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INTEGRITY COMMISSIONER REPORT ON CODE OF CONDUCT COMPLAINT – 2020-02 COUNCILLOR KARRIE PORTER

SUMMARY

A formal complaint was filed with the Office of the Integrity Commissioner on September 15, 2020 (the “**Complaint**”). The Complaint alleges that Karrie Porter (the “**Councillor**”), a member of the Council of The Corporation of the City of St. Catharines (“**Council**” and the “**City**” respectively), violated the City’s Code of Conduct for Members of Council, Local Boards and Advisory Committees (the “**Code**”) on account of telephone calls that the Councillor made to the Complainant and the Complainant’s friends/colleagues, and remarks that the Councillor made on Facebook, on Twitter, and in a local newspaper article.

APPOINTMENT & AUTHORITY

Aird & Berlis LLP was appointed as Integrity Commissioner for the City pursuant to subsection 223.3(1) of the *Municipal Act, 2001*¹ on January 28, 2019 by By-law No. 2019-13.

The Complaint was validly filed. We have reviewed the Complaint in accordance with our authority as Integrity Commissioner pursuant to the Code and with the process for hearing complaints as set out in the City’s Complaint Protocol (the “**Complaint Protocol**”).

CODE OF CONDUCT PROVISIONS AT ISSUE

The Complaint alleges that the Councillor contravened the following sections of the Code:

- General Obligations (Sections 4.1(a), (d), (e) and (f)); and
- Discrimination and Harassment (Sections 9.1 and 9.2).

REVIEW OF MATERIALS & INVESTIGATION

In order to prepare this Report, we have undertaken the following steps:

- Review of the Complaint, dated September 15, 2020, and all attachments and materials referred to therein, including discussions with the Complainant in order to provide information regarding the investigative process;
- Review of the Councillor’s response to the Complaint, dated October 21, 2020, and all attachments and materials referred to therein, including a discussion with, and additional correspondence from, counsel to the Councillor in order to receive clarification on certain matters; and

¹ S.O. 2001, c. 25.

- Review of the Complainant's reply submissions, dated October 27, 2020.

The Councillor retained legal counsel to file responding submissions. The Councillor and the Complainant were fully cooperative during the course of our investigation.

A draft copy of this Report, without recommendations, was provided to the Councillor and to the Complainant on December 29, 2020. The Councillor was given an opportunity to respond to the findings set out in the draft Report in writing in accordance with Subsection 7(4) of Part B of the Complaint Protocol.

The Councillor's written response to the draft report has been taken into consideration in the preparation of this Report. The Complainant also provided comments which were also taken into consideration in the finalization of this Report.

This is a report following the investigation of the Complaint made pursuant to Section 10(2) of Part B of the Complaint Protocol and subsection 223.6(2) of the *Municipal Act, 2001*.

BACKGROUND

The Complaint was filed in its original form with the office of the Clerk of the City on August 20, 2020. Following our initial review of the Complaint, we determined it was deficient as it relied on an outdated version of the Code. As such, by way of letter dated September 14, 2020, we provided the Complainant with an opportunity to re-file the Complaint directly with our office. We received the revised and properly filed version of the Complaint on September 15, 2020.

The subject matter of the Complaint relates to telephone calls that the Councilor made to the Complainant and to the Complainant's friends/colleagues, as well as to content posted by the Councilor on Facebook and on Twitter, and an interview that the Councilor gave for a local newspaper article. These matters are detailed below.

Beginning in May 2020, an unknown individual using the alias "Don Bayley" was harassing the Councilor online. The Councilor believed that the Complainant was the person behind this alias and that the Complainant was also stalking her. The Councilor believed this for various reasons, including the fact that there were apparent similarities between the writing style of the Complainant and the person behind the alias.²

² The other reasons relate mainly to assumptions that the Councilor made on the basis of the community activities and associations of the Complainant. Full details of these reasons will not be disclosed or considered in this Report as they are not relevant to our ultimate determinations on whether the Councilor's conduct was in breach of the applicable Code provisions and because the disclosure of this information could unnecessarily jeopardize the confidentiality of the Complainant's identity as well as the identity of others that are tangentially involved in this matter. That being said, these details have informed our understanding of the issues from a contextual standpoint.

For the purposes of this Report, suffice to say that the Councilor asserted that the community group with which the Complainant works participated in or supported the improper online conduct of "Don Bayley". The Complainant disagreed with these assertions and we have made no findings on this issue for the aforementioned reasons. However, we do accept that the Councilor honestly believed that she was being antagonized by this group in relation to the actions of "Don Bayley", and that it was against this perspective that the Councilor came to believe the Complainant was "Don Bayley".

On August 17, 2020 the Councillor telephoned the Complainant and stated that she believed the Complainant was “Don Bayley”, and that she considered the Complainant to be the person harassing her online and stalking her in real life. The Complainant denied these allegations.

The Councillor also telephoned, leaving voicemails for some and speaking directly with others, the Complainant’s friends/colleagues with whom the Complainant worked in a community group,³ to have a similar discussion with them, and also to direct these individuals to investigate the matter to determine whether the Councillor’s belief was correct.

On August 17, 2020, at 11:44 p.m., the Councillor posted about this matter on Facebook (the “**Facebook Post**”), detailed below. While the Facebook Post does not name the Complainant, it does provide various pieces of identifying information about the Complainant, such as the Complainant’s gender, the area in which they live, that they have a dog, the route they take to walk their dog, and otherwise. The Facebook Post also clearly alleges that the Complainant has been harassing the Councillor online and stalking her in person.

The Councillor also posted on Twitter about this matter (the “**Twitter Post**”), detailed below. The Twitter Post does not name the Complainant but also provides identifying information about them.

On August 27, 2020, an article was published online by a local newspaper outlet that included comments about this matter by the Councillor (the “**Article**”), detailed below. The comments in the Article do not name the Complainant but they also contains identifying information about the Complainant.

The record demonstrates that the Councillor did not have any tangible evidence to prove that the Complainant was “Don Bayley”. In fact, the record shows that, from August 18 to September 22, 2020 the Councillor became aware of various pieces of information in support of the contention that the Complainant was *not* “Don Bayley”, and that “Don Bayley” was another individual. The record also shows that the Councillor accepted the Complainant’s attestations that he was not “Don Bayley” during a telephone call that occurred between the Councillor and the Complainant very shortly after the Facebook Post was posted.

The Councillor removed the Facebook Post a day or so after posting it, following her conversation with the Complainant. The Twitter post was also removed. The Article remains publicly available.

Figure 1

Figure 1 is a screenshot of the Facebook Post. The Facebook Post states:

... this alias “Don Bayley” has been trolling me for quite some time. Some of you have messaged me, quite concerned about the comments you have seen all over social media. He goes through my social media photos and reposts them with

³ Much was made by both sides regarding the role, or lack thereof, of the community group in relation to this matter. The Code does not govern the conduct of members of Council in relation to corporations, organizations or otherwise; rather, it governs the conduct of members in relation to members of the public, staff and other members of Council. As noted above, other than to inform our understanding of the issues from a contextual standpoint, the background information and details regarding this particular aspect of this matter are irrelevant to our determinations regarding whether the Councillor contravened the Code on account of the conduct that is set out in this Report. As such, this aspect of the matter will not be detailed or discussed further.

terrible and outrageous comments, including wild allegations and comments about my appearance. He calls me a [***] moron...

Nobody knows any person by this name in real life, yet in his trolling comments, "Don Bayley" often insists that he knows me, has spoken with me, has emailed me.

I passed him off as a complete liar, until a comment he left that claimed he had spoken with me on May 5 about needles in parks. This had me wondering.

I did a search of my email, and lo and behold, there was an email on May 5 from someone I know who lives around the corner and up the street. He did come over to my house to talk to me then, and part of our conversation definitely included needles. It was memorable because I barely left the house at that point and did not talk to anyone outside of work or my immediate family.

This man recently got involved in a group with some other men, working on an issue in my Ward. I read through all of his previous comments and emails to me under his real name. The writing, grammar quirks (right down to the spacing before and after commas), matched the troll. The troll leaves comments all over this group's Facebook page, and seems clearly involved with it, and has even joined James Kaspersetz, former disgraced NPCA board member in trolling me.

I have given this man lots of my time in real life (2 hour meeting at a coffee shop, phone calls, a one hour meeting in front of my house in May). As I have been working from home, I notice that he often walks by my house and stares at it intently.

I called him to confront him about all of this and he denied it. I am not surprised. How do you admit to this? I called the other men in the group, leaving messages for some and talking to others, asking them about taking some responsibility for allowing this behaviour...⁴

The screenshot of the Facebook Post demonstrates that the Facebook Post received 153 "reactions" (i.e. "likes" or otherwise), 110 comments, and was shared 23 times.

Figure 2

Figure 2 is a screenshot of the Tweets. The Tweets state:

Female politicians, what would you do if you discovered a vicious online troll is someone that you know [in real life], lives around the corner from you, walks by staring at your house all the time, and is involved in a citizen's group that you expect should work with you in good faith?

Am I supposed to pretend that I don't know? Do I send a letter to the group? Do I confront him? Do I try and work with the group?

⁴ The Facebook Post includes screenshots of posts by the Alias. These can be seen in the copy of the Facebook Post, appended to this Report; however these screenshots are not discussed as the actions of the person(s) behind the Alias are not before us and are irrelevant to our determinations regarding whether the Councillor's conduct violated the Code.

Figure 3

Figure 3 is an excerpt of the Article. The Article provides, in part:

“We’ve all had different experiences in our lives with men and situations. Honestly, I haven’t experienced misogyny like this before until I got into politics,” said Porter. “I’ve worked for politicians. I’ve been political. I worked in construction. This is something else, and I honestly wasn’t expecting it. I thought I had experienced everything at this point in my life, until now. I’m just kind of stunned by it.”

The three women met recently to speak about their experiences in politics after a week of online discourse. It all started with a social media post by Porter outlining months-long harassment she has been facing from an online troll. The person behind the online account harassing her, she said, is a man who lives in her neighbourhood with whom she has interacted in the past, in person.

The Article is publicly available online.

FINDINGS

For the reasons detailed below, we find that the Councillor has contravened Section 4.1(a), Section 9.1 and part of Section 9.2 of the Code. We have determined that the Councillor has not contravened Sections 4.1(d), (e) and (f) or part of Section 9.2.

It is well-recognized that social media, such as Facebook and Twitter, is an important and growing part of citizen engagement and a method by which elected officials communicate with the public. The Code does not distinguish between different forms of media and does not cease to bind members just because they might be conducting themselves over social media rather than in person. The Statement of Principles set out in Section 2.2 of the Code provides in part:

- Members shall be cognizant that they are at all times representatives of the City and of Council, recognize the importance of their duties and responsibilities, take into account the public character of their function, and maintain and promote public trust in the City;
- Members shall perform their duties and arrange their private affairs in a manner that promotes public confidence and that will bear close public scrutiny;

These sections of the Code recognize that a member of Council acts in a representative capacity for the well-being and interests of all members of the public and, as an elected official, is held to a higher standard of conduct than members of the public.

As an elected official, the Councillor represents the City at all times. As such, she is expected to operate from a base of integrity, justice and courtesy regardless of whether she is before Council or sitting in front of a computer screen. In other words, the standards of conduct set out in the Code transfer and apply directly to the Councillor’s use of social media. As with any other activity, the Councillor is expected to ensure that her use of social media is mindful of and consistent with the Code.

The Councillor’s Facebook page is semi-public and some of the content can be viewed by anyone with a Facebook account. It is not possible to see publicly how many “friends” or “followers” the

Councillor has on Facebook. However, as demonstrated above, the Facebook Post received a considerable amount of attention from over 100 other Facebook users.

The Councillor's Twitter page is public and can be viewed by anyone with a Twitter account. The page also provides, in part, as follows, in the "description" section: "Building a better #StCatharines. Councillor, Ward 4. Mom, community-builder & housing advocate."

At the time of the investigation, the Councillor was being "followed" by 1,451 other Twitter users.

The Councillor's legal counsel submitted that the Councillor's comments are protected by the *Canadian Charter of Rights and Freedoms*.⁵ We disagree for the following reasons.

Section 2(b) of the *Charter* provides:

2. Everyone has the following fundamental freedoms:

...

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

The Canadian courts have recognized that the guarantee of freedom of expression is not absolute.⁶ Freedom of expression is subject to reasonable limitations which may be circumscribed by municipal codes of conduct.

This particular fact was expressly noted in *Buck v. Morris*:

The right to freedom of speech in our society is not an absolute right. While freedom of speech is a cherished right in a free and democratic society, there are reasonable limitations. The Town of Aurora, like many towns and cities in the Province of Ontario, has a Code of Conduct that purports to codify parameters of reasonable conduct for elected Town officials.

...

The plaintiff clearly has a perception that she has an unfettered right to freedom of expression and freedom of speech. That freedom, however, is circumscribed by the Code.⁷

Subsection 223.2(1) of the *Municipal Act, 2001* requires municipalities to establish codes of conduct for members of council (and members of local boards). The Legislature's recognition that the comportment of elected officials may be constrained by provisions contained in a code of conduct establishes an explicit limitation on a council member's freedom to say whatever they want and however they want, including communication by the use of social media such as Facebook.

⁵ *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11 [the "**Charter**"].

⁶ In fact, there is an inherent limitation within the *Charter* itself in section 1 provides:

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

⁷ *Buck v. Morris*, 2015 ONSC 5632, 44 M.P.L.R. (5th) 175 at paras. 191 & 193 (Ont. S.C.J.).

(a) General Obligations

The Complaint alleges that Councillor Porter's conduct violates Sections 4.1(a), (d), (e) and (f) of the Code, entitled General Obligations.

These provisions of the Code provide as follows:

- 4.1 In all respects, a Member shall:
- (a) make every effort to act with good faith and care;
 - ...
 - (d) seek to service their constituents in a conscientious and diligent manner;
 - (e) respect the individual rights, values, beliefs and personality traits of any other person, recognizing that all persons are entitled to be treated equally with dignity and respect for their personal status regarding gender, sexual orientation, race, creed, religion, ability and spirituality;
 - (f) refrain from making statements known to be false or with the intent to mislead Council or the public;

We have considered each of these sections, in turn, below.

(i) Section 4.1(a)

The Councillor did not make every effort to act with good faith and care in this matter. She has acted in contravention of Section 4.1(a) of the Code.

*Black's Law Dictionary*⁸ defines "acting in good faith" as follows:

Behaving honestly and frankly, without any intent to defraud or to seek an unconscionable advantage.

We accept that the Councillor held an honest, although mistaken, belief that the Complainant was "Don Bayley" at the time when the Councillor made the telephone calls in question, posted on Facebook and Twitter, and provided the media interview. We also find that the Councillor exercised some measure of caution by deciding not to name the Complainant online and to the media.⁹ However, we do not find that these actions rise to the level of "*making every effort*" to act with good faith and care in the circumstances which is the standard imposed by the Code.

In terms of "making every effort to act with good faith", because the Councillor had publicly made serious allegations against a specific member of the public (i.e. the Complainant), albeit, not by name, the Councillor should have sought to correct the record once the Councillor learned and accepted that this specific member of the public was, in fact, not to blame for the reprehensible conduct in question. The Councillor did not do this. To take such actions, in our view, would have been to "make every effort" to act in good faith in this matter.

⁸ Brian A. Garner (ed.), 11th ed. (2019) (online).

⁹ This may also, however, be an indication that the Councillor herself remained uncertain as to the identity of "Don Bayley".

In addition, we find that the Councillor did not act with the requisite amount of care. For example, the Councillor could have discussed “Don Bayley” and the unacceptable online harassment that she had been subjected to without also making reference to a specific member of the community that she believed to be the perpetrator. This is especially so given that the Councillor did not have tangible proof that her suspicions were correct – and, indeed, they seemingly were not – and given the serious nature of the allegations in question (i.e. harassment and stalking).

The fact that the Councillor did not name the Complainant is not exculpatory. The Councillor disclosed significant identifying information about the Complainant – such as the Complainant’s gender, the area in which they live, the fact that they had recently become involved with a community group that was active within the Councillor’s Ward, and otherwise – that could allow others to discern their identity.

In addition, the Councillor directly confronted the Complainant’s friends/colleagues about this matter, so those individuals would have immediately known that the Councillor was accusing the Complainant of harassment and stalking.

On the basis of the foregoing, we find that the Councillor breached Section 4.1(a) of the Code.

(ii) Section 4.1(d)

Section 4.1(d) is related to the manner in which a member of Council is expected to serve their constituents and indicates that such service is expected to occur in a “conscientious and diligent manner”. This provision would apply, for example, in a situation where a member of the public had sought some type of service from a member of Council, such as a meeting, or information regarding municipal business.

We find that Section 4.1(d) does not apply in these circumstances. The Complainant neither sought, nor did the Councillor provide, any service with respect to a municipal matter in this case. Therefore, we do not find that Section 4.1(d) was contravened.

(iii) Section 4.1(e)

Section 4.1(e) of the Code is aimed at preventing members of Council from treating others without respect or dignity, or in an unequal manner, on the basis of a person’s beliefs or attributes, such as their religion, personal status regarding gender, sexual orientation or otherwise.

We also find that Section 4.1(e) does not apply to this matter. The record clearly shows that the Councillor acted as she did based on her apparently mistaken belief that the Complainant was harassing and stalking her, and not on the basis of any of the Complainant’s personal beliefs or attributes. Therefore, we have not determined that Section 4.1(e) has been breached.

(iv) Section 4.1(f)

In order to find that a contravention of Section 4.1(f) of the Code has occurred, there must be an element of knowledge. The Councillor must have known, when she made the statements in question, that what she was saying was false.

As noted above, we accept that the Councillor had an honestly held, albeit seemingly mistaken, belief that the Complainant was “Don Bayley”. Therefore, the Councillor did not make a statement

that she knew to be false (although, as noted above, she ought to have exercised a greater degree of caution). There was also no evidence that the Councillor's "intention" in making the applicable statements was to "mislead" anyone.

Therefore, we do not find that the Councillor contravened Section 4.1(f).

That being said, and as noted above, it is our view that the right thing to do in the circumstances, given the spirit and intent of this particular provision and of the Code in general, would have been for the Councillor to correct the record and to post a retraction or apology once the Councillor learned that her statements about the Complainant were apparently false.

(b) Discrimination and Harassment

The Complaint alleges that the Councillor's conduct violates Sections 9.1 and 9.2 of the Code – Discrimination and Harassment.

These provisions of the Code provide as follows:

- 9.1 A Member shall treat all members of the public, one another and staff with respect and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.
- 9.2 A Member shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff. A Member shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted.

We have considered each of these sections, in turn, below.

(i) Section 9.1

We find that the Councillor's conduct in this matter constitutes bullying and that the Councillor has contravened Section 9.1 of the Code on this basis.

The Supreme Court of Canada has accepted the following definition of "bullying":

... behaviour that is intended to cause, or should be known to cause, fear, intimidation, humiliation, distress or other forms of harm to another person's body, feelings, self-esteem, reputation or property. Bullying can be direct or indirect, and can take place by written, verbal, physical or electronic means, or any other form of expression.¹⁰

It is our view that the Councillor's behaviour should have been known to cause humiliation, distress and other forms of harm to the Complainant's feelings, self-esteem and reputation.

¹⁰ *A.B. (Litigation Guardian of) v. Bragg Communications Inc.*, 2012 S.C.C. 46 at para. 21.

The Councillor made allegations of harassment and stalking about the Complainant directly to the Complainant as well as to their friends and colleagues. The Councillor also made these allegations online and to the media. While the Councillor did not directly identify the Complainant, as noted above, the Councillor provided various identifying information that could allow any one of the hundreds of people who interfaced with the social media posts, or anyone who read the Article, to discern the Complainant's identity.

In addition, the allegations that the Councillor made against the Complainant were very serious in nature. Allegations of this nature, regardless of whether they are true or false, can have devastating impacts on a person's feelings, life, relationships and reputation. A reasonable person who found themselves in the position of the Complainant would no doubt feel humiliated, distressed, and that their feelings, self-esteem and reputation had or could be been harmed by the events. Therefore, we find the Councillor's conduct to constitute bullying.

In view of the finding that the Councillor's conduct constituted bullying, we will not consider whether her behaviour was disrespectful or constituted abuse or intimidation. It is not necessary for the conduct to be disrespectful, abusive, and to constitute bullying and intimidation in order to ground a finding that a violation has occurred under Section 9.1.

(ii) Section 9.2

Section 9.2 has two parts. First, that a member "shall not use indecent, abusive or insulting words, phrases or expressions toward any member of the public, another Member or staff." Second, that a member "shall not make comments or conduct themselves in any manner that is discriminatory to any individual based on the individual's race, colour, ancestry, citizenship, ethnic origin, place of origin, creed or religion, gender, sexual orientation, marital status, family status, disability, age or record of offences for which a pardon has not been granted."

We have determined that the Councillor has contravened the first part of Section 9.2 but not the second part for the following reasons.

The Councillor effectively called the Complainant a stalker and a misogynist, and accused them of harassment. While these allegations may not rise to the level of being indecent or abusive, they certainly are insulting in light of the fact that they were not warranted in the circumstances.

No reasonable person would want to be accused of being a stalker, a misogynist, or engaging in harassment. These labels and the corresponding behaviours are considered by society to be repugnant. Therefore, labelling someone as such or accusing them of engaging in these behaviours is indeed insulting, especially if there is no basis for the labels or accusations, as was the case in this instance.

We accordingly determine that the first part of Section 9.1 has been contravened.

The second part of Section 9.2 is directed at discrimination akin to what is dealt with under the *Human Rights Code*.¹¹ The Supreme Court of Canada has adopted the following definition and explanation of discrimination:

Discrimination is: A distinction based on the personal characteristics of an individual that results in some disadvantage to that individual.

¹¹ *Human Rights Code*, R.S.O. 1990, c. H.19.

In *Andrews*, [the] Court wrote:

Discrimination may be described as a distinction, whether intentional or not but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations, or disadvantages on such individual or group not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society. Distinctions based on personal characteristics attributed to an individual solely on the basis of association with a group will rarely escape the charge of discrimination, while those based on an individual's merits and capacities will rarely be so classed.¹²

In these circumstances, the record does not evidence that the Councillor acted in a discriminatory manner toward the Complainant on account of any of the above enumerated characteristics. As noted above, the Councillor's treatment of the Complainant was clearly on the basis that the Councillor believed the Complainant to be "Don Bayley". There is no evidence that the Councillor treated the Complainant as she did on account of the Complainant's race, colour, ancestry, or any one of the other factors enumerated in the second part of Section 9.2 of the Code.

Furthermore, there is no evidence to suggest that the Councillor's actions had the effect of imposing burdens, obligations, or disadvantages on the Complainant not imposed upon others, or that the Councillor's actions withheld or limited access to an opportunity or benefit or advantage available to other members of society. While the Councillor's actions were no doubt hurtful and could possibly have been harmful, there is no evidence to suggest they had the effect required to find a contravention of the second part of Section 9.2 of the Code.

Accordingly, the second part of Section 9.2 of the Code was not contravened.

CONCLUSIONS

In summary, for the reasons set out above, we have determined on a balance of probabilities that the Councillor has contravened Section 4.1(a), Section 9.1 and part of Section 9.2 of the Code. We have concluded that the Councillor has not contravened Sections 4.1(d), (e) and (f) or part of Section 9.2.

The Councillor asserted serious allegations about a member of the public in various public forums in a manner that could allow others to identify this individual and without first determining whether the allegations were true. While we recognize and appreciate that the actions of "Don Bayley" against the Councillor were reprehensible and undoubtedly caused the Councillor much distress, this is not a justification for the Councillor's conduct in relation to the Complainant. A more measured response was warranted. This is especially so given that the Councillor did not publicly retract her statements.

We conclude that the Councillor's actions in this matter did not rise to the ethical standard required by the Code and what is expected of a public office holder.

¹² *Kanhasamy v. Canada (Minister of Citizenship and Immigration)*, 2015 S.C.C. 61 at para. 55.

RECOMMENDATIONS

In view of the findings that the above-noted provisions of the Code have been contravened by the Councillor, it is recommended that the Councillor be formally reprimanded by Council at a public meeting.

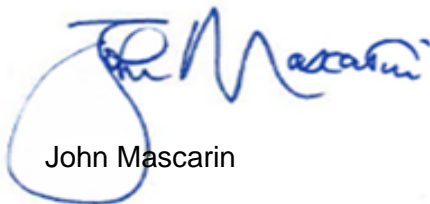
We recommend that Council pass a resolution to formally censure the Councillor, a penalty that is statutorily authorized by paragraph 223.4(5) 1 of the *Municipal Act, 2001* and Section 15.1(a) of the Code. A suspension of the Councillor's remuneration is not being recommended in this Report and is not warranted in the circumstances.

As a remedial measure, we also recommend that the Councillor be asked to issue a sincere public apology to the Complainant for her conduct in breaching the Code – we recommend that this be done at the next public meeting of Council. This remedial measure would serve to remediate or repair some of the harm that was or may have been done to the Complainant by the Councillor's actions.

We note that the Councillor has taken some responsibility with respect to her conduct in this matter. We understand that the Councillor did offer to apologize privately to the Complainant following the Councillor's receipt of the Complaint. The Councillor was also receptive to the findings in the draft copy of this Report.

We expressly remain seized of this matter and will be available to the Councillor should she request us to review her apology prior to issuing same so that there is no confusion as to its sufficiency. We also reserve the right to issue a supplemental report to Council should our recommendations be adopted and imposed, but then are subsequently not complied with.

AIRD & BERLIS LLP



John Mascarin

Integrity Commissioner for the City of St. Catharines

Dated this 7th day of January, 2021



Karrie Porter

August 17 at 11:44 PM · 🌐



I face lots of backlash and criticism in politics. It comes with the territory.

But this alias "Don Bayley" has been trolling me for quite some time. Some of you have messaged me, quite concerned about the comments you have seen all over social media. He goes through my social media photos and reposts them with terrible and outrageous comments, including wild allegations and comments about my appearance. He calls me a ^+}+€#%} moron. I ignore and block, but many of you take screenshots to let me know what is happening. I end up unblocking out of morbid curiosity.

Nobody knows any person by this name in real life, yet in his trolling comments, "Don Bayley" often insists that he knows me, has spoken with me, and has emailed me.

I passed him off as a complete liar, until a comment he left that claimed he had spoken with me on May 5 about needles in parks. This had me wondering.

I did a search of my email, and lo and behold, there was an email on May 5 from someone I know who lives around the corner and up the street. He did come over to my house to talk to me then, and part of our conversation definitely included needles. It was memorable because I barely left the house at that point and did not talk to anyone outside of work or my immediate family.

This man recently got involved in a group with some other men, working on an issue in my Ward. I read through all of his previous comments and emails to me under his real name. The writing, grammar quirks (right down to the spacing before and after commas), matched the troll. The troll leaves comments all over this group's Facebook page, and seems clearly involved with it, and has even joined [REDACTED], former disgraced NPCA board member in trolling me.

I have given this man lots of my time in real life (2 hour meeting at a coffee shop, phone calls, a one hour meeting in front of my house in May). As I have been working from home, I notice that he often walks by my house and stares at it intently.

I called him to confront him about all of this and he denied it. I am not surprised. How do you admit to this? I called the other men in the group, leaving messages for some and talking to others, asking them about taking some responsibility for allowing this behaviour. There are so many other issues. Not only do they not remove some of the trollina comments about me. they also like them.

trolling comments about me, they also like them.

I debated making this post, and reducing myself to the level of a troll. I don't want to engage down in the gutter, but I need to make a statement that toxic behaviour is not something I tolerate in politics, and I will have nothing to do with individuals or groups who engage in it.

I am waiting to see what the others in the group do about all of this. They know better and I expect better.

My ask is simple. I want an end to trolling, gaslighting, Trump-style behaviour, and for people to act with good intentions, even when they disagree.

I have many more shocking screenshots but I am withholding them.

< Search Facebook

on Bayley

 Karr

ie in May around
at the City Spe
year and i might

Replies to Don's
comment on
Newstalk 610
CKTB's post

View Post



Don Bayley

The best part of last night's council meeting was when the City Clerk called out "Councillor Porter

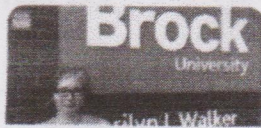
each other more than they hate any other party, am I right? Now is not the time to promote Hate of any kind!



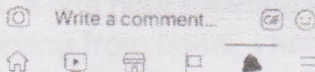
2m Like Reply

Don Bayley seek help man. Another post about Porter? You're obsessed and why are you posting pics of her.

primary or waste water treatment site etc . clean the effected areas to an acceptable level . This is not a complicated issue JUST DO IT!



Write a comment...



Awesome that you take part in this as a family. ❤️

3w Like Reply



Don B. Lyle,
I have to admit Karrie rocks a bike helmet she looks 15 years younger

3w Like Reply

159

110 Comments 23 Shares

Like

Comment

Share

Tweets Tweets & replies Media Likes

Show this thread



Karrie "Wear a Mask" Port... · 2d ▾





1/ Female politicians, what would you do if you discovered a vicious online troll is someone that you know IRL, lives around the corner from you, walks by staring at your house all the time, and is involved in a citizen's group that you expect should work with you in good faith?


 12  2  12 



Karrie "Wear a Mask" Port... · 2d ▾

2/ Am I supposed to pretend that I don't know? Do I send a letter the group? Do I confront him? Do I try and work with the group?

 4   5 

 Karrie "Wear a Mask" Porter Retweeted



[Redacted] · 3d ▾

Looking forward to attending this online with @karrieporter

[Redacted] and [Redacted]


Thanks to [Redacted] for helping me navigate through s
can attend sessions! #merritton

FIGURE 3

The Standard

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NIAGARA REGION

Niagara women talk about experiences in public office where misogyny has reared its ugly head



By **Melinda Cheevers** Niagara This Week
Thu., Aug. 27, 2020 | 9 min. read

“We’ve all had different experiences in our lives with men and situations. Honestly, I haven’t experienced misogyny like this before until I got into politics,” said Porter. “I’ve worked for politicians. I’ve been political. I worked in construction. This is something else, and I honestly wasn’t expecting it. I thought I had experienced everything at this point in my life, until now. I’m just kind of stunned by it.”

The three women met recently to speak about their experiences in politics after a week of online discourse. It all started with a social media post by Porter outlining months-long harassment she has been facing from an online troll. The person behind the online account harassing her, she said, is a man who lives in her neighbourhood with whom she has interacted in the past, in person.