



**Hamilton**

Office of the City Auditor

# **Summary Report to General Issues Committee**

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# **Kroll Investigation of Alleged Illegal Dumping Scheme Summary**

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December 8, 2021

**Office of the City Auditor**  
**Brigitte Minard, Deputy City Auditor**  
**Charles Brown, City Auditor**

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## Summary

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In February 2021 a statement of claim (and subsequently amended in September 2021) was filed against the City of Hamilton which contained allegations that 2 members of City staff were complicit in an illegal dumping scheme that contaminated the Plaintiff's property, a property known as Waterdown Gardens. It alleged that contaminated soils from Hamilton Public Works projects had been diverted to this site.

The Office of the City Auditor ("OCA") engaged an external firm, Kroll Consulting Canada Co. ("Kroll") to conduct a comprehensive investigation to address the allegations. That investigation has been completed and a report of findings has been made to the OCA.

The scope of investigative work conducted by Kroll involved a comprehensive, detailed and thorough review of available evidence. The Kroll investigation team interviewed relevant individuals, carried out an exhaustive review and analysis of City and third-party records, City electronic devices, social media and publicly accessible data. Prior to the investigation and during the course of the investigation the Plaintiffs and their associates failed to produce any documentation to support their claims, and in some cases individuals associated with the Plaintiffs refused to meet with the Kroll investigation team.

The major findings of the Kroll investigation are as follows:

- In relation to the haulage of contaminated soils from City sites, there were only two projects during the relevant time period where "impacted" (contaminated) soil was alleged to have been removed from City property – a project on Governor's Road and a project to upgrade the Woodward Treatment Plant.
- Kroll did not identify any information indicating that soil (contaminated or clean) was hauled from the Woodward Project to the Waterdown Gardens property. While there was evidence that "non-impacted" (clean) soil was taken from the Governor's Road project to the Waterdown Gardens property, Kroll did not identify any information indicating that "impacted" (contaminated) soil was taken there. To the contrary, documentation obtained from an independent consulting firm that was performing testing on soil imported to, and stockpiled at the Waterdown Gardens site during the relevant period indicated two source sites for contaminants neither of which were City projects.
- Insofar as the two City employees allegedly conspiring or assisting with the dumping of contaminated materials at the Waterdown Gardens property, by covering it up or having business affiliations or involvement with those allegedly participating in such a scheme, there was no information that indicated any such activities.
- In addition, Kroll did not identify any information to indicate that the City failed to provide oversight of their contractors, who were contractually responsible for hauling away materials to appropriate sites.

In summary, the Kroll investigation found that the allegations were not supported by available evidence.

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## Office of the City Auditor

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**Charles** Brown, CPA, CA,  
City Auditor

**Brigitte Minard**, CPA, CA, CIA, CGAP  
Deputy City Auditor

**Phone:** 905-546-2424 ext. 2257

**Email:** [cityauditor@hamilton.ca](mailto:cityauditor@hamilton.ca)

**Website:** [hamilton.ca/audit](http://hamilton.ca/audit)

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