

**CITATION:** Robinson v. The Corporation of the City of Pickering, 2026 ONSC 451  
**DIVISIONAL COURT FILE NO.:** DC-25-00001670-00JR  
**DATE:** 20260123

**SUPERIOR COURT OF JUSTICE – ONTARIO  
DIVISIONAL COURT**

**RE:** Lisa Robinson, Appellant

**AND:**

The Corporation of the City of Pickering, Respondent

**BEFORE:** Justices Fitzpatrick, O’Brien, and Tranquilli

**COUNSEL:** *Lisa Robinson*, Self-Represented

*Julia Wilkes and Sean Pierce*, Counsel for the Respondent

**HEARD:** January 19, 2026 in Oshawa

**ENDORSEMENT**

**Overview**

[1] The applicant is a municipal councillor for the City of Pickering. She sought judicial review of a sanction imposed by Pickering’s City Council for breaches of the City’s *Code of Conduct*. The sanction decision was made following an investigation conducted by the Integrity Commissioner for the City in relation to a complaint by a City official. Based on the investigation report and recommended sanction, City Council approved a 90-day suspension of pay.

[2] The complaint against the applicant arose from a town hall meeting she held on November 28, 2024 at a City-owned community centre. Following the meeting, the City’s Chief Administrative Officer complained to the Integrity Commissioner that the applicant made four statements about the City that were “flagrantly misleading or categorically false.” The complaint also alleged the applicant encouraged the public attendees to provide their personal information on a sign-in sheet, although she knew that doing so was contrary to privacy legislation.

[3] The Integrity Commissioner undertook an investigation and completed a recommendation report dated June 16, 2025. The report concluded that, at the town hall meeting, the applicant:

- (a) Falsely claimed that the City had increased fees for Trespass Notices to \$650 when there was no fee associated with issuing a Trespass Notice.
- (b) Made “categorically false” statements about the City’s reliance on surveys.
- (c) Claimed that the City had spent over \$20M on consultants in 2024, which was “categorically false.”

- (d) Made statements and provided an explanation of the City Council’s gift policy that “deliberately misrepresented” the policy.
- (e) Provided a sign-in sheet without the proper disclosure to ensure informed consent and without asking City staff to ensure secure custody of the personal information, which exposed the City to a potential breach of the *Municipal Freedom of Information and Protection of Privacy Act*.

[4] The report found the applicant’s conduct breached the *Code of Conduct*, which is made pursuant to the *Municipal Act, 2001*, S.O. 2001 c. 25. The report specifically found that the applicant’s conduct was “intentional, with the goal of discrediting and disparaging City staff, and casting doubt on and undermining the public’s trust and confidence in the City as a whole.”

[5] The report recommended the applicant be sanctioned by suspending her pay for 90 days. In making this recommendation, an important factor for the Integrity Commissioner was deterrence, since this was the fifth time the Integrity Commissioner had had to report publicly regarding complaints about the applicant. On each occasion, a further suspension of pay had been imposed.

[6] The report was presented to City Council at a meeting on June 23, 2025. A resolution was made to adopt the report and impose the recommended sanction.

[7] The applicant seeks to quash the sanction on the basis of a lack of procedural fairness, bias, and her claim that her s. 2(b) and 15 rights under the *Canadian Charter of Rights and Freedoms* were violated.

### **Extension of time to file Judicial Review**

[8] As a preliminary matter, we note that the applicant did not file her application within the 30 days required by the *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1. She was only approximately two weeks late in doing so and the respondents do not take a position on this issue. We grant leave for the application to proceed.

### **Inadmissible Evidence**

[9] The respondent submits that much of the evidence relied on by the applicant is not properly before the court because it was not before the Integrity Commissioner or Council. The applicant does not dispute this. She also has not justified why the material should be admitted, other than to say some of it relates to procedural fairness. There are exceptions to the general rule that the record on judicial review is restricted to the material before the decision-maker. One of the exceptions is for evidence relevant to procedural fairness that is not contained in the decision maker’s record and that could not have been raised before the decision-maker: *Scott v. Toronto (City)*, 2021 ONSC 858, at para. 19. The applicant did not justify why the material she relied on that was not provided to the Integrity Commissioner or City Council met that test. It therefore is not admitted.

### **No Breach of Procedural Fairness**

[10] The applicant's claim that the process was procedurally unfair lacks merit. She was given the opportunity to respond to the allegations against her and did so. The report reflects the Integrity Commissioner's consideration of the response and provides reasons for dismissing those responses.

[11] Although the applicant says she was not given an opportunity to review and comment on the Integrity Commissioner's preliminary findings, the Integrity Commissioner offered her that opportunity and followed up when he did not receive her response. The applicant advises the court that she provided a response but, as explained at the Council meeting, the Integrity Commissioner did not receive a response despite providing the applicant with several opportunities to provide one. The applicant has not satisfied the court that she provided a response in a June 6, 2025 e-mail, as she claims. The applicant has pointed to an inconclusive screenshot that does not show the contents of any message sent to the Integrity Commissioner on that date. In addition, it should have been clear to her from the Integrity Commissioner's e-mails that he did not receive any submissions from her on that date. Although the applicant had several opportunities to send or resend her submissions, she did not do so.

[12] With respect to the allegation of a lack of procedural fairness at the Council meeting, we have reviewed the transcript of the meeting. We find the applicant was allowed to ask the Integrity Commissioner questions and make submissions during the debate.

[13] Further, in response to the applicant's allegation that she was not given an opportunity to challenge the report's factual basis, her opportunity to do so was when she responded to the allegations before the Integrity Commissioner. She was appropriately prevented from doing so during the Council meeting because: (1) s. 18.04 of the *Code of Conduct* provides that a report's factual determinations are "final and binding" on City Council; and (2) the role of Council under legislation is limited to determining sanction: s. 223.4(5) of the *Municipal Act*.

[14] The applicant also has not shown the Mayor or the Integrity Commissioner demonstrated a reasonable apprehension of bias in the underlying proceedings. She submits, for example, the Mayor previously initiated or supported complaints about her and that he had previously admitted to being biased against her. She submits the Integrity Commissioner recommended several previous sanctions against her.

[15] The applicant did not raise her allegations of bias in the underlying proceeding and cannot do so now. Much of the evidence and information the applicant relies on in support of her allegations of bias are not properly before the court or not before the court at all. The applicant also did not give the underlying decision-makers an opportunity to rule on this issue. Although she relies on occasions where she has previously stated the Mayor was biased against her, this is not the same as raising the concern in the underlying proceeding and asking the Mayor to recuse himself. This would have given the Mayor an opportunity to consider the request, provide input, and rule on the issue. The applicant's claim on this point is fatal for the same reason as when she

unsuccessfully sought judicial review and alleged bias of previous sanction decisions: *Robinson v. Pickering (City)*, 2025 ONSC 3233 at para. 132.

### **Factual Findings not Unreasonable**

[16] We also reject the applicant's challenges to the Integrity Commissioner's factual findings on the allegations in the complaint, including the findings that her statements at the town hall meeting were factually inaccurate. A court on review will not interfere in the factual findings of an administrative decision-maker absent exceptional circumstances: *Canada (Minister of Citizenship and Immigration v. Vavilov*, 2019 SCC 65, [2019] 4 SCR 653, at para. 125. The applicant has not persuaded us there is a basis to intervene here. The Integrity Commissioner clearly explained the bases for his conclusion on each allegation and those conclusions were available on the record. The applicant may disagree but has not shown why the Integrity Commissioner's findings are unreasonable.

### **Charter Rights**

[17] The applicant has claimed her s. 2(b) and 15 *Charter* rights were infringed by the sanction ordered against her. In oral argument, she also referenced her s. 7 rights. However, s. 7 was not cited in the notice of application and was not mentioned in the applicant's factum. It cannot be raised now.

[18] With respect to s. 2(b), the applicant states the sanction penalizes her for communicating with her constituents and exposing municipal issues. She claims Council's response was not a proportionate limit under s. 1 of the *Charter*. Under s. 15, she says she had been uniquely targeted and stripped of pay when she is a single mother and faces disproportionate financial hardship.

[19] The applicant did not raise either of these issues before the Integrity Commissioner despite being invited to provide submissions twice. She also knew from the previous application for judicial review cited above of the City's position she was required to raise *Charter* issues before the Integrity Commissioner. In her factum before this court, her s. 15 claim totaled four lines and her s. 2(b) claim amounted to six lines.

[20] While an administrative decision-maker in some circumstances may have an obligation to identify impacted *Charter* rights, even where they are not raised before it, a *Charter* analysis cannot be completed where the claim is unknown and there is no relevant record before the decision-maker. In this case, the applicant neither raised nor provided any evidence that would have made a claim under s. 15 of the *Charter* relevant. This allegation is dismissed.

[21] With respect to s. 2(b), the applicant's summary claim in this court does not merit remitting the matter to the Integrity Commissioner. The applicant's analysis suggests she had an absolute right to express herself and does not admit of any weighing of *Charter* values with statutory objectives. Although the Integrity Commissioner did not directly address s. 2(b) rights, because they were not raised, the implication of the report was that the applicant's speech was not of the type that lies at the heart of the values underlying freedom of expression. This is because the applicant was not engaging in genuine political debate. Instead, as found by the Integrity

Commissioner, the applicant's statements were in two cases "categorically false" and in one case "deliberately misrepresented" Council's policy. The applicant's conduct was "intentional" and had the goal of "discrediting and disparaging City staff, and casting doubt on and undermining the public's trust in the City as a whole."

[22] Considering these findings, it is implicit in the specific circumstances of this case that the City's goal of ensuring City staff are treated with dignity and of ensuring and promoting public trust in the City, as required by the *Code of Conduct*, outweighed any limit on the applicant's freedom of expression.

**Final Comments**

[23] Because the application is dismissed, we do not need to address the applicant's request for a stay pending the disposition of her application.

[24] It is very clear the applicant feels she is the target of a vendetta and is being unfairly treated. She needs to understand, however, that the role of the court is to review the specific decisions at issue and the circumstances underlying them. The applicant is not entitled to rely on general statements, history, or information that is not proper evidence before the court. Much of what the applicant said in this court was not relevant to the specific allegations before us or was not properly in evidence.

**Disposition**

[25] The application is dismissed. The City, as the successful party, is entitled to its costs, which we fix at \$10,000 all-inclusive. This amount is substantially lower than sought by the City. It also would not be beyond the application's expectations when she pursued this application, considering the court on the prior judicial review had ordered her to pay costs of \$30,000.

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Fitzpatrick J.

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O'Brien J.

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Tranquilli J.