



Boghosian+Allen LLP • Litigation Counsel • 37 Spadina Road, Toronto, ON M5R 2S9 Tel: 416-367-5558 Fax: 416-368-1010 • www.boglaw.ca

David G. Boghosian, LL.M.
Direct Tel: 416-367-5558 ext. 211
Email: dgb@boglaw.ca

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VIA EMAIL -- Matthew.Trennum@hamilton.ca

Matthew Trennum
c/o Mayor and Members of Council

Dear Mayor and Members of Council:

**RE: HAMILTON INTEGRITY COMMISSIONER SERVICES
Our File No. 976-100**

During my tenure as your Integrity Commissioner, I have addressed several inquiries regarding the propriety of writing letters of support on behalf of residents who have matters before the Committee of Adjustments (“COA”). The most recent was this month. It was suggested to me that Council would benefit from a general statement regarding this issue.

In every case, I have provided advice to the effect of the following:

The COA is a quasi-judicial body which is required to apply legal and planning principles to its decisions. Consideration of extraneous factors such as support of the application by a Member of Council or the sympathies of the particular application highlighted in the Member’s letter of support should not be part of its decision-making process and in fact could lead to its decision being invalidated by a higher tribunal or court on the basis that it took into account irrelevant considerations. For these reasons, I regard the situation of a Member writing to a quasi-judicial body of the City (ie. the COA) to support a constituent’s application as a breach of s. 10 of the Code of Conduct, which reads in its relevant part as follows:

10. (1) No Member of Council shall use the influence of his or her office for any purpose other than the performance of the Member’s responsibilities as a Member, and other official duties.

As the COA is supposed to make decisions in a quasi-judicial fashion applying proper legal/planning principles, I do not regard it as appropriate for a Member to be attempting to influence the Committee’s judgment by writing letters of support in favour of constituents.

I trust this is of assistance to you.

Yours very truly,

A handwritten signature in blue ink, appearing to read "D. Boghosian", with a long horizontal flourish extending to the right.

David G. Boghosian.
Integrity Commissioner,
City of Hamilton

DGB/dgb/ka