resurrect my investigation pursuant to the inquiry from Mayor Brown and in accordance with my obligations under section 223.3(1) of the *Municipal Act, 2001*, which is attached hereto under **Appendix "1"**.

On December 19, 2019, I informed Mayor Brown that I would be resurrecting my investigation and asking for further details regarding the complaint. My email exchange with Mayor Brown regarding the stay and subsequent commencement of my investigation is attached hereto as **Appendix "2"**.

B. Investigative Interviews:

Between December 2019 and January 2020, I conducted a series of investigative interviews with various individuals whom I deemed relevant to the investigation.

As a first step, I met with Mayor Brown and Mr. Nagalingam, and inquired about their meeting with the Complainant. I then proceeded to meet with the Complainant and her counsel, Ms. Nadia Klein ("Ms. Klein"), who walked me through the events during the Complainant's trip to Turkey. The Complainant named several individuals during my interviews with her. While most of these individuals did not have firsthand knowledge of the allegations against Councillor Dhillon, I still thought it appropriate to speak to them, given that the Complainant reached out to most of them following the incident. Many were individuals from whom the Complainant sought help and assistance after the alleged incident.

In rendering this Report, I have considered some of the evidence provided by these individuals. When meeting with them, I asked them questions and requested appropriate material and documents to help corroborate the Complainant's version of events, to ensure that they were accurate.

After meeting with the other interviewees, I requested a second meeting with the Complainant so that I could ask her additional questions that arose during my investigative interviews with other interviewees, or to clarify any ambiguities.

C. Questions raised by Counsel for Councillor Dhillon:

Between late January of 2020, and mid-April of 2020, through his counsel, Mr. Nader Hasan ("Mr. Hasan"), I asked Councillor Dhillon to meet with me for an investigative interview pursuant to my power under section 5(2) of the City of Brampton's Complaint

Protocol (the "Complaint Protocol"). I have attached that section hereto for reference under **Appendix "3".**

Councillor Dhillon was not agreeable to participating in an investigative interview and his counsel raised a number of concerns, largely categorized under the following areas:

i) My jurisdiction;
ii) My disclosure obligations to Councillor Dhillon; and
iii) Councillor Dhillon's participation in an investigative interview.

I will consider each of the above in turn.

i. My Jurisdiction:

Mr. Hasan inquired about the source of my jurisdiction to investigate if no formal complaint had been launched by the Complainant. Specifically, he stated that section 223.4(1) of the *Municipal Act* (attached hereto under **Appendix "1"**) "contemplates a formal complaint being made to the Integrity Commissioner".

ii. Requests for Disclosure:

Mr. Hasan requested disclosure pertaining to the Complainant's allegations. Specifically, he requested the following:

- The audio recording provided by the Complainant that recorded at least part of the incident between her and Councillor Dhillon;
- All documents relevant to this matter, including but not limited to, notes of interviews, correspondence and e-mails;
- The information being relied upon in deciding to pursue the investigation, including information from any witness who was interviewed;
- The particulars of the allegations against Mr. Dhillon, including which sections of the *Code of Conduct* had allegedly been breached; and
- A summary of the evidence gathered from other witnesses during the course of my investigation.

He indicated the importance of disclosure by citing the case of *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817[1].

iii. Councillor Dhillon's Participation in an Investigative Interview:

[1] Appendix A: *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817

Mr. Hasan questioned my authority for compelling Councillor Dhillon's participation in an investigative interview.

D. My response to Counsel for Councillor Dhillon:

I responded to Mr. Hasan's letters on March 20, 2020 and on March 30, 2020. However, due to the increasing number of letters back and forth, I provided a fulsome response to Mr. Hasan's queries regarding the above-noted categories by a letter dated April 9, 2020. I also provided a second letter on April 17, 2020, citing case law and authorities, all of which substantiated my position in deciding to investigate the matter and providing the disclosure that I made. Rather than repeating the details of those letters in the substance of this Report, for efficiency, I attach the two letters of April 9, 2020 and April 17, 2020, as well as three additional letters I sent to Mr. Hasan hereto at **Appendix "4".**

To summarize, in the case of *Di Biase v. City of Vaughan,* 2016 ONSC 5620 (*"Di Biase"*)[2], the Federal Court held that an Integrity Commissioner may conduct a preliminary investigation to determine whether the complaint must be referred to the police service or other appropriate authorities (para 206):

> [206] According to section 8 of the Complaint Protocol, the Commissioner possesses a discretion to refuse to proceed with an investigation if she is of the opinion that the complaint is frivolous, vexatious or not made in good faith. Accordingly, **the Complaint Protocol allows the Integrity Commissioner to make inquiries to determine whether there is an "air of reality" to the allegation and to clear the air of groundless allegations, including those of criminal conduct by Councillors**. If the Integrity Commissioner decides that there is no air of reality to the allegation, the Commissioner may include such a conclusion in her report. [emphasis added]

Brampton's Complaint Protocol includes a section as well which allows the Integrity Commissioner to dispose of a complaint that is frivolous, vexatious, or not made in good faith or if there are no grounds for an investigation:

> 3(2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.

As set out above, my reasoning for commencing my investigation prior to the Complainant filing a complaint in the Complaint Form (attached to the Complaint Protocol) was not only because of the nature of the allegations (sexual assault/harassment), but also so I could

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[2] Appendix A: *Di Biase v. City of Vaughan*, 2016 ONSC 5620 (*"Di Biase"*)

assess the merits of the allegations (which is why I use the term preliminary investigation) to see if they did have an "air of reality".

With respect to disclosure obligations, when looking at Integrity Commissioner investigations, the Federal Court was clear in *Di Biase* by stating that a Councillor cannot legitimately expect witness names, full witness statements, and/or documents obtained by witnesses to be provided to him/her. The only material that a Councillor could legitimately expect was "supporting material", as stated in section 5(1)(a) of the Complaint Protocol. The judge in *Di Biase* clarified that "supporting material" refers to documents provided by a complainant in support of his/her application. Nevertheless, an Integrity Commissioner has wide discretion in providing disclosure stemming from an investigation. As the judge confirmed in *Di Biase,* the Integrity Commissioner in his/her Report "may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report" (*Municipal Act*, s.223.6 (2), attached hereto under **Appendix "1"**).

E. My Conversation with the Complainant and Updating Her on the Status of the Investigation:

The above-referenced correspondence with Mr. Hasan commenced on March 18, 2020 when Mr. Hasan sent me a letter. Among other things, Mr. Hasan questioned my authority to investigate the complaint without the complaint being articulated in a Complaint Form (attached to the Complaint Protocol).

On March 19, 2020, I informed Ms. Klein and the Complainant about the status of the investigation. I did this largely because I had interviewed the Complainant in January of 2020, and had informed her that I would be interviewing Councillor Dhillon shortly thereafter. In that conversation with the Complainant and her counsel, I further informed them that the delay was attributable to Councillor Dhillon's refusal to participate in an investigative interview. During that discussion, I outlined the concerns that Mr. Hasan had raised, of which, one was that a Complaint Form had not been completed.

On March 20, 2020, Ms. Klein filed a complaint in the Complaint Form, on behalf of the Complainant. I attach a copy of Ms. Klein's email to me and the Complaint Form she enclosed hereto as **Appendix "5"** and **Appendix "6",** respectively. I served a copy of the Complaint Form on Councillor Dhillon, through Mr. Hasan, on March 20, 2020.

Mr. Hasan then inquired about what conversations I had had with the Complainant. For that reason, I believe it is necessary to clarify that I did not have any involvement in the Complainant choosing to file an official complaint in the Complaint Form. To be clear, while I informed the Complainant of the status of the investigation, the decision to file a complaint was solely hers.

Furthermore, advising the Complainant of the existence of a complaint form is entirely proper when looking at my role as Integrity Commissioner, largely because my duty

extends to informing members of the public who may lack specific knowledge of the existence of a Complaints Protocol, and, by extension, a Complaint Form. Again, I have broad discretion to do this in order to uphold the standard of ethics amongst Council members, which falls squarely within my mandate:

> [42] In exercising the powers conferred upon her, the Integrity Commissioner **must be able to interpret** and reformulate complaints submitted by members of the public who may lack specific knowledge of the Code of Conduct and the Complaints Protocol and who may, therefore, not be familiar with how to identify and formulate alleged breaches. [emphasis added]
>
> [43] By interpreting and applying the Code of Conduct and the Complaint Protocol when reformulating a complaint, **the Integrity Commissioner essentially applies what can be considered her "home statute"** [emphasis added].

F. My Jurisdiction to Investigate Prior to March 19, 2020:

Mr. Hasan also inquired about my jurisdiction to investigate the Complainant's complaint prior to March 19, 2019 (when the Complainant filled out the Complaint Form).

As I mentioned, my investigation (or preliminary investigation – I do use these terms interchangeably) prior to March 19, 2020 was triggered by a phone call from Mayor Brown wherein, he advised me of purported sexual misconduct by Councillor Dhillon.

I note here that a request by a Council member as to whether another member of Council contravened the Code of Conduct need *not* be in writing, *nor* be made via a Complaint Form. Nevertheless, Mayor Brown not only advised me of the incident over the phone, he followed up with an email (upon my request), wherein he outlined the details that the Complainant had provided to him. That email is included in the email chain attached hereto at **Appendix "2"**.

Further to my decision to investigate the matter prior to March 19, 2020, I note the case of *Di Biase,* wherein, the Divisional Court judicially reviewed a report by the Integrity and Ethics Commissioner of the City of Vaughan. Among other questions, counsel for the applicant raised concerns respecting the jurisdiction and disclosure obligations of the Integrity Commissioner in question. The Divisional Court dismissed the application, holding that there was no merit to *any* of the applicant's submissions.

One of the specific issues raised in that case by the applicant's counsel was the threshold to be met *before* an investigation could even commence. To that issue, the Divisional Court judge responded:

[30] **The Complaint Protocol does not require any threshold to be met before an investigation can occur**. The Complaint Protocol **invites** individuals who identify or witness behaviour that "they believe is in contravention of the Code of Conduct for Members of Council" to file a complaint [emphasis added].

Further, I note my power under section 223.4(1) of the *Municipal Act, 2001,* which allows me to conduct an inquiry upon a "request made by...a member of council".

Complaint and Jurisdiction of the Integrity and Ethics Commissioner

A. The Complainant's Complaint:

Not only did the Complainant file the Complaint Form (attached hereto at **Appendix "6"**), I also had the benefit of interviewing the Complainant twice and obtaining answers to all my questions regarding the allegations she had made against Councillor Dhillon. As aforementioned, the Complainant also produced an audio recording to me, which corroborates her version of events (particularly what occurred in her hotel room on the night of November 14, 2019). I had also requested numerous documents from the Complainant, namely, screenshots of text messages that she referred to in her interview with various individuals, screenshots of call logs (indicating the names of individuals whom she called the night of the incident and thereafter), emails that she exchanged with individuals regarding the incident, as well as copies of her flight tickets. I will deal with much of these documents in the "Documentary Evidence, Evidence from Relevant Individuals, and Findings of Fact" section of this Report.

Below is the Complainant's account of the events that occurred while she visited Turkey in November 2019, coupled with other details and corroborations provided by other interviewees.

i) November 10, 2019:

On November 10, 2019, the Complainant arrived in Istanbul, Turkey to attend the Canadian Trade and Investment Mission (the "Trade Mission") to Turkey. A copy of the Complainant's flight ticket is attached hereto at **Appendix "7".** The Trade Mission was coordinated by the Canada Turkey Business Council for the purposes of facilitating networking and outreach activities in both Istanbul and Ankara. The Trade Mission was held in Istanbul on November 14, 2019 and subsequently in Ankara on November 15, 2019.

The Complainant arrived in Turkey from Canada via a direct flight. She landed in Istanbul on November 10, 2019 at approximately 3:00pm. One of her relatives who resides in Istanbul by the name of Selim, picked the Complainant up at the airport and she stayed with him between November 10, 2019 to November 14, 2019.

Badar Shamim ("Mr. Shamim") is a board member for the Canada Turkey Business Council and was formerly the Chair of Brampton's Board of Trade. Mr. Shamim has been the lead contact for the Canada Turkey Business Council in Brampton. As a part of that process, he reached out to the City of Brampton's Council Members as well as local business owners, inviting them to join the Trade Mission in Turkey.

Mr. Shamim specifically asked Mayor Brown to attend the Trade Mission, however, as Mayor Brown was accompanying Councillor Medeiros on another business trip, he was unavailable to join the Trade Mission. However, in his place, Mayor Brown suggested that Councillor Dhillon attend the Trade Mission as Councillor Dhillon is the Chair of the Economic Development Committee for the City of Brampton.

In addition to inviting Council Members to join the Trade Mission, Mr. Shamim also publicly promoted the Trade Mission, in an effort to invite local stakeholders and businesses from Brampton to help facilitate business relations between Canada and Turkey. Mr. Shamim's friend, Aspi Wadiwalla, reached out to Mr. Shamim stating that he had a friend who was interested in exploring the trade connections in Turkey, and who he wanted to introduce to Mr. Shamim. That is how Mr. Shamim ended up meeting with the Complainant and invited her to the Trade Mission. Mr. Shamim learned that the Complainant was the owner of a local hair salon business in Brampton and also imported wedding gowns from Turkey to re-sell in Canada. The Complainant expressed her interest in wanting to attend the Trade Mission as she wanted to learn more about expanding her networks in Turkey and improving her business acumen.

ii) November 14, 2019:

On the night of November 14, 2019, the Complainant arrived in Ankara, Turkey. She had not attended the first day of the Trade Mission which was held in Istanbul, Turkey and had therefore only been acquainted with some of the other attendees of the Trade Mission. She had not met Councillor Dhillon by that point.

The Complainant checked into Movenpick Hotel in Ankara at approximately 11:21pm. A copy of the Complainant's check-in receipt at Movenpick Hotel is attached hereto at **Appendix "8"**. At approximately 11:30 pm, the Complainant met Councillor Dhillon near the elevator of the hotel after she had checked in. The Complainant had never met Councillor Dhillon prior to that meeting near the hotel elevator. Councillor Dhillon asked the Complainant whether she knew who he was. The Complainant answered in the negative. Councillor Dhillon introduced himself and told the Complainant he was the Councillor of Brampton. The Complainant describes the exchange as follows (attached hereto at **Appendix "13"**).

> *"...as I checked in I was heading to the elevator when this tall man Indian guy who started by:*

Dhillon: hi

Me: hi

Dhillon: Where you from?

Me: BRAMPTON Canada

Dhillon: no way, I've seen you before

Me: yeah I own the salon on [redacted] Brampton [redacted]

Dhillon: that's where I Know you from"

After the brief exchange in the elevator, Councillor Dhillon invited the Complainant to chat in the lobby of the hotel. The Complainant said "okay" and advised that she would place her luggage in her room and return downstairs to chat. The Complainant walked to her hotel room alone (second floor) and put away her luggage. She then returned to the hotel lobby on the ground floor, where she and Councillor Dhillon had a conversation.

The Complainant was seated in an uncomfortable manner and Councillor Dhillon asked her if she was alright. The Complainant stated that she had developed back problems due to a car accident. Councillor Dhillon stated that he was on the basketball team and that he could show her some stretches that would help her with her back.

While Councillor Dhillon and the Complainant were seated in the lobby, Councillor Dhillon began coughing and told the Complainant that he had been sick for the past three weeks.

As the conversation was coming to an end, the Complainant decided to head to her hotel room. However, before doing so, the Complainant went to the concierge and informed them that Councillor Dhillon was not feeling well. As an act of courtesy, she asked the concierge to deliver a cup of tea to Councillor Dhillon's room. The Complainant was not aware of which hotel room Councillor Dhillon was residing in, nor did she ask.

While the Complainant was still at the lobby, she noticed that Councillor Dhillon told his assistant, Amol Dhillon ("Amol"), to go check out the outlets near the hotel. At that point, Councillor Dhillon and Amol exchanged a look, bumped their fists and Councillor Dhillon asked him to leave. The Complainant only registered that this was strange after she encountered the incident in her hotel room. It was strange for Councillor Dhillon to ask Amol to go "check out the outlets" because it was close to midnight and no outlets were even open at that time.

As they left the lobby area, Councillor Dhillon entered the elevator with the Complainant. When the Complainant exited the elevator onto her floor, she noticed that Councillor Dhillon exited with her. She assumed that perhaps Councillor Dhillon's hotel room was

on the same floor as hers. Instead, as Councillor Dhillon and the Complainant were chatting, Councillor Dhillon entered her hotel room with her. The Complainant viewed Councillor Dhillon as a respected public official and did not assume anything negative.

She provided him with a bottle of water and he sat down.

The hotel staff called the Complainant, informing her that Councillor Dhillon was not in his room and asking her where to deliver the tea. The Complainant asked the hotel staff to deliver the tea to her room instead. At approximately 12:05am, a young boy from the hotel staff came to the Complainant's room to deliver the tea. The Complainant opened the door, received the tea and kept her hotel room door ajar. She handed the tea to Councillor Dhillon, who drank the tea and continued talking to the Complainant.

At approximately 12:10am, Councillor Dhillon told the Complainant that he would show her the exercises that he was talking about. The Complainant thought that Councillor Dhillon would stand up and show her the exercises and she would follow, however, Councillor Dhillon told the Complainant that she needed to lie down on her back for the exercise. Councillor Dhillon told the Complainant that he would show her the exercises and then leave.

The Complainant and Councillor Dhillon walked into the bedroom of the suite. I attach photos of the Complainant's bedroom hereto at **Appendix "10"**. Councillor Dhillon asked the Complainant to lie down on her back. The Complainant was fully dressed – she was wearing a long skirt and a turtleneck. The Complainant began to feel strange and that something was not right. Councillor Dhillon said "don't worry".

Councillor Dhillon lifted and stretched the Complainant's left leg upwards and then did the same with her right leg. While Councillor Dhillon was stretching her legs, the Complainant was trying to cover her buttocks so that he would not see her underwear. Councillor Dhillon assured the Complainant that he plays basketball and that those were stretches that he did. He then asked the Complainant to lie down on her stomach and told her that they would do the stretches the other way. While the Complainant was facing down, he proceeded to stretch the Complainant's leg upward. The Complainant said, "okay, that's enough."

The Complainant stated that she was terrified. Councillor Dhillon began to massage the Complainant's backbone and went lower and lower. Councillor Dhillon's hands reached the top of the Complainant's skirt and he asked, "do you want me to take it off?" The Complainant immediately yelled, "stop!" By that point, Councillor Dhillon had his hands in the Complainant's skirt, gripping both her skirt and her underwear. Councillor Dhillon pulled both the Complainant's skirt and underwear off, exposing her buttocks. Councillor Dhillon started touching and squeezing the Complainant's buttocks. The Complainant quickly grabbed and fixed her skirt, turned around and faced Councillor Dhillon. She said, "you have got this all wrong. I'm not like that".

Councillor Dhillon then picked up the Complainant from the bed, stretched and wrapped the Complainant's legs around his waist started to feel her body with his hands. While Councillor Dhillon had the Complainant in his grip, he demanded, "kiss me". The Complainant said, "please stop". The Complainant repeatedly asked Councillor Dhillon to return her to the ground. Councillor Dhillon started to pull down the Complainant's shirt and bra and began to forcefully kiss her neck and chest and squeeze her buttocks. The Complainant repeatedly said "no" and asked Councillor Dhillon to leave. She pleaded with him to stop and to put her down. Councillor Dhillon returned the Complainant to the ground.

He then walked over to the seating area of the Complainant's suite and began to close the curtains. I have attached photos of the seating area of the Complainant's suite hereto at **Appendix "11".** The Complainant grabbed Councillor Dhillon's hand, stopping him from closing the curtains. The Complainant opened the curtains and Councillor Dhillon closed the curtains again. Councillor Dhillon then picked up the Complainant again while they were in the seating area and tried to force himself on her. The Complainant repeatedly yelled, "put me down!" Councillor Dhillon finally returned the Complainant to the ground.

At that point, Councillor Dhillon turned around and began to touch himself in an effort to arouse himself. He had his back towards the Complainant. While Councillor Dhillon had his back towards the Complainant, the Complainant quickly went to her phone and called an individual by the name of Ahmet, whom she had met earlier during her trip through a Turkish lawyer named Nursel Atar ("Ms. Atar"). The Complainant called Ahmet twice, however, when he did not pick up, she texted him.

At that point, the Complainant pressed the record button on her phone and began to record the remainder of the encounter between herself and Councillor Dhillon. I attach a transcript of that audio recording hereto at **Appendix "12".** I will explore the content of that recording in detail in the "Documentary Evidence, Evidence from Relevant Individuals, and Findings of Fact" section of this Report.

Councillor Dhillon then picked up the Complainant again for the third time and the Complainant pleaded with him to put her down. The Complainant asked Councillor Dhillon to put her skirt down, she repeatedly said "no", and finally, she said "you're a married man, I'm a married woman". Councillor Dhillon, while having the Complainant in his grip, continued to force himself on her. He even tried to convince her by saying, "we will put a timer on".

At points during the contact between Councillor Dhillon and the Complainant, specifically while Councillor Dhillon had the complainant in his grip, Councillor Dhillon touched the Complainant on the buttocks, on her shoulder, her neck, her chest area, and unsuccessfully tried to touch her vaginal area.

After Councillor Dhillon left the Complainant's room, he returned to her door and began knocking at her door while waiting there for approximately 10 to 15 minutes. The Complainant opened the door and Councillor Dhillon said, "I just want to know if you are okay?". The Complainant responded, "I need to take a shower". Approximately 15 minutes after that, somebody else knocked on the Complainant's door. When she looked through the peephole, she noticed it was a male who was holding an iron but was hiding his face. The Complainant did not open the door and put a chair behind the door for extra safety.

After the incident, the Complainant called a representative from the Ontario Provincial Police by the name of Sukhwinder Shami Toor ("Mr. Toor"). The Complainant was crying on the phone to Mr. Toor and informed him of the incident. She told him she was panicking. Mr. Toor told the Complainant to calm down and to lock the door. He told her not to open the door and that he would contact his chief and find out how to go about the situation. At that point, Mr. Toor advised the Complainant to write down the incident while it was fresh in her mind. The Complainant has produced screenshots of the notes she took on her phone of the incident while it was fresh in her mind. I attach those screenshots hereto at **Appendix "13"** and will analyze them in the "Documentary Evidence, Evidence from Relevant Individuals, and Findings of Fact" section of this Report.

After the incident, the Complainant also emailed Mike Ward ("Mr. Ward"), the Executive Director of the Canada Turkey Business Council, asking to meet with him regarding an incident that had occurred.

Mr. Ward responded to the Complainant's email a couple of hours later and advised that he could meet in the morning (November 15, 2019). The Complainant did not contact Mr. Shamim at that point as Mr. Shamim was residing in another hotel and she did not want to inconvenience him that late in the night by asking him to travel to her hotel.

iii) November 15, 2019:

The Complainant met with Mr. Ward in the early hours of November 15, 2019. She had requested Mr. Ward meet in her room to discuss the incident. While the Complainant met with Mr. Ward, she played the audio recording (a transcript of which is attached at **Appendix "12"**) from the incident and informed him of everything that had occurred.

During the same morning of November 15, 2019, the Complainant arrived at the Tobb Office, for the second day of the Trade Mission. I attach photos that the Complainant took at a roundtable discussion at the Tobb Office on November 15, 2019 hereto at **Appendix "14".** When the Complainant arrived, she approached Mr. Shamim and said, "do not leave my side, something terrible has happened".

The Complainant also approached Ms. Atar and informed her immediately of the incident that had occurred. Mr. Shamim informed an individual by the name of Pinar, who is the assistant to the Consulate General, Brahim.

At one point, while the Complainant was at the Tobb Office, Councillor Dhillon approached her and asked, "how did you sleep last night?" The Complainant responded, "good". On the contrary, the Complainant informed me that she did not sleep much on the night of the incident. However, she responded to Councillor Dhillon in fear, wanting to end the conversation.

At that point, Pinar asked the Complainant to go to the Ministry with them in the Embassy's vehicle. While the Complainant was in the Embassy vehicle with Pinar, she began to have a nervous breakdown and repeatedly said "I need to go home". Pinar responded, "you can't, Brahim wants to talk to you". Pinar informed the Complainant that he would contact the RCMP for reporting purposes. The Complainant then got on the next flight available from Ankara to Istanbul, even though she had previously booked a flight for a much later time that evening. She did not get a refund for the ticket that she had previously purchased. Copies of the Complainant's original flight ticket/itinerary and the new flight ticket/itinerary are attached hereto at **Appendix "15"** and **Appendix "16"**, respectively.

The Complainant's relative, Selim, with whom the Complainant had stayed initially, picked her up from the airport. The Complainant asked to stay in a hotel near the airport. She found a hotel by the name of WOW Istanbul. When the Complainant arrived in her room, she took a shower and went to sleep.

iv) November 17, 2019:

On November 17, 2019, the Complainant flew from Istanbul to Dubai and from Dubai to Toronto. She had originally booked a flight with Turkish Airlines; however, she did not get on that flight as she did not want to see anybody from the group who attended the Trade Mission and she wanted to return to her home immediately. A copy of the Complainant's originally purchased return ticket from Istanbul to Toronto is attached hereto at **Appendix "17"**.

The Complainant was crying at the airport. While she was at the airport, she was speaking to Ryan Mitchell from the RCMP. The Complainant advised Mr. Mitchell that she was having a hard time at the airport and that she wanted to switch her flight. Mr. Mitchell assisted her over the phone and the Complainant was able to book a new flight through Emirates Airlines. A copy of the Complainant's flight itinerary with Emirates Airlines is attached hereto at **Appendix "18".**

v) Days and Months Following the Incident:

Following the night of the incident, the Complainant spoke to a number of individuals and informed them of the incident. These individuals include, but are not limited to, the following people:

- Mayor Brown;
- Mr. Nagalingam;
- Mr. Shamim;
- Clare Barnette;
- Mr. Collins;
- Ms. Atar;
- Mr. Ward;
- Members of the Canadian Consulate in Turkey; and
- Representatives of the Ontario Provincial Police as well as the RCMP.

I have had the opportunity to interview many of the above-noted individuals and will consider their evidence in the "Documentary Evidence, Evidence from Relevant Individuals, and Findings of Fact" section of this report. In conducting these interviews, I was attempting to substantiate the events that occurred after the incident between Councillor Dhillon and the Complainant.

B. My Jurisdiction to Investigate the Complainant's Complaint (differentiating civil conduct from potentially criminal conduct):

I note that the Complaint filed by the Complainant in the Complaint Form attached at **Appendix "6"** states that she was "sexually assaulted" by Councillor Dhillon.

Section 2(2)(a) of the Complaint Protocol affirms the lack of jurisdiction of an Integrity Commissioner to pursue an allegation that is of criminal nature:

> (a) if the complaint on its face is an allegation of a criminal nature consistent with the Criminal Code of Canada, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

As a starting point, it was crucial for me to determine which part of the alleged incident could potentially trigger provisions of the Criminal Code relating to sexual assault. Given that I am not a criminal lawyer, I deemed it appropriate to seek a memorandum from a

seasoned criminal lawyer regarding which components of the incident that occurred between the Complainant and Councillor Dhillon could trigger the *Criminal Code* R.S.C., 1985, c. C-46 ("*Criminal Code*") (the relevant provisions of which are attached hereto at **Appendix "38"**). I sought the assistance of a criminal lawyer practising in Toronto by the name of Najma Jamaldin ("Ms. Jamaldin"), who provided a memorandum for my consideration on March 21, 2020. Prior to receiving the report, I met with Ms. Jamaldin so that I could discuss with her the nature of the allegations against Councillor Dhillon.

As I understand it, the relevant *Criminal Code* provisions which may be triggered under the circumstances are as follows:

Section 265 (1) Assault

Section 265 (1) A person commits an assault when:

(*a*) without the consent of another person, he applies force intentionally to that other person, directly or indirectly; or

(2) this section applies to all forms of assault, including sexual assault[3]

Section 273.1 (1) Definition of Consent

Consent is defined in s. 273.1 (1) as a voluntary agreement of a complainant to engage in the sexual activity in question.

Section 273.1 (2) Limits of Consent

Section 273.1 (2) limits consent in defined circumstances. It provides that: No consent is obtained if:

(c) the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;

(d) the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or

(e) the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

Section 273.2 Where Belief in Consent not a Defence

[3] *Criminal Code* R.S.C., 1985, c. C-46, s. 265, s. 271, s. 273.1(1), and s. 273.1(2) ("*Criminal Code*")

Section 273.2 It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where

(a) the accused's belief arose from

(i) the accused's self-induced intoxication,

(ii) the accused's recklessness or wilful blindness, or

(iii) any circumstance referred to in subsection 265(3) or 273.1(2) or (3) in which no consent is obtained

(b) the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting;

The reason it is important to distill areas of the allegation that would trigger the *Criminal Code* as opposed to the Code of Conduct is to remind the public that I do not serve in the role of the police. Not only do complaints of a criminal nature trigger a separate set of requirements to be followed by the police, the standard of proof in a criminal context is entirely different to that in a civil context.

The standard of proof in the criminal context is proof beyond a reasonable doubt. The reasonable doubt must be based on "reason and common sense".[4]

My job is not to interpret the relevant sections of the *Criminal Code* and to investigate and assess whether the *actus reus* and the *mens rea* of sexual assault occurred beyond a reasonable doubt. My role is not to determine whether there was consent or mistaken belief of consent as it would normally be evaluated in a criminal context.

My role, pursuant to section 223.3(1) attached under **Appendix "1"** is to apply the relevant rules of the Code of Conduct as well as any procedures, rules, and policies of the Municipality governing the ethical behavior of Councillors.

To be specific, my role is to determine whether Councillor Dhillon's misconduct violated rules of the Code of Conduct, as well as any other applicable policy that governs his ethical behavior. The appropriate policy to consider and analyze is the City of Brampton's "Respectful Workplace" policy, which addresses sexual harassment, and which is also referenced in Rule 14 of the Code of Conduct (this is the policy that was in effect at the time that the incident took place, and I appreciate that this is not the policy that is currently

[4] Appendix A: *R v. Lifchus,* [1997] 3 S.C.R. 320

in effect). I will analyze that policy in depth and apply it to the Complainant's allegations in the "Issues and Analysis" section of this Report.

Process Followed

In ensuring fairness to both the Complainant and Councillor Dhillon, I have followed the relevant provisions of the *Municipal Act, 2001,* and the Complaint Protocol during the course of my investigation.

I ensured that Councillor Dhillon had an adequate opportunity to respond to the Complainant by serving a copy of it on him on March 20, 2020. I received a response to the Complaint from Councillor Dhillon on April 7, 2020.

On April 20, 2020, I served the following documents on Councillor Dhillon:

- A summary of the phone call between myself and Mayor Brown which prompted my investigation;
- The email exchange between myself and Mayor Brown regarding my investigation (including notes from Gary Collins, the Director of Communications for Mayor Brown); and
- A transcript of the in-room audio recording that was provided to me by the Complainant's counsel.

Pursuant to section 5(1)(a) of the Complaint Protocol, which I attach hereto under **Appendix "3",** I requested a fulsome response from Councillor Dhillon to the above-noted disclosure by no later than **April 29, 2020.**

Mr. Hasan provided Councillor Dhillon's response to me on April 27, 2020, which I will assess below under "Positions of the Parties".

Positions of the Parties

A. Complainant's Position:

The Complainant's position, which she outlines in her Complaint Form (attached at **Appendix "6"**) is as follows:

> "Beginning shortly after midnight on November 15, 2019, I was sexually assaulted by Councillor Dhillon in my hotel room in Ankara, Turkey. We were both in Turkey as delegates from Brampton on a trade mission.
>
> I believe this contravenes rules 14 and 15 of the Council Code of Conduct."

To be specific, the Complainant's position is that:

a) Councillor Dhillon engaged in conduct that constitutes harassment (Rule no. 14); and
b) Councillor Dhillon engaged in conduct that is discreditable (Rule no. 15).

B. Respondent's Position:

i) Councillor Dhillon's Response to the Complainant's Complaint Form:

Councillor Dhillon's position, which he outlines in his response to the Complaint Form that was served on him on March 20, 2020, is as follows:

> "I categorically deny the allegation and I am deeply concerned about the procedural irregularities, particularly as they relate to adherence by your office to the City's official procedures on receiving complaints, and any subsequent investigation. The absence of any detail or disclosure about this complaint against me — despite repeated requests from my counsel — has meant that I am unable to properly respond to it.
>
> The Integrity Commissioner has also failed to respond to important questions about the legal basis for the investigation conducted between December 2019 and March 19, 2020.
>
> In addition, I was also troubled to learn from you that your initial investigation apparently began as a result of a telephone call from the Mayor in late November 2019, which is troubling as the City's Official Complaints Process was created to ensure the process remains apolitical.
>
> Lastly, the fact that a formal complaint was coincidentally only made one day after my counsel questioned your investigative powers in the absence of a formal complaint, leads me to question the fairness and objectivity of the investigation."

Put simply, Councillor Dhillon's response to the Complainant's allegation in her Complaint Form (which I received on April 7, 2020) was that he "categorically" denies the allegation. Further, he questioned my jurisdiction and investigation process. I had already answered the questions that Councillor Dhillon had raised through his counsel in the five letters that I sent to him, which are attached hereto at **Appendix "4".**

i) Councillor Dhillon's Response to Disclosure Provided to him on April 20, 2020

As mentioned above, I served Councillor Dhillon with documents on April 20, 2020 and provided him ten days to respond, pursuant to the Complaint Protocol. Councillor Dhillon responded to me on April 27, 2020, through his counsel, Mr. Hasan.

In his correspondence to me of April 27, 2020, Mr. Hasan stated:

> "Mr. Dhillon will not be adding anything further to his response of April 27, 2020".

Further, Mr. Hasan reiterated the same concerns regarding lack of disclosure and "procedural irregularities", all of which, I addressed in the three letters that I sent to Mr. Hasan.

With respect to the audio recording, Mr. Hasan stated that:

> "We have concerns about the accuracy and completeness of that transcript".

I view Mr. Hasan's above response as wholly unjustified. Not only am I the Integrity Commissioner for Brampton, I am also an officer of the court by virtue of being a lawyer. I view Mr. Hasan's concern regarding the accuracy and completeness of the transcript as a means to obstruct my investigation even further.

Documentary Evidence, Evidence from Relevant Individuals, and Findings of Fact

I will now analyze the documentary evidence I have received from the Complainant as well as other individuals, followed by an analysis of the oral evidence I have received from the relevant individuals I interviewed. I will then use the documentary and oral evidence before me to reach findings of fact. Thereafter, I will use the findings of fact to analyze the key issues (under the "Issues and Analysis" section of this Report) and to determine whether those issues are with or without merit.

A. Evidence from Relevant Individuals

i) Interview with Mayor Brown and Mr. Nagalingam:

I met and interviewed Mayor Brown and Mr. Nagalingam at my insistence on December 31, 2019 at Brampton City Council.

Mayor Brown advised me that Mr. Shamim had approached him about coming on a trade trip to Turkey, however, Mayor Brown's "schedule was too busy" so he could not. Mayor Brown advised that "Councillor Dhillon said he could go".

When I asked Mayor Brown about what the Complainant told him when he met with her on November 20, 2019 at her hair salon, he said:

> "She said he sexually assaulted her. That it all started with her being at hotel bar. They were all at same hotel. She said.. I forget all details, but she said he invited her up to his room. I don't think he drinks.. I'm not sure if they were drinking. She said that she was in his room for 45 mins. She felt uncomfortable."

Mayor Brown informed me that the Complainant phoned his Communications Director, Mr. Collins, upon her return to Brampton, stating that she wanted to make a complaint. Mayor Brown informed me that he, Mr. Nagalingam, and Mr. Collins met with the Complainant, wherein she informed them of the incident that occurred:

> **Muneeza:** what was going on for 45mins?
>
> **Mayor Brown:** she says that he has asked for help with his sore back and that she wanted to leave but then he wouldn't let her. He kept on trying to kiss her and hold her and trying to take her pants off. Eventually, she got him out of the room and she...
>
> [...]

When I asked Mayor Brown about his interpretation of the recording that the Complainant had played for him, he said:

> **Muneeza:** what are we hearing?
>
> **Mayor Brown**: him asking for a kiss and her saying no and saying please leave.
>
> She said he wouldn't leave and the recording would get him to leave.
>
> **Muneeza:** Was he aware she was recording?
>
> **Mayor Brown:** I don't think so.
>
> **Babu:** no..
>
> **Muneeza:** why would she think recording him would make him leave?
>
> How did she finally get him out?
>
> **Mayor Brown:** she got him out, then he waited next to the door.
>
> **Muneeza:** for how long?
>
> **Mayor brown**: a long time.
>
> He tried to get back into the door. He pretended he was housekeeping, but she didn't answer.

When I asked Mr. Nagalingam about his discussions with Councillor Dhillon, he stated that "in the few meetings I had with him, he was trying to find out what we are planning to do."

Mr. Nagalingam also advised that Councillor Dhillon was "nervous". He stated that, "every time I would meet him, he would say, did you hear anything?"

Mayor Brown also advised that the Complainant did not want the news of the incident to reach the media as she was concerned for her safety.

Mayor Brown also advised me that he reached out to Clare Barnett ("Ms. Barnett"), the City of Brampton's Economic Director, to meet with the Complainant since Ms. Barnett is a female and Mayor Brown wanted to ensure that the Complainant had a female contact to speak to about the incident and to reach out to for help in case she felt awkward or uncomfortable speaking to him, Mr. Collins and Mr. Nagalingam about it (3 males).

ii) Interview with Mr. Shamim:

I met with Mr. Shamim, a Board Member of the Canada Turkey Business Council and the former Chair of Brampton's Board of Trade, on January 10, 2020 at Brampton's City Hall.

Mr. Shamim informed me of the purpose and the logistics of the trade mission that took place on November 14, 2019 and November 15, 2019 in Turkey.

Mr. Shamim confirmed that he did not know Councillor Dhillon beyond his political affiliations. He also confirmed that Mayor Brown was unavailable to attend the Trade Mission as he was accompanying Councillor Medieros on another business trip. Mr. Shamim confirmed that Mayor Brown called him to inform him that Councillor Dhillon would be accompanying them on the Trade Mission in place of himself as he was the Chair of the Economic Development Committee at Brampton.

Mr. Shamim also confirmed how The Complainant came to be involved with the Trade Mission – she was introduced to him by a friend and was a local business owner in the City of Brampton.

Mr. Shamim advised that on November 13, 2019, he spent the day in meetings and that Councillor Dhillon was supposed to come and join him for his meeting relating to asset management. However, when Councillor Dhillon landed, he was "under the weather" and "was jet lagged", so, "he spent his day resting or sightseeing".

Mr. Shamim informed me of his conversation with the Complainant the morning after the incident (morning of November 15, 2019), which he recalls as follows:

> **Badar Shamim:** The next morning (November 15th), I got up and got ride from Samm Hotel to the Tobb offices for our meeting and eventually everybody arrived in a bus together from hotel to Tobb office as well. People came off bus and entered the hall. [The Complainant] entered and walked up to me around early morning and said don't leave my side, something terrible happened.
>
> **Saba:** How long was the bus ride?
>
> **Badar Shamim:** Not sure, but around 5-10 min bus ride.

Badar Shamim: I had curious look on my face. I said, what happened? I can't remember exact terms. She described that night before at Movenpick, that C. Dhillon decided to follow her into the hotel elevator

Muneeza: Did she say there was anything that led up to him following her?

Badar Shamim: No nothing. Apparently, she came to hotel late, registered in hotel, Dhillon was in the lobby with his assistant. I can't remember whether both Dhillon and assistant went into elevator with her or whether Dhillon followed her

Muneeza: You're just telling me what you remember her telling you?

Badar Shamim: Yes. She had been complaining about back aches. She told me she mentioned that to C. Dhillon. He offered to show her some stretches for her back aches. For whatever reason, she decided to invite him into her room. She called the hotel staff for a cup of tea. They had tea and then I guess he proceeded to show her some stretches and all of a sudden he got more physical. According to her, he picked her up and started to disrobe her and tried to get into her skirt. Basically, tried to convince her to have sex with him. During all this process, she kept saying no no no, we are married. We shouldn't be here first of all. I don't think you know what you're doing. We should talk tomorrow. Apparently, that interaction ... it kept on going for a while. So next day, she was extremely upset about that whole episode. Eventually she managed to get him out of the room. He was in corridor. Kept banging on door. She called security. He left after security was called.

Muneeza: How did you respond to her telling you this?

Badar Shamim: I had no idea how to respond to that. I asked if she spoke to anybody. She said I spoke to Mike Ward.

Muneeza: When?

Badar Shamim: I think she called him at night. I think he didn't pick up the phone so she spoke to him in the morning prior to speaking with me.

Muneeza: Was she calm or flustered when she spoke to you?

Badar Shamim: Flustered. You could tell she was upset. You could tell she was confused... upset and almost in the state of hyperventilating.

And she did mention... so I have through Canada turkey business council I have friends in Ankara that [the Complainant] had met in Istanbul – she did call them at night.

Muneeza: the night of incident?

Badar Shamim: yes.

She called Ahmet – he is an assistant to a friend of mine. Ahmet is Nursel's assistant.

Ahmet said what am I going to do coming there right now, so just call security. She might have called him while this was going on. Ahmet told her to call security and she called hotel security."

Mr. Shamim further advised that right after the roundtable discussion on November 15, 2019, "[the Complainant] was wisped away by staff from the embassy in Ankara".

Mr. Shamim did not see the Complainant after that in Turkey, however, when Mr. Shamim's friend, Ms. Atar, visited Brampton, Mr. Shamim invited the Complainant for lunch to introduce her to local stakeholders. That lunch took place on November 22, 2019.

Following the lunch, the Complainant, Mr. Shamim and Ms. Atar decided to visit the location of a Tool Manufacturer in Canada as Mr. Shamim wanted to connect Ms. Atar to a gentleman there. During the car ride, the Complainant brought up the incident that had occurred with Councillor Dhillon and played the audio recording of the incident, which Mr. Shamim heard.

Mr. Shamim's recollection of the audio recording is as follows:

Muneeza: what did you hear?

Badar Shamim: it's a lengthy conversation of Dhillon trying to convince her to have sex with him. During that audio recording, she is repeatedly telling him, no no no, I don't think you know what you're doing.

I only heard audio once, but towards end of audio, she was running around in the room, she was hyperventilating and trying to get away. So I would say it was pretty incriminating.

And, that was that.

iii) Interviews with the Complainant:

I interviewed the Complainant for the first time on January 10, 2020 and for a second time on January 29, 2020, wherein I addressed any follow-up questions or points of clarification that I had. The majority of the information that the Complainant provided to me during her investigative interviews is included under the Complaint section of this Report. However, to the extent there are any further details that are noteworthy, I will include them here.

When I first met with the Complainant, she allowed me to listen to the audio recording that she had made of the incident. Before the Complainant's counsel played the audio recording, the Complainant exited the room. When the Complainant returned to the room, she stated, "I can't even hear it. It's not easy" and she began crying and was visibly upset.

The Complainant also confirmed that while she did not call hotel security during the night of the incident, Ahmet, whom she contacted over the phone after the incident, spoke to the hotel staff and was trying to get her room changed. However, no other rooms were available as they were fully booked.

iv) Interview with Ms. Barnett:

My colleague, Saba J. Khan ("Ms. Khan"), interviewed Ms. Barnett on January 16, 2020 at City Hall.

Ms. Barnett stated that she came to know of the incident between Councillor Dhillon and the Complainant through Todd Lets, the Head of the Board of Trade, who called Ms. Barnett around November 18, and informed her of the incident.

Ms. Barnett then went to visit Mr. Collins as she wanted to know how to respond to the allegations in case any of her staff members or somebody else asked. Mr. Collins suggested that Ms. Barnett speak to Mayor Brown and Mr. Nagalingam herself, which she did. Ms. Barnett stated as follows with respect to that conversation with Mr. Collins and Mayor Brown:

> **Ms. Barnett:** At that point, he told me Gary and Babu had seen her. They asked me what I thought about anything more they should do. I said she should probably see a woman considering her situation. I said I'd be happy to go and do it. I did. I had coffee with [the Complainant] that afternoon. I had her cell phone number from Gary and sent her text saying who I was typically responsible for trade missions.

On or about November 27, 2019, Ms. Barnett met with the Complainant at a Starbucks and they discussed the incident over a coffee. Ms. Barnett's recollection of what the Complainant informed her of regarding the incident on the night of November 14, 2019 is as follows:

> **Ms. Barnett:** I met her one afternoon for about 2 hours, where she told me, from her perspective what had happened. Details she shared with me was that Councillor Dhillon had been speaking in lobby of hotel and sat down and he said he wasn't feeling well. She ordered him a tea. At that point, Amol came to councilor to see if he was coming. And he said he was staying there. They did a fist bump. [The Complainant] said that she should have known at that point that something was up.
>
> Then, she told me how he rode the elevator and got off on her floor. Spoke in the hallway for 10-15 mins, then ended up coming to her room. He was showing her back exercises b/c her back hurts from being in a car accident. He said that he plays basketball and has back exercises he does. She had opened the curtains in the room. He went to go close the curtains.

I'm not 100% sure how it started, he grabbed her. He's a big man and she's very little. She felt concerned for her own safety. He had pushed her on the bed and was trying to take his pants off and have sex with her unwillingly. I'm not sure... it wasn't clear to me how she got away from underneath him but she said she grabbed her phone and she recorded her experience, which I have not heard. I didn't ask to hear it. Then, I think she left her door ajar in some way. Hotel staff person came and interrupted and that got him out. He stayed outside her room for about 15 mins and then he eventually left. I don't think he called security but security was around.

She was very scared and told me about how big he was and how little she was, and that she said stop.

Saba: How was her demeanor when she was conveying this to you at Starbucks?

Ms. Barnett: You could see that she was obviously physically drained. Her body was very tired looking. She was hunched over. She also told me about how she was very worried about some type of honour killing. She said she saw some Sikh men taking pictures of her house on her driveway. She was concerned for her own safety because of Sikh community and traditions.

I really didn't say much the whole time, I listened to her. I said if she needed anything, she could text and I'd be happy to help her.

She said she was going to her doctor but at that point she hadn't told her husband. She said her husband was going to react in a negative way. She was concerned about how she was going to tell him or how he'd found out. "

Ms. Barnett also stated that she suggested helpful resources to the Complainant such as Women's College Hospital.

v) Interview with Mr. Collins:

My colleague, Ms. Khan interviewed Mr. Collins on January 16, 2020 at Brampton City Hall.

The Complainant spoke to Mr. Collins over the phone on November 19, 2019, wherein, "she indicated that she had reached out to the Mayor on social media to arrange a meeting". Mr. Collins stated that the Complainant informed him of the incident and that she wanted to meet the Mayor on an urgent basis. Mr. Collins "felt an obligation to arrange the meeting". On November 20, 2019, the day after Mr. Collins spoke with the Complainant, he informed Mayor Brown both of his conversation and that the Complainant wanted to meet. Mr. Collins advised that he met with the Complainant around 2:45pm that very day (November 20, 2019) along with Mayor Brown and Mr. Nagalingam.

Mr. Collins stated that the Trade Mission to Turkey was "a City trip". Specifically, he stated that "Dhillon's trip was an official City trip with City money. The Mayor would generally attend these kinds of events, however, the Mayor can't be everywhere".

Mr. Collins stated that the meeting with the Complainant at her hair salon on November 20, 2019 lasted for "30 odd minutes or so". During that meeting, the Complainant conveyed the details of the incident. Mr. Collins specifically recalled the Complainant "talking about him picking her up" and that "he was trying to take her pants off". Mr. Collins stated that he was shocked at what the Complainant was telling him. Mr. Collins also stated that he tried connecting the Complainant to organizations and that he knew that the Complainant had met with her family doctor regarding the incident.

vi) Interview with Ms. Atar:

I interviewed Ms. Atar, the lawyer from Turkey who assisted the Complainant in dealing with the incident, on January 23, 2020.

Ms. Atar stated that she first met the Complainant in Istanbul, Turkey. Ms. Atar stated that the Complainant approached her in the morning of November 15, 2019 advising her that "something bad had happened the night before."

She stated that the Complainant said, "it was really uncomfortable, he came to my room, he harassed me, what should I do?"

Ms. Atar stated that the Complainant was "stressed" when she was conveying this to Ms. Atar.

Ms. Atar mentioned that she was introduced to the Complainant through Mr. Shamim and that because the Complainant knew how to speak some Turkish, she became close with her in a short period of time.

I asked Ms. Atar what the Complainant's demeanor was on November 15, and she stated as follows:

> **Nursel Atar**: she wasn't happy. She was kind of shaky. Unfortunately, she was feeling a little guilty. This is my interpretation. She was saying, I wasn't wearing revealing clothes, I didn't do anything to turn him on. I didn't really want to cause this. I didn't do anything. I'm like don't worry, even if you were naked and you said no, that means no. Don't worry, it's not your fault. She was worried about her husband. She said I'm probably not going to make a complaint. What if he finds out about this. That's probably why she didn't accept my recommendation."

Ms. Atar also corroborated Ms. Shamim's account of the lunch that they went to with the Complainant in Canada:

> **Nursel Atar**: it was new for me. I didn't know how I should feel. If I should help her or not. When embassy took over, I was relieved. When I went to Toronto, we talked again.
>
> **[...]**
>
> **Nursel Atar**: This part is important. I went to Toronto I met with Badar in Brampton. Badar wanted to introduce me to few business contacts and we did meet with these contacts in the morning. Badar also arranged a lunch for me and with his friends. At the very last moment, right before we were getting into the restaurant, we said why don't we call [the Complainant]. Badar called her and [the Complainant] was with us in half an hour. During lunch, she sat with me and she told me that she was still shaken and she hasn't gotten over this and there's a police investigation going on and she wants to hire me as a criminal lawyer. I think she also asked for help from Ahmed to get the records at the hotel camera recordings. The camera recordings for the hotels. I don't know if he did help or not.
>
> **Muneeza:** what else do you remember from that meeting?
>
> **Nursel Atar**: She gave me a ride to Yorkdale mall where my daughter was waiting for me from Brampton. On the way to the mall, she had me listen to recording of that night. And she told me, again, that there was harassment and it was really uncomfortable and she changed her mind and she decided to go ahead with the complaint and now police is involved. They questioned her.

Ms. Atar also mentioned that she had conversations over WhatsApp with the Complainant following the incident.

vii) Interview with Mr. Ward:

I interviewed Mr. Ward, who was the Executive Director of Canada Turkey Business Council, on January 24, 2020 over the phone. Mr. Ward stated that he first met with the Complainant on November 11, 2019 with Mr. Shamim.

Mr. Ward corroborated the Complainant's account of the incident. When I asked him what his view was when he listened to the audio recording that the Complainant played for him during the morning of November 15, 2019, he stated as follows:

> **Mike Ward:** She said he picked her up and he was fumbling with strings on his underwear. But when I heard the recording, I had a sense that he wanted something from her and she was saying no and

that's when I stopped listening to it. I forget how many minutes I listened to. That was the sense I had."

During my interview, Mr. Ward relied on a journal entry that he said was written at the time that the Complainant told him about the incident. I will be referring to that journal entry in the documentary evidence section of this report.

B. Documentary Evidence

I will now review the documentary evidence before me in chronological order.

i) Receipt indicating the Complainant's check-in at Movenpick Hotel, Ankara

The Complainant provided me with a receipt indicating the time that she checked into Movenpick Hotel. I note that the date and time listed on the receipt (which is attached at **Appendix "8"**) is "14/11/19" and "23:21", respectively.

ii) Audio recording made by the Complainant

During my first interview with the Complainant on January 10, 2019, the Complainant allowed me to listen to the audio recording that she made of the incident.

I have attached a transcript of that audio recording hereto at **Appendix "12"**.

Upon listening to the audio recording, it is evident to me that the Complainant began recording the incident part way through Councillor Dhillon being in her room. It is clear that Councillor Dhillon is trying to plead with the Complainant to engage in inappropriate sexual misconduct.

A summary of what I heard in the audio recording is as follows:

- Councillor Dhillon trying to convince the Complainant for a "favor";
- The Complainant pleading with Councillor Dhillon and repeatedly saying "no"; and
- The Complainant asking Councillor Dhillon to put her down and to put her skirt down.

In a recording that lasted only 2 minutes and 57 seconds, I heard the Complainant said "no" to Councillor Dhillon 74 times.

Key excerpts from the recording, which I will analyze further in the "Issues and Analysis" section of the Report are as follows:

COUNCILLOR DHILLON: Just... just... just...just... just...

THE COMPLAINANT: Noo *[whining]*. No. No. No. Please. Like.

COUNCILLOR DHILLON: Just... just...

THE COMPLAINANT: You're the...

COUNCILLOR DHILLON: Just... just...

THE COMPLAINANT: You're the Councillor of Brampton! You're! Come on! *[chuckling sound]*

...

COUNCILLOR DHILLON: Just... just do me a favor and then I'll leave. I'll...

THE COMPLAINANT: NO!

COUNCILLOR DHILLON: I'll leave right away.

THE COMPLAINANT: No! No! No. Please. No.

...

THE COMPLAINANT: STOP! Please! Please! Please! No, no, no, no.

COUNCILLOR DHILLON: Just listen. Hear me out. Hear me out first. Hear me out. *[Inaudible]*

THE COMPLAINANT: No. Noooo... *[whining]* no, no. Noooo *[whining]*. Please. Please. Come on. Please.

COUNCILLOR DHILLON: I'll...

THE COMPLAINANT: Please.

COUNCILLOR DHILLON: Listen. Listen. One sec.

THE COMPLAINANT: Please.

COUNCILLOR DHILLON: I'll put a timer on.

THE COMPLAINANT: NOOOOO! *[yelling]* NO! Come on! You...Stop! Please.

...

COUNCILLOR DHILLON: Just...

THE COMPLAINANT: No. No, no, no, no. Please. Stop. No. Stop it! Please! Don't!

COUNCILLOR DHILLON: *[moaning or deep breathing sound]*

THE COMPLAINANT: Please! No! Put me down! Please! Please stop! Please. Noo. Please. No. No. No. *[voice becomes distant]* Please. Stop. Nooo! *[whining]* Please. Stop. Sto-ooop.

COUNCILLOR DHILLON: *[grunting sound]*

THE COMPLAINANT: Stop. Please. *[deep sigh]* Please. Sto...*[deep sigh].* Plea....no! No!
No! Please please...put my skirt down. Oh my god *[crying sound]*! Please, no! Please stop! Please.

COUNCILLOR DHILLON: Come on.

THE COMPLAINANT: Nooo! *[whining]* No. Please. You go rest today. Please? Please?

COUNCILLOR DHILLON: Just give me a...

THE COMPLAINANT: No!

COUNCILLOR DHILLON: Just give me a little bit before I leave.

THE COMPLAINANT: Nooo *[whining]*! No.
...

[door closing sound]

[door locking sound]

THE COMPLAINANT: Fuck!

[picking up recording device sound]

THE COMPLAINANT: *[deep and heavy panting and breathing sound]*

iii) The Complainant's written record of the incident shortly after it occurred

The Complainant provided me with screenshots of the incident shortly after it occurred. The screenshots are attached hereto at **Appendix "13".**

The content of the Complainant's notes substantiates both the audio recording as well as what she advised me during my investigative interviews.

When I reviewed the screenshots, I noticed that the date listed on the note was December 18, 2019. I asked Ms. Klein about why the date listed was December 18, 2019 if the notes had purportedly been written shortly after the incident.

Ms. Klein's response to my question (which I attach hereto at **Appendix "19"** was as follows:

> "I can further advise, after reviewing my texts with [the Complainant], December 18 is the day we met, she reviewed those notes, and forwarded them to me as a text message. That may be what a men the time stamp updated."

Being an iPhone user myself, I note that this is indeed a function of the "Notes" application on iPhones – that is, the time stamp on the note updates automatically if the text in the note has been clicked on.

iv) Photos of the Complainant's hotel suite (photo of suite – Dhillon's cup of tea- tab 8)

The Complainant provided me with photos of her hotel suite, which includes a bedroom as well as a seating area, just as she had mentioned in her interview. The photos corroborate her version of events.

I also note, in one of the photos of the Complainant's hotel suite (attached at **Appendix "11"**), you can see Councillor Dhillon's teacup on the table, as well as the bottle of water that the Complainant referred to in the audio recording.

v) Screenshots of a call log, indicating phone calls the Complainant made to Ahmet Shoufer after the alleged incident

The Complainant provided me with screenshots of a WhatsApp call log, indicating incoming and outgoing phone calls between her and Ahmet Shoufer ("Mr. Shoufer"), Ms. Atar's consultant. I attach the screenshot of the call log hereto at **Appendix "20".**

The date the call was made is "November 14, 2019" between 4:42pm and 4:57pm. Between 4:42pm and 4:57pm, a total of 5 phone calls were exchanged. It should be noted that since the Complainant screenshotted the call log after her return to Canada, the timing of the calls is displayed in local Canadian time (Brampton), rather than in Turkish time. With the help of a time zone converter, I was able to determine that 4:57pm on November 14, 2019 (Canadian time) would have been 12:57am on November 15, 2019 in Ankara, Turkey.

I also attach a screenshot of the time zone converter indicating as such hereto at **Appendix "21".**

vi) Screenshot of phone call the Complainant made to Pinar following the incident

The Complainant provided me with a screenshot of a WhatsApp call log, indicating an outgoing call to Pinar at 8:01am (Canadian time) on November 15, 2019, which translates to 4:01pm on November 15, 2019 (the day after the incident).

I also note a screenshot showing an incoming call from Pinar at 2:01am (Canadian time) on November 16, 2019, which is 10:01am (Turkish time) on November 16, 2019.

I attach the above-noted screenshots hereto at **Appendix "22"**. I also attach a screenshot of the time zone converter indicating the time conversion into Turkish time hereto at **Appendix "23"**.

vii) Screenshot of phone call the Complainant made to Ms. Atar following the incident

The Complainant provided me with a screenshot of a WhatsApp call log, indicating an unanswered phone call made to Ms. Atar at 10:34am on November 15, 2019, which translates to 6:34pm on November 15, 2019 (the day after the incident).

I attach a screenshot of the above-referenced call log hereto at **Appendix "24"**. I also attach a screenshot of the time zone converter indicating the time conversion into Turkish time hereto at **Appendix "25"**.

viii) Screenshot of phone call the Complainant made to Canadian Consulate in Istanbul

The Complainant provided me with screenshots of a WhatsApp call log, indicating calls to and from a contact at the Canadian Consulate General in Istanbul.

Based on those screenshots, I note:

- An incoming call on November 15, 2019 at 11:52am (Canadian time), which converts to 7:52pm on November 15, 2019 (Turkish time);
- An outgoing call on November 17, 2019 at 11:08am (Canadian time), which converts to 7:08pm on November 17, 2019 (Turkish time); and
- An outgoing call on November 17, 2019 at 6:47am (Canadian time), which converts to 2:47pm on November 17, 2019 (Turkish time).

I attach screenshots of the above-referenced call logs hereto at **Appendix "26"**. I also attach screenshots of the time zone converter indicating the time conversions into Turkish time hereto at **Appendix "27"**.

ix) Email chains between the Complainant and Mr. Ward

The Complainant provided me with email chains between herself and Mr. Ward. I attach the email chains hereto at **Appendix "28"**.

The email chains corroborate the Complainant's version of events, particularly, that she emailed Mr. Ward after the incident, asking him to meet.

I note the Complainant's email to Mr. Ward, sent at 1:13am on November 15, 2019, wherein she states:

> *"Mike I am so sorry to text you. Can I talk to you tomorrow in the morning alone please. About of an incident happened here and I need you're help. Good night"*

The email chain shows that Mr. Ward responded as follows:

> *"No problem [Complainant]. Happy to speak later this morning or this afternoon". Lunch may provide an opportunity".*

The Complainant then responded, "*It's a bit urgent and I don't know who to talk to.*"

I also note the Complainant's email, wherein she asked Mr. Ward to meet in her room, which corroborates both hers and Mr. Ward's recollection of the events that occurred.

x) Journal entry by Mr. Ward regarding his meeting and conversation with the Complainant after the incident

Mr. Ward provided an excerpt of his journal entry to me, which he wrote on November 15, 2019, the day after the incident.

Of particular importance are the following lines from the journal entry:

- "My adrenaline was still running when I returned to my room last night so I ended up doing a bit of work past midnight. It's because I was still awake that I saw a cryptic message from Badar's friend [Complainant] asking if we could meet in her room to discuss an unspecified issue. It sounded strange, and it was way too late to meet anyone ... and certainly not a woman in her room, so I suggested getting together for breakfast. It wasn't until I woke up this morning that I saw her reply

message saying she preferred to speak in private and asking if we could still meet in her room. So I went to see her at about 07:00."

- "...One of the other delegates, a Brampton politician, allegedly made a move on her in her room late at night. Although she did not seem traumatized, she was justifiably upset."
- "She had made a recording of the fellow while he was in her room (I'm still not sure why she let him in)."
- "I suggested she get any hallway video recording from the hotel, that she write an incident report, that she speak with a female Turkish lawyer on the delegation who I know from when we lived in Ankara, and that she consider setting up a meeting with Brampton mayor Patrick Brown if she decides to take further action. That all happened before breakfast, and prior to us getting on the bus I had booked to take everyone from the hotel to the TOBB building. [The Complainant] was on that, but I encouraged the politician to take a taxi, so [the Complainant] would not have to be near him for that drive."
- "Badar now knows about the event and will help [the Complainant] back in Brampton."

Mr. Ward's account of what followed after the incident corroborates the Complainant's version of events.

xi) Screenshot of phone call the Complainant made to her relative, Selim

The Complainant produced a screenshot of her WhatsApp call log, which indicates an incoming call from her relative, Selim, on November 15, 2019 at 1:30am (Canadian time), which converts to 9:30am on November 15, 2019 (Turkish time).

I attach a copy of that screenshot hereto at **Appendix "29".** I also attach screenshots of the time zone converter indicating the time conversions into Turkish time hereto at **Appendix "29"**

xii) Copies of the Complainant's flight tickets

The Complainant produced copies of her flight tickets and itineraries to me which are attached hereto at **Appendices "7", "15-18".**

I have reviewed the flight tickets and itineraries and they corroborate the Complainant's version of events. Particularly, the copies of the flight tickets and itineraries show that the day after the incident (November 15, 2019) the Complainant got on an earlier flight from Ankara to Istanbul (and not on the one that she had previously booked).

Further, it corroborates the fact that the Complainant did not board the return flight that she had originally booked from Istanbul to Toronto (via Turkish Airlines) on November 17, 2019, but instead, took a later flight through Dubai via Emirates Airlines later that day.

xiii) Screenshot of the Complainant's conversation with Ryan Fortner from the Canadian Consulate General in Istanbul over WhatsApp

The Complainant produced screenshots of her conversation with Ryan Fortner ("Mr. Fortner"), from the Canadian Consulate General in Turkey. I attach those screenshots hereto at **Appendix "30"**.

In the messages, it is evident that Mr. Fortner is asking the Complainant if she needs any advice or support. I note that the first message was sent by Mr. Fortner on November 15, 2019 at 11:32am (Canadian time), which converts to 7:32pm on November 15, 2019 (Turkish time) – a day after the night of the incident. I attach screenshots of the time zone converter indicating the time conversions into Turkish time hereto at **Appendix "30"**

Mr. Fortner also sent a link to the "Victim's Fund", which, among other things that he outlined, was a fund created to help with the "expenses for a Canadian victim of crime to return to Canada".

Mr. Fortner also sent the Complainant a link for "sexual assault support" in Canada.

I also note that on November 17, 2019, in response to Mr. Fortner's message to the Complainant asking how she was doing, she said, "Yes I am at the airport now getting ready to check in. But I feel very sick and weak."

xiv) Screenshot of the Complainant's Facebook message to Mayor Brown following the incident, requesting to meet

The Complainant produced a screenshot of a Facebook message that she sent to Mayor Brown on November 16, 2019 at 7:39am (Canadian time), which converts to 3:39pm on November 16, 2019 (Turkish time).

In the Facebook message, the Complainant is asking to meet with Mayor Brown upon her return from Turkey.

I attach a copy of the screenshot hereto at **Appendix "31"**.

xv) Screenshots of text messages between the Complainant and Mayor Brown following the incident

The Complainant produced screenshots of text messages between herself and Mayor Brown between November 20, 2019 and December 17, 2019. I attach those screenshots at **Appendix "32"**.

Particularly noteworthy is the Complainant's text message to Mayor Brown on November 21, 2019 at 11:48am asking to meet with the chief of police.

xvi) Screenshots of text messages between the Complainant and Clare Barnett

The Complainant produced screenshots of text messages between her and Ms. Barnett between December 10, 2019 and December 19, 2019. I attach those screenshots at **Appendix "33"**.

The screenshots corroborate the meeting at Starbucks that occurred between the Complainant and Ms. Barnett (which Ms. Barnett mentioned in her interview).

I also note that on December 13, 2019, the Complainant texted Ms. Barnett, "I'm Just at doctors haven't slept all night"..."I don't know just getting nightmares and sick to my stomach".

I note that Ms. Barnett texted the Complainant with a link to Women's College Hospital. The link appears to be for a sexual assault care centre.

Further, on December 18, 2019, when asked how she was doing by Ms. Barnett, the Complainant responded, "I am trying to get myself back together. I am feeling so horrible." Ms. Barnett asked the Complainant, "do you want me to take you to a safe place in Toronto? A centre for woman to give you some support?" To that, the Complainant responded, "I can go tomorrow if you want".

On December 19, 2019, the Complainant stated:

> "I look strong but trust me I am shattered. I have nightmares now and I can't sleep or function. May god help me and my family."

When Ms. Barnett asked the Complainant if she was "ok", the Complainant responded, "No believe me I am not at all. This is been such a damaging thing to me and my family."

xvii) Screenshots of the Complainant's conversation with Pinar over WhatsApp

The Complainant produced screenshots of WhatsApp messages between herself and Pinar (another individual from the Canadian Consulate General at Turkey). I attach those screenshots hereto at **Appendix "34"**.

In her messages to Pinar, the Complainant states that she is "waiting to speak to the RCMP" and that she is "still emotionally very sick".

xviii) Screenshot of Ms. Atar's conversation with the Complainant (produced by Ms. Atar)

Ms. Atar produced screenshots of her WhatsApp conversation with the Complainant between November 15, 2019 and November 22, 2019. I attach those screenshots hereto at **Appendix "35"**.

In the WhatsApp conversation, I note that the Complainant texted Ms. Atar on November 19, 2019 saying:

> "I just arrived today I missed my flight to Toronto. I am like nervous still. I don't know what to do. I was really sick the last few days."

The WhatsApp conversation also corroborates the lunch meeting that occurred between the Complainant, Ms. Atar, and Mr. Shamim on November 22, 2019 at Sunset Grill.

xix) Mayor Brown's email dated November 27, 2019

Mayor Brown's email to me dated November 27, 2019 (which is attached at **Appendix "2"**) corroborates the Complainant's version of events, as well as what the Complainant conveyed to other individuals between November 15, 2019 and November 27, 2019.

C. Findings of Fact

In this Report, I have exercised my discretion to disclose only those particulars that I have determined are necessary for the purposes of this Report. My discretion stems from section 223.6(2) of the *Municipal Act, 2001,* which is attached hereto under **Appendix "1"**.

Based on my overall assessment of all the documentation before me, most crucially, the audio recording that was produced to me by the Complainant, I find that Councillor Dhillon tried to force himself onto the Complainant in her hotel room at Movenpick Hotel in Ankara, Turkey, between the late hours of November 14, 2019 and the early hours of November 15, 2019. The timing and date of the incident is confirmed through the hotel check-in receipt, the email that the Complainant sent to Mr. Ward following the incident, as well as the phone calls the Complainant made to Ahmet directly after the incident.

I find that the Complainant made it clear that she did not want to engage in any sexual contact or sexual activity with Councillor Dhillon while he was in her hotel room that night. This is exhibited through the transcript of the audio recording, which I have attached to

the Report. The audio recording makes it very clear how vigorously the Complainant was refusing Councillor Dhillon while he was trying to force himself onto her. The Complainant said "no" a total of 74 times. During the audio recording, I could hear the Complainant's voice becoming distant from the recording device as she continually pleaded with Councillor Dhillon to put her down. It is further clear that Councillor Dhillon forcefully lifted up the Complainant's skirt while he had her in his grip and while she was off of the ground.

The audio recording also makes it evident how traumatized and panicked the Complainant was after Councillor Dhillon exited the room. In the audio recording, I could hear the Complainant approach the recording device, while she began panting uncontrollably.

In reviewing the evidence from the various individuals that I interviewed, it is clear to me that they were of the view (generally) that the Complainant seemed unwell, disturbed, and traumatized by the sexual misconduct she experienced at the hands of Councillor Dhillon.

It is also clear to me, through my investigative interviews, that Councillor Dhillon attended the Trade Mission for the purpose of work for the City of Brampton. Not only was the trip paid for by the City of Brampton, Councillor Dhillon made it evident to the Complainant that he was the "Councillor for Brampton", a fact that the Complainant repeats to Councillor Dhillon in the audio recording.

Issues and Analysis

Section 223.3 (1) of the *Municipal Act, 2001* (attached at **Appendix "1"** for reference) not only mandates that I apply the Code of Conduct, it also requires me to apply any procedures, rules and policies that the City has which governs the ethical behaviour of Councillors.

I will first assess whether Councillor Dhillon has violated any existing policies that the City has which governs Councillors' behaviour. Then, I will turn to assessing whether Councillor Dhillon has violated the Code of Conduct.

A) The City's Respectful Workplace Policy

Upon reviewing the City's policies regarding ethical behaviour, I reviewed the City's "Respectful Workplace Policy" (the "Policy") in particular, which is also referenced in the commentary of Rule No. 14 of the Code of Conduct. I attach a copy of the Policy hereto at **Appendix "36"** (I appreciate that this not the Policy that is currently in effect, but it is the Policy that was in effect at the time that the incident took place).

As mentioned above, under section 223.3(1) of the *Municipal Act, 2001,* my role as the Integrity Commissioner requires me to:

[apply] any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of members of council and of local boards.

i) Scope and Applicability of the Policy

Page 2 of the Policy outlines the scope of the Policy – that is, who the Policy applies to.

Page 2 clearly and unequivocally states that the Policy applies to "Elected Officials":

- City of Brampton employees;
- **Elected Officials;**
- Citizen members of committees;
- Volunteers;
- Contractors;
- Vendors and suppliers; and
- Members of the public accessing city services.

For greater clarity, "Elected Officials" is actually a defined term on page 5 of the Policy. As the Policy states, "Elected Officials" means "the Mayor and Members of Council".

ii) Purpose of the Policy

The purpose of the Policy is to:

- Ensure individuals know their rights and responsibilities;
- Promote appropriate standards of conduct at all times;
- Ensure individuals are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the Corporation, as well as being a violation of the law; and
- Set out the types of behaviour in the workplace and in the delivery of, or access to, services that may be considered offensive and are prohibited by this policy.

Overall, the Policy aims to provide an accountability framework for addressing incidents of harassment and discrimination in the workplace.

The Policy defines "workplace" as follows:

- City buildings, facilities, sites, land, vehicles, offices or work environment in or near where employees work;
- **Locations visited by employees while traveling on city related business**;

- City related business including conferences, meetings, vendor/supplier or customer sites;
- Locations of work-based social gatherings; and
- Electronic communication (i.e. email, voicemail, social media etc.)

Under "Policy Principles", it states that:

> "Every person has a right to work or access services in a positive, healthy, safe and respectful environment where they are treated in a fair and professional manner."

This means that those working, accessing services, or visiting the "workplace" are expected to treat every person with respect and dignity to promote a positive and respectful work environment and ensure legislative compliance to the *Ontario Human Rights Code.*

iii) Obligations of Elected Officials

The Policy specifically mandates that Elected Officials will:

- **Understand and abide by this policy;**
- Immediately report incidents of harassment or discrimination experienced, witnessed or having knowledge of;
- Document details of discrimination or harassment that are experienced or witnessed, as required;
- **Cooperate with investigations of harassment or discrimination to resolve issues**; and
- Participate in training regarding this policy.

iv) Penalties under the Policy

The Policy explicitly states that:

> "Any employee **found** to be engaged in harassing or discriminating behaviour will **be subject to discipline up to and including dismissal**. Any individual from outside of the Corporation found to be engaged in harassing or discriminating behaviour within a city workplace may be subject to prohibition from Corporation property, police involvement, or other action as appropriate."

v) Applying the Policy to Councillor Dhillon's Conduct

There is no question that Councillor Dhillon attended the Trade Mission in Turkey for City-related business. In fact, as Mr. Collins advised in his investigative interview, the trip was paid for by the City, and not by Councillor Dhillon personally.

Mr. Dhillon is in fact an "Elected Official", as defined by the Policy. The Policy applies to him and governs his conduct. Mr. Dhillon had an obligation both to understand *and* abide by the Policy. He had an obligation to ensure that he was abiding by appropriate standards of conduct at all times while he was on the Trade Mission in Turkey.

Mr. Dhillon had an obligation not to engage in harassing or discriminating behaviour.

"Harassment" is defined under the Policy to mean the following:

> "... a course of vexatious comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning. Harassment does not include reasonable action taken by an employer or supervisor relating to the management and direction of employees or the workplace."

The Policy also specifically includes "Sexual Harassment" as well, which is defined as follows:

> "Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome.
>
> Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome."

The Policy helpfully includes certain examples of "sexual harassment", to further the understanding of individuals:

- Unnecessary physical contact, including unwanted touching;
- Suggestive looks implying a sexual interest;
- Asking for sex in exchange for a benefit or a favour;
- Demanding hugs;
- Calling people sex-specific derogatory names;
- Saying or doing something because you think a person does not conform to sex-role stereotypes;
- Posting or sharing sexual pictures (including online)

Note: This list is not exhaustive and other similar behaviours may be considered sexual harassment.

I find that while Councillor Dhillon was on the Trade Mission to Turkey, he sexually harassed the Complainant in her hotel room in the late hours of November 14, 2019 and early hours of November 15, 2019.

To be specific, the audio recording of the incident, as well as the Complainant's account of the event, make it clear that:

- Councillor Dhillon engaged in unnecessary, unwelcome, and unwanted sexual touching of the Complainant;
- Councillor Dhillon was pleading with the Complainant to have sex with him and even suggested that he would "put a timer on"; and
- Councillor Dhillon demanded that the Complainant "kiss him".

The effects that the sexual harassment had on the Complainant were clear to me while interviewing her, but were also clear to many of the individuals whom I interviewed, who met with the Complainant following the incident and in whom the Complainant confided or reached out to for help.

I also note that the Policy requires an Elected Official to "cooperate with investigations of harassment to resolve issues". Councillor Dhillon failed to cooperate with my investigation. He refused to participate in the investigative interview, and by doing so, he refused to even listen to the audio recording in my presence. I had provided an undertaking to the Complainant's counsel that prevented me from disclosing a copy of the audio recording to anyone including Councillor Dhillon. I am still bound by that undertaking today. In trying to alleviate any concerns that Councillor Dhillon may have had insofar as having ample opportunity to respond to what is admittedly a key piece of evidence in this matter, I did the following:

1) Advised counsel for Councillor Dhillon, that his client could respond to the audio recording during our interview (which I had permission to play for him during an investigation interview), and could *also* provide me with a supplementary response following the interview, which would include anything he may have missed. I confirmed that I would consider that supplementary response following our investigation meeting; and
2) Sought permission from the Complainant's counsel to have the audio recording transcribed, and then provided a copy of the transcribed version to Councillor Dhillon.

None of these options were acceptable to Councillor Dhillon, and he refused to meet with me. In refusing to meet with me, he acted as an obstructionist in my investigation, rather than cooperating with me.

For the above-noted reasons, I find that Councillor Dhillon violated the City's Respectful Workplace Policy.

With respect to penalties under the Policy, the Policy clearly states that "any employee **found** to be engaged in harassing or discriminatory behaviour will **be subject to discipline up to and including dismissal".**

Given my finding that Councillor Dhillon sexually harassed the Complainant, if I had the ability to implement the penalties as to the Respectful Workplace Policy insofar as it relates to Councillor Dhillon, I would recommend that Councillor Dhillon be dismissed from his role. I am cognizant of the fact that I do not the ability to make any such recommendation given the limitations in the *Municipal Act*, which is unfortunate.

B) Code of Conduct Violations

The Complainant's position, as she articulated in her Complaint Form, is that:

a) Councillor Dhillon engaged in conduct that constitutes harassment, contrary to Rule No. 14 of the Code of Conduct; and
b) Councillor Dhillon engaged in conduct that is discreditable, contrary to Rule No. 15 of the Code of Conduct.

Two additional rules that I will be assessing are:

- Rule No. 18 – whether Councillor Dhillon failed to adhere to Council policies and procedure; and
- Rule No. 19 – whether Councillor Dhillon obstructed me in carrying out my responsibilities.

To be clear, the following are the Code of Conduct rules that I will be applying to the Complainant's complaint against Councillor Dhillon and my investigation of that complaint:

1. Rule No. 14 – Harassment;
2. Rule No. 15 – Discreditable Conduct;
3. Rule No. 18 – Failure to Adhere to Council Policies and Procedures; and
4. Rule No. 19 – Reprisals and Obstruction.

A copy of the above-mentioned rules is attached hereto at **Appendix "37".**

1. Rule No. 14

Did Councillor Dhillon engage in conduct that constitutes harassment with respect to his behaviour towards the Complainant?

Rule No. 14 states that "Members shall be governed by the City's current policies and procedures...regarding a respectful workplace, workplace harassment prevention and

workplace violence prevention". The City's Respectful Workplace Policy is also referenced in Rule No. 14 of the Code of Conduct.

Rule No. 14 (2) clearly states that "harassment by a member of another member, staff or any member of the public is misconduct".

Based on my review of all of the documentary evidence before me, and my interviews with all relevant individuals, I find that Councillor Dhillon engaged in conduct that constituted harassment (with respect to his behaviour towards the Complainant). The Complainant, being a member of the public, was entitled to attend the Trade Mission and be free from any personal or sexual harassment. Councillor Dhillon prevented that by sexually harassing her.

2. Rule No. 15

Did Councillor Dhillon engage in conduct is discreditable with respect to his behaviour towards the Complainant?

Rule No. 15 of the Code of Conduct states that "members shall conduct themselves with appropriate decorum at all times". "At all times" means at **all** times. It does not mean that a member may behave inappropriately or sexually harass another individual when away on a business trip in Turkey.

As leaders of the community and as elected officials, members of Council are rightly held to a higher standard when looking at professional and appropriate behaviour. That behaviour must be, as the commentary of the rule sets out, "exemplary".

I find that Councillor Dhillon's conduct towards the Complainant was grossly discreditable and was unbefitting of his role as City Councillor for Brampton.

3. Rule No. 18

Did Councillor Dhillon fail to adhere to Council policies and procedures with respect to his conduct towards the Complainant and his refusal to participate in my investigation?

Councillors have a positive obligation to abide by the terms of all policies and procedures established by Council and the City generally. They must, as the most senior City representatives and elected officials, lead by example to ensure that they take every step to follow those policies and procedures. Their failure to do so erodes the sense of responsibility that other City employees have in relation to those same policies and procedures. This, of course, is unacceptable.

I find Councillor Dhillon to have breached Rule No. 18 by failing to adhere with the Respectful Workplace Policy for the reasons that I noted above.

4. Rule No. 19

Did Councillor Dhillon obstruct me from carrying out my responsibilities by refusing to participate in my investigation?

Rule No. 19 states that: **no** Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.

The commentary to Rule No. 19 provides greater clarity. It states that:

> Members of Council should respect the intent of the *Code of Conduct* and investigations conducted under it. It is also a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Between the months of February 2020 and April 2020, I repeatedly asked Councillor Dhillon to participate in an investigative interview with me. He repeatedly refused, stating that there were "procedural irregularities" in my investigation. In multiple correspondence with Mr. Hasan (those letters are attached to this Report) I attempted to answer those questions and address those concerns in a thorough and detailed manner. Through his counsel, Councillor Dhillon kept asking the same questions and, at every turn, refused to meet with me. In refusing to accept my answers, and most critically in refusing to take part in an investigation where he was named as the Respondent, it is my view that Councillor Dhillon hindered and delayed the completion of my investigation. In doing so, Councillor Dhillon did not respect the intent and spirit of the Code of Conduct or my investigation.

I had specifically advised Mr. Hasan that I was not in a position to provide a copy of the audio recording to him to share with his client, since I was bound by an undertaking I had given to Ms. Klein. My duty as the Integrity Commissioner requires me to be fair to both the Complainant and the Respondent. I reflected a great deal on how to deal with the issue of fairness insofar as it related to the recording (as I am bound to do), while fully recognizing that it was a critical piece of evidence that required a fulsome and thoughtful response from Councillor Dhillon.

I informed Mr. Hasan of the undertaking I was subject to and offered that Councillor Dhillon listen to the audio recording in my presence (on my electronic device), while having the benefit of Mr. Hasan, his counsel, being present with him as well. I also advised

Mr. Hasan that I would consider any supplementary responses that Councillor Dhillon may have following our meeting. Had Councillor Dhillon met with me, I would have been willing to play the recording for him multiple times (had he asked), and of course, did provide a transcribed version of the audio recording before Councillor Dhillon agreed to any meeting at all. I did this as I understand my obligation to be fair to all parties, particularly in the face of allegations of this nature. None of this was acceptable to Councillor Dhillon, and he simply refused to meet. I accept that beyond his response provided to me on April 27, 2020, I do not have Councillor Dhillon's side of the story. Nonetheless, I am also of the view that it was Councillor Dhillon's decision to refuse to cooperate in my investigation.

Based on the above, I find Councillor Dhillon to have breached Rule No. 19 by failing to cooperate with me in my investigation and respecting my investigation.

Conclusion

Misconduct of this nature (sexual harassment) warrants the highest level of discipline. In light of my findings I strongly recommend the following penalties:

1. I recommend that Councillor Dhillon be suspended (without pay) for 90-days (this is the most severe of penalties that is available for my recommendation, and I wish to state that I am displeased that there is no avenue (at least insofar as it relates to my mandate and jurisdiction) that allows for Councillor Dhillon's immediate removal from City Council;

2. I recommend that Council issues a formal reprimand for Councillor Dhillon's misconduct as set out in this Report;

3. I recommend that Councillor Dhillon issue a formal apology to the Complainant and to the public generally for his gross misconduct;

4. Other remedial action as deemed appropriate by Council under its statutory authority, which may include **any or all** of the following:

    a. Removal from membership and Chair (where applicable) of a committee;

    b. Removal of Councillor Dhillon's ability to travel outside of the Province on **any** City Business;

    c. Apart from during Council Meetings, communicate with members of the public solely via email using his City email address – for further clarity - no other form of communication shall be permitted; and

d. Prevent Councillor Dhillon from access to municipal offices except to retrieve Council mail/packages, make bill payments, or to attend for Council meetings.

Sincerely,

Muneeza Sheikh
Integrity Commissioner
City of Brampton

I would like to acknowledge my colleague, Saba J. Khan, for assisting me in investigating this Complaint and in preparing this Report.

APPENDIX "1": Relevant Provisions from the *Municipal Act, 2001*.

APPENDIX "1": Relevant Provisions from the *Municipal Act, 2001*

Municipal Act, 2001 Provisions:

Integrity Commissioner

223.3 (1) Without limiting sections 9, 10 and 11, those sections authorize the municipality to appoint an Integrity Commissioner who reports to council and who is responsible for performing in an independent manner the functions assigned by the municipality with respect to any or all of the following:

1. The application of the code of conduct for members of council and the code of conduct for members of local boards.
2. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behavior of members of council and of local boards.
3. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to members of council and of local boards.
4. Requests from members of council and of local boards for advice respecting their obligations under the code of conduct applicable to the member.
5. Requests from members of council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behavior of members.
6. Requests from members of council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.
7. The provision of educational information to members of council, members of local boards, the municipality and the public about the municipality's codes of conduct for members of council and members of local boards and about the *Municipal Conflict of Interest Act*. 2017, c. 10, Sched. 1, s. 19 (1).

Inquiry by Commissioner

223.4 (1) This section applies if the Commissioner conducts an inquiry under this Part,

(a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member; or

(b) in respect of a request made by a local board or a member of a local board about whether a member of the local board has contravened the code of conduct applicable to the member. 2006, c. 32, Sched. A, s. 98.

223.6(2)

Report about conduct

(2) If the Commissioner reports to the municipality or to a local board his or her opinion about whether a member of council or of the local board has contravened the applicable code of conduct, the Commissioner may disclose in the report such matters as in the Commissioner's opinion are necessary for the purposes of the report. 2006, c. 32, Sched. A, s. 98.

APPENDIX "2": Email exchange with Mayor Brown regarding the stay and subsequent commencement of the investigation.

Nila Troubitsina

From: Muneeza Sheikh
Sent: Thursday, December 19, 2019 1:15 PM
To: Brown, Patrick - Mayor
Cc: Saba J. Khan; Nagalingam, Babu; Nila Troubitsina
Subject: RE: Mayor Brown

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Mayor Brown,

I have some updates on this matter. I spoke to the Peel Regional Police on this today, and have been advised that as a result of jurisdictional issues, neither the Peel Police or the RCMP are currently investigating this matter. As I had advised you earlier, I had stayed my investigation on the basis that I understood that there was a criminal investigation. Given that there is no criminal investigation at this time, I will be resurrecting my investigation as Ethics and Integrity Commissioner. To that end I would like to set aside some time to meet with you on this matter during the holidays. I am out of the country between December 25th and 29th, but can make myself available before the 25th or after the 29th. Given the nature of the allegations, I trust that you can appreciate that it is quite urgent for us to meet on this. I would also ask that you sent to me in writing, prior to any meeting that you have, the name of the complainant, and any other written notes that you might have. I would like to compile a witness list on this as soon as possible, and would like to reach out to the complainant to see if I can meet with her in the next few days.

Here are some suggested times that I can meet with you:

December 24 (during the day)
December 31 (during the day)
January 2,3

I can also meet during the weekend, and am happy to accommodate that, should it be easier for you.

Can you please provide me with:

1) Name and contact information for anyone who sat in with you for the meeting with the complainant;
2) Name and contact information for the complainant;
3) Contact information for Badar Shamin; and
4) Name and contact information for anyone else you think I should be speaking with at this time.

I look forward to your prompt response.

Best,

Muneeza Sheikh
Partner

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5

T: 416-597-6482 | **F:** 416-597-3396
Visit our new website: www.levittllp.com

Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Muneeza Sheikh
Sent: Wednesday, November 27, 2019 2:03 PM
To: Patrick Brown <pwob26@rogers.com>
Cc: Saba J. Khan <skhan@levittllp.com>; Nila Troubitsina <ntroubitsina@levittllp.com>
Subject: RE: Mayor Brown

Mayor Brown,

Thank-you for taking the time to speak with me, and for providing this update on the allegations against C. Dhillon.

Certainly the allegations are serious enough that they would most certainly trigger a complaint under the *Code of Conduct* that governs the behavior of all Council Members. I appreciate that you have not filed an official complaint against C. Dhillon, but it is in the best interest of the public, particularly when looking at Brampton Residents, that allegations of this nature are investigated immediately. So in this case, I will be exercising my discretion to treat this as a formal complaint.

It would appear from your note below that the Peel Regional Police is currently investigating this matter (if I am incorrect on this, please advise), so I will ***stay*** my office's investigation until this matter is disposed of by the Peel Regional Police. Please keep in mind, that in the event that C. Dhillon is not charged, my office will still be looking into other forms of misconduct as it relates to this incident that may not necessarily meet the criminal threshold. In the event that C. Dhillon is charged, our office may very well choose to close our file, but I am unable to definitively make that determination at this time.

I appreciate 's desire to keep this confidential, and of course our office will do the same when we conduct a formal investigation into this matter.

Kindly have someone from your office keep my office apprised on this matter as far it relates to the criminal investigation.

I trust that the above is satisfactory, please do not hesitate to contact me if you have any questions.

Best,

Muneeza Sheikh
Partner

<image001.png>

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
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Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Patrick Brown <pwob26@rogers.com>
Sent: Wednesday, November 27, 2019 10:38 AM
To: Muneeza Sheikh <msheikh@levittllp.com>
Subject: Re: Mayor Brown

The allegation is that the councillor sexually assaulted the complainant in her hotel room in Turkey.

Gary took notes for me in the meeting with the complainant

We referred the matter to the Peel Police and highlighted to the complainant we have no tolerance for sexual assault in Peel Region

She was concerned about her safety and for her family. We let her know we would raise all the way to the Peel Police Chief and thanked her for having the courage to come forward.

We also promised her we would respect her privacy. She wasn't sure she wanted her experience to be public as it would be a difficult conversation with her husband. We promised her confidentiality.

Patrick.

On Nov 26, 2019, at 4:13 PM, Muneeza Sheikh <msheikh@levittllp.com> wrote:

Thank-you.

Can I please get a detail of the allegations, and what happened? What have you sent me does not assist in that regard. Thank-you.

Best,

Muneeza Sheikh
Partner

<image001.png>

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-597-6482 | **F:** 416-597-3396
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Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Gary Collins <collinsgary1967@gmail.com>
Sent: Tuesday, November 26, 2019 3:36 PM
To: Muneeza Sheikh <msheikh@levittllp.com>
Cc: Pwob26@rogers.com
Subject: Mayor Brown

Hi Ms. Sheikh: Mayor Brown asked me to send you my notes from a meeting held last week at Salon at in Brampton. The attendees were the Mayor, Babu Nagalingam, the Chief of Staff and myself. I was aware of the trade mission by the Canada-Turkey Business Council to Turkey. The trip included Regional Councillor Gurpreet Dhillon and some local Brampton business leaders including . the owner of the hair salon. I was contacted by in the evening on November 19th regarding an incident on the business trip. I believe she had sent a message to the Mayor as well. I heard some details regarding the allegations. I felt it was important for the Mayor to meet . I briefed the Mayor in the morning of Nov 20. The meeting with took place on Nov 20 at 3:05pm. My notes are attached. Mayor Brown spoke to the Police Chief about this matter. I also sent an email later that evening to with links to Victim Services, Safe Centre Peel and Peel Regional Police should she be looking for assistance or support services. If you have any questions or advice for the Mayor, send me an email or call me on my personal cell at 647-409-5598. Cheers, Gary Collins, Director of Communications for Mayor Brown

APPENDIX "3": Section 5(2) of the City of Brampton's Complaint Protocol.

APPENDIX "3": Relevant Provisions from the Complaint Protocol

Section 5

(1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:

(a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days; and

(b) the Integrity Commissioner may serve a copy of the response provided upon the complainant with a request for a written reply within ten days.

(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

(3) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for the proposed finding and any recommended sanction and an opportunity either in person or in writing to comment to the Integrity Commissioner on the proposed finding and any recommended sanction.

(4) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.

APPENDIX "4": Letters between Councillor Dhillon's Counsel, Mr. Hasan, and Ms. Sheikh.

STOCKWOODS
barristers

Nader R. Hasan
Direct Line: 416-593-1668
Direct Fax: 416-593-9345
NaderH@stockwoods.ca
File No.: 11992

March 18, 2020

SENT VIA E-MAIL

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

As you are aware, I am counsel to Councillor Gurpreet Dhillon. I write with respect to your investigation of him in your capacity as City of Brampton Integrity Commissioner.

1. Jurisdiction of the Integrity Commissioner

In your e-mail of March 15, 2020, you advised that the "the allegations against C. Dhillon did not come by way of an official complaint." In light of this information, I have some concerns around the Integrity Commissioner's jurisdiction to conduct this investigation.

Section 223.4(1) of the *Municipal Act, 2001*[1] specifies that the Integrity Commissioner's powers of investigation are triggered by:

> (a) ... a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member.

This provision contemplates a formal complaint being made to the Integrity Commissioner, as specified in the City of Brampton Council Code of Conduct Complaints Protocol, Part B ("Formal Complaints Procedure").[2]

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[1] Section 223.4(5)(2), *Municipal Act, 2001*, SO 2001, c 25.
[2] *City of Brampton Council Code Of Conduct Complaint Protocol* "Part B: Formal Complaints Procedure" (Accessed online March 16, 2020 at https://www.brampton.ca/EN/City-Hall/Pages/Complaint-Process-New-Council-Code-2016.aspx)

In the absence of a formal complaint, the Integrity Commissioner's authority to conduct the investigation is unclear to me.

Could you please specify the legal basis for this investigation?

2. Request for Disclosure

We are renewing our request for disclosure regarding the informal complaint and your investigation of Councillor Dhillon. Without limiting our request for all relevant materials, we ask that you please provide the following:

- All documents relevant to this matter, including but not limited to, notes of interviews, correspondence and e-mails;
- The information being relied upon in deciding to pursue the investigation, including information from any witness who was interviewed;
- The particulars of the allegations against Mr. Dhillon, including which sections of the *Code of Conduct* have allegedly been breached; and
- A summary of the evidence gathered from other witnesses during the course of your investigation.

Disclosure is required under these circumstances for several reasons.

First, Mr. Dhillon has a statutory and common law right to be heard. A right to be heard requires that Mr. Dhillon know the case against him and the opportunity to provide a meaningful response.

Section 34(6) of the *Public Inquiries Act, 2009* requires that "no finding of misconduct ... shall be made against" Mr. Dhillon "unless [he] had reasonable notice of the substance of the alleged misconduct and was allowed full opportunity during the inquiry to be heard in person or by counsel."[3] A full opportunity to be heard, in this case, requires no less than the full disclosure of relevant materials.

As the Nova Scotia Court of Appeal stated in *Scott v. Rent Review Comm.*:

> [T]he courts have uniformly held that an 'opportunity to be heard' or an 'opportunity to make representations', whether prescribed by statute or by common law, is afforded a person only if the tribunal lets him know the essentials

---

[3] Section 34(6), *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sched. 6.

> of the evidence on the principal issue it has to decide, so that he may make representations on that issue, if he is able to do so.[4]

Second, the common-law *Baker* factors require disclosure in this case,[5] given:

- the nature of the decision being made is quasi-judicial, and the process followed in making it is procedurally akin to a quasi-judicial proceeding;[6]
- the nature of the statutory scheme — a higher degree of fairness is required here because there is no appeal procedure provided in the statute;[7]
- this decision is critically important to Mr. Dhillon, and in particular to his reputation inside and outside of Council, his chances at re-election, and therefore his career and livelihood;[8]
- Mr. Dhillon's legitimate expectations;[9] and,
- the fact that, as above, the statute contemplates disclosure obligations.[10]

Mr. Dhillon's ability to continue as a Councillor — as well as his personal reputation in his community — will be gravely affected by these proceedings. He is entitled to full disclosure of all potentially relevant documents, whether you have relied upon them or not. This level of disclosure is ordinarily required where one's ability to continue in their profession is at stake.[11]

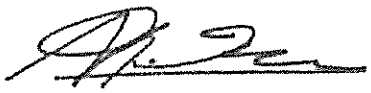
Courts have held that "in cases involving the loss of one's livelihood, disclosure cannot be much, if any, below the criminal standard."[12] One of the penalties available is the suspension of Mr. Dhillon's income for a period of 90 days.[13] In light of this significant jeopardy, the *Stinchombe* standard requires disclosure of all relevant information, whether inculpatory or exculpatory.[14]

---

[4] *Re Scott et al. And Rent Review Commission et al.* (1977), 23 N.S.R. (2d) 504 (C.A.) at p. 541-2.
[5] Pursuant to *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 SCR 817, ¶21-27 ("*Baker*").
[6] Section 34, *Public Inquiries Act*, 2009.
[7] *Baker* at ¶ 24.
[8] *Ibid*, ¶ 25.
[9] *Ibid*, ¶ 26.
[10] *Ibid*, ¶ 27.
[11] See for example *Ontario (College of Physicians and Surgeons of Ontario) v. HDN*, 1997 ONCPSD 5; *Ontario (College of Pharmacists) re Haditaghi*, 2013 ONCPDC 3, at ¶¶5-6.
[12] *Waxman v. Ontario (Racing Commission)*, [2006] O.J. No. 4226 (Ont. Div. Ct.) at ¶10; see also *1657575 Ontario Inc. v. Hamilton (City)*, 2008 ONCA 570, a case involving a decision to revoke a adult entertainment parlour license, where the court found that the duty of fairness required, at a minimum, that the licensing committee provide the appellant with the basis of the proposed revocation and an accurate statement of the grounds to revoke the license. The court held "when one's ability to carry on business is being put at risk, one should not have to guess why revocation of the license is proposed or speculate as to the grounds for the proposed revocation" (¶ 29).
[13] Section 223.4(5)(2), *Municipal Act, 2001*, SO 2001, c 25.
[14] *R. v. Stinchcombe*, [1991] 3 S.C.R. 326 at ¶20, 29.

Thank you for your attention to this matter. We look forward to hearing from you.

Yours sincerely,



Nader R. Hasan
NRH/lw

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482
E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

March 20, 2020

Dear Mr. Hasan;

Re: Response to your Queries on the Investigative Process Regarding Councillor Dhillon

I am in receipt of your correspondence dated March 18, 2020 and have now had the opportunity to review same.

Please consider this correspondence as a response to the questions you have raised in your letter.

1. **My Jurisdiction**

With respect to your query regarding my jurisdiction, please note that a "formal complaint" is not the exclusive type of complaint that may trigger my obligations under section 223.4(1).

As you noted, section 223.4(1) of the *Municipal Act, 2001* states as follows:

> (a) in respect of a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member

The wording of the provision itself does not contemplate a formal complaint being made to the Integrity Commissioner's office. Nevertheless, in response to your specific

question, pursuant to section 223.4(1), my investigation was triggered in response to a phone call I received from Mayor Brown's office regarding purported misconduct by Councillor Dhillon in November 2019.

To be specific, I received a phone call from Mayor Brown on November 27, 2019 wherein he advised me that he met with , shortly after her return from Turkey (where your client attended on City business as well) who complained to him about being sexually assaulted and harassed by Councillor Dhillon. I understand that Mayor Brown advised her that she could file a police complaint and file a complaint with my office as the allegations appeared to trigger a contravention of the City of Brampton's Code of Conduct (the "Code of Conduct").

While Mayor Brown did not file an official formal complaint against Councillor Dhillon, I exercised my discretion to treat it as a formal complaint. Particularly, considering the nature of the allegations and the public policy concerns, I was and still am of the view that allegations of this nature (sexual misconduct) are to be investigated immediately and without delay.

At that time, I was advised that Peel Regional Police ("Peel Police") was investigating the matter and I decided to stay my investigation until the matter was disposed of by Peel Police.

On or about December 19, 2019, I was advised that neither Peel Police nor the RCMP were investigating the matter. Since there was no criminal investigation, I decided to resurrect my investigation in my capacity as Integrity and Ethics Commissioner pursuant to the complaint from Mayor Brown and in accordance with my obligations under section 223.3(1).

It would appear, both based on your letter and the subsequent emails that I received from you following your letter, that your client seems to be of the view that he has no obligation to participate unless files a formal complaint – in short, you are challenging

my jurisdiction to investigate this matter absent what you characterize as a "formal complaint". I disagree.

Nevertheless, it would appear that this is now a moot issue, and one that we need not quibble over further. I received a formal complaint from today, and attach it to this letter. Your client's response to me is due within 10 days from today and I will be granting no indulgences insofar as it relates to the delivery of that response. Your client has known about this matter for months.

2. Request for Disclosure

I note that you have raised section 34 of the *Public Inquiries Act, 2009*. Pursuant to section 223.4(2) of the *Municipal Act, 2000*, I *may* elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, however, to do so is wholly under my discretion.

While you refer to the process of my investigation as a "proceeding", the findings of my report are unlike a decision or ordinary proceedings as they do not have the same element of finality, nor are they binding.

To be clear, my obligation is to report my findings to City Council and/or recommend corrective action. Per section 9 of the Council Code of Conduct Complaint Protocol (the "Complaint Protocol"), it is then up to Council members themselves to consider and respond to the report within 90 days after the day that the report is provided to Council.

Council members have the power to vary any of my recommendations. As you will note from the language in section 9(4) of the Complaint Protocol, only Council has the power to *impose* the two penalties (i.e. a reprimand, or a suspension of zero remuneration paid to the member in question for a period of up to 90 days) or any other corrective action I recommend under the Complaint Protocol. The ultimate power to impose *any* penalty lies at the discretion of Council as you will further note in section 223.4(5) of the *Municipal Act, 2001*.

However, to the extent that there is material that I will be relying on for the purposes of my report, I will certainly ensure that your client is provided with the opportunity to review and respond to such material.

At this point, the key piece of evidence that I anticipate relying on for the purpose of my report is an audio recording that has been produced. Since that audio recording is the subject of an undertaking (to not be re-produced), I will provide your client the opportunity to listen to and comment on the content of the audio recording during the course of the investigative meeting.

I trust that the above is satisfactory, however, please let me know if you have any questions.

Best,

Muneeza Sheikh

STOCKWOODS
barristers

Nader R. Hasan
Direct Line: 416-593-1668
Direct Fax: 416-593-9345
NaderH@stockwoods.ca

March 23, 2020

SENT VIA E-MAIL

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

I write in response to your letter of March 20, 2020. Given the new information you have provided, I have some additional questions and concerns about your investigation. I am also renewing my previous request for disclosure.

1. The Nature of the Inquiry and the Scope of the Integrity Commissioner's Discretion

In your e-mail of March 15, 2020, you advised that the "the allegations against C. Dhillon did not come by way of an official complaint." Subsequently, in your March 20 letter, you indicated that you "exercised [your] discretion to treat [Mayor Brown's phone call] as a formal complaint."

You also appended a formal complaint from to the March 20 letter. That complaint is dated March 19, 2020. I assume from this that you had a further discussion with after receiving my March 18, 2020 letter.

I am still struggling to understand the jurisdiction for the investigation prior to March 19, 2020. Although I understand that an Integrity Commissioner may exercise her discretion *not* to pursue a formal inquiry despite a complaint,[1] I am not aware of any basis for an Integrity Commissioner's unrequested exercise of discretion to *initiate* an inquiry. Section 223.4(1) of the

[1] *City of Brampton Council Code Of Conduct Complaint Protocol*, "Part B: Formal Complaints Procedure, Section 2: Initial Classification by Integrity Commissioner" (Accessed online March 21, 2020 at https://www.brampton.ca/EN/City-Hall/Pages/Complaint-Process-New-Council-Code-2016.aspx)

Municipal Act, 2001[2] would suggest to me that there must be an explicit request before the Integrity Commissioner's discretion to conduct or not conduct an inquiry is triggered. In particular:

> (a) ... a request made by council, a member of council or a member of the public about whether a member of council or of a local board has contravened the code of conduct applicable to the member.

At present, the only type of official or formal request to the Integrity Commissioner mentioned on the City of Brampton Complaints Protocol is a formal request made via the form on the website ("Formal Complaints Procedure").[3] However, it seems that neither Mayor Brown nor had taken this step at the time when you initiated the inquiry.

Given the information you have provided, I would appreciate clarification regarding the legal basis on which the inquiry into Mr. Dhillon was pursued.

2. The Request for Written Submissions

You also stated in your March 15, 2020 e-mail that you were not requesting a written response from Mr. Dhillon since your investigation was not being conducted pursuant to an official complaint. I understand that your current position, however, is that you would like a written response from Mr. Dhillon. Provided that you provide disclosure forthwith, we will comply with the request for written submissions.

3. The Integrity Commissioner's Power to Compel Councillor Dhillon's Participation

You state in your email of March 18, 2020, that Mr. Dhillon "has an obligation to participate" in your investigation. Again, notwithstanding concerns regarding the legal basis for the inquiry, I am seeking clarification regarding the authority for this obligation.

On my reading, neither the *Municipal Act, 2001* nor the *Public Inquiries Act* gives the Integrity Commissioner the power to compel the attendance of an individual under investigation for an interview.

4. Request for Disclosure

I am renewing my request for disclosure regarding your investigation of Mr. Dhillon. As I have stated previously, our intention is to respond. Up until this point, however, we have received nothing that allows Mr. Dhillon to know the case to meet. Without limiting the generality of our previous requests for disclosure, please provide the following:

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[2] Section 223.4(5)(2), *Municipal Act, 2001*, SO 2001, c 25.

[3] *City of Brampton Council Code Of Conduct Complaints Protocol*, "Part B: Formal Complaints Procedure" (Accessed online March 16, 2020 at https://www.brampton.ca/EN/City-Hall/Pages/Complaint-Process-New-Council-Code-2016.aspx)

- All documents relevant to this matter, including, but not limited to, correspondence, e-mails, and notes of interviews;

- The information relied upon in deciding to pursue the investigation, including information from any witness who was interviewed;

    - In particular, given your previous assertion that you had treated Mayor Brown as the complainant for the purposes of this investigation, we request all correspondence with Mayor Brown as well as notes of any calls and in-person discussions with Mayor Brown related to this matter, or any other members of City staff;

    - Any correspondence between the Integrity Commissioner and · prior to her complaint of March 19, 2020;

    - Any correspondence between the City staff and ;

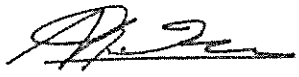
- The particulars of the allegations against Mr. Dhillon, including which sections of the *Code of Conduct* have allegedly been breached; and

- All evidence gathered from other witnesses during the course of your investigation, including transcripts if such transcripts exist.

You indicated in your March 20, 2020 letter that you are relying on an audio recording provided by . We request that recording. Given the sensitive nature of the material, I will undertake to keep the recording at my office and not to make any copies. Mr. Dhillon will review the recording at my office only. Your proposed alternative — that Mr. Dhillon listen to the recording immediately before or during his interview — is not disclosure. It is interview by ambush.

Thank you for your attention to this matter. I look forward to hearing from you.

Yours sincerely,



Nader R. Hasan
NRH/lw

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482

E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

March 30, 2020

Dear Mr. Hasan

Re: Response to your Queries on my Investigative Process Regarding Councillor Dhillon

Please consider this as a response to your letter dated March 23, 2020.

1. **Your Questions Regarding the Nature of my Inquiry and the Scope of my Discretion**

In your letter dated March 23, 2020 you stated as follows:

> *"In your e-mail of March 15, 2020, you advised that the "the allegations against C. Dhillon did not come by way of an official complaint." Subsequently, in your March 20 letter, you indicated that you "exercised [your] discretion to treat [Mayor Brown's phone call] as a formal complaint."*

Please note that in my email of March 15, 2020, I was responding to your email wherein you requested a copy of the complaint against Councillor Dhillon. Clearly, when I stated that the allegations did not come by way of an official complaint, I was referring to the fact that I did not have a written complaint to provide to you. As I stated in my letter dated March 20, 2020, my investigation was triggered as a result of Mayor Brown's phone call, which is consistent with my email to you on March 15, 2020. Since the request was made by Mayor Brown over a phone call, while I chose to treat that as a formal complaint, I obviously did not have anything in writing to produce to you.

A) ***Complaint:***

With respect to your comments about complaint and your assumption that I had a further discussion with her, I did not have any involvement in choosing to file an official complaint. To be clear, while I informed of the status of the investigation, the decision to file a complaint was solely hers.

Advising of the existence of a complaint form does not run afoul my obligations. My duty as the Integrity Commissioner includes informing members of the public who may lack specific knowledge of the existence of a Complaints Protocol, and, by extension, a complaint form. Again, I have broad discretion to do this, in order to uphold the standard of ethics amongst Council members, which is precisely my job:

> [42] In exercising the powers conferred upon her, the Integrity Commissioner **must be able to interpret** and reformulate complaints submitted by members of the public who may lack specific knowledge of the Code of Conduct and the Complaints Protocol and who may, therefore, not be familiar with how to identify and formulate alleged breaches.
>
> [43] By interpreting and applying the Code of Conduct and the Complaint Protocol when reformulating a complaint, **the Integrity Commissioner essentially applies what can be considered her "home statute"** (emphasis added).[1]

B) ***My Jurisdiction Prior to March 19, 2020:***

In response to your query regarding my jurisdiction for the investigation prior to March 19, 2020, I repeat that pursuant to section 223.4(1) of the *Municipal Act, 2001*, my investigation was triggered following a request made by Mayor Brown.

Contrary to your assertion, a request by a Council member regarding whether a member of Council contravened the Code of Conduct need *not* be in writing, *nor* be made via a complaint form.

I refer you to the case of *Di Biase v Vaughan,* 2016 ONSC 5620 ("*Di Biase*"), wherein, the Divisional Court judicially reviewed a report by the Integrity and Ethics Commissioner of the City of Vaughan. Among other questions, counsel for the applicant raised concerns respecting the jurisdiction and disclosure obligations of the Integrity Commissioner in question. The Divisional Court dismissed the application, holding that there was no merit to *any* of the applicant's submissions.

One of the specific issues raised by the applicant's counsel was the threshold to be met before an investigation could even commence. To that, the Divisional Court judge responded:

> [30] **The Complaint Protocol does not require any threshold to be met before an investigation can occur**. The Complaint Protocol **invites** individuals who identify or witness behaviour that "they believe is in contravention of the Code of Conduct for Members of Council" to file a complaint (emphasis added).[2]

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[1] *Michael Di Biase v City of Vaughan; Integrity Commissioner of the City of Vaughan*, 2016 ONSC 5620 [*Di Biase*].

[2] *Ibid* at para 30.

The Divisional Court judge made the above-noted comment *despite* the City of Vaughan having a detailed and clear Complaint Protocol outlining processes for formal and informal complaints, just as the City of Brampton's Complaint Protocol does. Since you question my discretion to have commenced an investigation based on the Mayor's request/inquiry, I thought it best to include the paragraph as set out above.

I also refer you to the following paragraph, which reflects the considerable amount of discretion afforded to an Integrity Commissioner regarding his or her decision to commence an investigation:

> [37] This Court will **always be reluctant** to **permit judicial review of a decision by the Integrity Commissioner to commence an investigation**. The decision to commence an investigation does not decide or prescribe the legal rights, powers, privileges, immunities, duties or liabilities of the Councillor who will be investigated. The decision to investigate does not decide whether the Councillor is eligible to receive or to continue to receive a benefit. Permitting judicial review of this class of decisions will inevitably result in two hearings instead of one. Finally, there is no basis for reviewing this Integrity Commissioner's decision to commence this investigation (emphasis added).[3]

In your letter, you state as follows:

> "Although I understand that an Integrity Commissioner may exercise her discretion not to pursue a formal inquiry despite a complaint, I am not aware of any basis for an Integrity Commissioner's unrequested exercise of discretion to initiate an inquiry."

In *Di Biase,* the judge held that, similar to the City of Brampton's Complaint Protocol, the Complaint Protocol for the City of Vaughan granted the Integrity Commissioner "discretion to refuse to proceed with an investigation if she is of the opinion that the complaint is frivolous, vexatious or not made in good faith.[4]

However, "accordingly, the Complaint Protocol allows the Integrity Commissioner to make inquiries to determine whether there is an 'air of reality' to [an] allegation and to clear the air of groundless allegations, including those of criminal conduct by Councillors. If the Integrity Commissioner decides that there is no air of reality to [an] allegation, the Commissioner may include such a conclusion in her report."[5]

It is clear from the judge's commentary in *Di Biase* that, while I have the *explicit* discretion *not* to pursue a formal inquiry (as you correctly note), I am also afforded the discretion to initiate an inquiry in order to determine whether the allegations have an "air of reality".

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[3] *Ibid* at para 37.
[4] *Ibid* at para 206.
[5] *Ibid*.

2. My Request for Written Submissions

I was not requesting a written response from Councillor Dhillon prior to my last correspondence since there was nothing in writing at that time that I produced to your client, which I sought his response to. Now that I have produced complaint to you, I am extending the courtesy to your client to provide a written response within 20 days of having received the complaint (i.e. **by no later than April 8, 2020**). This is an extension from the 10 days that are required under the Complaint Protocol.

3. My Power to Compel Councillor Dhillon's Participation in an Investigative Interview

In response to your assertions, I direct you to Rule No. 19 of the City of Brampton's Code of Conduct ("Code of Conduct"), which states as follows:

> **Rule No. 19**
> **Reprisals and Obstruction**
>
> 1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.
>
> 2. No member shall threaten or undertake any act of reprisal against a person initiating inquiry or complaint under the Code of Conduct or who provides information to the Integrity Commissioner in any investigation.
>
> **Commentary**
>
> Members of Council should respect the intent of the Code of Conduct and investigations conducted under it. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.[6]

Pursuant to my power under Part B, section 5(2) of the Complaint Protocol, it is within my power to request to speak to *anyone* relevant to the complaint:

> *(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to* ***anyone relevant to the complaint****, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement* (emphasis added).[7]

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[6] The City of Brampton, *Council Code of Conduct*, r 19 [Code of Conduct].

[7] The City of Brampton, *Council Code of Conduct Complaint Protocol*, r 19 [Complaint Protocol].

Every individual who I have requested an investigative interview with thus far has cooperated and respected my request. I do consider a participant's refusal of my request for an investigative interview to be an obstruction to me carrying out my responsibilities as the Integrity Commissioner.

Nevertheless, I will *not* allow your client's refusal to participate in an investigative interview to hinder or delay my investigation any further. I have fulfilled my obligation of making my request, however, if your client chooses to persist and not participate, I will have no option but to write my report and to simply note in that report that Councillor Dhillon failed to cooperate by rejecting my request for an investigative interview – to be clear, this correspondence is *with prejudice*. This is certainly not something that is new or unprecedented (see *Di Biase* at para 58).

4. Request for Disclosure

In your letter, you state:

> "Up until this point, however, we have received nothing that allows Mr. Dhillon to know the case to meet."

To that point, I refer you to the paragraph below from *Di Biase:*

> [64] ... Counsel claimed that **his client did not know the case against him** because the **Integrity Commissioner had failed to make adequate disclosure**. Specifically, she had failed to provide copies of the materials that she reviewed at the beginning of her investigation, and which prompted her to interview 32 individuals and to look at the applicant's emails. In addition, she failed to disclose the names of the persons interviewed, their witness statements and all documentation upon which she relied (emphasis added).[8]

The judge in *Di Biase* stated that "the statutory scheme provides the Integrity Commissioner with **significant autonomy** regarding the **disclosure of her investigation**" (at para 120) (emphasis added) and that "when deciding **how much** information must be disclosed, the Integrity Commissioner may take into account specific local concerns associated with such disclosure that **require confidentiality** or protection of informants' identities" (at para 121) (emphasis added).[9] I trust that this commentary addresses your disclosure requests. Given the nature of the allegations, and concerns expressed to me by interviewees, I choose to exercise confidentiality and not disclose anything other than a copy of the complaint at this time.

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[8] *Supra* note 1 at para 64.

[9] *Ibid* at paras 120-121.

Further, the judge in *Di Biase* referred to the commentary in the case of *Selvarajan v. Race Relations Board*, [1976] 1 All E.R. 12 (C.A.), which was affirmed by two Supreme Court of Canada cases[10]:

> The **fundamental rule** is that, if a person may be subjected to pains or penalties, or be exposed to prosecution or proceedings, or deprived of remedies or redress, or in some such way adversely affected by the investigation and report then he should be told the case made against him and be afforded a fair opportunity of answering it. **The investigating body is, however, the master of its own procedure. It need not hold a hearing. It can do everything in writing. It need not allow lawyers. It need not put every detail of the case against a man. Suffice it if the broad grounds are given. It need not name its informants. It can give the substance only** (at page 19) (emphasis added).

Despite the Divisional Court judge in *Di Biase* considering the Baker factors, which you referred to in your initial letter, he held that "the Integrity Commissioner was **not**, in the words of Lord Denning in *Selvarajan*, required to provide the applicant with "every detail of the case against" him (emphasis added) (at para 140). The Integrity Commissioner was not required to "name [her] informants". It was sufficient "if the broad grounds [were] given" (at para 149).

The judge in *Di Biase* also analyzed the level of disclosure required by the Integrity Commissioner, in light of her confidentiality obligations, as prescribed by the *Municipal Act, 2001* (section 223.5(1)) and by the Complaints Protocol. Overall, the judge held that, "...there is **nothing** in the *Municipal Act* or the Complaint Protocol that suggests a procedure **requiring the degree of disclosure, demanded by counsel for the applicant.**"[11]

To be clear, the applicant's counsel in *Di Biase* questioned the lack of disclosure/selective disclosure by the Integrity Commissioner and demanded the following:

- copies of all materials relied upon by the Integrity Commissioner at the beginning of her investigation that prompted her to interview the 32 individuals and look at the applicant's emails;
- the names and witness statements of the 32 witnesses interviewed by the Integrity Commissioner;
- all documentation upon which the Integrity Commissioner relied;
- copies of the case law which the Integrity Commissioner claimed supported her position not to disclose the names and witness statements; and

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[10] *Syndicat des Employés de Production de Québec et l'Acadie v. Canada (Canadian Human Rights Commission)* [1989] 2 SCR. 879 at para 27; *Irvine v. Canada (Restrictive Trade Practices Commission)* [1987] 1 SCR 181 at para 71, citing *Jenkins v. McKeithen*, 395 US 411 (1969), Harlan J. (dissenting), 442-443.

[11] *Supra* note 1 at para 135.

- all information that passed between the Integrity Commissioner and Councillors Iafrate and Schefman with respect to the complaint against the applicant.[12]

As you will likely note, the disclosure requests in *Di Biase* were quite similar, if not the same, as the requests you are making. The court held that that level of disclosure was ***not*** required.

Nevertheless, I will respond to each of your disclosure requests below.

- *All documents relevant to this matter, including, but not limited to, correspondence, emails, and notes of interviews*

I refer you to paragraph 29 of *Di Biase,* wherein, the judge held that "supporting material" does "**not** include **every document**, submitted **by anyone**, that **causes** the Integrity Commissioner **to commence her investigation**" (emphasis added).[13]

Further, the judge in *Di Biase* did **not** interpret the *Municipal Act, 2001* or the Complaint Protocol as creating "any legitimate expectation that the applicant would receive the disclosure that he demanded."[14]

- *The information relied upon in deciding to pursue the investigation, including information from any witness who was interviewed*

The judge in *Di Biase* considered the applicant's counsel's request for "copies of the submitted materials [the Integrity Commissioner] **reviewed at the beginning of [her] investigation that prompted [her] to interview 32 individuals and access the Regional Councillors server."** The Integrity Commissioner refused this request for disclosure, to which, the Divisional Court judge asserted:

> [28] In my view the Integrity Commissioner properly refused this demand.[15]

Most crucially, I reiterate that the judge held that "disclosure" for the purposes of the Integrity Commissioner fulfilling her obligations, "**does not include every document, submitted by anyone, that causes the Integrity Commissioner to commence her investigation**" (emphasis added).[16]

- *In particular, given your previous assertion that you had treated Mayor Brown as the complainant for the purposes of this investigation, we request all correspondence with Mayor Brown as well as notes of any calls and in-person*

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[12] *Ibid* at para 112.
[13] *Ibid* at para 29.
[14] *Ibid* at para 130.
[15] *Ibid* at para 28.
[16] *Ibid* at para 29.

discussions with Mayor Brown related to this matter, or any other members of City staff

- *Any correspondence between the Integrity Commissioner and prior to her complaint of March 19, 2020*

- *Any correspondence between the City staff and*

- *All evidence gathered from other witnesses during the course of your investigation, including transcripts if such transcripts exist*

With respect to your requests above, which pertain to witnesses who were interviewed, or evidence gathered from witnesses, I refer you to the judge's commentary in *Di Biase*, which precisely responds to such a request:

> [128] The Complaint Protocol **did not require the Integrity Commissioner to identify the 32 witnesses she interviewed**. It **also did not require** her to provide **any** of the **documentation obtained** from those individuals. The Integrity Commissioner never directly or by implication suggested that she would provide the applicant's counsel with the information he demanded.[17]

In *Di Biase,* the City of Vaughan's Complaint Protocol included the same obligation of the Integrity Commissioner – that is, providing the "complaint" and "supporting material" – as the City of Brampton's Complaint Protocol. Nevertheless, the Complaint Protocol was still interpreted as **not** requiring the Integrity Commissioner to provide *any* documentation obtained by witnesses interviewed, much less, identify those witnesses.

- *The particulars of the allegations against Mr. Dhillon, including which sections of the Code of Conduct have allegedly been breached*

You already have this. This is clearly outlined in complaint. Please refer to it.

Despite everything I have mentioned above, I have already assured you that should there be any material that I will rely on for the purposes of my report, I will produce that to your client and give him an adequate opportunity to respond.

With respect to your assertion that I am interviewing Councillor Dhillon by ambush, I am doing no such thing. While I will allow Councillor Dhillon to listen to the audio recording during my investigative interview, he will have an opportunity to respond to that recording in writing within 10 days from the date that he listens to it. As such, there is no basis for your assertion that this would be an "interview by ambush".

I trust that the above is satisfactory. If you have questions, please let me know.

---

[17] *Ibid* at para 128.

Best,

Muneeza Sheikh

STOCKWOODS
barristers

Nader R. Hasan
Direct Line: 416-593-1668
Direct Fax: 416-593-9345
NaderH@stockwoods.ca

April 7, 2020

SENT VIA E-MAIL

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

Enclosed please find Mr. Dhillon's written response to your request for submissions in response to the formal complaint made on March 19, 2020, which you provided to us on March 20, 2020.

You have suggested that Mr. Dhillon has refused to cooperate with your investigation.[1] This suggestion is baseless. Mr. Dhillon has never refused to cooperate with the Integrity Commissioner or otherwise obstructed you. He has made legitimate inquiries regarding your investigation and requested disclosure *for the purpose of providing a meaningful response.* To date, he has not received any details of the complaint made against him. The complaint you attached to your letter of March 20, 2020 provides none of the information necessary to provide a meaningful response. It is not compliant with the requirements for a formal complaint under the Integrity Commissioner's guidelines. Section 1(3) of Part B of the *Formal Complaints Protocol*[2] states:

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[1] You state in your March 30, 2020 letter: "I will *not* allow your client's refusal to participate in an investigative interview to hinder or delay my investigation any further." (emphasis in original)

[2] *City of Brampton Council Code of Conduct Complaint Protocol*, "Part B: Formal Complaints Procedure, Section 1: Integrity Commissioner Requests for Inquiries" (Accessed online April 6, 2020 at https://www.brampton.ca/EN/City-Hall/Pages/Complaint-Process-New-Council-Code-2016.aspx)

> A complaint shall set out **reasonable and probable grounds for the allegation** that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, **the provision of the Code allegedly contravened, facts constituting the alleged contravention**, the names and contact information of witnesses, and contact information for the complainant during normal business hours. (emphasis added)

None of this information is included in the complaint or has been otherwise provided.

While we are providing Mr. Dhillon's written submissions in good faith, I note that you still have not provided *any* disclosure despite our repeated requests. Mr. Dhillon's ability to make full answer and defence is seriously undermined if he does not know the particulars of the allegations. The formal complaint you provided is a bare assertion that is bereft of any particularization.

Requests for Disclosure

We initially requested particulars of the allegations against Mr. Dhillon in an email to you on March 15, 2020. You responded to that email indicating that you would provide particulars "in line with the complaints protocol", but stated that no "official complaint" had been made. Subsequently, we made the same request by letter on March 18, 2020. On March 20, 2020, you provided us with a letter in response that attached a formal complaint by , which was dated March 19, 2020. That complaint provided no detail aside from a bare allegation of sexual assault against Mr. Dhillon. We therefore renewed our request for disclosure on March 23, 2020. In our previous letters, we requested the following disclosure:

- All documents relevant to this matter, including, but not limited to, correspondence, e-mails, and notes of interviews;
- The information relied upon in deciding to pursue the investigation, including information from any witness who was interviewed;
    - In particular, given your previous assertion that you had treated Mayor Brown as the complainant for the purposes of the initial investigation, we requested all correspondence with Mayor Brown as well as notes of any calls and in-person discussions with Mayor Brown related to this matter, or any other members of City staff;
    - Any correspondence between the Integrity Commissioner and prior to her complaint of March 19, 2020;
    - Any correspondence between the City staff and ;
- The particulars of the allegations against Mr. Dhillon, including which sections of the *Code of Conduct* have allegedly been breached;
- All evidence gathered from other witnesses during the course of your investigation, including transcripts if such transcripts exist;

- An audio recording to which you alluded in your March 20, 2020 letter.

Your response of March 30, 2020 suggested that *Di Biase v City of Vaughan*[3] was a complete response to all of these concerns. We disagree.

First, the authorities you cite endorse the well-established principle that "if a person may be subjected to pains or penalties, or be exposed to prosecution or proceedings, or deprived of remedies or redress, or in some such way adversely affected by the investigation and report then he should be told the case made against him and be afforded a fair opportunity of answering it."[4]

Mr. Dhillon has not been afforded a fair opportunity to answer these allegations because there has not been *any* disclosure of any of the material that would allow him to know the case to meet. Even the "complaint" itself is devoid of any particulars.

Moreover, *Di Biase* and this case are dissimilar. There is a wide gulf between an allegation of inappropriate conduct in the context of a bid tendering process and an allegation of sexual assault. The seriousness and stigma associated with the latter favours a much higher degree of procedural fairness under the *Baker* factors.

Nature of and Jurisdiction of the Integrity Commissioner's Investigation

You have relied on *Di Biase* for the proposition that an Integrity Commissioner can launch an investigation on their own even in the absence of a request to do so. This is not the case. The passages you cite from *Di Biase* deal with the Integrity Commissioner's discretion to decline to investigate a complaint.[5] *Di Biase* (in which the complaint to the Integrity Commissioner was made through proper channels) does not address the Integrity Commissioner's jurisdiction to initiate an investigation *sua sponte*.

You also seem to raise the alternative argument that you treated Mayor Brown's phone call to you as a request to initiate an investigation. If Mayor Brown's telephone call to you was the impetus for the investigation, then Mr. Dhillon is entitled to know the contents of that conversation.

The Integrity Commissioner's Power to Compel Participation

In our previous letter, we requested that you provide authority for your position that you have the power to compel Mr. Dhillon to attend an interview with you.[6] You have provided authority for

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[3] *Michael Di Biase v City of Vaughan; Integrity Commissioner of the City of Vaughan*, 2016 ONSC 5620. In particular, you referred to paras 28. 29, 64, 112, 120-121, 128, 130, & 135.

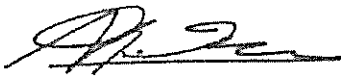
[4] *Di Biase*, at para. 146 (citing *Selvarajan v. Race Relations Board*, [1976] 1 All E.R. 12 (C.A.), p. 19).

[5] *DiBiase*, at paras. 206-207.

[6] We made this request in response to your statement in your March 18, 2020 email that "Your client has an obligation to participate, and there are no rules (outside of those as outlined in the complaint protocol) that govern the process."

the Integrity Commissioner's power to demand written submissions. We have now provided written submissions, but our ability to respond remains hamstrung by your refusal to provide any particulars about the complaint and your refusal to provide any disclosure.

Yours sincerely,



Nader R. Hasan
NRH/lw

Enclosure

Gurpreet Singh Dhillon
Regional Councillor, Wards 9 & 10

April 7, 2020

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Investigation

In your letter of March 20, 2020, you requested a written response to a complaint made against me on March 19, 2020.

I categorically deny the allegation and I am deeply concerned about the procedural irregularities, particularly as they relate to adherence by your office to the City's official procedures on receiving complaints, and any subsequent investigation. The absence of any detail or disclosure about this complaint against me — despite repeated requests from my counsel — has meant that I am unable to properly respond to it.

The Integrity Commissioner has also failed to respond to important questions about the legal basis for the investigation conducted between December 2019 and March 19, 2020.

In addition, I was also troubled to learn from you that your initial investigation apparently began as a result of a telephone call from the Mayor in late November 2019, which is troubling as the City's Official Complaints Process was created to ensure the process remains apolitical.

Lastly, the fact that a formal complaint was coincidentally only made one day after my counsel questioned your investigative powers in the absence of a formal complaint, leads me to question the fairness and objectivity of the investigation.

Sincerely,

Gurpreet Dhillon

Brampton City Hall, 2 Wellington Street West, Brampton, ON L6Y 4R2
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LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482

E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

April 9, 2020

Dear Mr. Hasan

Re: Response to your Queries on my Investigative Process Regarding Councillor Dhillon

Response to Complaint

Thank you for providing your client's written response to complaint.

My assertion that Mr. Dhillon has failed to cooperate with my investigation is anything but "baseless". I have already informed you that one of the key pieces of evidence that I intend to rely on is an audio recording, which I would like to put to your client during the course of an investigative meeting. I have also advised you that given the nature of the allegations and the confidentiality obligations conferred on me by the *Municipal Act, 2001* and the Complaint Protocol, I do not deem it appropriate to produce a copy of that recording to you. It is still unclear to me as to why Mr. Dhillon is unwilling to participate in an investigative meeting when I am giving him the full opportunity to respond in writing within 10 days of having the opportunity to listen to the audio recording. This is more than fair.

As you will appreciate, I must balance my disclosure obligations with my confidentiality obligations. In your letter you mention:

> "He has made legitimate inquiries regarding your investigation and requested disclosure *for the purpose of providing a meaningful response."*

As I have reiterated, your client will have an adequate opportunity to respond to the audio recording after the investigative interview. Your client's refusal to participate in an investigative interview is precisely what is depriving him from listening to the evidence that I would like to share with him and to which I seek his response.

In your letter you state:

> "The complaint you attached to your letter of March 20, 2020 provides none of the information necessary to provide a meaningful response. It is not compliant with the requirements for a formal complaint under the Integrity Commissioner's guidelines. Section 1(3) of Part B of the Formal Complaints Protocol states:
>
> > A complaint shall set out **reasonable and probable grounds for the allegation** that the member has contravened the Code. For example, the complaint should include the name of the alleged violator, **the provision of the Code allegedly contravened, facts constituting the alleged contravention**, the names and contact information of witnesses, and contact information for the complainant during normal business hours. (emphasis added)
>
> **None** of this information is included in the complaint or has been otherwise provided" (emphasis added).

You incorrectly assert that complaint does not include the name of the alleged violator, the provision of the Code allegedly contravened, facts constituting the alleged contravention, etc. This is factually inaccurate. I refer you to complaint, which clearly lists the alleged violator as Councillor Gurpreet Dhillon, the two provisions of the Code allegedly contravened (Rules 14 and 15 of the *Council Code of Conduct*) and facts constituting the alleged violation, including the date, time, and location of the purported conduct.

With respect to naming witnesses (if that is what you are referring to when you suggest that the Complainant has not provided the relevant information), please see the Federal Court judge's commentary in *Di Biase v. City of Vaughan* on the requirement of naming witnesses in the Complaint Form:

> [34] The Complaint Protocol does not require the complainant to name every witness. This is confirmed by section 10(2) of the Complaint Protocol, which provides as follows:
>
> > 10(2) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
>
> [35] The requirement that witnesses be named is intended to assist the Integrity Commissioner should she decide to pursue the matter.

You will note that the City of Brampton's Complaint Protocol includes the following provision, which is almost identical to the one in the City of Vaughan's Complaint Protocol:

> 5(2) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, and may enter any City work location relevant to the complaint for the purposes of investigation and settlement.

It goes without saying that a court would make the same finding here – that witnesses need not be named by the Complainant in the Complaint Form. The requirement to name them is simply to assist me, it is not for the benefit of the Respondent.

Overall, I should not have to reiterate the contents of complaint and I am quite surprised that you incorrectly assert that ***none*** of the above-noted information is included in complaint (i.e. name of the alleged violator, rules purportedly breached, description of the incident including date, time, and place, etc.).

You state that you are providing Mr. Dhillon's written submissions and response to . complaint in "good faith". I am fulfilling my duty to Mr. Dhillon by providing him an opportunity to respond to the complaint. Providing a response to me is in Mr. Dhillon's own best interests, rather than something I view as an action taken in "good faith".

You also incorrectly state that I "still have not provided *any* disclosure". Again, this allegation is factually incorrect and is further negated by your client's continued refusal to attend a meeting with me, wherein, I have confirmed that I will present the audio recording to him. Aside from my confidentiality obligations which disallow me from providing a copy of the audio recording to you or your client, I reiterate that the audio recording is the subject of an undertaking.

Your Requests for Disclosure

We disagree with your assertion that the case of *Di Biase v. City of Vaughan* fails to respond to your requests for disclosure.

In your letter, you selectively cite only a portion of a full paragraph referred to in *Di Biase*. As such, I have set out what the full paragraph states in its entirety:

> "The fundamental rule is that, if a person may be subjected to pains or penalties, or be exposed to prosecution or proceedings, or deprived of remedies or redress, or in some such way adversely affected by the investigation and report then he should be told the case made against him and be afforded a fair opportunity of answering it. The investigating body is, **however**, the master of its own procedure. It need not hold a hearing. It can do everything in writing. It need not allow lawyers. It need not put every detail of the case against a man" (emphasis added).

The sentences that follow the one you chose to quote make it clear that, ultimately, the investigating body is "the master of its own procedure" and does not need to put every detail of the case before a person.

I will now address your assertion that the seriousness and stigma associated with an allegation of sexual assault favors a higher degree of procedural fairness under the *Baker* factors. We disagree. We rely on the Federal Court judge's assessment of the *Baker* factors in light of the Integrity Commissioner's powers and the effects of a Report – a Report has no binding effect whatsoever and the Integrity Commissioner cannot make a Respondent civilly liable:

> [116] The Integrity Commissioner's Report has no binding effect upon the applicant.
>
> [...]
>
> [123] The maximum penalty that may be imposed by the Council is a suspension of pay for 90 days. The applicant cannot lose his elected position, and the Integrity Commissioner cannot make the applicant civilly liable.

The most crucial point to note is that I will only be producing a Report once I have *completed* a thorough investigation. The process of completing my investigation includes me interviewing your client and putting the audio recording before him to give him an opportunity to respond. If your client is able to provide a fruitful response to the audio recording, then my Report will reflect that. As I mentioned, your client is standing in his own way with respect to hearing the evidence and responding. Raising the same requests for disclosure which I have already addressed in detail in my previous letter is not the way to go about this.

I reiterate again that my obligations do "not require [me] to provide any of the documentation obtained from [witnesses]" (*Di Biase* at para 128).

The Nature and Jurisdiction of my Investigation

I point you to the following paragraph from *Di Biase,* which addresses both the Integrity Commissioner's discretion to *refuse* to proceed with an investigation <u>as well as</u> her discretion to *commence* an investigation to determine whether there is an "air of reality" to the allegation:

> [206] According to section 8 of the Complaint Protocol, the Commissioner possesses a discretion to refuse to proceed with an investigation if she is of the opinion that the complaint is frivolous, vexatious or not made in good faith. Accordingly, the Complaint Protocol allows the Integrity Commissioner to make inquiries to determine whether there is an "air of reality" to the allegation and to clear the air of groundless allegations, including those of criminal conduct by Councillors. If the Integrity

> Commissioner decides that there is no air of reality to the allegation, the Commissioner may include such a conclusion in her report.

With respect to Mayor Brown's phone call, the content of that conversation was what produced in her Complaint Form. That is – that there was purported sexual misconduct by Mr. Dhillon against in Ankara, Turkey, in the month of November 2019. I also refer you to another relevant paragraph from *Di Biase* wherein the Federal Court judge states that an Integrity Commissioner's decision to investigate does not itself decide whether a Councillor is eligible to receive or be deprived of a benefit:

> [37] This Court will always be reluctant to permit judicial review of a decision by the Integrity Commissioner to commence an investigation. The decision to commence an investigation does not decide or prescribe the legal rights, powers, privileges, immunities, duties or liabilities of the Councillor who will be investigated. **The decision to investigate does not decide whether the Councillor is eligible to receive or to continue to receive a benefit.** Permitting judicial review of this class of decisions will inevitably result in two hearings instead of one. Finally, there is no basis for reviewing this Integrity Commissioner's decision to commence this investigation (emphasis added).

Mr. Dhillon's Participation in the Investigation Process

We disagree with your assertion that your ability to respond remains "hamstrung" by my "refusal" to provide any particulars about the complaint and refusal to provide *any* disclosure. I have invited your client for an investigative interview numerous times now – that too, allowing for you to be present with him, even though I can refuse that.

I am extending your client another opportunity to participate in an investigative interview with me on **Wednesday, April 15, 2020**. Of course, during that interview, he will have the opportunity to listen to the audio recording. If your client is unwilling to participate, kindly let me know.

As you are aware, I must ensure fairness to both the Complainant and the Respondent in this process. This exchange of letters has gone on long enough and has caused significant delay, especially considering I have responded to all of your queries around disclosure and my jurisdiction in 3 letters. The delay is causing significant prejudice to the Complainant and undermines procedural fairness generally when looking at complaints of this nature.

I have offered you and your client more than enough time to decide whether you are willing to participate in the investigative interview that I have requested. If the answer to that request is no, kindly let me know and I will commence writing my Report and note in it that your client declined to participate in the investigative interview. You should note (given the issues that you have raised) that I may append these letters, or reference portions of the letters in my Report.

I trust that the above is satisfactory. If you have questions, please let me know.

Best,

Muneeza Sheikh

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482

E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

April 17, 2020

Dear Mr. Hasan

Re: Response to your Queries on my Investigative Process Regarding Councillor Dhillon

I am in receipt of your letter dated April 14, 2020.

I rely on the caselaw that I referred you to in my previous correspondence and am therefore comfortable with my approach and the process that I have followed.

You rely on the *Baker v. Canada (Minister of Citizenship & Immigration), 1999 SCC 699 ("Baker")* case. However, it is critical that you also carefully consider the case of *Michael Di Biase v. City of Vaughan, 2016 ONSC 5620 ("Di Biase")*, since the judge in the latter case actually applies the principles of *Baker* to the context of an Integrity Commissioner's investigation and the degree of disclosure required.

As you can appreciate, while the court in *Baker* highlighted the factors which would affect the content of the duty of fairness, it would be incorrect to view these principles without considering how a Federal Court Judge has applied those principles to a Municipal Integrity Commissioner's office.

As you will note from *Baker,* the duty of fairness is flexible and variable and depends on "an appreciation of the context of the particular statute and the rights affected" (*Baker,* at para 22). For my purposes, this essentially means that the manner in which duty of fairness is applied must take into consideration both the *Municipal Act,* 2001 and the Complaint Protocol, both of which I have followed.

The *Di Biase* case

The *Di Biase* case applied the *Baker* factors to the Integrity Commissioner's role with respect to her investigative powers and her disclosure obligations.

Specifically, the *Di Biase* case considered the following key issues, all of which address your queries respecting my jurisdiction, the nature of my investigation, and my disclosure obligations:

a) The scope of the Integrity Commissioner's role;

b) The statutory scheme governing the Integrity Commissioner's role;

c) The court's reluctance in interfering with the Integrity Commissioner's decision to investigate;

d) The Integrity Commissioner's disclosure obligations;

e) The application of the *Baker* factors to the Integrity Commissioner's investigation and disclosure obligations;

f) Confidentiality and its link to the Integrity Commissioner's disclosure obligations; and

g) How an IC should deal with complaints of criminal nature.

When looking at the various letters that I have sent you (specifically on March 20, 2020, March 30, 2020, and April 9, 2020), I have repeatedly informed you of the court's remarks regarding the above-noted issues. I am not going to do so a fourth time.

My disclosure obligations

The City of Brampton's Complaint Protocol states as follows regarding my disclosure obligations:

> 5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act:
>
> (a) serve the complaint and supporting material upon the member whose conduct is in question with a request that a written response to the allegation by way of affidavit or otherwise be filed within ten days.

The court in *Di Biase* clarified what was meant by "supporting material" and stated as follows:

> [29] Counsel made this demand relying upon section 10 of the Complaint Protocol. The supporting material referred to in that section is the material provided by the complainant. It does not include every document, submitted by anyone, that causes the Integrity Commissioner to commence her investigation.

I have already provided you with the complaint that submitted.

I disagree with your view that allowing your client to listen to the audio recording and providing him with an adequate opportunity to respond *after* listening to that recording is "not disclosure". At this point, it would appear that your client is being obstructive – I can only hope that I am incorrect.

The delay is significantly prejudicing the complainant. In your letter you state that I provided 2 business days notice for Mr. Dhillon to attend an interview. That is factually incorrect. My letter of April 9, 2020 was not the first time I articulated my request for an investigative meeting with Mr. Dhillon. I have made multiple requests prior to that – kindly review that correspondence.

I should also advise you (in case it was not clear before), that I am not in a position to send you the recording beforehand. has retained her own counsel, who has made it clear to me (after I explored the option with her) that her client is not amenable to producing a copy of the recording for your client. I am bound by that undertaking.

Nevertheless, and her counsel are agreeable to producing a transcript of the audio recording to you. We will produce that to you by Monday, April 20, 2020. Mr. Dhillon will have 10 calendar days to respond to the transcript of that audio recording.

The *Baker* factors in the context of an Integrity Commissioner's investigation and disclosure obligations

As you have relied on *Baker* multiple times now, it is important for me to outline the Federal Court's analysis (in *Di Biase*) of the *Baker* factors in the specific context of an Integrity Commissioner's investigation and disclosure obligations:

(i) The nature of the decision being made and (ii) the role of the decision within the statutory scheme:

With respect to the above-noted factors, the court held that the Integrity Commissioner's Report has **no** binding effect on the Councillor (*Di Biase,* at para 116). The Report is simply a recommendation and **it is up to the City of Vaughan's Council to actually impose the penalty** (*Di Biase,* at para 117).

The court also noted that the statutory scheme (section 223.5 of the *Municipal Act, 2001*) provides an Integrity Commissioner with "significant autonomy regarding the disclosure of her investigation" (*Di Biase,* at paras 119 and 120).

In fact, when "deciding how much information must be disclosed, the Integrity Commissioner may take into account specific local concerns associated with such disclosure that require confidentiality or protection of informants' identities" (para 121). The complainant has expressed great concern over the audio recording being produced to Mr. Dhillon and under the circumstances, I do need to respect that.

(iii) The importance of the decision to the individual affected:

The court found that the Integrity Commissioner's Report is important to a Councillor in question because "it affects his reputation" (*Di Biase,* at para 124). Nevertheless, the court noted that "the applicant cannot lose his elected position, and the Integrity Commissioner cannot make the applicant civilly liable" (para 123) – factors which would typically warrant a greater degree of fairness.

(iv) The legitimate expectations of the person challenging the decision where undertakings were made concerning the procedure to be followed:

With respect to disclosure and what a Councillor can legitimately expect, the court stated as follows:

> [128] The Complaint Protocol did not require the Integrity Commissioner to identify the 32 witnesses she interviewed. It also did not require her to provide any of the documentation obtained from those individuals. The Integrity Commissioner never directly or by implication suggested that she would provide the applicant's counsel with the information he demanded.
>
> [129] Section 223.5 of the *Municipal Act* provides that the Integrity Commissioner shall preserve secrecy with respect to all matters that come to her knowledge in the course of her duties.
>
> [130] Neither the statutory scheme nor the conduct of the Integrity Commissioner created any legitimate expectation that the applicant would receive the disclosure that he demanded.

The above-noted paragraphs reflect that the Integrity Commissioner is not required to provide documentation obtained from the individuals interviewed. In fact, the judge held that there was "nothing in the *Municipal Act* or the Complaint Protocol that suggests a procedure requiring the degree of disclosure, demanded by counsel for the [Councillor]" in that case (*Di Biase,* at para 135).

Based on the *Di Biase* decision, I need not provide any documents to you that prompted my investigation.

Nevertheless, we will produce the following to you on Monday, April 20, 2020, after which, I expect a response from Mr. Dhillon to the material disclosed no later than **10 calendar days** from the date of disclosure, as per the requirement under the Complaint Protocol:

- A summary of the phone call between myself and Mayor Brown which prompted my investigation;
- The email exchange between myself and Mayor Brown regarding the commencement of my investigation; and

- A transcript of the audio recording that was provided to me by counsel.

Based on the judge's commentary in *Di Biase*, Mr. Dhillon cannot legitimately expect witness names, full witness statements, and/or documents obtained by witnesses to be provided to him.

I trust that the above is satisfactory. I expect a fulsome response from Mr. Dhillon by **April 29, 2020.**

If you have questions, please let me know.

Best,

Muneeza Sheikh

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482

E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

April 28, 2020

Dear Mr. Hasan

Re: Response to your letter dated April 27, 2020

I am in receipt of your letter dated April 27, 2020.

You indicate that you have "concerns about the accuracy and completeness of [the] transcript". If your client is saying this at this point, it seems that he would be saying the same even when he hears the audio recording. He has chosen to deny allegations categorically and it seems that you now have no option but to continually question my process so that your client's position (denying the whole incident altogether) remains consistent.

You already know our position on producing the audio recording, which I have reiterated to you several times now. You have also refused to produce your client for an investigative interview where I have clearly offered to allow him to listen to the audio recording.

You now leave me with no choice but to write and publish a report, which will note precisely what has occurred – that is, that your client has refused to participate in the investigation on the whole and has simply denied allegations as she articulated them in her complaint. All of this will be noted, as well as the delay that was caused due to the back-and-forth between us and exchange of correspondence for the last two months wherein, I have had to reiterate the same points.

As for your comments on the correspondence between myself and Mayor Brown, I refer you to the following paragraph in my correspondence to him:

> *"Certainly the allegations are serious enough that they would most certainly trigger a complaint under the Code of Conduct that governs the behavior of all Council Members. I appreciate that you have not filed an official complaint against C. Dhillon, but it is in the best interest of the public, particularly when looking at Brampton Residents, that allegations of this nature are investigated immediately. So in this case, I will be exercising my discretion to treat this as a formal complaint."*

I have written to you over four times now regarding my powers, my discretion, and my decision to investigate this matter. I need not repeat any of this and contribute to the delay that you have caused and are continuing to cause.

Unless your client changes his mind and decides to cooperate in my investigation, you will hear from me next when I have completed my report.

I trust that the above is satisfactory.

Best,

Muneeza Sheikh

APPENDIX "5": Copy of Ms. Klein's email regarding the Complaint Form.

From: Nadia Klein <nadia.klein@mooncriminallaw.ca>
Sent: Friday, March 20, 2020 8:55 AM
To: integrity.commissioner@brampton.ca
Cc: Muneeza Sheikh; Saba J. Khan
Subject: Complaint re Con. Gurpreet DHILLON - [NLK: 1219-1062 "PEEL ASSAULT SUIT"]
Attachments: - Complaint Form SIGNED.pdf

Good morning,

Kindly find attached a complaint against Con. Gurpreet DHILLON.

Sincerely,

Nadia Klein
Associate

T: 905-866-6449 Ext. 106 | F: 800-780-0891 | C: 416-553-9941
E: nadia.klein@mooncriminallaw.ca | WEB: www.mooncriminallaw.ca

MOON ROZIER LEGAL PROFESSIONAL CORPORATION
Trial & Appeal Lawyers
County Court Law Chambers
602 – 201 County Court Blvd.
Brampton, ONT., L6W 4L2

APPENDIX "6": The Complainant's Formal Complaint Form.

Schedule "A" - Formal Complaint Form - Council Code of Conduct

I _____ hereby request the Integrity Commissioner for the City of Brampton to conduct an inquiry pursuant to Part V.1 of the *Municipal Act, 2001* about whether or not the following member(s) of the City Council has (have) contravened the Council Code of Conduct applicable to the member(s):

Concillor Gurpreet DHILLON

I have reasonable and probable grounds to believe that the above member(s) has (have) contravened the Council Code of Conduct by reason of the following (please insert date, time and location of conduct, including the Rules contravened, together with particulars and names of all persons involved, and of all witnesses, and information as to how they can be reached; if more space is required, please attach additional pages as needed):

Beginning shortly after midnight on November 15, 2019, I was sexually assaulted by Con. DHILLON in my hotel room in Akara, Turkey. We were both in Turkey as delegates from Brampton on a trade mission.

I believe this contravenes rules 14 and 15 of the Council Code of Conduct.

I hereby request the Integrity Commissioner to conduct an inquiry pursuant to the provisions of section 223.4 of the *Municipal Act, 2001* with respect to the above conduct.

Attached are copies of documents and records relevant to the requested inquiry. Please mail, fax mail, fax, e-mail, or otherwise deliver this request to:

Muneeza Sheikh
Integrity Commissioner
City of Brampton

Phone: 416.597-6482
E-mail: integrity.commissioner@brampton.ca

Date: March 19, 2020

(Signature of Complainant)

Contact Information (*Please Print*)

Name:	(C/O counsel) Nadia KLEIN
Address:	MOON ROZIER LPC 602-201 County Court Blvd Brampton, ON L6W 4L2
Telephone:	905-866-6449
Mobile:	
Fax:	800-780-0891
E-mail:	Nadia.Klein@mooncriminallaw.ca

Personal information on this form is collected under authority of the Municipal Act, SO 2001, c.25 and will be used for the purpose of and any investigation by the City of Brampton Integrity Commissioner. Questions about the collection of this personal information should be directed to the City of Brampton Integrity Commissioner, integrity.commissioner@brampton.ca or through the City Clerk's Office at 905.874.2101 or cityclerksoffice@brampton.ca.

APPENDIX "7": Copy of the Complainant's flight ticket.

TORONTO

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GROUP -

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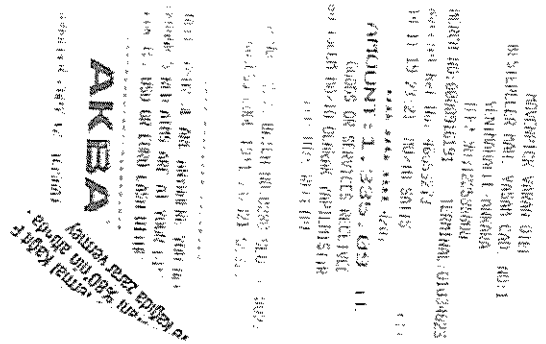
ET 235239459981 31

APPENDIX "8": Copy of the Complainant's check-in receipt at Movenpick Hotel.



Consulate General of Canada | Consulat général du Canada

Brahim Achtoutal
Consul General – Consul général
Consulate General of Canada / Consulat général du Canada
Büyükdere Cad. No: 209, Tekfen Tower, 4.Levent/Istanbul 34394
Tel : (90-212) 385-9750
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Canada

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MOVENPICK VARAN DIEL
BESTEPELER MAH. YASAM CAD. NO:1
YENIMAHALLE/ANKARA
TEL: 9031225050000
MERCH NO:000091615[illegible] TERMINAL:01034825
Receipt Ref No: 46[illegible]3273
14-11-19 23:21 MO/TO SATIS [illegible]
[illegible] 4201
AMOUNT:1.335,09 TL
GOODS OR SERVICES RECEIVED
60 TAKSIT MO/TO OLARAK YAPILMISTIR
[illegible]

[illegible]

[illegible]

[illegible]

AKBANK

[illegible]

Appendix "9" – Correspondence regarding inquiries as to the stage of the criminal investigation.

From: Cousineau, Donald <Donald.Cousineau@peelpolice.ca>
Sent: Wednesday, December 18, 2019 1:27 PM
To: Muneeza Sheikh <msheikh@levittllp.com>
Subject: Re: PRP Contact info

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender Donald.Cousineau@peelpolice.ca

Hi Muneeza,

Sorry I missed your call... I will not be returning to the office today but I will give you a call in the morning.

Don

Sent from my iPhone

On Dec 18, 2019, at 12:23 PM, Muneeza Sheikh <msheikh@levittllp.com> wrote:

Good afternoon Mr. Couiseau

Is there a time we can set up to speak on this matter over the next couple of days.

I have copied Ali who can up a time, or alternatively my cell is 416 999 1487, for you to try me at your convenience. I will certainly to my best to take your call.

Best,

Muneeza Sheikh
Partner

<image001.png>

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-597-6482 | **F:** 416-597-3396
Visit our new website: www.levittllp.com

Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Barrick, David <David.Barrick@brampton.ca>
Sent: Tuesday, December 17, 2019 11:54 PM
To: Muneeza Sheikh <msheikh@levittllp.com>
Cc: Zingaro, John <John.Zingaro@brampton.ca>
Subject: PRP Contact info

Good Evening Muneeza,

Thank you for the call today, as discussed, the Peel Region Police Chief asked me to pass along the following contact info so you can communicate/confirm directly with the service.

Supt. Don Cousineau, Executive Officer to the Chief

Donald.cousineau@peelpolice.ca

An email is best.

However his telephone # is 9054532121. Xtn 4004

All the best,

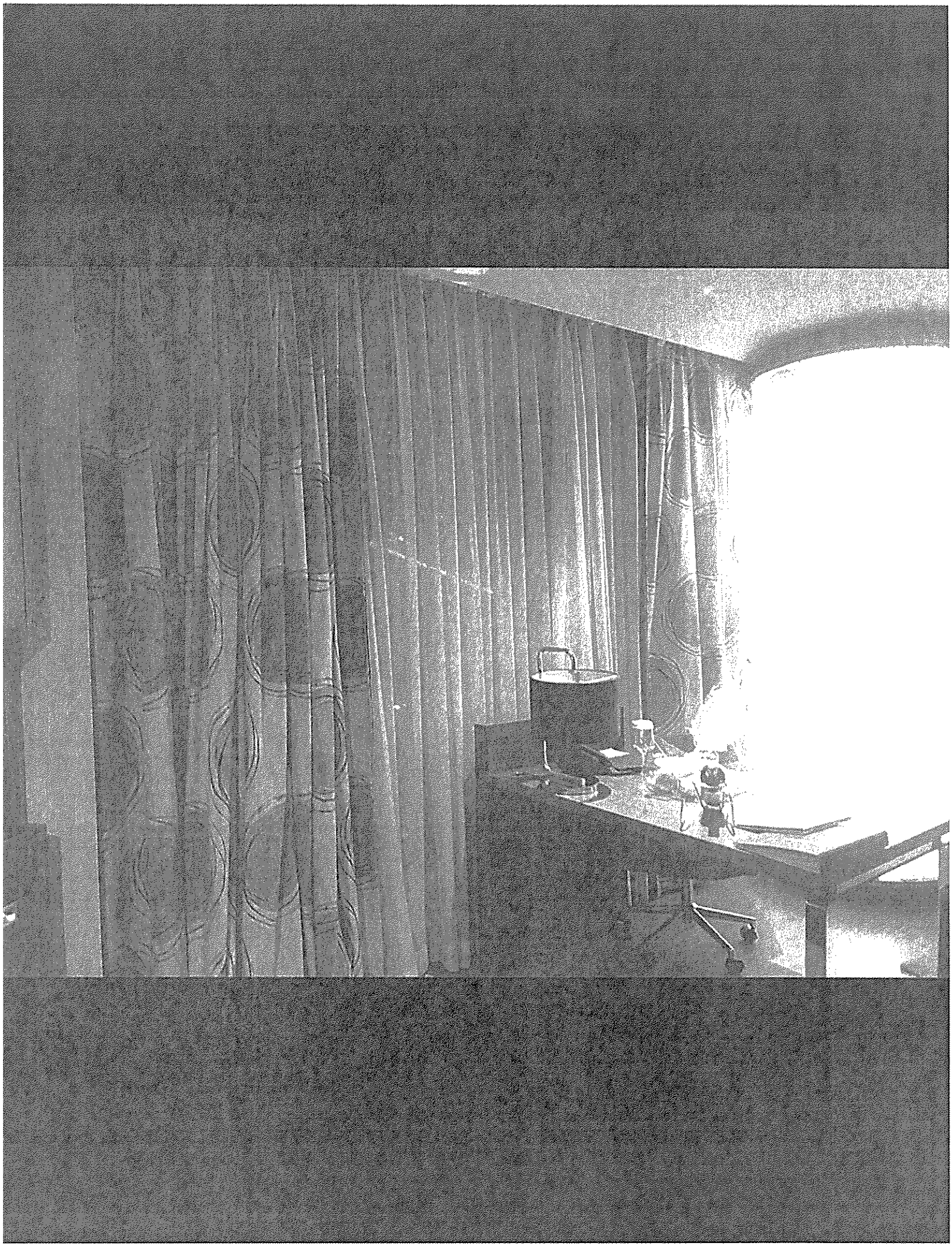
David

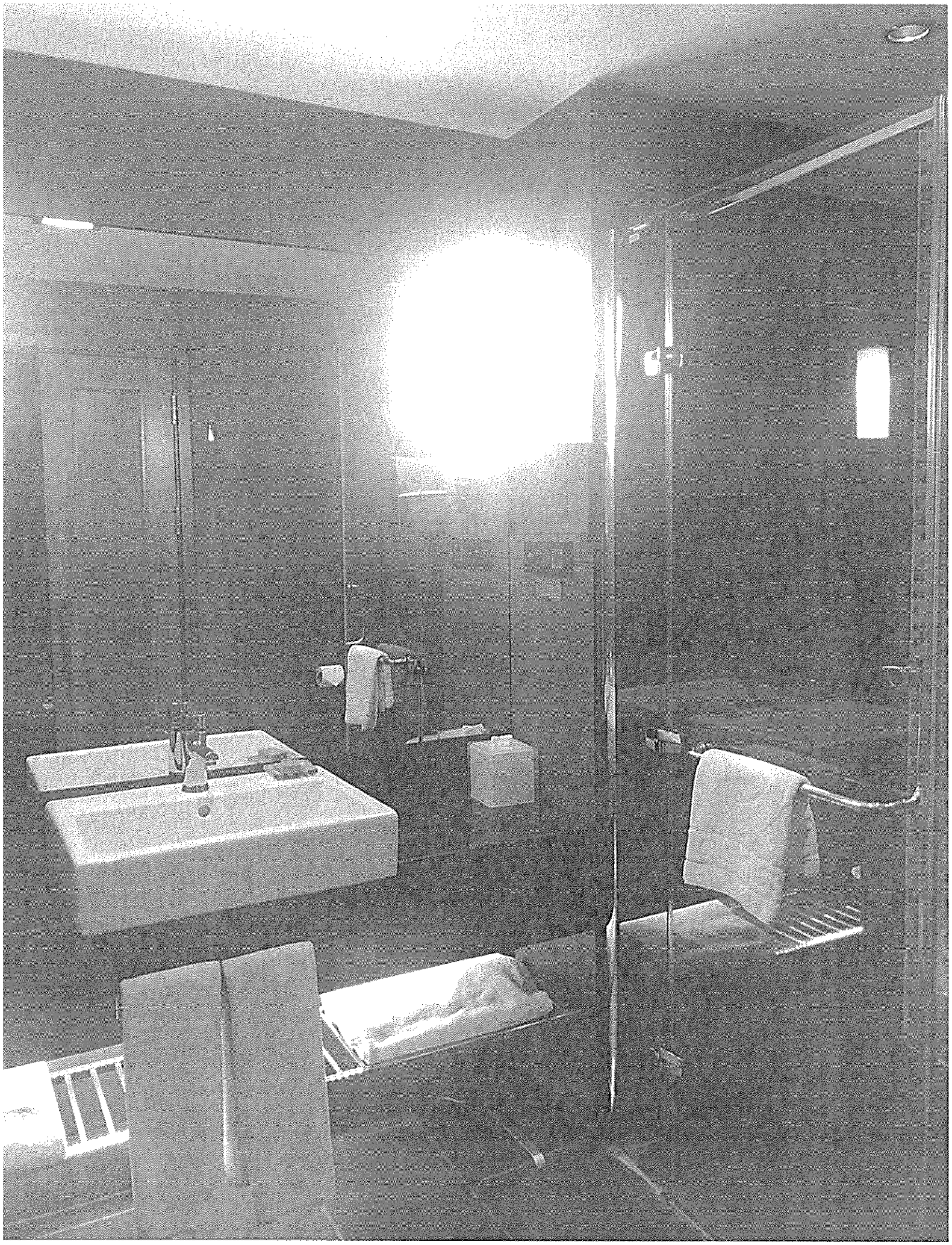
Get Outlook for Android

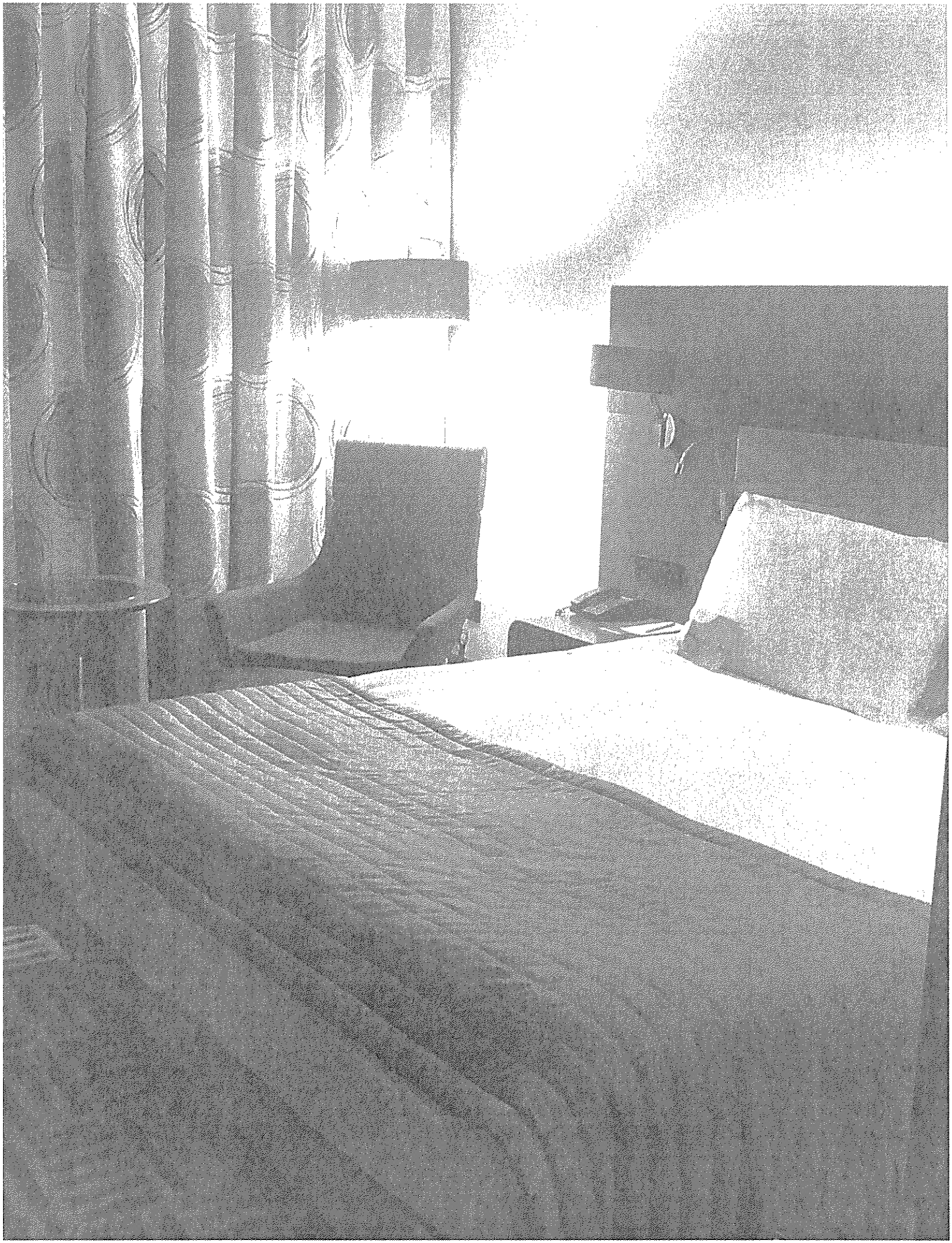
sender (by return e-mail or otherwise) immediately and delete all copies of the email together with any attachments. Peel Regional Police

==--==--==--==

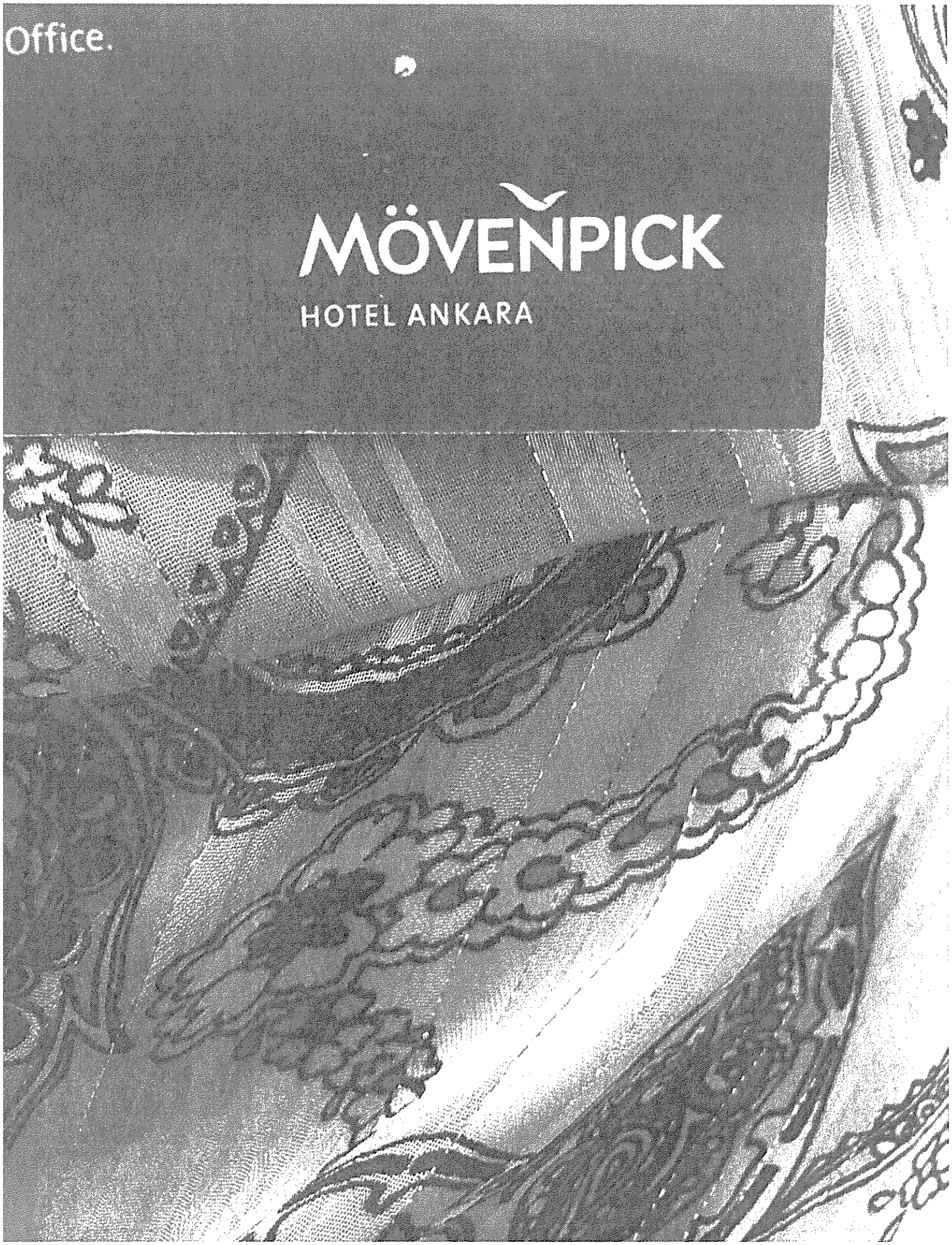
APPENDIX "10": Photos of the Complainant's bedroom.



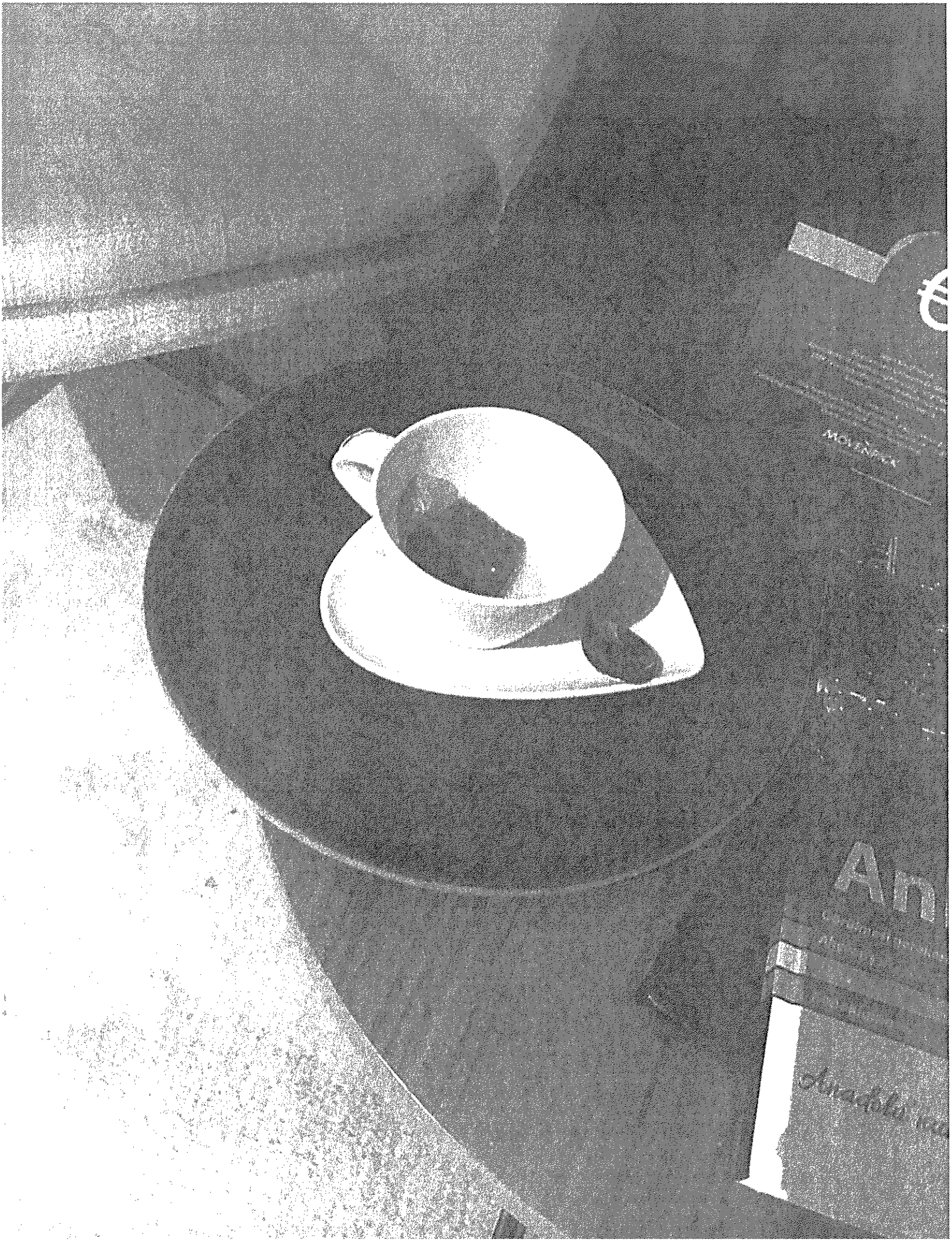


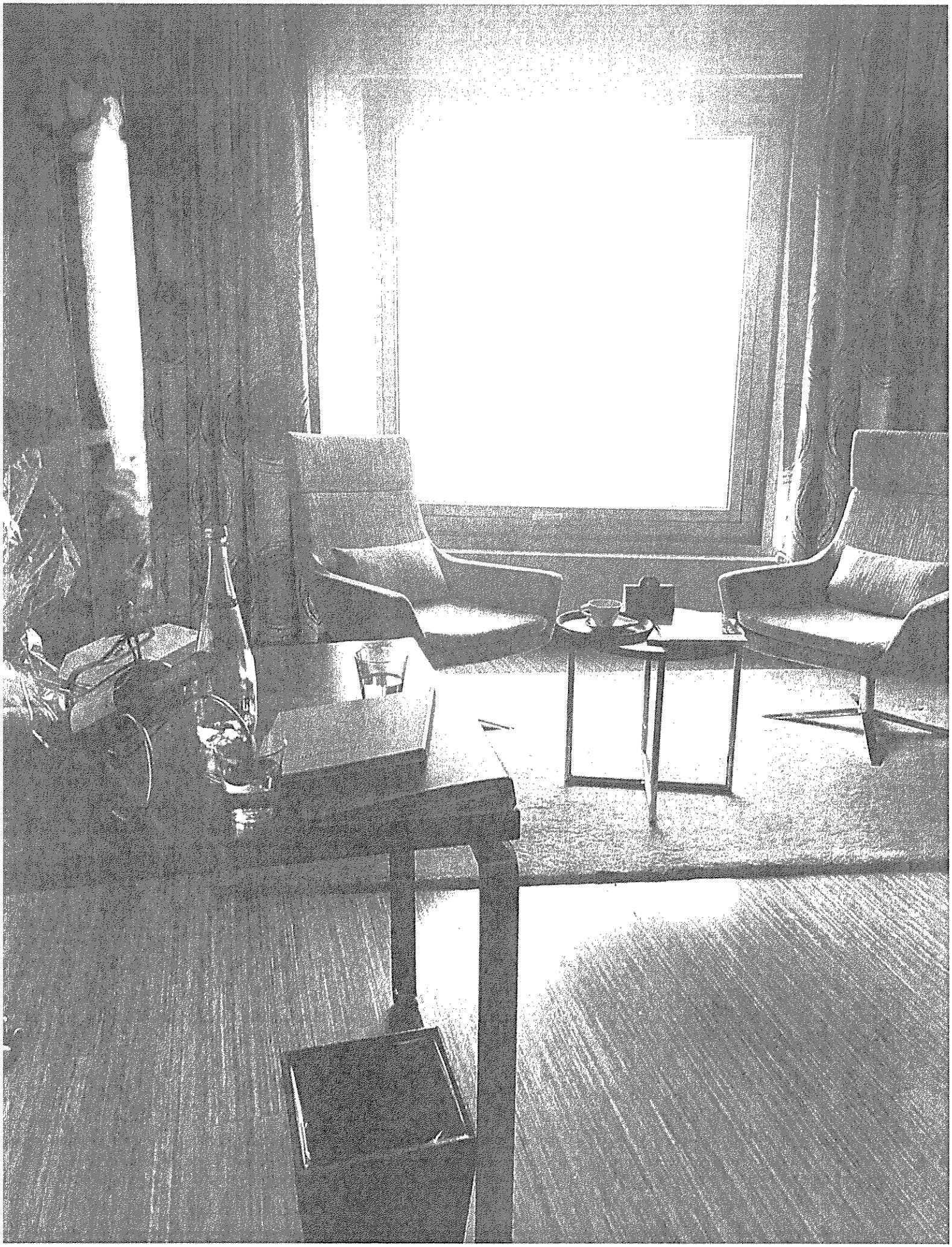


Office.



APPENDIX "11": Photos of the seating area of the Complainant's suite.





APPENDIX "12": Transcript of audio recording.

Transcription of in-room audio recording

Audio recording length: 2 minutes and 57 seconds

[scrambling sound]

: Please. Please. No. Please, come on. Noo. No, no, no.

COUNCILLOR DHILLON: Come on.

: I... I need to shower. I… I'm tired.

COUNCILLOR DHILLON: It's okay.

: [in loud voice] Noo! No!

COUNCILLOR DHILLON: I'm tired too. Let me just get a glass of water?

Noo. Noo. Go. Come on. I'll give you… I'll give you the bottle.

[inaudible sound]

: Okay? Come on. Go. Go rest tonight. *[inaudible]* You can have water.

Just go, rest *[pouring water sound]*...and… and let me…

[inaudible sound]

: No!

COUNCILLOR DHILLON: Just…

: No! *[Loud sound – sound of putting glass down]* No! Stop! No! Come on. Listen. If you're gonna do this, I'm gonna be upset.

COUNCILLOR DHILLON: Just…just… *[talking over ;]*. Please?

: Don't. Please. No. Come on.

COUNCILLOR DHILLON: Don't be upset. Don't be upset.

: Okay. Don't. Just… just goo *[whining]*.

[loud sound]

COUNCILLOR DHILLON: *[inaudible mumbling]*

: NO! No, no, no. But…like, please. Come on. You don't even know me, like… you can't! You can't!

COUNCILLOR DHILLON: I know you. *[inaudible]* Why would you be upset if I … *[inaudible]*.

. I don't know! I… Thank you… I… I… I am. I'm…I'm a very good person but please. Don't. Come on? Please?

COUNCILLOR DHILLON: Just… just... just…just... just…

Noo *[whining]*. No. No. No. Please. Like.

COUNCILLOR DHILLON: Just… just…

: You're the…

COUNCILLOR DHILLON: Just… just…

You're the Councillor of Brampton! You're! Come on!

[chuckling sound]

: I…I know we're here and everything else. I… I feel bad. You're sick and everything. Just go get rest. Just go get rest, please?

COUNCILLOR DHILLON: Just…

. . Noo! *[whining]* No, no, no, no.

COUNCILLOR DHILLON: Just… just do me a favor and then I'll leave. I'll…

NO!

COUNCILLOR DHILLON: I'll leave right away.

No! No! No. Please. No.

COUNCILLOR DHILLON: I'll leave right away.

: Come on? Please. Please?

COUNCILLOR DHILLON: Just do me a... okay.

. Listen. I can… I can meet tomorrow. See. Don't… don't *[inaudible]*. Nothing...

COUNCILLOR DHILLON: *[inaudible]*

Nooo! NO! STOP!

COUNCILLOR DHILLON: Just one second.

STOP! Please! Please! Please! No, no, no, no.

COUNCILLOR DHILLON: Just listen. Hear me out. Hear me out first. Hear me out. *[Inaudible]*

. No. Noooo… *[whining]* no, no. Noooo *[whining]*. Please. Please. Come on. Please.

COUNCILLOR DHILLON: I'll…

: Please.

COUNCILLOR DHILLON: Listen. Listen. One sec.

Please.

COUNCILLOR DHILLON: I'll put a timer on.

: NOOOOO! *[yelling]* NO! Come on! You…Stop! Please.

COUNCILLOR DHILLON: Just…just…

Nooo *[whining]*. Please. No, no, no. Noooo *[whining]*. Come on. Please. Come on.

COUNCILLOR DHILLON: Just…

: No. No, no, no, no. Please. Stop. No. Stop it! Please! Don't!

COUNCILLOR DHILLON: *[moaning or deep breathing sound]*

Please! No! Put me down! Please! Please stop! Please. Noo. Please. No. No. No. *[voice becomes distant]* Please. Stop. Nooo! *[whining]* Please. Stop. Sto-ooop.

COUNCILLOR DHILLON: *[grunting sound]*

Stop. Please. *[deep sigh]* Please. Sto…*[deep sigh]*. Plea….no! No! No! Please please…put my skirt down. Oh my god *[crying sound]*! Please, no! Please stop! Please.

COUNCILLOR DHILLON: Come on.

: Nooo! *[whining]* No. Please. You go rest today. Please? Please?

COUNCILLOR DHILLON: Just give me a…

. . . . No!

COUNCILLOR DHILLON: Just give me a little bit before I leave.

: Nooo *[whining]*! No.

COUNCILLOR DHILLON: Please. Please.

: Please not today. No. No. No. Not today. Please. Not today.

COUNCILLOR DHILLON: *[inaudible]*

Nothing! A…*[sigh]* You don't even know me like that. Don't! Don't! Please. Listen, you're a married man, I'm a married woman. Don't. Please. Come on? Come on?

COUNCILLOR DHILLON: Alright.

Okay?

COUNCILLOR DHILLON: Alright.

Come on. Go get well.

COUNCILLOR DHILLON: Alright.

Come on.

[voices getting distant]

[door opening sound]

COUNCILLOR DHILLON: So… see you tomorrow then?

I'll see you tomorrow.

COUNCILLOR DHILLON: Alright.

Get well. Okay? *[door sound]* Goodnight.

[door closing sound]

[door locking sound]

Fuck!

[picking up recording device sound]

[deep and heavy panting and breathing sound]

APPENDIX "13": Screenshots of the Complainant's notes she took on her phone of the incident.

Fido 11:33 AM 95%

All iCloud

December 18, 2019 at 2:56 PM

Gurpreet Singh Dhillon

Event took place at nov-14-2019@ 12:15 to 12:44 pm.

I arrived at the hotel on the 14 of November to check in so I can join the Canada turkey council. Then as I checked in I was heading to the elevator then this tall man
Indian guy who started by:
Dillion : hi
Me: hi
Dhillon: Where you from?
Me: BRAMPTON Canada
Dhillon: no way, I've seen you before
Me: yeah I own the salon
downtown Brampton
Dhillon : that's where I
Know you from
We're now by the elevator on the second floor. My room number 217 He invited me to go down to chat and talk, then I say ok I will put my bag in the room And then come down.
He goes down while I go
In my room. Then I go downstairs, we sit in the

He goes down while I go
In my room. Then I go downstairs, we sit in the lobby by the window and start to introduce ourselves to Each other, we started talking about the city and I
Showed him on his phone where the salon is located on the map in his phone that is. Then we started talking about things such work, life and etc. and I mentioned I was in a car accident before so I was in pain due to back injury. He mentioned to me he plays basketball and he can show me some stretches that will help with back pain. Then he starts to cough and cough more then he is not feeling Good because his throat is tickling and he wants to get rest. Then another Indian guy comes over and talks to him, which is a friend that is accompanying him and he comes in to go up with him, then he says to him to take a walk around the hotel and then come. Me just minding my own business thought we're each going to our room. We get in the elevator and then he says I can show you some stretches that will help with your back pain. And that no chiropractor could. So I
Assumed he will demonstrate them. Went

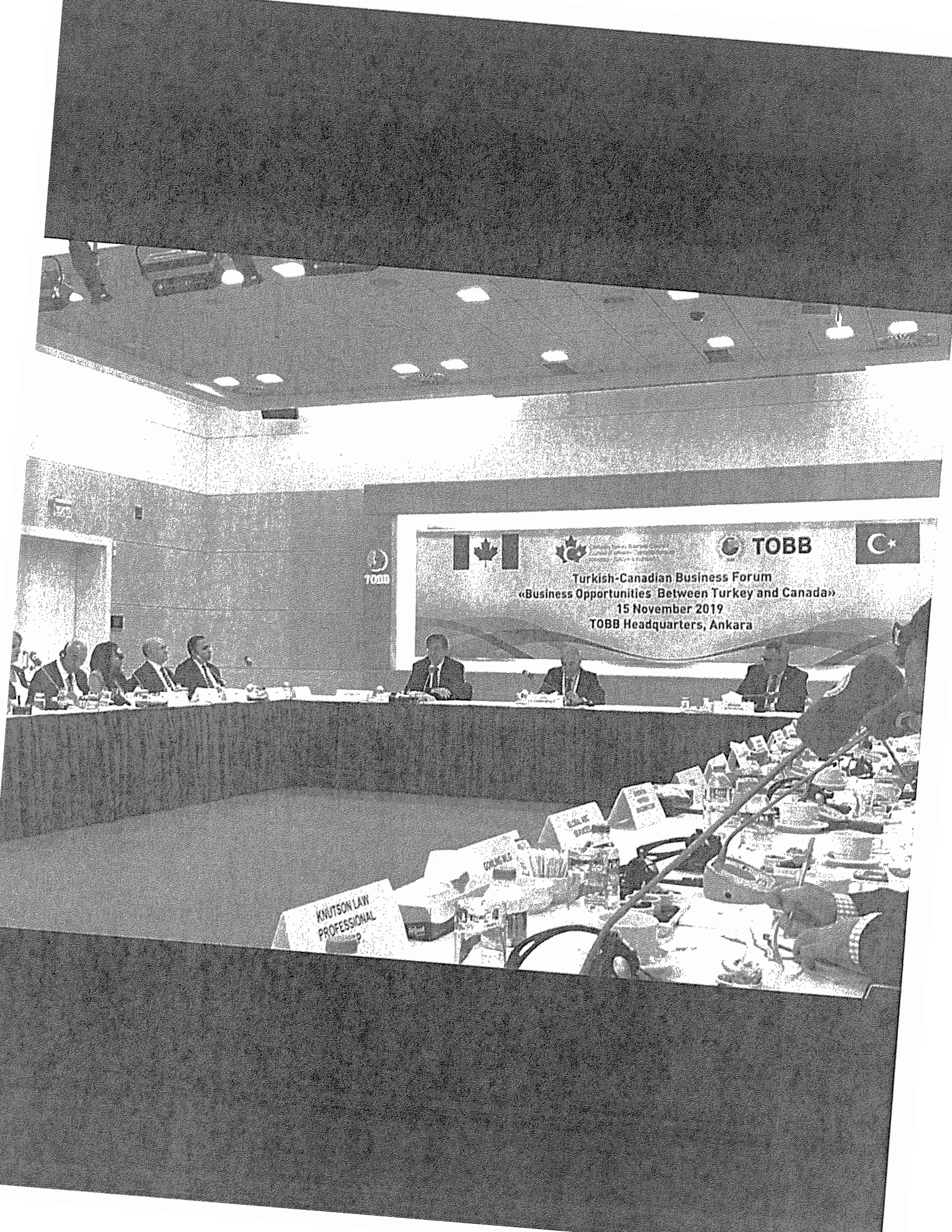
Assumed he will demonstrate them. Went inside the hotel, and then he sat and while downstairs he was coughing I asked the reception desk to bring him
Lemon and mint tea because he's not feeling good so they said
They will bring it right away to
His room. So few minutes later the call me and say his not in his room and I said he's here sitting down bring it here. They bring it down to my room and then I gave it to
Him He drank it and then finished with it and said to me I can show you how to do the streches, the. He said lay on your back and then he started lifting My left and right leg stretching them and I was wearing a long skirt at this point and while he was stretching my legs I was trying to cover my but so he doesn't see my underwear. He then said go in your stomach and he started touch and squeezing my but and then pulled my underwear down and started to feel my butt. I knew then that I am in trouble. Then I said I'm ok I got up then he picked me up with his hands stretched my legs around his waist and started feeling me

my but and then pulled my underwear down and started to feel my butt. I knew then that I am in trouble. Then I said I'm ok I got up then he picked me up with his hands stretched my legs around his waist and started feeling me and asking me to kiss him. I said no he stared squeezing my butt and touching my breast and kissing my neck. I kept telling him no please don't do it you don't even know me. It carried on for over 30 minutes he then asked me he will put a timer on we can do it quickly and I refused.

He picked me up few times and all the times I mentioned to him to put me down please and he wouldn't I would hold his hands and make him not touch me.

APPENDIX "14": Photos that the Complainant took at a roundtable discussion at the Tobb Office on November 15, 2019.


BUSINESS FORUM
PTICS LIMITED
LINK EDUC
CONSUL
Erikli


TOBB
Turkish-Canadian Business Forum
«Business Opportunities Between Turkey and Canada»
15 November 2019
TOBB Headquarters, Ankara
TOBB
KNUTSON LAW
PROFESSIONAL


TOBB
Turkish-Canadian Business Forum
«Business Opportunities Between Turkey and Canada»
15 November 2019
TOBB Headquarters, Ankara
KNUTSON LAW
PROFESSIONAL

REPUBLIC OF TURKEY
MINISTRY OF TRADE

OPPORTUNITIES FOR TURKISH COMPANIES IN CANADIAN MARKET

- Construction,
- Logistics,
- Ship Building,
- Iron and Stell,
- Agrifood,
- Textile,
- Construction Materials,
- Automotive Spare Parts,

APPENDIX "15": The Complainant's original flight tickets from Ankara to Istanbul.

1. Flight

Istanbul to Ankara on Thu, Nov 14

Fare rules

21:30 Direct **22:40**

SAW — ESB

ECONOMY

EcoFly, W

Flight Duration: 1h 10m

2. Flight

Ankara to Istanbul on Fri, Nov 15

Fare rules

21:40 Direct **22:40**

ESB — SAW

ECONOMY

EcoFly, Q

Flight Duration: 1h

APPENDIX “16”: The Complainant’s new flight ticket/itinerary from Ankara to Istanbul.

You can now check in for your flight.

Ankara - Istanbul

15 NOV 2019

Fare rules

FROM

ESB

Ankara Esenboga Airport

16:10

TO

SAW

Sabiha Gokcen Airport

17:15

EcoFly (B)

mastercard

545**********176

APPENDIX "17": Copy of the Complainant's originally purchased return ticket from Istanbul to Toronto.

TK 17 Y 17NOV 15:30 IST YYZ
ADC OK

ISTANBUL

TORONTO

GATE/KAPI
B7

BOARDING TIME
BINIS SAATI
14:30

SEAT/KOLTUK
24K

TORONTO

ET 23523945998132 GROUP -
SEC NO: 311 BAG: 0/0 AGT: SC

BOARDING TIMES 20MIN BEFORE DEPARTURE/CADA FAHRI KALKIS SAATINE 20DK KALA BITER

PLEASE WATCH SCREENS FOR GATE NUMBER AND BOARDING TIME.
BINIS SAATI VE KAPI NUMARASI ICIN LUTFEN MONITORLERE BAKINIZ.

TK 17 Y 17NOV 15:30

GROUP - 24K

0/0 311 SC
ET 23523945998132
A STAR ALLIANCE MEMBER

APPENDIX "18": Copy of the Complainant's flight itinerary with Emirates Airlines.

Ticket & receipt

90 minutes

90 minutes

Travel information

122

16:05

20:05

ISTANBUL

Confirmed

01:20

DUBAI

Baggage 2Pieces

241

00:55

03:55

DUBAI

Confirmed

09:15

TORONTO

Baggage 2Pieces

APPENDIX "19": Ms. Klein's email response to the question about why the date listed was December 18, 2019 on the Complainant's notes.

From: Nadia Klein <nadia.klein@mooncriminallaw.ca>
Sent: Monday, April 27, 2020 1:34 PM
To: Muneeza Sheikh <msheikh@levittllp.com>; Saba J. Khan <skhan@levittllp.com>
Subject: Re: notes regarding the incident shortly after it occured

I can further advise, after reviewing my texts with . December 18 is the day we met, she reviewed those notes, and forwarded them to me as a text message. That may be what a men the time stamp updated.

Sent from a galaxy far, far away

On Mon, Apr 27, 2020 at 1:31 PM -0400, "Muneeza Sheikh" <msheikh@levittllp.com> wrote:

Thanks

Muneeza Sheikh
Partner

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-597-6482 | F: 416-597-3396
Visit our new website: www.levittllp.com

Assistants: Nila Troubitsina | T: 416-594-3900 ext. 472 | E: ntroubitsina@levittllp.com
Ali Sheikh | E: masheikh@levittllp.com

From: Nadia Klein <nadia.klein@mooncriminallaw.ca>
Sent: Monday, April 27, 2020 1:31 PM
To: Muneeza Sheikh <msheikh@levittllp.com>; Saba J. Khan <skhan@levittllp.com>
Subject: Re: ; notes regarding the incident shortly after it occured

Sorry, forgot to add, she wrote them originally on Nov 14.

Sent from a galaxy far, far away

On Mon, Apr 27, 2020 at 1:03 PM -0400, "Muneeza Sheikh" <msheikh@levittllp.com> wrote:

Hi Nadia

The time stamp as per the date on the note says it was almost a month later – are these the right notes?

Best,

Muneeza Sheikh
Partner

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-597-6482 | **F:** 416-597-3396
Visit our new website: www.levittllp.com

Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Nadia Klein <nadia.klein@mooncriminallaw.ca>
Sent: Monday, April 27, 2020 11:39 AM
To: Saba J. Khan <skhan@levittllp.com>
Cc: Muneeza Sheikh <msheikh@levittllp.com>
Subject: Re: notes regarding the incident shortly after it occured

Attached.

--
Nadia Klein
Associate

T: 905-866-6449 Ext. 106 | F: 800-780-0891 | C: 416-553-9941
E: nadia.klein@mooncriminallaw.ca | WEB: www.mooncriminallaw.ca

MOON ROZIER LEGAL PROFESSIONAL CORPORATION
Trial & Appeal Lawyers
County Court Law Chambers
602 – 201 County Court Blvd.
Brampton,ONT., L6W 4L2

From: "Saba J. Khan" <skhan@levittllp.com>
Date: Monday, April 27, 2020 at 10:43 AM
To: Nadia Klein <Nadia.Klein@mooncriminallaw.ca>
Cc: Muneeza Sheikh <msheikh@levittllp.com>
Subject: . : notes regarding the incident shortly after it occured

Hi Nadia,

I hope you are doing well.

As Muneeza and I are working our way through the Report, we note that mentioned that she had taken notes of the incident on her phone shortly after it occurred (on the advice of Mike Ward). hasn't forwarded us a copy of that write-up yet. Could you kindly ask her for a copy of that?

Many thanks,

Saba J. Khan
Associate

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-594-3900 x 527 | F: 416-597-3396 |
Visit our website: www.levittllp.com

Assistant: Susan Tungate
T: 416.594.3900 x 217
Email: stungate@levittllp.com

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LevittLLP

Nila Troubitsina

From: Nadia Klein <nadia.klein@mooncriminallaw.ca>
Sent: Monday, April 27, 2020 11:39 AM
To: Saba J. Khan
Cc: Muneeza Sheikh
Subject: Re: ; notes regarding the incident shortly after it occured
Attachments: Unknown.jpeg; Unknown-1.jpeg; Unknown-2.jpeg; Unknown-3.jpeg

Attached.

--
Nadia Klein
Associate

T: 905-866-6449 Ext. 106 | F: 800-780-0891 | C: 416-553-9941
E: nadia.klein@mooncriminallaw.ca | WEB: www.mooncriminallaw.ca

MOON ROZIER LEGAL PROFESSIONAL CORPORATION
Trial & Appeal Lawyers
County Court Law Chambers
602 – 201 County Court Blvd.
Brampton,ONT., L6W 4L2

From: "Saba J. Khan" <skhan@levittllp.com>
Date: Monday, April 27, 2020 at 10:43 AM
To: Nadia Klein <Nadia.Klein@mooncriminallaw.ca>
Cc: Muneeza Sheikh <msheikh@levittllp.com>
Subject: notes regarding the incident shortly after it occured

Hi Nadia,

I hope you are doing well.

As Muneeza and I are working our way through the Report, we note that mentioned that she had taken notes of the incident on her phone shortly after it occurred (on the advice of Mike Ward). hasn't forwarded us a copy of that write-up yet. Could you kindly ask her for a copy of that?

Many thanks,

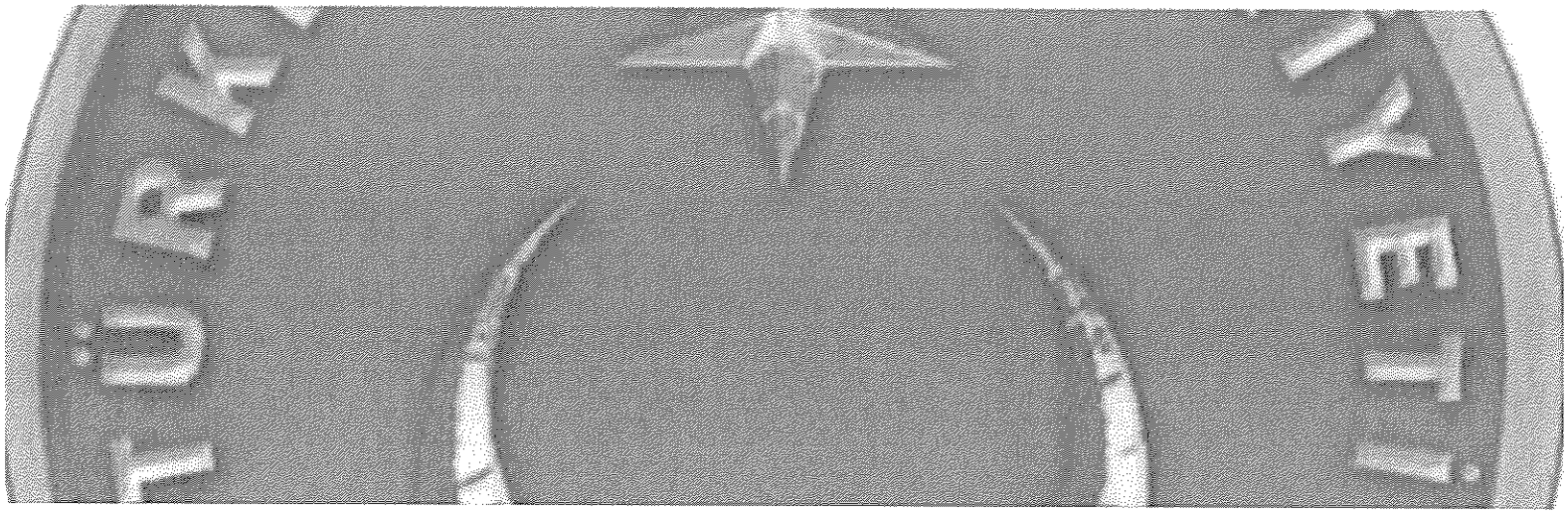
Saba J. Khan
Associate

130 Adelaide Street W., Suite 801, Toronto, ON M5H 3P5
T: 416-594-3900 x 527 | F: 416-597-3396 |
Visit our website: www.levittllp.com

Assistant: Susan Tungate
T: 416.594.3900 x 217
Email: stungate@levittllp.com

APPENDIX "20": Screenshots of a WhatsApp call log, indicating incoming and outgoing phone calls between Complainant and Ahmet Shoufer.

Pinar Outgoing	2019-11-15	i
Yurdal Selim Shoufer Incoming	2019-11-15	i
Ahmet Shoufer (2) Missed	2019-11-15	i
+90 532 235 61 65... (2) Missed	2019-11-15	i
+90 532 235 61 65 Selim Incoming	2019-11-15	i
Ahmet Shoufer (5) Incoming	2019-11-14	i
Ahmet Shoufer (2) Missed	2019-11-14	i
Ahmet Shoufer (2) Incoming	2019-11-14	i
Ahmet Shoufer Missed	2019-11-14	i
Ahmet Shoufer		



Ahmet Shoufer

+90 532 400 52 62

Nov 14, 2019

4:57 PM	Incoming Voice Call 54 seconds (244 KB)
4:51 PM	Incoming Voice Call 2 minutes, 3 seconds (599 KB)
4:46 PM	Outgoing Voice Call 2 minutes, 29 seconds (741 KB)
4:43 PM	Outgoing Voice Call 1 minute, 30 seconds (449 KB)
4:42 PM	Unanswered Voice Call

Media, Links, and Docs 3

APPENDIX "21": Time zone converter.

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dates

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Thu, Nov 14, 2019	4:57 pm
Ankara, Turkey TRT (UTC +3)	Fri, Nov 15, 2019	12:57 am

Add another city or time zone...

APPENDIX "22": Screenshot showing an incoming call from Pinar on November 16, 2019.

Pinar

+90 530 923 20 77

.

2020-01-08 at 4:05 PM

Nov 15, 2019

8:01 AM Outgoing Voice Call

1 minute, 23 seconds (497 KB)

Media, Links, and Docs 2 >

Starred Messages None >

Chat Search >

Pinar

+90 530 923 20 77

.

2020-01-08 at 4:05 PM

Nov 16, 2019

2:01 AM Incoming Voice Call

8 minutes, 20 seconds (2.9 MB)

Media, Links, and Docs 2 >

Starred Messages None >

Chat Search >

APPENDIX "23": Screenshot of the time zone converter indicating the time conversion into Turkish time.

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past or future dates

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Fri, Nov 15, 2019	8:01 am
Ankara, Turkey TRT (UTC +3)	Fri, Nov 15, 2019	4:01 pm

Add another city or time zone...

* Observing Daylight Saving Time

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dates.

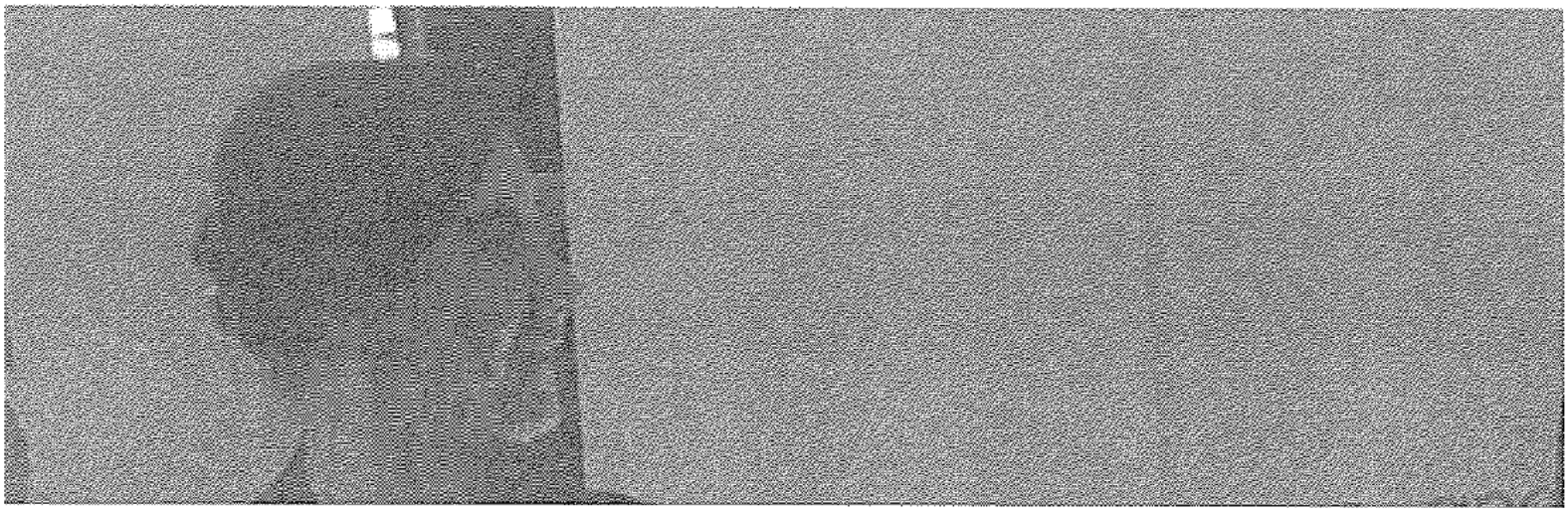
Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Sat, Nov 16, 2019	2:01 am
Ankara, Turkey TRT (UTC +3)	Sat, Nov 16, 2019	10:01 am

Add another city or time zone...

* Observing Daylight Saving Time

APPENDIX "24": Screenshot of a WhatsApp call log, indicating an unanswered phone call made to Ms. Atar.



Nursel Atar

+90 532 668 62 42

Nov 15, 2019

10:34 AM Unanswered Voice Call

Media, Links, and Docs None

Starred Messages None

Chat Search

Mute No

APPENDIX "25": Screenshot of the time zone converter indicating the time conversion into Turkish time.

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dates.

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Fri, Nov 15, 2019	10:34 am
Ankara, Turkey TRT (UTC +3)	Fri, Nov 15, 2019	6:34 pm

Add another city or time zone...

* Observing Daylight Saving Time

Download / Export Results

- Include UTC Time in Results
- Show Time Zone
- Show Holidays and Office Hours (Good, Not so good, Not good)
- Show Current City Time

APPENDIX "26": Screenshots of the WhatsApp call log, indicating calls to and from a contact at the Canadian Consulate General in Istanbul.

Fido LTE 9:47 AM 82%

Calls

Contact Info

+90 538 590 93 15

~CANADA CONSULAR ISTBL

Nov 15, 2019

11:52 AM Incoming Voice Call

9 minutes, 41 seconds (3.3 MB)

Create New Contact

Add to Existing Contact

Media, Links, and Docs 4

Starred Messages 1

Chat Search

Mute No

Custom Tone Default (Note)

Save to Camera Roll Default

Encryption

Fido LTE 9:48 AM 82%

Calls **Contact Info**

+90 538 590 93 15

~CANADA CONSULAR ISTBL

Nov 17, 2019

6:47 AM Outgoing Voice Call

3 minutes, 41 seconds (1.3 MB)

Create New Contact

Add to Existing Contact

Media, Links, and Docs 4

Starred Messages 1

Chat Search

Mute No

Custom Tone Default (Note)

Save to Camera Roll Default

Encryption

Fido LTE 9:48 AM 82%

Calls **Contact Info**

+90 538 590 93 15

~CANADA CONSULAR ISTBL

Nov 17, 2019

11:08 AM Outgoing Voice Call

1 minute, 51 seconds (566 KB)

Create New Contact

Add to Existing Contact

Media, Links, and Docs 4

Starred Messages 1

Chat Search

Mute No

Custom Tone Default (Note)

Save to Camera Roll Default

Encryption

APPENDIX "27": Screenshots of the time zone converter indicating the time conversions into Turkish time.

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dates.

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Fri, Nov 15, 2019	11:52 am
Ankara, Turkey TRT (UTC +3)	Fri, Nov 15, 2019	7:52 pm

Add another city or time zone...

* Observing Daylight Saving Time

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dates.

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Sun, Nov 17, 2019	11:08 am
Ankara, Turkey TRT (UTC +3)	Sun, Nov 17, 2019	7:08 pm

Add another city or time zone...

* Observing Daylight Saving Time

Time Zone Converter – Time Difference Calculator

Provides time zone conversions taking into account Daylight Saving Time (DST), local time zone and accepts present, past, or future dat

Sort By: -- Custom --

Brampton, Canada EST (UTC -5)	Sun, Nov 17, 2019	6:47 am
Ankara, Turkey TRT (UTC +3)	Sun, Nov 17, 2019	2:47 pm

Add another city or time zone...

APPENDIX "28": Email chains between Complainant and Mr. Ward

Fido LTE 9:54 AM 81%

26 Messages

29 **Mission Profiles**

Ok can you meet me in the room
Please. 217

> On Nov 15, 2019, at 12:08 AM, Mike Ward <matw52@gmail.com> wrote:

I'm downstairs now

Mike

Sent from my iPhone

On Nov 15, 2019, at 8:03 AM,
_____ wrote:

See More

Found in Hotmail Sent Mailbox

2019-11-15

To: Mike Ward >

Yes

> On Nov 14, 2019, at 11:36 PM, Mike Ward <matw52@gmail.com> wrote:

On Nov 14, 2019, at 6:29 PM, Mike Ward <matw52@gmail.com> wrote:

No problem Happy to speak later this morning or this afternoon. Lunch may provide an opportunity.

Mike

On Nov 15, 2019, at 1:13 AM, [redacted] wrote:

Mike I am so sorry to text you. Can I talk to you tomorrow in the morning alone please. About of an incident happened here and I need you're help. Good night

On Nov 14, 2019, at 10:36 AM, Mike Ward <matw52@gmail.com> wrote:

Mike I am so sorry to text you. Can I talk to you tomorrow in the morning alone please. About of an incident happened here and I need you're help. Good night

On Nov 14, 2019, at 10:36 AM, Mike Ward <matw52@gmail.com> wrote:

.. FYI ...

Mike

Sent from my iPhone

Begin forwarded message:

From:
<[illegible]
Date: November 14, 2019 at 5:30:11 PM GMT+3
To: Mike Ward <matw52@gmail.com>

Fido LTE 9:55 AM 80%

26 Messages

30

Mission Profiles

> On Nov 14, 2019, at 11:36 PM, Mike Ward <matw52@gmail.com> wrote:

Are you available to speak at around 8:15?

Mike

> On Nov 15, 2019, at 2:38 AM, [redacted] wrote:

See More

Sent in Hotmail Sent Mailbox

2019-11-14

To: Mike Ward >

I am in room 217 if you can talk.

> On Nov 14, 2019, at 6:29 PM, Mike Ward <matw52@gmail.com> wrote:

No problem Happy to speak later this morning or this afternoon. Lunch may provide an opportunity.

Fido LTE 9:55 AM 80%

26 Messages

30

Mission Profiles

Found in Hotmail Sent Mailbox

2019-11-14

To: Mike Ward >

I am in room 217 if you can talk.

> On Nov 14, 2019, at 6:29 PM, Mike Ward <matw52@gmail.com> wrote:

No problem Happy to speak later this morning or this afternoon. Lunch may provide an opportunity.

Mike

> On Nov 15, 2019, at 1:13 AM, wrote:

See More

Found in Hotmail Sent Mailbox

2019-11-14

To: Mike Ward >

Fido LTE 9:55 AM 80%

26 Messages

30 **Mission Profiles**

See More

Found in Hotmail Sent Mailbox

2019-11-14

To: Mike Ward >

It's a bit urgent and I don't know who to talk to.

> On Nov 14, 2019, at 6:29 PM, Mike Ward <matw52@gmail.com> wrote:

No problem . Happy to speak later this morning or this afternoon. Lunch may provide an opportunity.

Mike

> On Nov 15, 2019, at 1:13 AM, wrote:

See More

Found in Hotmail Sent Mailbox

2019-11-14

To: Mike Ward >

APPENDIX "29": Screenshot of Complainant WhatsApp call log, which indicates an incoming call from her relative, Selim, on November 15, 2019.

Fido LTE 9:47 AM 82%

Calls **Contact Info** Edit

+90 532 235 61 65 Selim

+90 532 235 61 65

Her daim mesgul....

Apr 11, 2019

Nov 15, 2019

1:30 AM Incoming Voice Call

3 minutes, 58 seconds (1.2 MB)

Media, Links, and Docs 162

Starred Messages 3

Chat Search

Mute No

Custom Tone Default (Note)

Save to Camera Roll Never

Encryption

Messages to this chat and calls are secured with end-to-end encryption. Tap to verify.

APPENDIX "30": Screenshots of Complainant's conversation with Ryan Fortner ("Mr. Fortner"), from the Canadian Consulate General in Turkey.

Fido 4:03 PM 97%

+90 538 590 93 15

Fri, Nov 15

Messages to this chat and calls are now secured with end-to-end encryption. Tap for more info.

Good day Ms. My name is Ryan Fortner. I am the Consul at the Canadian Consulate General in Istanbul. Brahim asked me to get in touch with you to see how you are and to provide advice and support as needed. I can call this number via WhatsApp ? 11:32 AM

Hi there. 11:46 AM

You can call me anytime 11:47 AM

I am glad we were able to talk. I trust you will be able to rest and sleep tonight. If you don't mind sharing it would be good for me to complete or file info, to know where you are staying and I will also check in with you by message tomorrow am. I will send info as promised shortly. Apologies for the delay. 12:35 PM

Fido 4:04 PM 97%

+90 538 590 93 15

I am staying at the wow Istanbul hotel in yesilkoy near the old ataturk airport.

12:36 PM

CONSULATE GENERAL OF CANADA - ISTANBUL, TURKEY
INFORMATION HANDOUTS / POLICE STATION

How to: Find The Nearest Police Station

Anywhere in Istanbul (including Airports), Canadians can report an incident and ask for help by calling the number below:

Tourism Police

pdf ISTBL-Handout-Police-Station-locations_

1 page · 573 KB · pdf 1:01 PM

CONSULATE GENERAL OF CANADA - ISTANBUL, TURKEY
INFORMATION HANDOUTS / LIST OF LAWYERS

CONSULATE GENERAL OF CANADA

pdf ISTBL-Handout-List-of-Lawyers-1

5 pages · 556 KB · pdf 1:01 PM

Ok thank u 1:02 PM

I would also encourage you to seek support perhaps via email or Skype call perhaps to

www.sexualassaultsupport.ca/support

Fido 4:04 PM 97%

+90 538 590 93 15

perhaps to
www.sexualassaultsupport.ca/support

It is the Ontario Coallition of Rape Crisis Centres. // OCRCC 1:06 PM

I will 1:07 PM

Thank you 1:07 PM

Sat, Nov 16

Good morning. I trust you are ok. I hope you were able to talk things over with your family and friends. I had a little more info to share with you. 4:17 AM

Financial Assistance for Canadians Victimized Abroad
Department of Justice Canada's Internet site
www.justice.gc.ca

Pleaze review this info. You may be eligible to apply for financial assistance through the Victim's Fund (https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/abroad-etranger.html).

Financial Assistance

www.justice.gc.ca

Pleaze review this info. You may be eligible to apply for financial assistance through the Victim's Fund (https://www.justice.gc.ca/eng/fund-fina/cj-jp/fund-fond/abroad-etranger.html).

Financial Assistance
The Victims Fund may help cover the following expenses where the victim has no other source of financial assistance:
-travel expenses to return to the country where the crime occurred in order to participate at the preliminary hearing and/or the trial or equivalent process;
-travel expenses to return to the country where the crime occurred in order to participate at the preliminary hearing and/or trial if the host country is unwilling or unable to pay;
-travel expenses for a support person to be with a Canadian victimized abroad, during the immediate aftermath of the crime;
-expenses for a Canadian victim of crime to return to Canada

be with a Canadian victimized abroad, during the immediate aftermath of the crime;
-expenses for a Canadian victim of crime to return to Canada.

The Victims Fund may help cover the following types of expenses where the victim has no other source of financial assistance:
-Hospital and medical expenses due to being victimized;
-Expenses to replace stolen official documents;
-Upon return to Canada, financial assistance for professional counselling;
-and/or out-of-pocket expenses due to being a victim of a violent crime. 4:18 AM

As our office is closed you can always reach the watch office in Ottawa, at this number (below). They will even accept collect calls.

In case of an emergency | En cas d'urgence: +1 (613) 996-8885 (collect/

Fido 4:04 PM 97%

+90 538 590 93 15

In case of an emergency | En cas d'urgence: +1 (613) 996-8885 (collect/ à frais virés) / sos@international.gc.ca - www.travel.gc.ca 4:25 AM

Thank you for your help 4:54 AM

Sun, Nov 17

Hello again. I wanted to check in one last time before flight ti see how you are and what has happened since we spoke I trust you are well and will be safely on your flight today? My colleagues in Ottawa following the file may want to reach out to you again to ensure you arrived safely home. Ryan 5:01 AM

Yes I am at the airport now getting ready to check in. But I feel
Very sick and weak. 5:02 AM

Sorry to hear this. Were you able to go to the station and get the report? Make sure you buy a bottle of water for the flight to have control if you need it. Note the planes are often very hot with

Fido 4:04 PM 97%

+90 538 590 93 15

Sorry to hear this. Were you able to go to the station and get the report? Make sure you buy a bottle of water for the flight to have control if you need it. Note the planes are often very hot with Turkish airlines so make sure to be comfortable before you board. 5:09 AM

Don't go on with jacket or too overdressed. 5:10 AM

I didn't go to the polls because the assistant to the Canadian monastery made a phone call and I tiated a report while I was in Ankara 5:12 AM

Ok. as long as you have what you might need. I wish you all the best for a safe return home. Hopefully the resources and info I shared will be helpful. 5:17 AM

Thank you. 5:20 AM

I need help
With my baggage please non of my card

Fido 4:04 PM 97%

+90 538 590 93 15

Thank you. 5:20 AM

I need help
With my baggage please non of my card is working can you talk to the airline 6:20 AM

Please I am so stressed they giving me a bit of hard time and I don't want to stay here my cards have money but they not working and I have 15 min 6:20 AM

To pay for extra bags? Turkish is usually very generous for baggage allowance I don't understand. 6:22 AM

I was disconnected. If you can't get cash out from atm with cards or with bank cards and can't pay direct then you need a manager to waive fee or promise to pay later? 6:40 AM

You can give my tel number and say I am from consuate. Ryan Fortner 533 684 41 02 and we can make sure it gets paid and you can pay me back but it won't work over tel as far as I know 6:43 AM

Fido 4:04 PM 97%

+90 538 590 93 15

You can give my tel number and say I am from consuate. Ryan Fortner 533 684 41 02 and we can make sure it gets paid and you can pay me back but it won't work over tel as far as I know 6:43 AM

He said he will help .. 6:51 AM

Please ask him to call my office tmrw if needed. I appreciate his help 6:52 AM

They left the bags there 6:58 AM

So they didn't put them or they took them? Did they give you tags? 7:00 AM

I know this afternoon has been stressful but hopefully the supervisor I spoke with will do what he said and waived the fee so you could get the plane. Boarding it and being on your way home will be good. 7:11 AM

Ref boarding a few min before takeoff, You can try to get someone to make a decision to help but if they have rules then they may not be able to break

Fido 4:04 PM 97%

+90 538 590 93 15

good.

7:11 AM

Ref boarding a few min before takeoff, You can try to get someone to make a decision to help but if they have rules then they may not be able to break them. If they don't let you on you may need to go to customer service to get your bags back. Note they normally don't leave if a passenger isn't on and bags are they have to unload them so it is easier to put you on.

7:29 AM

If they don't let you on. Go to customer service. Get rebooked ticket a d have your bags returned. Then get all bags and figure our how to consolidate them for the weight limits. It will be best you stay at the airport hotel to get next flight.

7:31 AM

You need them to rebook you on the next tk flight hopefully only paying change fee.

8:33 AM

Next flight is tmrw. Govt can't cover as it is a longer process to use a limited special fund as a loan ut jt involves

Fido 4:04 PM 97%

+90 538 590 93 15

Next flight is tmrw. Govt can't cover as it is a longer process to use a limited special fund as a loan ut jt involves confirming resources with you and calling family and friends first. So Turkish can't book then you may need to go online and use your card to buy another ticket or ask them if there is an online portal to lag your fee to them. 8:34 AM

We can do the forms and such tmrw but if you have access to credit cards to use online your best best is to rebook yourself on travelocity or Turkish directly. A loan request under Distressed Canadian fund takes a little time so not sure we could have answer tmrw. And as I said we need to confirm your access to credit or friends tk help wire money first. You told me you had credit on cards so it should work on travelocity.ca but you should call your bank. 8:40 AM

I will see what they can do 8:41 AM

Fido 4:04 PM 97%

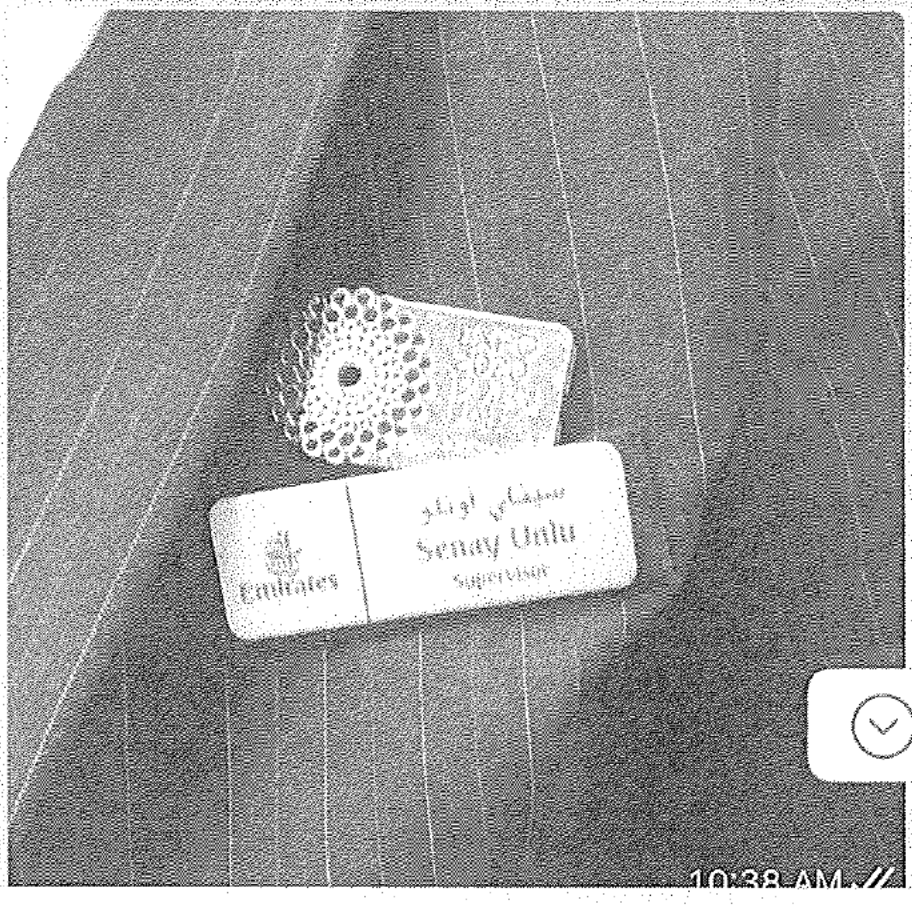
+90 538 590 93 15

I will see what they can do 8:41 AM

When you get back you should complete the application for the victims of crime abroad fund I shared with you to try and recover costs such as rebooting your flight, hotel, food, taxis as rheh mag be eligible but it is up to Justice Canasa.

8:42 AM

I am boarding Emirates. One wonderful person 10:38 AM



10:38 AM

Fido 4:04 PM 97%

+90 538 590 93 15

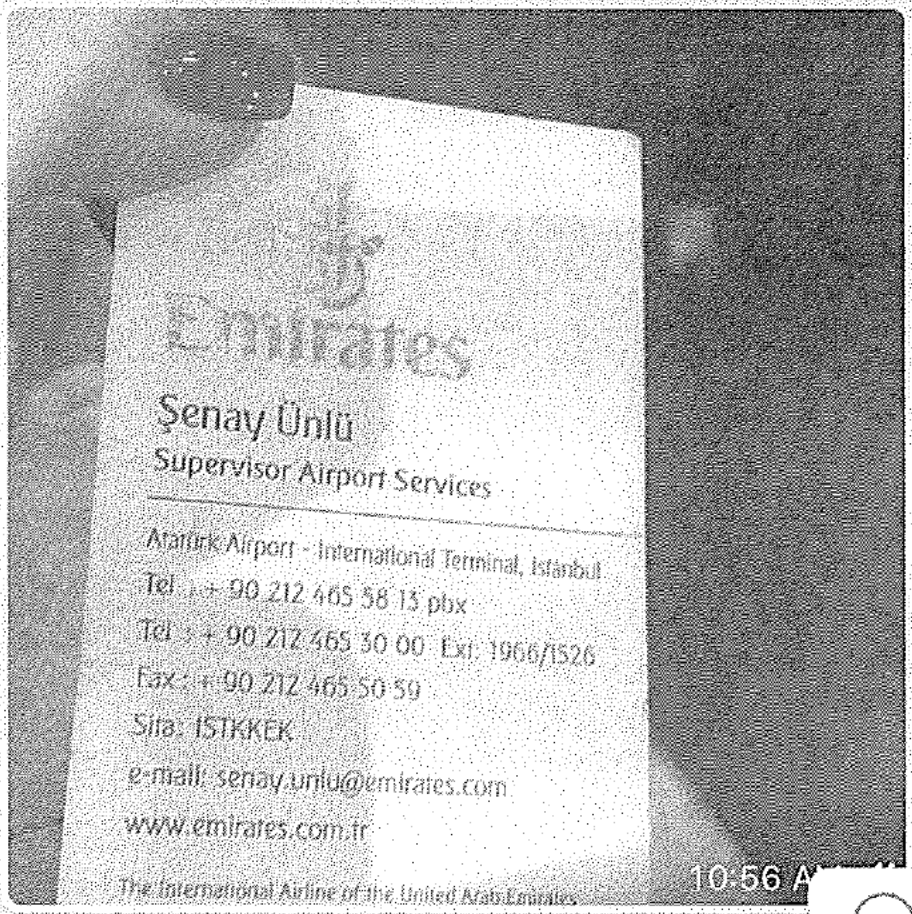
10:38 AM

This person helped me a lot.

10:41 AM

Good to hear. Glad you are on your way. We will be sure to get in touch with this supervisor to thank them for helping one of our citizens.

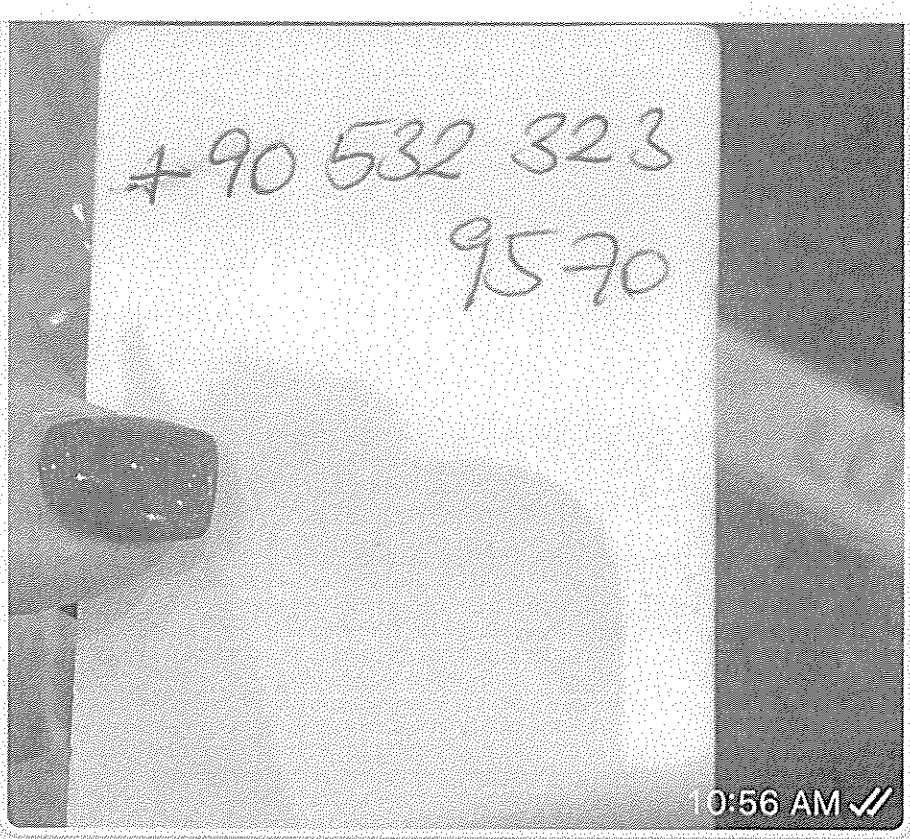
10:45 AM



10:56 A

Fido 4:04 PM 97%

+90 538 590 93 15



10:56 AM

Please send her a thank you

11:07 AM

Mon, Nov 18

Just arrived. 9:30 AM

Great news. Please take care of yourself.

10:30 AM

Thank you. 10:31 AM

So what do I do from here no one fror
the authorities have contacted me

10:31 AM

Fido 4:04 PM 97%

+90 538 590 93 15

If you wish to file a report you should see your local police at this point. 10:32 AM

Ok 10:32 AM

Tue, Nov 19

Good morning. I am so great full to be home. On my way from Dubai to Toronto few staff really helped me from the Emirates air. These two ladies upon arrival at Dubai airport they took me to

Fido 4:04 PM 97%

+90 538 590 93 15

Good morning. I am so great full to be home. On my way from Dubai to Toronto few staff really helped me from the Emirates air. These two ladies upon arrival at Dubai airport they took me to the first class lounge and cater food and made me very comfortable and relaxed. And as I travelled to Toronto they had put me on a first class. They were super friendly and kind. And the flight attendants by the name saleem ayub his number971558898437. Please thank them on my behalf. And I would also like to thank you.

10:29 AM

Fido 4:05 PM 97%

Pinar

Ok take you time. 2:20 AM

Dear , from what I was told colleagues in istanbul have called you and they will continue to support you where possible, consul general ıs also tryıng to ensure that this is so. Fyi🙏🙏🙏 4:12 AM

Ok thank you. Yes the guy that called his name was Ryan fortner 4:13 AM

Yes great he alteady called you. Thank you . We all care and are here for you where possible.🙏 4:16 AM

Thank you. 4:17 AM

Sun, Nov 17

Pinar can I call you 6:06 AM

Missed voice call at 6:29 AM

Your phone is busy. Call me on whatsapp when you can. I hope to have wifi for

Fido 4:05 PM 97%

Pinar

Your phone is busy. Call me on whatsapp when you can. I hope to have wifi for another 2 hours. 🙏 6:30 AM

Missed voice call at 6:41 AM

I'm calling u 6:42 AM

0:14 6:43 AM

0:12 6:43 AM

Are you ok? 6:45 AM

Can you call me on +905383368500 6:45 AM

I opened my data 6:45 AM

0:10 6:59 AM

0:06 7:24 A

Missed voice call at 9:23 AM

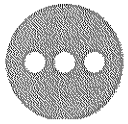
APPENDIX "31": Facebook message of the Complainant asking to meet with Mayor Brown upon her return from Turkey.

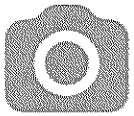
NOV 16, 7:39 AM

Hello Patrick. Can I meet with you when I get back from the Turkish Canada council. I am arriving Tomrrow I can meet you Monday.

NOV 17, 9:00 AM

Sinthu in my office books schedule





Aa

APPENDIX "32": Screenshots of Complainant's text messages between herself and Mayor Brown between November 20, 2019 and December 17, 2019.

iMessage
Wed, Nov 20, 3:47 PM

Hi Patrick. Please don't say anything yet to him tomrrow I will tell You how to proceed.

Is this ?

This is Patrick.

Yes

Ok. I will save this number

Thank you

Thu, Nov 21, 11:48 AM

Good morning. Hope your having a great day. Is there any way I can meet with the chief of police.

Yes.

Thank you

Thu, Nov 21, 11:48 AM

Good morning. Hope your having a great day. Is there any way I can meet with the chief of police.

Yes.

Ok

Thu, Nov 21, 1:27 PM

I passed on your name and number confidentially to the chief of police

Ok thank you.

Tue, Dec 17, 12:41 PM

Now the media is contacting me at work and they have my info.

Delivered

APPENDIX "33": Screenshots of text messages between Complainant and Ms. Barnett between December 10, 2019 and December 19, 2019.

iMessage
Tue, Dec 10, 7:34 PM

Hello. This is Clare Barnett. Are you free in the morning ? Thought I could meet you before the Council meeting at 8:30.

I don't get to there till 11

I could text you when Council breaks for lunch and see if you are free ?

Ok

Wed, Dec 11, 1:10 PM

Hi. I have a break from the council meeting now. Is this a good time to meet up ?

Yes

Great see you at Starbucks in 5

Great see you at Starbucks in 5 min. I am in a grey suit and blue coat

I'm
Meeting someone at Starbucks from city

I will be there soon

Sounds good. I have until 2. Appreciate the time with you

Ok 3 mins

Fri, Dec 13, 2:55 PM

Hi. Just wanted to check in. How are you ? This is Clare from the City of Brampton

Hi clare I'm
Just at doctors haven't slept all night

I am sorry to hear that. I hope the doctor can help.

I don't know just getting nightmares and sick to my stomach

Do you need help ? I followed up about Chief Nish... did the Peel Police call you ?

Police called me yesterday but it was not Nish.

Thank you.

Ok good. I am here if you need anything

Thank you

Mon, Dec 16, 4:23 PM

Hi.. I wanted to let you know that we heard from the Brampton Guardian

Hi.. I wanted to let you know that we heard from the Brampton Guardian asking about the mission to Turkey.

I came by today but forgot you would be closed on Mondays!

Wow who mentioned anything. The only person they knows is badar and the mayor.

Omg I am so sick as it is

Did they say who mentioned anything!

I don't know how the media found out and I will let you know when I hear back. They are speaking with the mayor. He may be able to not speak about specifics, including confirming you personally - he won't say your name. He is sensitive to your privacy

I can't believe it

Does your husband know yet?

Yes

Are you ok?

No believe me Iam not at all. This is been such a damaging thing to me And my family.

Can I help you ?

The mayor asked we give you a call so we will be calling you in a few minutes

Let me know when you can speak and we will call again?

I just got home. Did you want to speak ? I am here for you

Mon, Dec 16, 7:54 PM

Hi. I am worried about you.

Tue, Dec 17, 11:21 AM

Clare I got so sick yesterday I had to go to the hospital

Hi... are you there now? Do you need anything ?

I may got here

Pardon ?

I meant I just got here

Can I do anything for you ? When is a good time for the mayor to call you?

He call now

I meant he can call now

I will find him and confirm. Will text you right back.

Ok

I am going to call you in a few minutes with the mayor on the line

Ok

Tue, Dec 17, 12:42 PM

The media is. Contacting me now at work and asking for me

Oh no. Do you want to come to city hall ?

I will in an hour

Text when you want to come or see me. I can get a private room here.

You don’t need to talk to the media

I'm not answering them

You don't need to answer them

Tue, Dec 17, 3:07 PM

Hi. I was going to Starbucks. Can I bring you anything ?

No thank you

Wed, Dec 18, 10:33 AM

Morning.

Morning Clare

I hate to ask you how you are but I wanted you to know I was thinking of you... you saw the article in the post?

I am trying to get myself back together. I am feeling so horrible.

I saw the article this morning as well at national post

It's also being Julia he's in the Turkish news

Polis, Türkiye'ye ticaret gezisinde belediye meclisi üyesi Brampton'u içeren cinsel taciz iddialarını bildirdi

Tom Blackwell

17 Aralık 2019, 20:57 EST

I am so sorry. I don't know about any other media on the story but if I hear I will let you know.

Do you want me to take you to a safe place in Toronto? A centre for woman to give you some support ?

I can go tomorrow if you want

It is all up to you. I can take you to a place for support and to talk to someone. I can go tomorrow if you want to.

Ok I would appreciate that

Women's college has a centre ...

https://www.womenscollegehospital.ca/care-programs/sexual-assault-domestic-violence-care-centre/

You can call or I can take you tomorrow. Do you want to try calling ? You can come here and I can give you a private boardroom

I can come around 3:30

Ok I will confirm the phone number for you. Text me when you want to come over

And Assaulted Women's Help Line
416-863-0511

Do you need a quiet place to call ?

Thank you

The first one is in brampton

Did you want to meet up or speak in the morning?

Yes I can meet up

I can meet up Tomrrow if that is ok. I have to go and pick up my car from the mechanic by4

Of course. Just text me in the morning.

I will

Thu, Dec 19, 3:40 PM

Hi... you doing ok?

Hi Clare trying

Thu, Dec 19, 5:45 PM

You sure are! I saw the guardian article.

Yes also the National post

I am glad they have kept your name out of it. Were you surprised by Badar? How is your family ?

I was really surprised actually. I didn't authorize anyone to speak about it nor try to get fame from it. This is a matter of an honor and not advertisement.

My family now is very upset and all I want is privacy. I got a call from The guardian asking for [redacted] I

My family now is very upset and all I want is privacy. I got a call from The guardian asking for [redacted] I freaked out. And I am more sick now trying to process all of this. I can't even get strength to come to work and operate normally.

I am sorry to hear about Badar. He should have asked you at the very least. You are doing well considering the situation. I know it doesn't help you now but with time you will start to feel better. I admire how strong you are.

Thank you Clare.

I look strong but trust me
I am shattered. I have nightmares now and I can't sleep or function. May god help me and my family.

I

I
Just don't know who gave my info to guardian

I honestly don't know. Maybe he figured it out. If the trade participant list is public then they could figure it out. At least they have kept your name out of it though.

Do you want me to talk to the Chair of the board of trade about this whole thing?

Who is it!

I will speak to the police officer assigned and mention this situation. As no one has the right to do that.

Tomorrow if I feel better I will meet with you.

The incoming chair is Vanessa

Who is it!

I will speak to the police officer assigned and mention this situation. As no one has the right to do that.

Tomorrow if I feel better I will meet with you.

The incoming chair is Vanessa White. I think she is quite fair. If they have a role in talking to the media then she should know and address that.

Text me anything. .Will Always keep your privacy.

Ok tomorrow If you there I will drop by.

Delivered

Ok!

APPENDIX "34": Screenshots of Complainant's WhatsApp messages between herself and Pinar (another individual from the Canadian Consulate General at Turkey).

Fido 4:05 PM 97%

Pinar

Pinar I just arrived in Toronto I wanted to know have the authority been informed here in Canada. 10:35 AM

0:14 10:38 AM

Ok 11:49 AM

Tue, Nov 19

hello, ı hope ypu are doing well darling. Rcmp in ankara called you today. They will try calling you agaın tomorrow, ok? 8:12 AM

Sincere regards 8:12 AM

Ok thank you. 8:13 AM

I didn't get any message. 8:13 AM

No missed calls? 8:13 AM

Thank you for everything. 8:13 A

No 8:13 AM

Fido 4:05 PM 97%

Pinar

No 8:13 AM

İt could be from a canadian line or turkish 8:13 AM

AM

İs this the number you want them to call 8:13 AM

I wish ı could do more to help 8:14 AM

You did the most. And I will get the government to thank you for everything. 8:14 AM

No hun, dont worry about me. I need and want you to be ok. That is all. 8:14 AM

0:03 8:15 AM

Yes please 8:17 AM

Ok 8:17 AM

Thank you from the bottom of my heart 8:18 AM

Fido 4:05 PM 97%

Pinar

Thank you from the bottom of my heart

8:18 AM

Same here ... you are a strong woman. Masallah to you.

8:18 AM

So glad you are home...xoxo

8:19 AM

Thank you. I'm so glad.

8:19 AM

🙏🏾💐🤚🏻🤚🏻everyone asked about you. Consular section, rcmp, trade... hope you are dng great. Sincerely, pınar

12:29 PM

I'm
Waiting to speak to the RCMP so I know what to do. I'm
Still emotionally very sick

12:30 PM

I understand. Of course.
Please do what you have to do. I just wanted to let you know we care...

12:31 PM

I know and I am thankful for y

12:40 PM

Fido 4:05 PM 97%

Pinar

12:57 PM

Thank you love. 1:08 PM

Wed, Nov 20

Pinar do the RCMP have a number there for me to contact them and a name.

9:03 AM

0:32 9:21 AM

Pinar please have the guy send me his number and I can call him. I missed his call because I was driving the kids to school

9:22 AM

They can also email me at

_____

9:23 AM

I need to speak to the officer today please. Bothe numbers are with me if he wants to call. I will wait again today for him to call. Sorry to trouble you.

9:35 A

Please get back to me so I can move

Fido 4:05 PM 96%

Pinar

9:55 AM

I will tell them but they left the office... the embassy is closed.

9:58 AM

Ok

9:58 AM

So you have his name Because the message is not clear.

9:59 AM

I had telephone conferences with ottawa back to back and could not respond to you right away sorry but they had already left.

9:59 AM

Ok

9:59 AM

I am not sure who called you. I will tell them that you want them to call you, but they may not this evening, I have no idea

10:00 AM

Alright.

10:00 AM

Thank you pinar. Just spoke to him. God bless you.

10:35 AM

WYZE now

Sound detected on 4th cam at 04:04 PM.
Check out the Event Video.

message is not clear. 9:59 AM

I had telephone conferences with ottawa back to back and could not respond to you right away sorry but they had already left. 9:59 AM

Ok 9:59 AM

I am not sure who called you. I will tell them that you want them to call you, but they may not this evening, I have no idea 10:00 AM

Alright. 10:00 AM

Thank you pinar. Just spoke to him. God bless you. 10:35 AM

Super! He was able to call, I am so glad. 10:36 AM

My pleasure ... 10:36 AM

Thank you very much. 10:36 AM

Fido 4:05 PM 96%

Pinar

So you have his name Because the message is not clear. 9:59 AM

I had telephone conferences with ottawa back to back and could not respond to you right away sorry but they had already left. 9:59 AM

Ok 9:59 AM

I am not sure who called you. I will tell them that you want them to call you, but they may not this evening, I have no idea 10:00 AM

Alright. 10:00 AM

Thank you pinar. Just spoke to him. God bless you. 10:35 AM

Super! He was able to call, I am so glad. 10:36 AM

My pleasure ... 10:36 AM

Thank you very much. 10:36 AM

APPENDIX "35"- Screenshots of Ms. Atar's WhatsApp conversation with Complainant between November 15, 2019 and November 22, 2019.

12:31

LTE

Brampton - Badar

15 November Fri

hat and calls are now secured with end-to-end encryption. Tap for more info.

Nursel when you have time call me ok. The girl from took me to airport I am in Istanbul now.

18:34

18 November Mon

Good day Nursel. I wanted to know if you are here in Canada I wanted to come and see you.

19:49

12:32 LTE

- Badar

How about you??

18 November Mon

19:54

I just arrived today I missed my flight to Toronto.

19:54

I am like nervous still.

19:54

I don't know what to do. I was really sick the last few days.

19:54

Did you come to Toronto.

19:54

yes I am in Toronto

19:55

12:32 LTE

- Badar

22 November Fri

Hi I'm ok thank you how are you 18:11

I am in Brampton at Sunset Grill. Would you have time for a quick meeting 18:11

Badar is with me as well. 18:12

Yes I can be there in 1 hour 18:12

I will change and come 18:12

APPENDIX "36": Copy of the "Respectful Workplace Policy" (the "Policy") referenced in the commentary of Rule No. 14 of the Code of Conduct.

SECTION: Human Resources SUBJECT: Respectful Workplace Policy		POLICY 1.3.0
EFFECTIVE: May 10, 2017	REPLACES: 2.13.0 Human Rights policy 12.9.2 Workplace Harassment Prevention policy	PAGE: Page 1 of 9
APPROVED BY CW174-2017, C124-2017	PROCEDURAL UPDATES:	

POLICY STATEMENT

The Corporation of the City of Brampton (the "Corporation") is committed to maintaining a positive, healthy and safe workplace environment in which every person is treated with respect and dignity, is able to contribute fully, and has equal opportunities.

Harassment and discrimination will not be tolerated, condoned, or ignored. Any conduct that contravenes these principles will be addressed immediately.

PURPOSE

Under the Ontario *Human Rights Code*, every person has the right to freedom from harassment and discrimination based on certain enumerated grounds set out in that legislation. Further, under the *Occupational Health and Safety Act* employers have a broader obligation that requires them to address any workplace harassment through developing, implementing and maintaining policy and programs, and to review the policy as often as needed.

As such, the Corporation has a responsibility to ensure that individuals respect the worth of each person and are committed to creating and sustaining a culture that is vibrant, safe and supports every person's well-being.

This policy is intended to:

- Ensure individuals know their rights and responsibilities;
- Promote appropriate standards of conduct at all times;
- Ensure individuals are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of the Corporation, as well as being a violation of the law; and
- Set out the types of behaviour in the workplace and in the delivery of, or access to, services that may be considered offensive and are prohibited by this policy.

This policy is supported by a standard operating procedure titled Addressing Harassment and Discrimination (the "SOP"), which presents a reporting process for employees, and those acting on behalf of the Corporation (i.e. volunteers, citizen members of committees), who have

experienced or witnessed harassment or discrimination in the workplace. The SOP also outlines supervisor/manager accountabilities for addressing incidents in the workplace.

SCOPE

This policy applies to:

- City of Brampton employees;
- Elected Officials;
- Citizen members of committees;
- Volunteers;
- Contractors;
- Vendors and suppliers; and
- Members of the public accessing city services.

The workplace includes:

- City buildings, facilities, sites, land, vehicles, offices or work environment in or near where employees work;
- Locations visited by employees while traveling on city related business;
- City related business including conferences, meetings, vendor/supplier or customer sites;
- Locations of work-based social gatherings; and
- Electronic communication (i.e. email, voicemail, social media etc.)

DEFINITIONS

Term	Definition	Examples
Respectful Workplace	A respectful workplace means a positive, safe and healthy workplace in which every person is treated with respect and dignity.	N/A
Discrimination	Means any form of unequal treatment based on an Ontario *Human Rights Code* protected ground that results in	• A workplace adopts a rule of not hiring women who wish to start a family

Term	Definition	Examples
	disadvantage, whether imposing extra burdens or denying benefits. It may be intentional or unintentional. It may involve direct actions that are discriminatory on the surface, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging certain groups of people. See Ontario *Human Rights Code* Protected Grounds definition for full listing of protected grounds.	• A workplace instructs staff not to take applications from job seekers from a certain ethnic background • An employee is not promoted because of their race
Ontario *Human Rights Code* Protected Grounds	The Ontario *Human Rights Code* prohibits actions that discriminate or harass people based on: • Age; • Ancestry, colour, race; • Citizenship; • Ethnic origin; • Place of origin; • Creed; • Disability; • Family status; • Marital status (including single status); • Gender identity, gender expression; • Record of offences (in employment only); • Sex (including pregnancy and breastfeeding); • Sexual orientation.	

Term	Definition	Examples
Harassment	Means a course of vexatious comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning. Harassment does not include reasonable action taken by an employer or supervisor relating to the management and direction of employees or the workplace. Note: Please consult the Workplace Violence policy for any incidents which involve the exercise of, or threat of physical force.	• Sexual harassment (see definition); • Persistent following / stalking; • Persistent verbal abuse or threats; • Persistently disrupting an individual's work, work space, equipment or interfering with their personal property; • Jokes, derogatory or dismissive comments; • Gestures that are insulting or belittling; • Circulating, displaying written or pictorial material that is offensive or belittling; • Acts or verbal comments that could mentally hurt or isolate a person in the workplace, such as: spreading malicious rumours, isolating someone socially or undermining or deliberately impeding a person's work (i.e. bullying); • Pornography, pin-ups, offensive cartoons; • Taunts or threats directed toward any member of a protected group Note: This list is not exhaustive and other similar behaviours may be considered harassment or discrimination.

Term	Definition	Examples
Sexual Harassment	Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression where the course of comment or conduct is known or ought reasonably to be known to be unwelcome. Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.	• Unnecessary physical contact, including unwanted touching; • Suggestive looks implying a sexual interest; • Asking for sex in exchange for a benefit or a favour; • Demanding hugs; • Calling people sex-specific derogatory names; • Saying or doing something because you think a person does not conform to sex-role stereotypes; • Posting or sharing sexual pictures (including online) Note: This list is not exhaustive and other similar behaviours may be considered sexual harassment.
Elected Officials	Refers to the Mayor and Members of Council.	N/A
SOP	Standard Operating Procedure. For the purposes of this policy, 'SOP' refers to the Addressing Harassment and Discrimination SOP.	N/A
Statement of Commitment	A statement which communicates the City's pledge and responsibility to provide a respectful workplace.	N/A

POLICY PRINCIPLES

Every person has a right to work or access services in a positive, healthy, safe and respectful environment where they are treated in a fair and professional manner. Upholding the principles of this policy is a shared responsibility. The Corporation demonstrates its commitment to create a respectful workplace by:

i. Enforcing standards of appropriate workplace conduct, and addressing incidents of discrimination or harassment that may be occurring in the workplace;

ii. Educating individuals about what constitutes harassment and discrimination, that neither will be tolerated and what their rights and responsibilities are under this policy;

iii. Making a strong publicized commitment to the maintenance of a positive and respectful workplace;

iv. Identifying appropriate resolution and reporting process options; and

v. Implementing remedies where there are findings of harassment or discrimination.

Any employee found to be engaged in harassing or discriminating behaviour will be subject to discipline up to and including dismissal. Any individual from outside of the Corporation found to be engaged in harassing or discriminating behaviour within a city workplace may be subject to prohibition from Corporation property, police involvement, or other action as appropriate.

RESPONSIBILITIES

Individuals working, accessing services, or visiting the workplace are expected to treat every person with respect and dignity to promote a positive and respectful workplace environment and ensure legislative compliance. Further,

Corporate Leadership will:

- Provide a positive and respectful workplace;
- Establish a Respectful Workplace policy and program that is reviewed annually;

- Ensure individuals are held accountable for their behaviour; and
- Ensure training is provided.

Supervisors/Managers will:

- Provide leadership in creating and maintaining a positive and respectful workplace;
- Understand and abide by the policy principles of this Respectful Workplace policy and associated procedures in the SOP;
- Communicate and train employees on this policy and the SOP;
- Ensure individuals are held accountable for their behaviour;
- Ensure a copy of this policy is posted in a conspicuous area in the workplace for employees;
- Ensure a copy of the Statement of Commitment is posted in the workplace visible to those accessing city services, where appropriate;
- Ensure individuals (contractors, service providers, etc.) and others who attend Corporation workplaces are aware of this policy;
- Participate in training regarding this policy and the SOP;
- Tell employees how to report complaints or incidents of harassment or discrimination;
- Ensure complaints or incidents of harassment or discrimination that have not been reported by employees, but are known or witnessed, are addressed or reported to next level management or Human Resources;
- Ensure allegations of harassment or discrimination are documented and retained;
- Respond to and take appropriate action to address harassment or discrimination;
- Monitor situations where harassment or discrimination has occurred to ensure that it has stopped; and
- Seek advice and guidance from Human Resources for all complaints and incidents of harassment or discrimination.

Employees will:

- Understand and abide by this policy and associated procedures in the SOP;
- Immediately report complaints or incidents of harassment or discrimination experienced, witnessed or having knowledge of;

- Document details of discrimination or harassment that are experienced or witnessed, as required;
- Cooperate with investigations of harassment or discrimination to resolve issues; and
- Participate in training regarding this policy and the SOP.

Elected Officials will:

- Understand and abide by this policy;
- Immediately report incidents of harassment or discrimination experienced, witnessed or having knowledge of;
- Document details of discrimination or harassment that are experienced or witnessed, as required;
- Cooperate with investigations of harassment or discrimination to resolve issues; and
- Participate in training regarding this policy.

Human Resources Division will:

- Provide advice and guidance to managers, supervisors and employees as requested;
- Facilitate resolution of complaints or incidents of harassment or discrimination;
- Coordinate harassment and discrimination training; and
- Facilitate review of the Respectful Workplace policy and program as needed and at a minimum of once a year in consultation with the Joint Health and Safety Committees.

ACCOUNTABILITY

Corporate Leadership, Supervisors/Managers and Human Resources are accountable to ensure adherence to the policy as outlined.

ADMINISTRATION

Human Resources is responsible for keeping this policy up to date.

CONTACT

Human Resources, Office of the CAO

SUPPORTING REFERENCES AND RESOURCES

- Addressing Harassment and Discrimination Standard Operating Procedure (SOP)
- Workplace Violence policy

APPENDIX "37": Copy of the Rules.

APPENDIX "37": Relevant Rules from Council Code of Conduct

Rule No. 14

Harassment

1. Members shall be governed by the City's current policies and procedures as amended from time to time, regarding a respectful workplace, workplace harassment prevention and workplace violence prevention.

2. Harassment by a member of another member, staff or any member of the public is misconduct.

3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may investigate it under the terms of the Complaint Protocol.

Commentary

It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. It is the policy of the City of Brampton that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Brampton's is developing a Respectful Workplace Policy (Harassment and Discrimination) to ensure a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

Rule No. 15

Discreditable Conduct

1. Members shall conduct themselves with appropriate decorum at all times.

Commentary

As leaders in the community, members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.

Rule No. 18

Failure to Adhere to Council Policies and Procedures

1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

Commentary

A number of the provisions of this Code of Conduct incorporate policies and procedures adopted by Council. More generally, Members of Council are required to observe the terms of all policies and procedures established by City Council.

Members must pay special attention to, and comply strictly with the Councillors Expense Policy.

This provision does not prevent a member of Council from requesting that Council grant an exemption from a policy.

Rule No. 19

Reprisals and Obstruction

1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.

2. No member shall threaten or undertake any act of reprisal against a person initiating an inquiry or complaint under the Code of Conduct or who provides information to the Integrity Commissioner in any investigation.

Commentary

Members of Council should respect the intent of the Code of Conduct and investigations conducted under it. It is also a violation of the Code of Conduct to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

APPENDIX "38": *Criminal Code* R.S.C., 1985, c. C-46 ("*Criminal Code*") (the relevant provisions).

APPENDIX "38": Relevant Provisions from the *Criminal Code* R.S.C., 1985, c. C-46

Assault

- **265 (1)** A person commits an assault when
    - **(a)** without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
    - **(b)** he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
    - **(c)** while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Application

(2) This section applies to all forms of assault, including sexual assault, sexual assault with a weapon, threats to a third party or causing bodily harm and aggravated sexual assault.

Consent

(3) For the purposes of this section, no consent is obtained where the complainant submits or does not resist by reason of

- **(a)** the application of force to the complainant or to a person other than the complainant;
- **(b)** threats or fear of the application of force to the complainant or to a person other than the complainant;
- **(c)** fraud; or
- **(d)** the exercise of authority.

Marginal note:Accused's belief as to consent

(4) Where an accused alleges that he believed that the complainant consented to the conduct that is the subject-matter of the charge, a judge, if satisfied that there is sufficient evidence and that, if believed by the jury, the evidence would constitute a defence, shall instruct the jury, when reviewing all the evidence relating to the determination of the honesty of the accused's belief, to consider the presence or absence of reasonable grounds for that belief.

Meaning of *consent*

- **273.1 (1)** Subject to subsection (2) and subsection 265(3), ***consent*** means, for the purposes of sections 271, 272 and 273, the voluntary agreement of the complainant to engage in the sexual activity in question.
- **Marginal note:Consent**

  (1.1) Consent must be present at the time the sexual activity in question takes place.
- **Marginal note:Question of law**

  (1.2) The question of whether no consent is obtained under subsection 265(3) or subsection (2) or (3) is a question of law.
- **Marginal note:No consent obtained**

  (2) For the purpose of subsection (1), no consent is obtained if

  - **(a)** the agreement is expressed by the words or conduct of a person other than the complainant;
  - **(a.1)** the complainant is unconscious;
  - **(b)** the complainant is incapable of consenting to the activity for any reason other than the one referred to in paragraph (a.1);
  - **(c)** the accused induces the complainant to engage in the activity by abusing a position of trust, power or authority;
  - **(d)** the complainant expresses, by words or conduct, a lack of agreement to engage in the activity; or
  - **(e)** the complainant, having consented to engage in sexual activity, expresses, by words or conduct, a lack of agreement to continue to engage in the activity.

  Subsection (2) not limiting

  (3) Nothing in subsection (2) shall be construed as limiting the circumstances in which no consent is obtained.

Where belief in consent not a defence

273.2 It is not a defence to a charge under section 271, 272 or 273 that the accused believed that the complainant consented to the activity that forms the subject-matter of the charge, where

- **(a)** the accused's belief arose from
  - **(i)** the accused's self-induced intoxication,
  - **(ii)** the accused's recklessness or wilful blindness, or

    - **(iii)** any circumstance referred to in subsection 265(3) or 273.1(2) or (3) in which no consent is obtained;
- **(b)** the accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain that the complainant was consenting; or
- **(c)** there is no evidence that the complainant's voluntary agreement to the activity was affirmatively expressed by words or actively expressed by conduct.

STOCKWOODS
barristers

Nader R. Hasan
Direct Line: 416-593-1668
Direct Fax: 416-593-9345
NaderH@stockwoods.ca

July 16, 2020

SENT VIA E-MAIL

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario
M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

We have received your draft report of July 14, 2020. We expect to provide you with our full set of comments on the draft report shortly. At this time, however, I write to address two preliminary issues.

Deadline

First, you have requested that we submit all comments within one week (July 21, 2020). While it is our intention to provide comments quickly, can you please advise us of the basis for the one-week deadline? The report, including appendices, is 260 pages long. It contains a wealth of information that is being provided to us for the first time (despite our repeated requests for disclosure). It is not reasonable to expect that all of this take place on the timeline you have proposed.

Allegation of Obstruction

On page 20 of the draft report, you write:

> With respect to the audio recording, Mr. Hasan stated that: 'we have concerns about the accuracy and completeness of that transcript.' I view Mr. Hasan's above response as wholly unjustified. Not only am I the Integrity Commissioner for Brampton, I am also an officer of the court by virtue of being a lawyer. I view Mr. Hasan's concern regarding

> the accuracy and completeness of the transcript ***as a means to obstruct my investigation even further*** [emphasis added].

This is a deeply troubling and surprising passage.

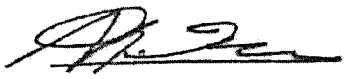
First, there was never any questioning of the Integrity Commissioner's integrity. You had previously told us that it was not *you or your office* that had prepared the transcript, but rather, the complainant and her counsel who had prepared it. (You confirm that fact in the draft report.) Second, to question the accuracy of something is not the same thing as insinuating bad faith. Third, we had indicated concerns with accuracy and *completeness*. As you were not present for the events in question, you could not possibly be in a position to know whether the transcript is a complete recording of all of the events that took place during the evening.

Even more problematic is your suggestion that we have "obstructed" your investigation. This is a very serious allegation and it is completely baseless. To obstruct an investigation is to intentionally and purposely interfere with it by, for example, bribing or coercing witnesses or pressuring witnesses not to cooperate.

Neither our client nor my office "obstructed" your investigation. You and I had a disagreement as to whether the law permitted you to *compel* Mr. Dhillon to attend an interview with you. I explained my position as to why you did not have that authority. You disagreed. That disagreement, however, does not amount to "obstruction". I trust you will correct this in the final version of the report.

Thank you.

Yours sincerely,



Nader R. Hasan
NRH/lw

gation of Councillor Gurpreet Dhillon

From: Muneeza Sheikh
Sent: Friday, July 17, 2020 12:11 PM
To: Nader Hasan <NaderH@stockwoods.ca>
Cc: Zoya Alam <zalam@levittllp.com>; Zachary Al-Khatib <ZacharyA@stockwoods.ca>
Subject: RE: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

Salams Nader,

Thank-you for your email. I would like all of your comments by the deadline I set out (not by piecemeal), namely by no later than end of day on Tuesday, July 21, 2020 at 5 pm. At this time, I am not going to comment on the concern that you have set out in your last letter.

With respect to the deadline, it is my view that your client's unwillingness to cooperate in my investigation would mean that he is not in a position to comment on the evidence that I rely on in my report, or my assessment of that evidence (the bulk of the Report and almost all of the Appendices). He is in a position of course to comment on:

1) Any inaccuracies that I have reported with respect to my back and forth with your client (through you); and
2) Your client's view of the penalty that I have recommended to Council.

Given the above, I am satisfied that one week is sufficient, and therefore I will be adhering to the deadline I set out in my earlier correspondence.

With that being said, if of course there are other areas of the report you would like to comment on (notwithstanding the fact that your client did not participate in my investigation), I am happy to hear from you. At this time, I am not certain however, that I can take into consideration any of those comments.

I look forward to hearing from you.

Best,

Muneeza Sheikh
Partner

Assistants: Nila Troubitsina | **T:** 416-594-3900 ext. 472 | **E:** ntroubitsina@levittllp.com
Ali Sheikh | **E:** masheikh@levittllp.com

From: Lauren Williams <LaurenW@stockwoods.ca>
Sent: Thursday, July 16, 2020 5:01 PM
To: Muneeza Sheikh <msheikh@levittllp.com>
Cc: Ali Sheikh <masheikh@levittllp.com>; Saba J. Khan <skhan@levittllp.com>; Nader Hasan <NaderH@stockwoods.ca>; Zachary Al-Khatib <ZacharyA@stockwoods.ca>
Subject: Brampton Integrity Commissioner Investigation of Councillor Gurpreet Dhillon

Dear Ms. Sheikh,

Please find attached a letter from Mr. Hasan in response to your draft report.

Thank you.

Yours truly,

Lauren Williams
Assistant to Gerald Chan & Nader Hasan

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July 21, 2020

SENT VIA E-MAIL

Ms. Muneeza Sheikh
LEVITT LLP
130 Adelaide Street West, Suite 801
Toronto, Ontario
M5H 3P5

Dear Ms. Sheikh:

Re: Brampton Integrity Commissioner Draft Report (July 14, 2020) Re Councillor Gurpreet Dhillon

I write in response to your email of July 14, 2020, in which you requested that Mr. Dhillon provide any comments on an enclosed draft Report regarding allegations of sexual harassment and breaches of the Code of Conduct by July 21, 2020 (*i.e.* within one week of the receipt of the draft Report).

In response, I requested that you provide the legal basis for the one-week deadline, and also that you provide a more reasonable timeframe for a response, given that the Report is 260 pages long and includes information that we have never seen before. I have enclosed the above-referenced correspondence to this letter.

In your email response of July 17, 2020, you did not provide an explanation for the one-week deadline, nor did you provide a more reasonable deadline.

Moreover, you indicated that you would not allow Mr. Dhillon to comment on the evidence on which you have relied (which he is seeing for the first time), your analysis of that evidence or your legal interpretations in the draft Report. Rather, you indicated that Mr. Dhillon was allowed only to provide comments on two matters: whether there were any inaccuracies in your description of our correspondence with you regarding this matter, as well as in respect of your penalty recommendations.

Mr. Dhillon remains concerned by the fairness of this process. He categorically denies the findings made in the draft Report, and stands by the statement provided to you in his letter of April 7, 2020.

Yours sincerely,

Nader R. Hasan
NRH/lw

Enclosure

LEVITT LLP
EMPLOYMENT AND LABOUR LAW

Muneeza Sheikh
Direct Dial: 416-597-6482

E-mail: msheikh@levittllp.com

DELIVERED VIA E-MAIL

July 22, 2020

Dear Mr. Hasan;

Re: Response to your letter dated April 27, 2020

I have now reviewed your letters dated July 16, 2020 and July 21, 2020.

Firstly, I will address your comments on the one-week deadline that I provided to your client in relation to the Report. While you mention that the Report is lengthy (I was thorough, so this should not be a surprise) and "contains a wealth of information that is being provided to us for the first time", I remind you that your client chose, despite my repeated requests and accommodations around the recording and other disclosure, **not** to participate in the investigation process involving allegations of sexual harassment/assault against him. In declining to speak with me or participate, there is simply no basis for him to comment on my assessment of evidence (whether through documents or witnesses) insofar as it relates to my Report.

Furthermore, you appear to have misinterpreted my email sent to you on July 17, 2020. I did not state that your client "was allowed only to provide comments on two matters". Rather, I stated, "With that being said, if of course there are other areas of the report you would like to comment on (notwithstanding the fact that your client did not participate in my investigation), I am happy to hear from you. At this time, I am not certain however, that I can take into consideration any of those comments." In short, despite my view on the appropriateness of areas that your client could comment on, it was of course open for him to provide general commentary on the Report. He did not do that and again, declined to speak with me. In light of this, I was surprised to receive a blanket denial of the allegations, coupled with complaints about procedural fairness from your client. I provided your client with more than enough time to provide me with a substantive response, but he declined to do so.

With respect to the comments regarding obstruction, my office prepared the transcript and I am able to confirm its accuracy. The transcript is of the audio recording that was provided to our office by the Complainant's counsel, which is what I stated in my Report.

Given this, I will not be changing my findings around obstruction in my Report. I have no reason to believe that you have acted on "a frolic of your own", and did not intend to suggest that in communicating with me you acted outside of your instructions from your client.

I will not be making any changes to my Report and will be sending the Report to the City and the Complainant later today, with a recommendation to provide the Report to all members of Council before the end of this week. As you know, the next Council meeting is not until August 6, 2020, and it is my view (given the length of the Report, the nature of the allegations, and the other agenda items that Council will likely be dealing with) that they should have sufficient time to review it in advance, particularly if they choose to deal with the Report prior to August 6, 2020.

Finally, I will ask the City to make available to members of Council and to the public, the correspondence exchanged between us (including this letter) between July 16, 2020 and July 22, 2020, for the purpose of transparency.

Best,

Muneeza Sheikh
Integrity Commissioner