



Cunningham Swan

LAWYERS

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CONFIDENTIAL

July 25, 2024

SENT BY EMAIL TO: TDafoe@stratford.ca

Mayor and Members of Council
c/o Tatiana Dafoe, City Clerk
City of Stratford
1 Wellington Street
P.O. Box 818
Stratford, ON N5A 6W1

Dear Mayor and Members of Council:

**RE: Closed Meeting Investigation
Our File No.: 36684-7**

On July 4, 2024, our office received a complaint which primarily concerned the decision making process leading to the City entering into Minutes of Settlement in an Ontario Land Tribunal (“OLT”) matter. That complaint named two meetings at which the matter was discussed – January 8, 2024, and June 3, 2024. Both discussions occurred in closed session. The complaint also included a number of general concerns and questions about the decision making process leading to the signing of these minutes.

At the time this complaint was received, our office was already finalizing a report concerning the same Minutes of Settlement. That report specifically concerned the January 8, 2024, meeting as well as the decision to enter into the Minutes. Our report had not yet been publicly released at the time that the present complaint was made. Subsequently, it was made public at a Council meeting on July 8, 2024.

In terms of the January 8th meeting, we repeat our finding that the rules regarding closed sessions were followed, and would refer the reader to our report as received by Council for

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information July 8, 2024. The same can be said of the overall concern regarding approval of the Minutes of Settlement; after conferring with City staff, we were advised that the Minutes of Settlement were approved under the Chief Administrative Officer's delegated authority. Although it is beyond the scope of our jurisdiction to investigate or confirm delegated authority, we were provided a copy of a by-law that appears to provide this authority.

The only issue that is included in the present complaint that was not part of our prior report is the June 3, 2024, meeting. We reviewed the minutes of that meeting. They provide an update on a matter before the OLT and the steps that were taken in this regard, and therefore clearly fall under the exceptions for solicitor-client privilege and matters before a tribunal. The only vote held on this agenda item was to receive the City solicitor's update on the matter; as discussed in our prior reports, this is an appropriate closed session vote.

Therefore, we find that the complaint does not disclose any violations of the closed session sections of the *Act*.

Sincerely,

Cunningham, Swan, Carty, Little & Bonham LLP

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