



BY E-MAIL

August 18, 2026

Joint Accessibility Advisory Committee for the Townships of Ramara and Severn
c/o Township of Ramara
2297 Highway 12, P.O. Box 130
Breachin, ON L0K 1B0

Dear Members of the Joint Accessibility Advisory Committee for the Townships of Ramara and Severn:

Re: Report – Office of the Ontario Ombudsman

I have completed my investigation into a meeting held by the Joint Accessibility Advisory Committee for the Townships of Ramara and Severn on June 21, 2024.

In accordance with subsection 14.1(8) of the *Ombudsman Act*, the Township should make my report available to the public, and we ask that this be done no later than the next council meeting. In accordance with subsection 239.2(12) of the *Municipal Act, 2001*, the Township should pass a resolution stating how it intends to address this report.

Pursuant to subsection 14.1(9) of the *Ombudsman Act*, I will also post a copy of the report on my website at www.ombudsman.on.ca.

Sincerely,

A handwritten signature in black ink that reads 'Barb Finlay'.

Barbara Finlay
Acting Ombudsman of Ontario

Cc: Rebecca Zanussi, Clerk, Township of Ramara



Ombudsman Report

**Investigation into a meeting held by
the Joint Accessibility Advisory Committee
for the Townships of Ramara and Severn
on June 21, 2024**

**Barbara Finlay
Acting Ombudsman of Ontario**

August 2026

Complaint

- 1 My Office received a complaint that the June 21, 2024 meeting of the Joint Accessibility Advisory Committee (the "Committee") for the Townships of Ramara and Severn did not comply with the open meeting rules in the *Municipal Act, 2001* (the "Act")¹ when it conducted several facility tours in closed session.
- 2 My investigation determined that while the discussion at the June 21, 2024 meeting fit within the exception for education or training, the Committee contravened the open meeting rules when it voted in closed session.

Ombudsman jurisdiction

- 3 Under the *Municipal Act, 2001*, all meetings of council, local boards, and committees of either must be open to the public, unless they fall within prescribed exceptions.
- 4 As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality or local board has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own.
- 5 The Ombudsman is the closed meeting investigator for the Townships of Ramara and Severn.
- 6 When investigating closed meeting complaints, we consider whether the open meeting requirements in the Act and the applicable governing procedures have been observed.
- 7 My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman's decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest.

¹ SO 2001, c 25.

- 8 The Ontario Ombudsman also has the authority to conduct impartial reviews and investigations of hundreds of public sector bodies. This includes municipalities, local boards, and municipally-controlled corporations, as well as provincial government organizations, publicly funded universities, and school boards. In addition, the Ombudsman's mandate includes reviewing complaints about the services provided by children's aid societies and residential licensees, and the provision of French language services under the *French Language Services Act*. Read more about the bodies within our jurisdiction here: www.ombudsman.on.ca/en/make-complaint/what-we-can-help-you/organizations-you-can-complain-about.

Investigative process

- 9 My Office notified both Townships of our intent to investigate these complaints in February 2025. We spoke with the Clerk and Deputy Clerk for Ramara, and the three members of the Committee who attended the meeting on June 21, 2024. We also reviewed the open and closed session meeting minutes and agendas.
- 10 My Office received full co-operation in this matter.

Background – Joint Accessibility Advisory Committee for the Townships of Ramara and Severn

- 11 The Committee provides input to its respective Township councils on matters related to accessibility and meets at least twice annually. It is composed of four members, including one councillor and one resident representative from each municipality. Consequently, 50% of its total membership is comprised of council members.
- 12 Under the Act, all meetings of council, local boards, and committees of either of them must be open to the public, unless they fall within prescribed exceptions. Section 238(1) of the Act defines "committee" as any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of one or more councils or local boards.²
- 13 As the Committee meets the 50% membership threshold within the Act, it is a joint committee of councils for Ramara and Severn and must comply with the open meeting rules.

² *Whitestone (Municipality of) (Re)*, 2014 ONOMBUD 8, online: <<https://canlii.ca/t/gtmj0>>.

June 21, 2024 meeting

- 14 The Committee held a regular meeting on June 21, 2024 in the Township of Ramara's council chambers at 9:00 a.m. Following discussion of unrelated items, the Committee moved into closed session at 10:00 a.m. under the exceptions for education or training and security of the property to conduct tours of several public facilities in the Township of Ramara.
- 15 In closed session, the Committee left council chambers and visited several nearby public facilities owned by the Township of Ramara. The Committee was joined on these tours by three consultants, one that had been retained to attend the tour and provide a report regarding compliance with the *Accessibility for Ontarians with Disabilities Act* ("AODA"), and two who would provide input at a later point regarding the Township of Ramara's Recreation Master Plan.
- 16 At several of the facilities, municipal staff members responsible for maintenance let attendees inside and provided information about the history of changes to the facility related to accessibility, potential accessibility concerns, and general information about the facilities. Committee members then freely and independently navigated the facilities to observe. Where facility staff did not provide an overview, committee members conducted walk-throughs of the facilities.
- 17 During interviews, we were told that no debates or substantive discussions occurred during these facility tours. On occasion, interviewees recalled that comments were made regarding observed issues of compliance with the AODA, but these verbal observations did not incur additional commentary or dialogue.
- 18 Nearing completion of touring the fifth facility, one member of the committee injured their hand and could no longer participate in the meeting. Before this member left the meeting, the Committee resolved to schedule the next meeting of the Committee and direct the AODA consultant to provide a report to the Committee at this upcoming meeting. Following this, the meeting was adjourned.
- 19 From my Office's review of closed meeting material and interviews, those we spoke with either could not recall whether the Committee had returned from closed session when it voted on these resolutions, or their recollections were inconsistent with one another or the recorded minutes.

- 20 In order for a meeting, or a portion of a meeting, to be considered “open” under the Act, the public must be able to attend to observe local government decision-making in process.³ As the committee did not return to council chambers to conclude its meeting, members of the public were effectively excluded from the final portion of the meeting. These resolutions therefore were passed while the Committee was still in closed session.

Analysis

Exception for security of the property of the municipality, s. 239(2)(a)

- 21 The Committee cited the open meeting exception for security of the property of the municipality to enter into closed session on June 21, 2024.
- 22 The Act does not define “security” for the purposes of this exception. In previous reports, my Office has found that it should be given its plain meaning, so that it applies to discussions regarding the protection of property from loss, fraud, or damage, or the protection of public safety in relation to that property.⁴
- 23 In this case, although the Committee members received information that was about municipally owned property, there was no discussion about preventing loss or damage to the facilities. Committee members were instead provided information regarding the accessibility of the facilities. This is distinct from protection of public safety relating to the facilities or preventing loss or damage to the facilities. Consequently, the exception for security of the property did not apply to the closed meeting.

Exception for education or training, s. 239(3.1)

- 24 The Committee also cited the exception for education or training to enter into closed session. This exception allows a meeting to be closed to the public if it is held for the purpose of “educating or training” members, and if no member discusses or otherwise deals with a matter in a way that materially advances the business or decision-making of the municipality, local board, or committee. Business or decision-making is likely to be materially advanced where there is a vote, agreement reached, direction or input provided to staff, or a specific proposal, course of action, or strategy discussed or debated.⁵

³ *Hamilton (City of) (Re)*, 2018 ONOMBUD 5, online: <<https://canlii.ca/t/hvmtt>>.

⁴ *Ibid.*

⁵ *Grimsby (Town of), Lincoln (Town of) and West Lincoln (Township of) (Re)*, 2024 ONOMBUD at para 27, online: <<https://canlii.ca/t/k6vh1>>.

- 25 My Office has previously determined that this exception is narrowly construed and will only apply to closed session discussions that are solely for the purpose of educating or training council members.⁶ Any attempt to rely on this exception must be carefully scrutinized.⁷
- 26 In my Office's 2015 report regarding closed meetings in the Village of Casselman, we explained that the scope of this exception includes "only meetings that are closed to allow members to receive information that may assist them in better understanding the business of the municipality."⁸
- 27 My Office has also previously assessed whether tours conducted by councils or committees complied with the Act. In my Office's report to the City of London, a committee toured a non-profit organization's facility and held a subsequent meeting that same day where it voted to recommend approving funding for the organization.⁹ Although the discussions during the tour were generally informational and no decisions were made, my Office found that the tour was "persuasive" in nature, as it involved discussion about funding to convince committee members, such that the discussions materially advanced municipal business.
- 28 Comparatively, in the case of the Town of Amherstburg's Accessibility Advisory Committee's tour of a transit facility, my Office found that business was not materially advanced, as there were no discussions, debates, or decisions made and the tours were purely informational to better understand transit services.¹⁰
- 29 In the case at hand, the Committee inspected and received information about municipally owned facilities to better understand the accessibility needs of those facilities. The Committee did not debate or have meaningful discussion regarding the facilities. While occasional observations were made by Committee members, these observations were not discussed or debated, and did not lead to or impact any course of action. As well, unlike the City of London case, there were no specific proposals before the Committee at the time related to the tours or the facilities.

⁶ *Welland (City of) (Re)*, 2014 ONOMBUD 7, at para 57, online <<https://canlii.ca/t/gtmhx>>.

⁷ Ontario Ombudsman, *Investigation into the City of Oshawa, Development Services Committee special meeting of May 22, 2008* (March 2009) at para 29, online: <<https://www.ombudsman.on.ca/en/our-work/municipal-meetings/city-oshawa-abcs-education-and-training-march-23-2009>>.

⁸ Ombudsman of Ontario, *'Restaurant Roundtable': Investigation into whether Council for the Village of Casselman held an illegal closed meeting on January 8, 2015* (April 2015) at para 10, online: <<https://www.ombudsman.on.ca/en/our-work/municipal-meetings/village-casselman-restaurant-roundtable-april-16-2015>>.

⁹ *London (City of) (Re)*, 2024 ONOMBUD 2, online: <<https://canlii.ca/t/k27t7>>.

¹⁰ *Amherstburg (Town of) (Re)*, 2024 ONOMBUD 5, online: <<https://canlii.ca/t/k4b02>>.

- 30 Consequently, the facility tours fit under the exception for education or training.

Voting

- 31 Under the Act, a committee can vote during a closed session on procedural matters and to direct or instruct staff if the meeting is properly closed under one of the exceptions in s. 239(2) or (3). When a meeting is closed pursuant to s. 239(3.1) under the exception for education or training, no votes are permitted *in camera*, regardless of their nature.
- 32 In this case, the Committee voted once on a multi-point resolution. Although the Committee had already retained the AODA consultant prior to the meeting to provide a report, the Committee voted to direct the consultant to provide this report for the Committee's subsequent meeting. The Committee also voted to meet again on an upcoming date. The resolution also included a brief summary of the facilities toured.
- 33 As this part of the meeting was effectively closed to the public, this vote occurred in closed session. Because no votes can be taken in closed session under the exception for education or training, this vote failed to comply with the open meeting rules.

Opinion

- 34 The Accessibility Advisory Committee is a joint committee of the councils for the Townships of Ramara and Severn. Accordingly, each Township is responsible for ensuring that the Committee complies with the open meeting rules in the *Municipal Act, 2001*.
- 35 The Committee's discussions on June 21, 2024 did not fit within the cited exception in s. 239(2)(a) for security of the property of the municipalities. However, the discussion was permitted in closed session because it was held to educate members and no business was materially advanced, such that it fit in the exception for education or training in s. 239(3.1) of the Act.
- 36 The Committee contravened section 239(5) of the *Municipal Act, 2001* on June 21, 2024 when it voted in a closed session while under the exception for education or training, as no votes are permitted when a meeting is closed under this section.

- 37 I recognize that the Committee faced an unforeseen circumstance at the conclusion of its meeting when a member was injured and was no longer able to participate in the meeting, requiring the meeting to end early. It is acknowledged that these exceptional circumstances resulted in some confusion at the end of the Committee's meeting at the time of the impugned votes.

Recommendations

- 38 I make the following recommendations to assist the Joint Accessibility Advisory Committee for the Township of Ramara and the Township of Severn in fulfilling their obligations under the Act, and enhancing the transparency of their meetings:

Recommendation 1

The Joint Accessibility Advisory Committee for the Township of Ramara and the Township of Severn should ensure that all committee members are vigilant in adhering to their individual and collective obligation to comply with their responsibilities under the *Municipal Act, 2001*.

Recommendation 2

The Joint Accessibility Advisory Committee for the Township of Ramara and the Township of Severn should ensure that no votes are taken when a meeting is closed under the exception for education or training in section 239(3.1) of the *Municipal Act, 2001*.

Report

- 39 Councils for the Township of Ramara and the Township of Severn were given the opportunity to review a preliminary version of this report and provide comments to my Office. All comments received were considered in the preparation of this final report.
- 40 In response to my Office's preliminary report, Township of Severn staff noted that each Township is responsible for their respective agenda items on the Committee and that the decision to hold the closed session and visit the public facilities in the Township of Ramara was an agenda item raised by the Township of Ramara. They noted that accordingly, they did not send staff to attend this meeting. While I acknowledge the position and concerns raised on behalf of the Township of

Severn, the Committee is a joint committee of the two councils, and both Townships remain accountable for ensuring the Committee follows the open meeting rules.

- 41 This report will be published on my Office's website, and should be made public by councils for the Township of Ramara and the Township of Severn. In accordance with section 239.2(12) of the *Municipal Act, 2001*, the Townships of Ramara and Severn should pass a resolution stating how they intend to address this report.

A handwritten signature in black ink, appearing to read 'Barb Finlay', written in a cursive style.

Barbara Finlay
Acting Ombudsman of Ontario