

COMMITTEE OF THE WHOLE – NOVEMBER 10, 2009

REGISTRY OF LOBBYISTS

Recommendation

Councillor Tony Carella recommends:

That the City Manager direct appropriate staff to investigate and report back to Council no later than June 2010 on the implications of a Registry of Lobbyists, including what other municipalities have done, the benefits, cost and other information as appropriate.

Purpose

A better understanding of the benefits, costs and any other implications of a lobbyist registry.

Contribution to Sustainability

The sustainability of the democratic form of government---and of all the benefits which flow from it---is predicated on the belief and knowledge that the business of government is being conducted in a transparent manner.

Economic Impact

The determination of any economic impact will be part of the process by which this initiative will be evaluated.

Communication Plan

Corporate Communications will announce this initiative, once adopted by Council.

Background – Analysis and Options

The perception that lobbyists exercise undue influence on elected officials is one that threatens our faith in the democratic form of government. While such officials should be accessible to anyone with a concern about a matter within the official's jurisdiction, the access enjoyed by some (particularly those who hire others to facilitate access to elected officials; those known as "lobbyists") is problematic because it often is or is perceived to be less than transparent. The recent adoption by Council of a revised Code of Conduct for Members of Council is a significant step in demonstrating transparency. A registry of lobbyists is perhaps one further way in which this phenomenon can be brought under public scrutiny.

At the same time, the City of Vaughan may not need to entirely reinvent the wheel when it comes to the development of a registry of lobbyists. As the attachments attest, the City of Toronto has such a register, embodied in Chapter 140 of its by-laws, under the heading "Lobbying". It also has a code of conduct for lobbyists. Both these documents will no doubt prove invaluable as City of Vaughan staff proceed to investigate the benefits of a registry of lobbyists.

Regional Implications

Nil

Relationship to Vaughan Vision 2020

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

The investigation of a Registry of Lobbyists is a next step in the evolution of transparency as a feature of local government.

Attachments

Article from Office of the Ombudsman, July/August 2009 Newsletter
City of Toronto By-law, Chapter 140, Lobbying
City of Toronto, Lobbyists' Code of Conduct

Report prepared by:

Councillor Tony Carella, FRSA

Respectfully submitted,

Tony Carella, FRSA
Councillor – Ward 2

ARTICLE FROM OFFICE OF THE OMBUDSMAN JULY/AUGUST 2009 NEWSLETTER

WHAT'S A LOBBYIST REGISTRAR?

By guest writer, Linda Gehrke, Toronto's Lobbyist Registrar

Open and transparent; these are words that should be synonymous with City government. The Office of the Lobbyist Registrar works hard to make this happen.

Had your business licence revoked or trying to secure a contract with the City and want to talk to your member of Council about it? Or perhaps you want to start a grassroots campaign for or against a by-law that directly affects your business? If you are nodding your head you may need to register with our office.

You may be asking, who or what is a lobbyist and why do they need to register?

You need to register because not doing so could land you in front of a judge. It is an offence under the *Provincial Offences Act* not to register and it will cost you a lot of money if you are convicted.

So how does the lobbyist registry work?

Before communicating with a public office holder, a lobbyist has to register and say what they're lobbying for. After talking to someone in the City, a lobbyist has three days to go back into the registry and say who they contacted and how. You can do this online at www.toronto.ca/lobbying or drop by our office.

Our office also investigates complaints about breaches of ethical standards and lobbyists not registering.

So if you need to talk to someone in public office about a by-law, resolution, permit, license or an application make sure you get advice about whether you need to register with the Office of the Lobbyist Registrar.

Where can you find us?

We are at 112 Elizabeth Street, Toronto, just south of Dundas Street West. We are open from 9 a.m. to 4 p.m., Monday to Friday. You can ask a Lobbyist Registry Advisor for information about the lobbying by-law, registering as a lobbyist, searching the registry and to make a complaint about unregistered lobbying or a breach of the lobbyists' code of conduct. You can visit us, call us at 416-338-5858 or e-mail us at lobbyistregistrar@toronto.ca.

For more information, to register as a lobbyist and search the lobbyist registry, please go to www.toronto.ca/lobbying.

Chapter 140

LOBBYING

ARTICLE I General

- § 140-1. Definitions.
- § 140-2. Subsidiary corporation.
- § 140-3. Restriction on application (persons and organizations).
- § 140-4. Restriction on application (not-for-profit organizations); exceptions.
- § 140-5. Restriction on application (communication).
- § 140-6. Restriction on application (ward constituent communications); exceptions.
- § 140-7. Protection of identity.
- § 140-8. Contingency fees prohibition.
- § 140-9. Restriction on former senior public office holders.
- § 140-10. Registration requirement.
- § 140-10.1. Grass-roots communication exemption period.

ARTICLE II Registration of Consultant Lobbyists

- § 140-11. Definitions.
- § 140-12. Consultant lobbyist exclusions.
- § 140-13. Restriction on application (in-house lobbyist activities).

- § 140-14. Duty to file return; transitional.
- § 140-15. Contents of return.
- § 140-16. Contact information.
- § 140-17. Changes to information in return or contact information.
- § 140-18. Additional information.
- § 140-19. Completion or termination of undertaking; update return.

ARTICLE III Registration of In-house Lobbyists (Includes Sole Proprietors and Partners)

- § 140-20. Definitions.
- § 140-21. Duty to file return; transitional.
- § 140-22. Contents of return.
- § 140-23. Contact information.
- § 140-24. Changes to information in return or contact information.
- § 140-25. Additional information.
- § 140-26. Ceasing duties or employment; update return.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-1

ARTICLE IV

**Registration of Voluntary Unpaid
Lobbyists Lobbying for For-Profit
Entities or Organizations (Includes
Shareholders and Directors)**

§ 140-27. Definitions.

§ 140-28. Duty to file return.

ARTICLE V

**Administration of Registrations and
Registry; Registrar**

§ 140-29. Certification.

§ 140-30. Form of returns;
exemptions; manner of filing.

§ 140-31. Date of filing or receipt of
information.

§ 140-32. Storage.

§ 140-33. Registrar.

§ 140-34. Registry.

§ 140-35. Verification of information;
investigation.

§ 140-36. Refusal to accept return or
other document.

§ 140-37. Removal from registry.

ARTICLE VI

Lobbyists' Code of Conduct

§ 140-38. Standard of behaviour.

§ 140-39. Honesty.

§ 140-40. Disclosure of identity and
purpose.

§ 140-41. Compliance with policies
restricting communication.

§ 140-42. Prohibited activities.

§ 140-43. Information; confidentiality.

§ 140-44. Competing interests.

§ 140-45. Improper influence.

ARTICLE VII

Offences and Penalties

§ 140-46. Offences.

§ 140-47. Penalty.

Schedule A to Ch. 140, Exempted
Municipal Level Corporations and
Other Bodies

Schedule B to Ch. 140, Exempted
Employee and Labour Groups

Schedule C to Ch. 140, Crown
Corporations or Controlled
Corporations, Agencies

[HISTORY: Adopted by the Council of the City of Toronto 2007-02-06 by By-law No. 150-2007.¹ Amendments noted where applicable.]

¹ Editor's Note: This by-law was passed under the authority of sections 165 to 169 of the *City of Toronto Act, 2006*, S.O. 2006, c. 11. By-law No. 87-2008, enacted 2008-01-30, amended Section 2 of By-law No. 150-2007 to indicate that By-law No. 150-2007 comes into force on 2008-02-11.

ARTICLE I
General

§ 140-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BOARD OF HEALTH — Board of Health for the City of Toronto Health Unit.

BUSINESS DAY — A day when the offices of the City or a local board are open during its regular hours of business, other than a Saturday or a Sunday or other holiday.

CODE OF CONDUCT — The Lobbyists' Code of Conduct set out in Article VI.

COMMUNICATION — Any form of expressive contact, and includes oral, written or electronic communication.

CONSTITUENT:

A. With respect to the Mayor:

- (1) An individual who resides in the City.
- (2) An owner or operator of a business or other entity located in the City.

B. With respect to a member of council for a City ward:

- (1) An individual who resides in the ward.
- (2) An owner or operator of a business or other entity located in the ward.
[Amended 2008-01-30 by By-law No. 87-2008²]

GRASS-ROOTS COMMUNICATION: **[Amended 2008-07-17 by By-law No. 852-2008³]**

A. Appeals to members of the public through the mass media or by direct communication that seek to persuade members of the public to communicate directly with a public office holder in an attempt to place pressure on the public office holder to endorse a particular opinion.

B. Without limiting Subsection A, includes appeals as described in Subsection A where the members of the public being targeted by the appeal are members of an organization or a special interest group or otherwise have a common or shared interest in a subject matter.

² Editor's Note: This by-law came into force 2008-02-11.

³ Editor's Note: This by-law came into force 2008-07-07.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-1

LOBBY — To communicate with a public office holder on any of the following subject matters: [Amended 2008-01-30 by By-law No. 87-2008⁴; 2008-07-17 by By-law No. 852-2008⁵]

- A. Development, introduction, passage, defeat, amendment or repeal of a by-law, bill or resolution on any matter, by Council, a local board (restricted definition), the Board of Health, or a committee, another body or individual under delegated authority.
- B. Without limiting Subsection A, the following:
 - (1) Development, approval, amendment or termination of a policy, program, directive or guideline.
 - (2) Procurement of goods, services or construction and awarding a contract.
 - (3) Approving, approving with conditions, or denying an application for a service, grant, planning approval, permit or other licence or permission.
 - (4) Awarding any financial contribution, grant or other financial benefit by or on behalf of the City, a local board (restricted definition) or the Board of Health.
 - (5) Transferring from the City, a local board (restricted definition) or the Board of Health any interest in or asset of any business, enterprise or institution.
 - (6) Determining the model and method of delivering a service.
- C. The matters noted in Subsections A and B with necessary modifications, if considered by a local board (restricted definition), the Board of Health or another body or individual under delegated authority.
- D. In relation to a consultant lobbyist referred to in Article II or an individual as referred to in § 140-28B, to arrange a meeting between a public office holder and any other person.

LOBBYIST:

- A. A consultant lobbyist as defined in § 140-11.
- B. An in-house lobbyist as defined in § 140-20.
- C. A voluntary unpaid lobbyist as defined in § 140-27.

⁴ Editor's Note: This by-law came into force 2008-02-11.

⁵ Editor's Note: This by-law came into force 2008-07-07.

LOCAL BOARD — For the purposes of §§ 140-3A(4) and 140-38C, the same meaning as a local board as defined in subsection 3(1) of the *City of Toronto Act, 2006*.⁶

LOCAL BOARD (RESTRICTED DEFINITION) — The same meaning as a local board (restricted definition) as defined in section 156 of the *City of Toronto Act, 2006*.⁷ [Amended 2008-01-30 by By-law No. 87-2008⁸]

ORGANIZATION:

- A. A government, other than the City.
- B. An organization related to professions, labour groups, business, industry or for-profit entities as defined in § 140-27.
- C. A not-for-profit organization that is not included in Subsection B.

PAYMENT — Money or anything of value and a contract, promise or agreement to pay money or anything of value.

PUBLIC OFFICE HOLDER: [Amended 2008-01-30 by By-law No. 87-2008⁹]

- A. The same meaning as a public office holder as defined in section 156 of the *City of Toronto Act, 2006*.¹⁰
- B. A member of the Board of Health.
- C. Individuals appointed by Council, a Standing Committee or a Community Council under delegated authority, or a local board (restricted definition) to an advisory body to provide advice to Council, the Standing Committee, the Community Council or the local board (restricted definition) or to employees of the City or local board (restricted definition).

REGISTRAR — The person appointed as the Lobbyist Registrar under section 168 of the *City of Toronto Act, 2006*.¹¹

SENIOR PUBLIC OFFICE HOLDER:

- A. A member of City Council and any person on his or her staff.
- B. The following City officials and employees:

⁶ Editor's Note: See S.O. 2006, c. 11.

⁷ Editor's Note: See S.O. 2006, c. 11.

⁸ Editor's Note: This by-law came into force 2008-02-11.

⁹ Editor's Note: This by-law came into force 2008-02-11.

¹⁰ Editor's Note: See S.O. 2006, c. 11.

¹¹ Editor's Note: See S.O. 2006, c. 11.

TORONTO MUNICIPAL CODE
LOBBYING

- (1) The City Manager, the Deputy City Manager and Chief Financial Officer, a Deputy City Manager.
- (2) The Auditor General, Integrity Commissioner, Investigator (as appointed under section 190.2 of the *City of Toronto Act, 2006*¹²), Registrar and Ombudsman.
- (3) The Chief Corporate Officer, the City Clerk, the City Solicitor, the Medical Officer of Health and the Treasurer (in the City's administrative organization and Deputy City Treasurer under section 138 of the *City of Toronto Act, 2006* or its predecessor, section 286 of the *Municipal Act, 2001*¹³).
- (4) A general manager, executive director or director.
- (5) A person authorized to act in the place of an official listed in Subsections B(1) to (4) by Council or by the City Manager or another official under delegated authority. [Amended 2008-01-30 by By-law No. 87-2008¹⁴]
- (6) Employees in other management positions who are in a position to influence programs and services and have direct contact with members of Council or the Board of Health.
- (7) Employees who are not in management positions but who are in direct contact with members of Council or the Board of Health and whose work for the City includes the following:
 - (a) Advice to members of Council or the Board of Health, or to Council or the Board of Health, including, but not limited to, employees who provide legal, financial, personnel and policy advice.
 - (b) Approval or enforcement services, including, but not limited to, employees who provide planning, building, licensing, inspection, grants and purchasing services.
- (8) Employees who are in direct contact with members of Council in the operation of Council and committees of Council.
- (9) Employees who work on municipal elections in a supervisory capacity or who are employed in the Elections Services section of the City Clerk's Office.

¹² Editor's Note: See S.O. 2006, c. 11.

¹³ Editor's Note: See S.O. 2001, c. 25.

¹⁴ Editor's Note: This by-law came into force 2008-02-11.

- C. A member of a local board (restricted definition) and any person on his or her staff.
- D. A member of the Board of Health.
- E. An official or employee of a local board (restricted definition) who is in a similar management position or whose services for the local board (restricted definition) are similar to the positions or to the services provided by the City officials and employees as described in Subsection B.

§ 140-2. Subsidiary corporation.

For the purposes of this chapter, a corporation is a subsidiary of another corporation if:

- A. Securities of the corporation, to which are attached more than 50 percent of the votes that may be cast to elect directors of the corporation, are held, otherwise than by way of security only, directly or indirectly, whether through one or more subsidiaries or otherwise, by or for the benefit of the other corporation; and
- B. The votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

§ 140-3. Restriction on application (persons and organizations).

This chapter does not apply to any of the following persons when acting in their official capacity:

- A. Government or public sector, other than the City.
 - (1) Members of the Senate or House of Commons of Canada, the legislative assembly of a province, the council or legislative assembly of a territory, or persons on the staff of the members.
 - (2) Members of a First Nation council as defined in the *Indian Act* (Canada) or of the council of an Indian band established by an Act of the Parliament of Canada, or persons on the staff of the members.
 - (3) Employees of the Government of Canada, the government of a province or territory, or a First Nation council.
 - (4) Members of a council or other statutory body, including a local board, charged with the administration of the civil or municipal affairs of a municipality in Canada other than the City, persons on the staff of the members, or officers or employees of the municipality or local board, but excluding a statutory body

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-3

that is: **[Amended 2008-01-30 by By-law No. 87-2008;¹⁵ 2008-07-17 by By-law No. 852-2008]**

- (a) A municipally controlled corporation as defined in section 223.1 of the *Municipal Act, 2001*;¹⁶ and
 - (b) With necessary modifications, a similar municipally controlled corporation for a municipality that is not located in Ontario.
- (5) Members of a national or sub-national foreign government, persons on the staff of the members, or officers, employees, diplomatic agents, consular officers or official representatives in Canada of the government.
 - (6) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit international organization that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
 - (7) Subject to the exceptions in § 140-4B, C, D and E, members of a not-for-profit national or sub-national domestic organization in Canada that represents its government or public sector members, persons on the staff of the members, or officers or employees of the organization.
 - (8) Subject to the exceptions in § 140-4B, C, D and E, members of a quasi-governmental or broader public sector organization that provides services to the public, persons on the staff of the members, or officers or employees of the organization.
- B. Without limiting the generality of Subsection A, members, persons on the staff of the members, or officers or employees of the following school boards: **[Amended 2008-01-30 by By-law No. 87-2008¹⁷]**
- (1) Conseil scolaire de district catholique Centre-Sud.
 - (2) Conseil scolaire de district du Centre Sud-Ouest.
 - (3) Toronto Catholic District School Board.
 - (4) Toronto District School Board.
- C. City; other bodies; employee representatives.
- (1) Public office holders.

¹⁵ Editor's Note: This by-law came into force 2008-02-11.

¹⁶ Editor's Note: See S.O. 2001, c. 25.

¹⁷ Editor's Note: This by-law came into force 2008-02-11.

- (2) Members, persons on the staff of the members, or directors, officers or employees of the corporations or other bodies listed in Schedule A, at the end of this chapter.
 - (3) Persons making representations on behalf of or on the staff of the employee or labour groups listed in Schedule B, at the end of this chapter, when representing employees of the City or a local board (restricted definition) and communicating about labour relations matters, including, but not limited to, collective bargaining, compensation, human resources policies, employer-employee committees, work place issues, grievances, mediation and arbitration.
- D. Members, persons on the staff of the members, or officers or employees of provincial or federal crown corporations, crown-controlled corporations or agencies, except for those listed in Schedule C, at the end of this chapter, that are required, or, to the extent the corporation or agency would be exempt as a crown agency, are requested to comply with this chapter. **[Amended 2008-01-30 by By-law No. 87-2008¹⁸]**

§ 140-4. Restriction on application (not-for-profit organizations); exceptions.

- A. This chapter does not apply to members, persons on the staff of the members, or officers or employees of a not-for-profit corporation or other not-for-profit organization when acting in their official capacity, subject to the exceptions in Subsections B, C, D and E.
- B. Subsection A does not apply to an organization referred to in Subsection B of the definition of organization in § 140-1.
- C. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is funded by a for-profit entity as defined in § 140-27 to advance the financial or commercial interests of the for-profit entity.
- D. If the not-for-profit corporation or other not-for-profit organization engages a consultant lobbyist as defined in § 140-11 to act on its behalf, the consultant lobbyist is still required to comply with the requirement to file a return in Article II. **[Amended 2008-01-30 by By-law No. 87-2008¹⁹]**
- E. Subsection A does not apply if the not-for-profit corporation or other not-for-profit organization is communicating with public office holders with respect to a grant application, award or other financial benefit outside of the established administrative review, approval or appeal processes for the grant application, award

¹⁸ Editor's Note: This by-law came into force 2008-02-11.

¹⁹ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-5

or other financial benefit, and Article III must be complied with. [Amended 2008-07-17 by By-law No. 852-2008]

- F. Subsection E does not apply to an organization as defined in Subsection C of the definition of “organization” in § 140-1 that is a not-for-profit community services sector organization and, for greater certainty, is not a not-for-profit organization described in Subsection C. [Added 2008-07-17 by By-law No. 852-2008; amended 2008-12-03 by By-law No. 1302-2008]

§ 140-5. Restriction on application (communication).

This chapter does not apply in respect of:

- A. A communication that occurs as part of a meeting of Council, a local board (restricted definition), the Board of Health or their committees, for example: [Amended 2008-01-30 by By-law No. 87-2008;²⁰ 2008-07-17 by By-law No. 852-2008]
- (1) A written communication that is filed with the meeting administrator (for example the City Clerk) before or during the meeting, and includes a communication received after the meeting that is processed for consideration at another meeting.
 - (2) An oral communication to Council, a board or a committee that in the case of the City is usually referred to as a “deputation.”
- B. A communication on a subject matter that is submitted to or occurs during a public process related to the subject matter as follows: [Amended 2008-01-30 by By-law No. 87-2008;²¹ 2008-07-17 by By-law No. 852-2008]
- (1) A public meeting, hearing, consultation, presentation, open house or media event held or sponsored by the City, a local board (restricted definition), the Board of Health or a public office holder with respect to the subject matter.
 - (2) A public meeting, hearing, consultation, presentation, open house or media event that is part of the administrative review process with respect to an application or approval under § 140-5F.
- C. A communication that is restricted to a request for information.
- D. A communication that is restricted to compliments or complaints about a service or program.
- E. Subject to Subsections F and G, a communication to a public office holder by an individual on behalf of an individual, business or organization, about:

²⁰ Editor's Note: This by-law came into force 2008-02-11.

²¹ Editor's Note: This by-law came into force 2008-02-11.

- (1) The enforcement, interpretation or application of any Act or by-law by the public office holder and with respect to the individual, business or organization.
 - (2) The implementation or administration of any policy, program, directive or guideline by the public office holder and with respect to the individual, business or organization.
 - (3) A personal matter of the individual, business or organization, unless the communication is in respect of a matter, described in Subsection A of the definition of lobby in § 140-1, that is for the special benefit of the individual, business or organization.
- F. A communication by the applicant, an interested party or their representatives with respect to an application for a service, grant, planning approval, permit or other licence or permission: **[Amended 2008-01-30 by By-law No. 87-2008;²² 2008-07-17 by By-law No. 852-2008]**
- (1) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), or a member of Council, a local board (restricted definition) or the Board of Health; if the communication is restricted to providing general information on an application, including a proposed or pending application, or to inquire about the application review process.
 - (2) With an employee of the City, a local board (restricted definition) or the Board of Health (including a City employee when working for a board), if the communication is for the purposes of filing an application or part of the administrative review process for an application.
- G. Submitting a bid or proposal as part of the procurement process, and any communication with designated employees of the City, a local board (restricted definition) or the Board of Health (including a City employee when working as a designated employee for a board), as permitted in the procurement policies and procurement documents of the City, local board (restricted definition) or Board of Health. **[Amended 2008-07-17 by By-law No. 852-2008]**
- H. A communication to a public office holder by an individual on behalf of an individual, business or organization in direct response to a written request from the public office holder.
- I. A member service or member communication by an organization or a not-for-profit corporation to a public office holder who is a member of the organization or not-for-profit corporation.

²² Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-6

- J. Casual communication at a public gathering such as a charitable event, community or civic event, or festival, in keeping with protocol for the event and if the communication does not materially advance a matter as referred to in Subsection B of the definition of lobby in § 140-1.

§ 140-6. Restriction on application (ward constituent communications); exceptions.

- A. This chapter does not apply in respect of a communication to a member of Council by a constituent of the member of Council, or an individual on behalf of a constituent of the member of Council on a general neighbourhood or public policy issue, subject to the exceptions in Subsections B and C. **[Amended 2008-07-17 by By-law No. 852-2008]**
- B. Subsection A does not apply if the communication is in respect of a matter, described in Subsection A of the definition of lobby in § 140-1, that is for the special benefit of the individual, business or organization.
- C. If the constituent engages a consultant lobbyist as defined in § 140-11 to act on the constituent's behalf, the consultant lobbyist is still required to comply with the requirement to file a return in Article II. **[Amended 2008-01-30 by By-law No. 87-2008²³]**

§ 140-7. Protection of identity.

Nothing in this chapter shall be construed as requiring the disclosure of the name or identity of any individual if that disclosure could reasonably be expected to threaten the safety of that individual.

§ 140-8. Contingency fees prohibition.

- A. A person, on whose behalf another person undertakes lobbying activities, shall not make a payment for the lobbying activities that is in whole or in part contingent on the successful outcome of any lobbying activities.
- B. A person who lobbies a public office holder shall not receive payment that is in whole or in part contingent on the successful outcome of any lobbying activities.

§ 140-9. Restriction on former senior public office holders.

[Amended 2008-01-30 by By-law No. 87-2008²⁴]

²³ Editor's Note: This by-law came into force 2008-02-11.

²⁴ Editor's Note: This by-law came into force 2008-02-11.

- A. Former senior public office holders shall not lobby current public office holders during the 12 months after the date he or she ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health.
- B. Subsection A applies to any senior public officer holder who ceased to hold office or ceased to be employed as a senior public office holder by the City or a local board (restricted definition), or ceased to hold office as a member of the Board of Health on or after February 11, 2008.

§ 140-10. Registration requirement.

No person shall lobby a public office holder without being registered as required under Articles II, III or IV, unless otherwise exempted under this chapter.

§ 140-10.1. Grass-roots communication exemption period.

[Added 2008-07-17 by By-law No. 852-2008²⁵]

- A. If a lobbyist has registered an intention to lobby a public office holder by means of a grass-roots communication under § 140-15 or 140-22, the Registrar may approve an exemption period of not more than two weeks and shall specify the period in writing.
- B. The Registrar may approve extensions to the exemption period approved under Subsection A and each extension shall be not more than two weeks.
- C. Before approving an exemption period under Subsection A or an extension of an exemption period under Subsection B, the Registrar may require additional information on the proposed grass-roots communication as necessary to provide for additional transparency in the use of this communication technique.
- D. During the exemption period approved under Subsection A and any extension approved under Subsection B, communications with a public office holder by the members of the public targeted by the grass-roots communication do not have to be registered, if the communication is in support of the particular opinion in the grass-roots communication and is a direct result of the grass-roots communication.
- E. Except as provided in Subsection D, a member of the public must comply with the registration requirements of this chapter to communicate with a public office holder on a subject matter, unless the member of the public or the communication is otherwise exempt from the registration requirements.

²⁵ Editor's Note: This by-law came into force 2008-07-07.

ARTICLE II
Registration of Consultant Lobbyists

§ 140-11. Definitions.

A. As used in this article, the following terms shall have the meanings indicated:

CLIENT — An individual, corporation or other person, or a partnership or organization on whose behalf a consultant lobbyist undertakes to lobby.

CONSULTANT LOBBYIST — An individual who, for payment, undertakes to lobby on behalf of a client.

UNDERTAKING — An undertaking by a consultant lobbyist to lobby on behalf of a client.

§ 140-12. Consultant lobbyist exclusions.

The following individuals are excluded from the definition of consultant lobbyist in § 140-11, if the individual's services to the client are limited to the following services:

- A. An individual who for payment provides only translation services for the client.
- B. An individual who for payment accompanies an applicant or an applicant's representative, or both, to a meeting on the application with a public office holder, or participates electronically in the meeting, if:
 - (1) The application is for a service, grant, planning approval, permit or other licence or permission, as described in § 140-5F; and
 - (2) The individual provides technical or other background information on the application, but does not promote the merits of the application or advocate approval of the application.

§ 140-13. Restriction on application (in-house lobbyist activities).

This article does not apply in respect of anything that an employee undertakes to do on the sole behalf of his or her employer or, if his or her employer is a corporation, in respect of anything that the employee, at the direction of the employer, undertakes to do on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.

§ 140-14. Duty to file return; transitional.

[Amended 2008-07-17 by By-law No. 852-2008²⁶]

- A. Under § 140-10 (Registration requirement), a consultant lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.
- B. A consultant lobbyist shall not commence performance of an undertaking until:
 - (1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-15 other than the information required under § 140-15K, L and M;
 - (2) The contact information required under § 140-16A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the consultant; and
 - (4) The Registrar has assigned a registration number to the undertaking.
- C. A consultant lobbyist shall register in his or her return the information required under § 140-15K, L and M not later than three business days after the consultant lobbyist has lobbied a public office holder.
- D. A consultant lobbyist who undertakes to lobby is required to file only one return under Subsection B even though he or she may, in connection with that undertaking, communicate with one or more public office holders on one or more occasions or arrange one or more meetings between a public office holder and any other person.
- E. If, on the coming into force of this section, a consultant lobbyist is performing an undertaking, the consultant lobbyist shall file a return with the Registrar not later than five business days after this section comes into force.

§ 140-15. Contents of return.

A consultant lobbyist shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the undertaking:

²⁶ Editor's Note: This by-law came into force 2008-07-07.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-15

- A. The name, title, business address and telephone number of the consultant lobbyist and, if applicable, the name and business address of the firm where the consultant lobbyist is engaged in business. [Amended 2008-01-30 by By-law No. 87-2008²⁷]
- B. The name and business address of the client and the name and business address of any person, partnership or organization that, to the knowledge of the consultant lobbyist, controls or directs the activities of the client and has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- C. If the client is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the consultant lobbyist, has a direct interest in the outcome of the consultant lobbyist's activities on behalf of the client.
- D. If the client is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- E. If the client is a coalition, the name and business address of each partnership, corporation or organization that is a member of the coalition.
- F. If, during the client's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the client received funding from a government or government agency, the name of the government or government agency and the ministry, department, or program, as the case may be, that provided the funding. [Amended 2008-01-30 by By-law No. 87-2008;²⁸ 2008-10-30 by By-law No. 1129-2008²⁹]
- G. If, to the knowledge of the consultant lobbyist, during the client's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the client received a contribution of \$750 or more to the consultant lobbyist's activities on behalf of the client: [Amended 2008-10-30 by By-law No. 1129-2008³⁰]
 - (1) In the case of a contribution from an entity or organization that is not a government or government agency, the name of the entity or organization, the name of the contact person and the telephone number of the entity or organization;
 - (2) In the case of a contribution from an individual, the name and telephone number of the individual; and

²⁷ Editor's Note: This by-law came into force 2008-02-11.

²⁸ Editor's Note: This by-law came into force 2008-02-11.

²⁹ Editor's Note: This by-law came into force 2008-11-04.

³⁰ Editor's Note: This by-law came into force 2008-11-04.

- (3) If, to the knowledge of the consultant lobbyist the contribution was made by a party described in Subsection G(1) or (2), on behalf of another entity, organization or individual:
- (a) The name of the other entity or organization, the name of the contact person and the telephone number of the entity or organization; and
 - (b) The name and telephone number of the other individual.
- H. (Reserved)³¹
- I. The subject matter in respect of which the consultant lobbyist has undertaken to lobby. [Amended 2008-01-30 by By-law No. 87-2008³²]
- J. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or other licence or permission, grant, contribution, financial benefit or contract, including any report on or identifiable issue with any of these matters.
- K. The name of any division or program of the City, local board (restricted definition) or the Board of Health in which any public office holder is employed or serves, and the position title of any public office holder, whom the consultant lobbyist has lobbied. [Amended 2008-01-30 by By-law No. 87-2008;³³ 2008-07-17 by By-law No. 852-2008³⁴]
- L. If the consultant lobbyist has lobbied a member of the Council, a local board (restricted definition) or the Board of Health, in his or her capacity as a member or a person on the staff of a member of the Council, a local board (restricted definition) or the Board of Health, the name of the member or person. [Amended 2008-07-17 by By-law No. 852-2008³⁵]
- M. The techniques of communication that the consultant lobbyist has used to lobby a public office holder identified in the return under Subsection K or L, the date of the communication and the subject matter of the lobbying. [Amended 2008-07-17 by By-law No. 852-2008³⁶]
- N. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the

³¹ Editor's Note: Former § 140-15H, which required that a consultant lobbyist include in the return the name and business address of any individual who made a contribution on behalf of an entity or organization, was repealed 2008-10-30 by By-law No. 1129-2008. See now § 140-15G. This by-law came into force 2008-11-04.

³² Editor's Note: This by-law came into force 2008-02-11.

³³ Editor's Note: This by-law came into force 2008-02-11.

³⁴ Editor's Note: This by-law came into force 2008-07-07.

³⁵ Editor's Note: This by-law came into force 2008-07-07.

³⁶ Editor's Note: This by-law came into force 2008-07-07.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-16

members of the public who are the target of the appeal. [Added 2008-07-17 by By-law No. 852-2008³⁷]

- O. Particulars to identify any senior public office positions previously held by the consultant lobbyist with the City, a local board (restricted definition) or the Board of Health, and the latest date when he or she ceased to hold office or to be employed as a senior public office holder by the City, a local board (restricted definition) or the Board of Health. [Amended 2008-01-30 by By-law No. 87-2008³⁸]
- P. Declarations confirming the following information:
 - (1) That the consultant lobbyist has read the Code of Conduct and that the consultant lobbyist shall comply with the Code of Conduct;
 - (2) That no communication with respect to the undertaking has commenced before the requirements in § 140-14B have been satisfied, unless § 140-14E applies; and [Amended 2008-07-17 by By-law No. 852-2008³⁹]
 - (3) If § 140-14E applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed. [Amended 2008-07-17 by By-law No. 852-2008⁴⁰]
- Q. Acknowledgement of the public disclosure of information filed in the return.
- R. Any agreement required respecting electronic filing.

§ 140-16. Contact information.

- A. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information for the consultant lobbyist, the firm where the consultant lobbyist is engaged in business and the client.
- B. A consultant lobbyist shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-15, but not included in Subsection A, not later than two business days after the Registrar makes the request. [Amended 2008-01-30 by By-law No. 87-2008⁴¹]

³⁷ Editor's Note: This by-law came into force 2008-07-07 and also provided for the redesignation of former Subsections N through Q as Subsections O through R, respectively.

³⁸ Editor's Note: This by-law came into force 2008-02-11.

³⁹ Editor's Note: This by-law came into force 2008-07-07.

⁴⁰ Editor's Note: This by-law came into force 2008-07-07.

⁴¹ Editor's Note: This by-law came into force 2008-02-11.

§ 140-17. Changes to information in return or contact information.

[Amended 2008-07-17 by By-law No. 852-2008⁴²]

A consultant lobbyist shall provide the Registrar with any change to the information in his or her return and any information required to be provided under § 140-15 or 140-16, the knowledge of which the consultant lobbyist acquired only after the return was filed, not later than three business days after the change occurs or the knowledge is acquired.

§ 140-18. Additional information.

A consultant lobbyist shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the consultant lobbyist has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

§ 140-19. Completion or termination of undertaking; update return.

[Amended 2008-01-30 by By-law No. 87-2008⁴³]

- A. A consultant lobbyist shall advise the Registrar that he or she has completed an undertaking in respect of which he or she has filed a return or that the undertaking has been terminated by filing the form required by the Registrar to record this change on the return, not later than two business days after the completion or termination of the undertaking.
- B. A consultant lobbyist shall advise the Registrar that he or she is continuing an undertaking in respect of which he or she has filed a return by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the undertaking is continuing and the content of the return is up to date.

ARTICLE III

**Registration of In-house Lobbyists
(Includes Sole Proprietors and Partners)**

§ 140-20. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE — Includes an officer who is compensated for the performance of his or her duties.

⁴² Editor's Note: This by-law came into force 2008-07-07.

⁴³ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-21

IN-HOUSE LOBBYIST:

- A. An individual who is employed by an individual, corporation, organization or other person, or a partnership, a part of whose duties as an employee is to lobby on behalf of the employer or, if the employer is a corporation, on behalf of any subsidiary of the employer or any corporation of which the employer is a subsidiary.
- B. An individual who is the sole proprietor of a business, when the individual is lobbying on behalf of that business.
- C. An individual who is a partner in a business, when the individual is lobbying on behalf of the partnership.

SENIOR OFFICER:

- A. Except in the case of an organization, the senior officer who is responsible for filing returns of an individual, corporation or other person, or a partnership, with the Registrar.
- B. In the case of an organization, the most senior officer or staff person of the organization who is compensated for the performance of his or her duties.

§ 140-21. Duty to file return; transitional.

[Amended 2008-01-30 by By-law No. 87-2008;⁴⁴ 2008-07-17 by By-law No. 852-2008⁴⁵]

- A. Under § 140-10 (Registration requirement), the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for an in-house lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.
- B. The senior officer shall file a return with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O, P and P.1(2) or, if applicable, amend a return already filed with the Registrar, before:
[Amended 2008-10-30 by By-law No. 1129-2008⁴⁶]
 - (1) An employee commences any duties as an in-house lobbyist; or
 - (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, commences lobbying activities on behalf of the sole proprietorship or partnership.

⁴⁴ Editor's Note: This by-law came into force 2008-02-11.

⁴⁵ Editor's Note: This by-law came into force 2008-07-07.

⁴⁶ Editor's Note: This by-law came into force 2008-11-04.

- C. An in-house lobbyist shall not commence any lobbying employment duties, or lobbying activities on behalf of the sole proprietorship or partnership, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, until:
- (1) A return has been filed with the Registrar, including any required certification, declaration, acknowledgement and agreement and all the information required under § 140-22 other than the information required under § 140-22N, O, P, and P.1(2) or, if applicable, amend a return already filed with the Registrar; **[Amended 2008-10-30 by By-law No. 1129-2008⁴⁷]**
 - (2) The contact information required under § 140-23A has been filed with the Registrar;
 - (3) The Registrar has assigned a registration number to the senior officer and to the in-house lobbyist; and
 - (4) The Registrar has assigned a registration number to the return or, if applicable, approved the amendment to the return.
- D. The senior office holder shall register in the return the information required under § 140-22N, O, P and P.1(2) not later than three business days after an in-house lobbyist or committee has lobbied a public office holder. **[Amended 2008-10-30 by By-law No. 1129-2008⁴⁸]**
- E. The senior officer is required to file only one return under Subsection B even though in-house lobbyists may communicate with one or more public office holders on one or more occasions, if the lobbying relates to the same subject matter.
- F. The senior officer shall file a return with the Registrar not later than five business days after this section comes into force if, on the coming into force of this section:
- (1) An in-house lobbyist is performing any employment duties that involve lobbying; or
 - (2) An individual, as described in Subsection B or C of the definition of in-house lobbyist in § 140-20, is lobbying on behalf of the sole proprietorship or partnership.

§ 140-22. Contents of return.

[Amended 2008-01-30 by By-law No. 87-2008⁴⁹]

The senior officer shall set out in the return the following information, declarations, acknowledgements and agreements with respect to the in-house lobbying activities:

⁴⁷ Editor's Note: This by-law came into force 2008-11-04.

⁴⁸ Editor's Note: This by-law came into force 2008-11-04.

⁴⁹ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-22

- A. The name and title of the senior officer.
- B. The name and business address of the employer.
- C. The name, title, business address and telephone number of all in-house lobbyists.
- D. If the employer is a corporation, the name and business address of each subsidiary of the corporation that, to the knowledge of the senior officer, has a direct interest in the outcome of the in-house lobbyist's activities on behalf of the employer.
- E. If the employer is a corporation that is a subsidiary of any other corporation, the name and business address of that other corporation.
- F. The fiscal year of the employer. [Amended 2008-10-30 by By-law No. 1129-2008⁵⁰]
- G. A description in summary form of the employer's business or activities.
- H. If, during the employer's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the employer received funding from a government or government agency, the name of the government or government agency and the ministry, department, or program, as the case may be, that provided the funding. [Amended 2008-10-30 by By-law No. 1129-2008⁵¹]
- I. If, to the knowledge of the senior officer, during the employer's fiscal year preceding the registration, or if no fiscal year applies, the calendar year preceding the registration, the employer received a contribution of \$750 or more toward the in-house lobbyist's activities on behalf of the employer: [Amended 2008-10-30 by By-law No. 1129-2008⁵²]
 - (1) In the case of a contribution from an entity or organization that is not a government or government agency, the name of the entity or organization, the name of the contact person and the telephone number of the entity or organization;
 - (2) In the case of a contribution from an individual, the name and telephone number of the individual; and
 - (3) If, to the knowledge of the senior officer the contribution was made by a party described in Subsection I(1) or (2), on behalf of another entity, organization or individual:
 - (a) The name of the other entity or organization, the name of the contact person and the telephone number of the entity or organization; and

⁵⁰ Editor's Note: This by-law came into force 2008-11-04.

⁵¹ Editor's Note: This by-law came into force 2008-11-04.

⁵² Editor's Note: This by-law came into force 2008-11-04.

(b) The name and telephone number of the other individual.

- J. (Reserved)⁵³
- K. If § 140-21F applies and the in-house lobbyist is lobbying at the time the return is filed, the subject matter in respect of which he or she is lobbying. [**Amended 2008-07-17 by By-law No. 852-2008**⁵⁴]
- L. Each subject matter in respect of which the in-house lobbyist has lobbied or expects to lobby during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed. [**Amended 2008-07-17 by By-law No. 852-2008**⁵⁵]
- M. Particulars to identify any relevant proposal, by-law, bill, resolution, policy, program, decision, permit or other licence or permission, grant, contribution, financial benefit or contract, including any report or issue with these matters.
- N. The name of any division or program of the City, a local board (restricted definition) or the Board of Health in which any public office holder is employed or serves, and the position title of any public office holder, whom the in-house lobbyist has lobbied during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed. [**Amended 2008-07-17 by By-law No. 852-2008**⁵⁶]
- O. If the in-house lobbyist has lobbied a member of the Council, a local board (restricted definition) or the Board of Health, in his or her capacity as a member or a person on the staff of a member of the Council, local board (restricted definition) or Board of Health during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year, during the calendar year in which the return is filed, the name of the member or person. [**Amended 2008-07-17 by By-law No. 852-2008**⁵⁷]
- P. The techniques of communication that the in-house lobbyist has used to lobby a public office holder identified in the return under Subsection N or O, the date of the communication and the subject matter of the lobbying, during the fiscal year of the employer in which the return is filed or, if the employer does not have a fiscal year,

⁵³ Editor's Note: Former § 140-22J, which required that a senior officer include in the return the name and business address of any individual who made a contribution on behalf of an entity or organization, was repealed 2008-10-30 by By-law No. 1129-2008. See now § 140-22I. This by-law came into force 2008-11-04.

⁵⁴ Editor's Note: This by-law came into force 2008-07-07.

⁵⁵ Editor's Note: This by-law came into force 2008-07-07.

⁵⁶ Editor's Note: This by-law came into force 2008-07-07.

⁵⁷ Editor's Note: This by-law came into force 2008-07-07.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-22

during the calendar year in which the return is filed. [Amended 2008-07-17 by By-law No. 852-2008⁵⁸]

- P.1. If a committee of an organization meets as a committee with a public office holder, the senior officer may register the information required under Subsections L, N, O and P by committee instead of each individual in-house lobbyist, as follows: [Added 2008-10-30 by By-law No. 1129-2008⁵⁹]
- (1) Prior to the meeting, the senior officer holder⁶⁰ shall register for each subject matter the name of the committee and the date of the proposed committee meeting; and
 - (2) After the meeting, the senior officer shall register for each subject matter and committee the names of the committee members and public office holders who attended the meeting.
- Q. Particulars of any proposed grass-roots communication to be used, for example: the format, time period and public office holder to be lobbied and a description of the members of the public who are the target of the appeal. [Added 2008-07-17 by By-law No. 852-2008⁶¹]
- R. Particulars to identify any senior public office positions previously held by any in-house lobbyist with the City, a local board (restricted definition) or the Board of Health, and the latest date when he or she ceased to hold office or to be employed as a senior public office holder by the City, a local board (restricted definition) or the Board of Health.
- S. Declarations confirming the following information:
- (1) That the senior officer and all in-house lobbyists have read the Code of Conduct and that the in-house lobbyists shall comply with the Code of Conduct;
 - (2) That no communication with respect to the proposed lobbying activities has commenced before the requirements in § 140-21B have been satisfied, unless § 140-21F applies or the communication is otherwise exempt under this chapter; and [Amended 2008-07-17 by By-law No. 852-2008⁶²]

⁵⁸ Editor's Note: This by-law came into force 2008-07-07.

⁵⁹ Editor's Note: This by-law came into force 2008-11-04.

⁶⁰ Editor's Note: A technical amendment is required to delete the word "holder."

⁶¹ Editor's Note: This by-law came into force 2008-07-07 and also provided for the redesignation of former Subsections Q through T as Subsections R through U, respectively.

⁶² Editor's Note: This by-law came into force 2008-07-07.

(3) If § 140-21F applies, a declaration identifying whether the lobbying activities are continuing, have ceased or have been completed. **[Amended 2008-07-17 by By-law No. 852-2008⁶³]**

- T. Acknowledgement of the public disclosure of information filed in the return.
- U. Any agreement required respecting electronic filing.

§ 140-23. Contact information.

[Amended 2008-01-30 by By-law No. 87-2008⁶⁴]

- A. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information for the senior officer, any in-house lobbyist and the employer.
- B. A senior officer shall provide the Registrar with the telephone number, e-mail address or other contact information that the Registrar may request for the other individuals, entities or organizations referred to in § 140-22, but not included in Subsection A, not later than two business days after the Registrar makes the request.

§ 140-24. Changes to information in return or contact information.

[Amended 2008-07-17 by By-law No. 852-2008⁶⁵]

The senior officer shall provide the Registrar with any change to the information in his or her return and any information required to be provided under § 140-22 or 140-23, the knowledge of which the senior officer acquired only after the return was filed, not later than three business days after the change occurs or the knowledge is acquired.

§ 140-25. Additional information.

The senior officer shall provide the Registrar with any information that the Registrar may request to clarify or provide additional details on any information that the senior officer has provided to the Registrar under this article not later than two business days after the Registrar makes the request.

⁶³ Editor's Note: This by-law came into force 2008-07-07.

⁶⁴ Editor's Note: This by-law came into force 2008-02-11.

⁶⁵ Editor's Note: This by-law came into force 2008-07-07.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-26

§ 140-26. Ceasing duties or employment; update return.

[Amended 2008-01-30 by By-law No. 87-2008⁶⁶]

- A. The senior officer shall advise the Registrar if an in-house lobbyist ceases to be an in-house lobbyist or to be employed by his or her employer by filing the form required by the Registrar to record this change on the return, not later than two business days after it occurs.
- B. The senior officer shall advise the Registrar that an in-house lobbying activity in respect of which he or she has filed a return is continuing by filing, annually or periodically as determined by the Registrar, the form required by the Registrar to indicate that the lobbying activity is continuing and the content of the return is up to date.

ARTICLE IV

**Registration of Voluntary Unpaid Lobbyists Lobbying for For-Profit Entities
or Organizations (Includes Shareholders and Directors)
[Amended 2008-01-30 by By-law No. 87-2008⁶⁷]**

§ 140-27. Definitions.

As used in this article, the following terms shall have the meanings indicated:

EMPLOYEE — Includes an officer who is compensated for the performance of his or her duties.

FOR-PROFIT ENTITY — An individual, corporation, organization or other person, or a partnership, who or that carries on business or trade for profit or with a view to profit.

ORGANIZATION (RESTRICTED DEFINITION) — An organization referred to in Subsection B of the definition of organization in § 140-1.

VOLUNTARY UNPAID LOBBYIST:

- A. An individual, corporation, organization or other person, or a partnership, who or that, without payment, lobbies or causes an employee to lobby a public office holder on behalf of or for the benefit of the interests of a for-profit entity or organization (restricted definition).
- B. A director of a for-profit entity or organization (restricted definition), who is not an in-house lobbyist as defined in § 140-20, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity or organization (restricted definition).

⁶⁶ Editor's Note: This by-law came into force 2008-02-11.

⁶⁷ Editor's Note: This by-law came into force 2008-02-11.

- C. A shareholder of a for-profit entity, when he, she or it lobbies or causes an employee to lobby a public office holder on behalf of, or for benefit of the interests of, the for-profit entity.

§ 140-28. Duty to file return.

[Amended 2008-07-17 by By-law No. 852-2008⁶⁸]

- A. Under § 140-10 (Registration requirement):
- (1) If Subsection C applies, a voluntary unpaid lobbyist must file a return with the Registrar and otherwise comply with the requirements of this article to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or II.
 - (2) If Subsection E applies, the senior officer must file a return with the Registrar and otherwise comply with the requirements of this article for a voluntary unpaid lobbyist to communicate with a public office holder on a subject matter, unless the communication is otherwise exempt under Article I or III.
- B. A voluntary unpaid lobbyist shall comply with the registration requirements of this section, if the voluntary unpaid lobbyist intends to commence lobbying a public office holder:
- (1) On behalf of a for-profit entity or for the benefit of the interest of a for-profit entity; or
 - (2) On behalf of an organization (restricted definition) or for the benefit of the interest of an organization (restricted definition).
- C. Unless Subsection E applies, the individual undertaking the lobbying shall comply with the provisions of Article II and the other provisions of this chapter that apply to a consultant lobbyist with necessary modifications. **[Amended 2008-10-30 by By-law No. 1129-2008⁶⁹]**
- D. In addition to the requirements under § 140-15:
- (1) The return shall identify that the return is being filed by or on behalf of a voluntary unpaid lobbyist.
 - (2) In the case of an employee as described in Subsection A of the definition of voluntary unpaid lobbyist in § 140-27, both the employee and the employer shall be identified as a voluntary unpaid lobbyist.

⁶⁸ Editor's Note: This by-law came into force 2008-07-07.

⁶⁹ Editor's Note: This by-law came into force 2008-07-17.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-29

- E. In the case of an individual undertaking the voluntary lobbying activities as part of his or her duties as an in-house lobbyist as defined in § 140-20 or otherwise as an employee, a director or shareholder, the Lobbyist Registrar may permit the senior officer as defined in § 140-20 to register the individual as an in-house lobbyist under Article III, and Article III applies with necessary modifications.
- F. If Subsection E applies, the individual shall also comply with the other provisions of this chapter that apply to an in-house lobbyist with necessary modifications.
- G. If Subsection E applies, in addition to the requirements under § 140-22, the return shall also include the name and business address of the for-profit entity or organization (restricted definition) as described in Subsection B.

ARTICLE V

Administration of Registrations and Registry; Registrar

§ 140-29. Certification.

Every individual who submits a return or other document to the Registrar under this chapter shall certify that the information contained in it is true to the best of his or her knowledge and belief on the return or other document or, if it is submitted in electronic or other form, in the manner that is specified by the Registrar.

§ 140-30. Form of returns; exemptions; manner of filing.

[Amended 2008-01-30 by By-law No. 87-2008⁷⁰]

- A. Returns to be filed with the Registrar and information and other documents to be given to the Registrar under this chapter must be in a form approved by the Registrar.
- B. The Registrar may permit exceptions from the requirements in §§ 140-15 and 140-22 for reasons of safety, harassment or similar matters.
- C. Returns, information and other documents must be submitted to the Registrar in a manner permitted by the Registrar.
- D. Returns must be updated, annually or periodically as determined by the Registrar, to indicate that the undertaking or lobbying activity is completed or continuing and the content of the return is up to date.

⁷⁰ Editor's Note: This by-law came into force 2008-02-11.

§ 140-31. Date of filing or receipt of information.

- A. The date on which a return is considered to have been filed for the purposes of this chapter is the date on which the Registrar has assigned a registration number to the return and notified the person who filed the return.
- B. The date on which the Registrar receives information or a document, other than a return, is the date on which the information or document is considered to have been provided to the Registrar for the purposes of this chapter.

§ 140-32. Storage.

Any return or other document that is received by the Registrar may be entered or recorded by any information storage device, including any system of mechanical or electronic data processing, that is capable of reproducing the stored return or other document in intelligible form within a reasonable time.

§ 140-33. Registrar.

- A. The Registrar reports directly to Council and is accountable to Council.
- B. The Registrar is responsible for:
 - (1) Maintaining a lobbyist registration system and determining the form of returns and the manner of filing returns.
 - (2) Providing advice, opinions and interpretations pertaining to the administration, application and enforcement of this chapter.
 - (3) Reviewing submitted returns for acceptance.
 - (4) Verifying returns and conducting reviews to ensure compliance with this chapter.
 - (5) Conducting, in private, investigations or inquiries to determine whether contraventions of this chapter have occurred, as permitted under section 169 of the *City of Toronto Act, 2006*.⁷¹
 - (6) Suspending or revoking a registration.
 - (7) The enforcement of this chapter.
 - (8) Managing the office of the Registrar.
 - (9) Advising Council on lobbying matters and recommending improvements and amendments to this chapter.

⁷¹ Editor's Note: See S.O. 2006, c. 11.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-34

- (10) Providing an annual report to Council and any periodic reports and information as the Registrar considers appropriate.
- (11) Performing other duties as may be assigned by Council.

§ 140-34. Registry.

- A. The Registrar shall establish and maintain a registry in which shall be kept all returns filed under this chapter as revised by other documents submitted to the Registrar under this chapter.
- B. The registry shall be organized in the manner and kept in the form that the Registrar may determine.
- C. The registry shall be available for public inspection through electronic, web-based access at all reasonable times and in the manner that the Registrar may determine.

§ 140-35. Verification of information; investigation.

- A. The Registrar may verify the information contained in any return or other document submitted to the Registrar under this chapter.
- B. The Registrar may conduct an investigation or inquiry in respect of a request made by Council, a member of Council or a member of the public, including the Registrar, about compliance with this chapter. [Amended 2008-01-30 by By-law No. 87-2008⁷²]

§ 140-36. Refusal to accept return or other document.

[Amended 2008-01-30 by By-law No. 87-2008⁷³]

- A. The Registrar may refuse to accept any return or other document submitted to the Registrar under this chapter that does not comply with the requirements of this chapter or that contains information or a statement not requested in the return or other document.
- B. The Registrar may suspend or revoke a return or other document submitted to the Registrar under this chapter that is subsequently found to not comply with the requirements of this chapter or to contain information or a statement that is inaccurate or no longer accurate.
- C. If the Registrar refuses to accept, suspends or revokes a return or other document under Subsection A or B, the Registrar shall inform the individual who submitted it

⁷² Editor's Note: This by-law came into force 2008-02-11.

⁷³ Editor's Note: This by-law came into force 2008-02-11.

of the refusal, suspension or revocation and the reason for the refusal, suspension or revocation in the manner that the Registrar determines.

- D. Despite the provisions of this chapter respecting times for filing a return or submitting another document, if a return or other document is refused by the Registrar under Subsection A and the individual cannot reasonably submit another by the time set out in this chapter for filing or submitting it, the Registrar shall provide the individual with a reasonable extension of time to file another return or submit another document.

§ 140-37. Removal from registry.

- A. The Registrar may remove a return from the registry if the individual who filed the return:
- (1) Fails to advise the Registrar of changes to information contained in the return or the contact information provided to the Registrar within the period required by § 140-17 or 140-24;
 - (2) Fails to give the Registrar any additional information or contact information requested relating to the return within the period specified by § 140-16, 140-18, 140-23 or 140-25; or
 - (3) Fails to advise the Registrar of the matters required by § 140-19 or 140-26 within the period required by the section.
- B. When a return is removed from the registry, the individual who filed it shall be deemed, for the purposes of his or her existing and future obligations under this chapter, not to have filed the return.

ARTICLE VI
Lobbyists' Code of Conduct

§ 140-38. Standard of behaviour.

- A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.
- B. Lobbyists shall observe and comply with the highest ethical and professional standards.
- C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards and public office holders.

TORONTO MUNICIPAL CODE
LOBBYING

§ 140-39

§ 140-39. Honesty.

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

§ 140-40. Disclosure of identity and purpose.

- A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

§ 140-41. Compliance with policies restricting communication.

- A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents.
- B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.

§ 140-42. Prohibited activities.

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing entertainment, gifts, meals, trips or favours of any kind.
- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

§ 140-43. Information; confidentiality.

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.

- D. Lobbyists shall be open and frank about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

§ 140-44. Competing interests.

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

§ 140-45. Improper influence.

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.
- B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

ARTICLE VII
Offences and Penalties

§ 140-46. Offences.

[Amended 2008-01-30 by By-law No. 87-2008⁷⁴]

Every person who contravenes a provision of this chapter is guilty of an offence.

§ 140-47. Penalty.

Every person convicted of an offence under this chapter is liable on a first conviction to a fine of not more than \$25,000 and on each subsequent conviction to a fine of not more than \$100,000.

⁷⁴ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

SCHEDULE A TO CH. 140
EXEMPTED MUNICIPAL LEVEL CORPORATIONS AND OTHER BODIES
§ 140-3C(2)
[Amended 2008-01-30 by By-law No. 87-2008⁷⁵]

- A. Board of Trustees of the Metro Toronto Pension Plan.
- B. Board of Trustees of the Metro Toronto Police Benefit Fund.
- C. Canadian National Exhibition Association.
- D. Clean Air Partnership.
- E. Enwave Energy Corporation.
- F. Toronto Association of Business Improvement Areas.
- G. Toronto Civic Employees' Pension and Benefit Fund Committee.
- H. Toronto Coach Terminal Inc.
- I. Toronto Community Housing Corporation.
- J. Toronto Economic Development Corporation.
- K. Toronto Fire Department Superannuation & Benefit Fund Committee.
- L. Toronto Hydro Corporation.
- M. Toronto Police Services Board.
- N. Toronto Public Library Board.
- O. Toronto Transit Consulting Ltd.
- P. Toronto Waterfront Revitalization Corporation.
- Q. TTC Insurance Company Limited.
- R. York Employees' Pension and Benefit Fund Committee.

⁷⁵ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

**SCHEDULE B TO CH. 140
EXEMPTED EMPLOYEE AND LABOUR GROUPS**

§ 140-3C(3)

[Amended 2008-01-30 by By-law No. 87-2008;⁷⁶ 2008-07-17 by By-law No. 852-2008]

- A. Amalgamated Transit Union, Local 113.
- B. Canadian Union of Public Employees, Local 1600 (Toronto Zoo).
- C. Canadian Union of Public Employees, Local 2 (electricians).
- D. Canadian Union of Public Employees, Local 2998 (AOCCs).
- E. Canadian Union of Public Employees, Local 2840 (Exhibition Place).
- F. Canadian Union of Public Employees, Local 79.
- G. Carpenters and Allied Workers, Local 27 (United Brotherhood of Carpenters and Joiners of America).
- H. City of Toronto Administrative, Professional, Supervisory Association, Incorporated (COTAPSAI).
- I. International Alliance of Theatrical Stage Employees (IATSE), Local 58.
- J. International Association of Bricklayers and Allied Craftsmen, Local 2.
- K. International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers, Local 721.
- L. International Association of Heat and Frost Insulators and Asbestos Workers, Local 95.
- M. International Association of Machinists and Aerospace Workers (IAMAW), Lodge 235 (machinists and millwrights).
- N. International Brotherhood of Electrical Workers, Local 353.
- O. International Brotherhood of Painters and Allied Trades, Local 1819 (glaziers).
- P. International Brotherhood of Painters and Allied Trades, Local 557.

⁷⁶ Editor's Note: This by-law came into force 2008-02-11.

TORONTO MUNICIPAL CODE
LOBBYING

- Q. Labourers International Union of North America (LIUNA), Local 506 (labourers and cleaners).
- R. Sheetmetal Workers' International Association, Local 30.
- S. Toronto Civic Employees Union, Local 416.
- T. Toronto Police Association.
- U. Toronto Professional Fire Fighters Association, Local 3888.
- V. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the USA and Canada, Local Union 46.

TORONTO MUNICIPAL CODE
LOBBYING

SCHEDULE C TO CH. 140
CROWN CORPORATIONS OR CONTROLLED CORPORATIONS, AGENCIES
§ 140-3D

A. Provincial level:

- (1) North Pickering Development Corporation
- (2) Ontario Development Corporation
- (3) Ontario Realty Corporation

B. Federal level:

- (1) Business Development Bank of Canada
- (2) Canadian Commercial Corporation
- (3) Canada Development Investment Corporation
- (4) Canada Lands Company Limited
- (5) Queens Quay West Land Corporation


[LIVING IN TORONTO](#)
[DOING BUSINESS](#)
[VISITING TORONTO](#)
[ACCESSING CITY HALL](#)
[CITY COUNCIL](#)

- ▣ Office of the Lobbyist Registrar
- ▣ Is registration required?
- ▣ Glossary of Terms
- ▣ Lobbyists' Code of Conduct
- ▣ Lobbyist Registrar
- ▣ City policies and Municipal Code
- ▣ Interpretation and advisory bulletins
- ▣ Contact

- ▣ News Releases

- ▣ Register / Log in
- ▣ Search the Registry

Lobbyists' Code of Conduct

Municipal Code Chapter 140, Article VI Lobbyists' Code of Conduct

§ 140-38. Standard of behaviour

- A. Lobbyists shall comply with the standards of behaviour for lobbyists and the conduct of lobbying activities set out in this article when lobbying public office holders.
- B. Lobbyists shall observe and comply with the highest ethical and professional standards.
- C. The Code of Conduct in this article sets out minimum standards of behaviour for lobbyists in their dealings with the City government, including local boards and public office holders.

§ 140-39. Honesty

Lobbyists shall conduct with integrity and honesty all relations with public office holders, clients, employers, the public and other lobbyists.

§ 140-40. Disclosure of identity and purpose

- A. Lobbyists communicating with a public office holder shall disclose the identity of the individual, corporation, organization or other person, or the partnership, on whose behalf they are acting, as well as the reasons for the communication.
- B. Lobbyists communicating with a public office holder on a duly registered and disclosed subject matter shall not use that opportunity to communicate on another subject matter, unless first having registered as required and disclosing the identity and purpose.

§ 140-41. Compliance with policies restricting communication

- A. Lobbyists shall not communicate in relation to a procurement process except as permitted by applicable procurement policies and procurement documents.
- B. Lobbyists shall not communicate in relation to an application for approval and the associated review process, except as permitted by applicable policies and procedures.

§ 140-42. Prohibited activities

- A. Lobbyists shall not undertake to lobby in a form or manner that includes offering, providing or bestowing

entertainment, gifts, meals, trips or favours of any kind.

- B. Lobbyists shall not request public office holders to endorse or recommend their services.
- C. Lobbyists shall not conduct lobbying activities at a charitable event, community or civic event, or similar public gathering.

§ 140-43. Information; confidentiality

- A. Lobbyists shall inform their client, employer or organization of the obligations under this chapter.
- B. Lobbyists shall provide information that is accurate and factual to public office holders.
- C. Lobbyists shall not knowingly mislead anyone and shall use proper care to avoid doing so inadvertently.
- D. Lobbyists shall be open and franc about their lobbying activities, while respecting confidentiality.
- E. Lobbyists shall not divulge confidential information unless they have obtained the informed consent of their client, employer or organization, or disclosure is required by law.
- F. Lobbyists shall not use any confidential or other insider information obtained in the course of their lobbying activities to the disadvantage of their client, employer or organization.

§ 140-44. Competing interests

- A. Lobbyists shall not represent conflicting or competing interests without the written consent of those whose interests are involved.
- B. Lobbyists shall advise public office holders that they have informed their clients of any actual, potential or apparent conflict of interest and obtained the informed consent of each client concerned before proceeding or continuing with the undertaking.

§ 140-45. Improper influence

- A. Lobbyists shall avoid both the deed and the appearance of impropriety.
- B. Lobbyists shall not place public office holders in a conflict of interest or in breach of the public office holders' codes of conduct or standards of behaviour.
- C. Lobbyists shall not propose or undertake any action that would bestow an improper benefit or constitute an improper influence on a public office holder.

 [BACK TO TOP](#)