



JUSTICES OF THE PEACE REVIEW COUNCIL

ONTARIO

ANNUAL REPORT 2024



The Honourable Sharon M. Nicklas

**CHIEF JUSTICE
ONTARIO COURT OF JUSTICE
Chair, Justices of the Peace Review Council**

May 20, 2025

The Honourable Doug Downey
Attorney General for the Province of Ontario
720 Bay Street, 11th Floor
Toronto, Ontario
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Dear Minister:

It is my pleasure to submit the Annual Report of the Justices of the Peace Review Council concerning its operations in 2024, in accordance with s. 9(7) of the *Justices of the Peace Act*.

The period of time covered by this Annual Report is from January 1 to December 31, 2024.

Respectfully submitted,



Sharon M. Nicklas
Chief Justice
Ontario Court of Justice

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1. INTRODUCTION

The Justices of the Peace Review Council is an independent body established by the Province of Ontario under the *Justices of the Peace Act*, R.S.O. 1990, c. J.4. The Review Council's mandate is to receive and investigate complaints about the conduct of justices of the peace and to fulfill other functions as described in this Report.

The *Justices of the Peace Act* provisions establishing and governing the Council are available on the government's e-laws website at:

- <https://www.ontario.ca/laws/statute/90j04>

The Act requires the Council to submit an Annual Report to the Attorney General on its affairs, including [case summaries](#) about complaints. Unless a public hearing has occurred, the Report must not include information that identifies a justice of the peace, a complainant or a witness.

This Annual Report provides information on the Council's membership, its functions and procedures, and its work during the 2024 reporting year. During the period covered by this report, the Review Council had jurisdiction over approximately 374 provincially appointed justices of the peace, including those working full-time, part-time and *per diem*.

Justices of the peace play an important role in the administration of justice in Ontario. They are appointed by the Province of Ontario and have their duties assigned by a Regional Senior Justice or a Regional Senior Justice of the Peace. Justices of the peace preside over provincial offences matters, including routinely conducting trials under the *Provincial Offences Act*. Justices of the peace also preside over bail hearings and perform other important judicial functions, such as issuing search warrants and presiding in criminal case management court and intake court.

The Ontario Court of Justice is the busiest trial court in Canada. In an average year, judges of the Court deal with over 245,000 adult and youth criminal cases and approximately 8,300 new family law proceedings. The Court holds sittings at approximately 140 locations across Ontario, ranging from large courthouses in cities to fly-in locations in northern Ontario.

You may find out more about the Review Council by reading this Annual Report and by visiting its website at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/>

The website contains:

- ◆ the Council's current policies and procedures
- ◆ updates about any public hearings that are in progress

- ◆ decisions made in public hearings
- ◆ the *Principles of Judicial Office of Justices of the Peace of the Ontario Court of Justice*
- ◆ the Justice of the Peace Education Plan.

2. COMPOSITION AND TERMS OF APPOINTMENT

The *Justices of the Peace Act* sets out the membership of the Justices of the Peace Review Council and terms of appointment:

- ◆ the Chief Justice of the Ontario Court of Justice, or another judge of the Ontario Court of Justice designated by the Chief Justice;
- ◆ the Associate Chief Justice Co-ordinator of Justices of the Peace;
- ◆ three justices of the peace appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ two judges of the Ontario Court of Justice appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ one regional senior justice of the peace appointed by the Chief Justice of the Ontario Court of Justice;
- ◆ a licensee within the meaning of the *Law Society Act* appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario; and,
- ◆ four community representatives appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General.

In the appointment of community members, the importance of reflecting, in the composition of the Review Council as a whole, Ontario's linguistic duality, the diversity of its population and ensuring overall balance in gender identity, is recognized.

The Law Society licensee and community members who are appointed to the Council hold office for four-year terms and are eligible for reappointment. Judicial members on the Council are appointed by the Chief Justice of the Ontario Court of Justice.

3. MEMBERS

The membership of the Review Council in 2024 was as follows:

Ontario Court of Justice Members:

- ◆ The Honourable Sharon Nicklas, Chief Justice of the Ontario Court of Justice (Chair)
- ◆ The Honourable Jeanine LeRoy, Associate Chief Justice Co-ordinator of Justices of the Peace of Ontario Court of Justice

Two judges appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ The Honourable Justice Enzo Rondinelli (Toronto)
- ◆ The Honourable Justice Marlyse Dumel (Ottawa)

Regional Senior Justice of the Peace appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ Regional Senior Justice of the Peace Melanie Bremner (Toronto)

Three justices of the peace appointed by the Chief Justice of the Ontario Court of Justice:

- ◆ Justice of the Peace Kristine Diaz (London)
(Until February 1, 2024)
- ◆ Justice of the Peace Christine Smythe (Toronto)
- ◆ Justice of the Peace Sarah Keesmaat (Northeast)
- ◆ Justice of the Peace Kathryn E. Kellough (West)
(Effective February 2, 2024)

Members appointed by the Attorney General:

Law Society Member

- ◆ Bassam Azzi, Lawyer (Ottawa)

Community Members

- ◆ Lauren Rakowski, Lawyer, Gardiner Roberts LLP (Toronto)

- ◆ John Tzanis, Paralegal, Continental Legal Services Professional Corporation (Markham)
(Until March 24, 2024)
- ◆ Naomi Solomon, Lawyer, BMO Financial Group (Toronto)
- ◆ George Nikolov, Professional Engineer (Toronto)
- ◆ Bill Hogg, Bill Hogg & Associates (Retired) (Aurora)
(Effective October 10, 2024)

Temporary Members:

Subsection 8(10) of the *Justices of the Peace Act* permits the Chief Justice of the Ontario Court of Justice to appoint a judge or a justice of the peace to be a temporary member of the Justices of the Peace Review Council to sit on a complaints committee or hearing panel when it is necessary in order to deal fully with a matter.

During the period covered by this report, the following member was appointed by the Chief Justice of the Ontario Court of Justice as a temporary member for purposes of fully dealing with a complaint:

- ◆ Justice of the Peace Kristine Diaz

4. COUNCIL ADMINISTRATION AND STAFF

The Justices of the Peace Review Council and the Ontario Judicial Council share a five-member staff consisting of a Registrar, a Counsel/Deputy Registrar, two Assistant Registrars and an Administrative Assistant:

- Alison Warner – Registrar
- Shoshana Bentley-Jacobs – Counsel & Deputy Registrar
- Lauren Binhammer – Acting Counsel & Deputy Registrar
- Philip Trieu – Assistant Registrar
- Lily Miranda – Assistant Registrar
- Astra Tantalo – Administrative Assistant

Council staff are responsible for service delivery in a number of areas including:

- responding to telephone and written inquiries from the public regarding the Council's mandate and procedures and providing requested

assistance to members of the public who wish to make a complaint to the Council

- performing a preliminary review of new complaints received by the Council
- redirecting complainants who are not complaining about judicial conduct to the appropriate complaint body and/or to available legal resources
- supporting members of the Council in the investigation and review of complaints (e.g., ordering court records, retaining investigation counsel, preparing complaint-related correspondence, etc.)
- supporting meetings of the full Council, as well as numerous meetings of complaints committees of the Council held throughout the year
- supporting and attending hearings of the Council into complaints
- posting communications on the Council's website regarding public hearings and decisions
- facilitating the consideration of judicial requests for compensation of legal fees incurred in the complaints process
- retaining and instructing counsel in relation to judicial reviews and/or appeals of decisions of the Council
- onboarding new members of the Council and offboarding members of the Council after the expiry of their terms
- assisting with the preparation of the Annual Report of the Council

In addition to supporting the work of the Justices of the Peace Review Council, Council staff also support the work of the Ontario Judicial Council.

5. FUNCTIONS OF THE REVIEW COUNCIL

The *Justices of the Peace Act* sets out the functions of the Review Council:

- ◆ to establish complaints committees from amongst its members to receive and investigate complaints about justices of the peace, and decide upon dispositions under s. 11(15);
- ◆ to hold hearings under s. 11.1 when hearings are ordered by complaints committees pursuant to s. 11(15);
- ◆ to review and approve standards of conduct;
- ◆ to consider applications under s. 5.2 for the accommodation of needs;
- ◆ to address continuing education plans; and,
- ◆ to decide whether a justice of the peace who applies for approval to engage in other remunerative work may do so.

More information about each of the functions performed by the Review Council may be found in this Report.

The main function of the Review Council is to consider complaints about judicial conduct on the part of justices of the peace who preside on the Ontario Court of Justice. The Review Council's jurisdiction in this regard is limited to considering complaints about alleged judicial misconduct. Examples of judicial misconduct include inappropriate courtroom conduct (e.g., exhibiting a lack of restraint or civility in the courtroom, making discriminatory comments or engaging in discriminatory conduct towards any persons in the courtroom), or improper off-the-bench conduct.

The Review Council is not to be confused with an appellate court. The Review Council does not have the power to interfere with a court case or to change a decision made by a justice of the peace. If a person believes that a justice of the peace made an error in assessing evidence or in making a decision on any legal issue, they may pursue available legal remedies through the courts, such as an appeal.

The Review Council cannot provide legal advice or assistance to individuals, or intervene in litigation on behalf of a party.

The legislation that governs the Review Council establishes a judicial complaints process that is generally private and confidential in the investigation stages. If a hearing is ordered, the process becomes public, unless a hearing panel orders that there are exceptional circumstances to warrant a private hearing. The confidential and private nature of the complaint process required by the *Justices of the Peace Act* is intended to achieve a balance between the accountability of justices of the peace for their conduct and the constitutionally protected value of judicial independence.

6. COMMUNICATIONS

The website of the Justices of the Peace Review Council includes information about the Council, including the most current version of its policies and procedures, as well as information about hearings that are underway or that have been completed. Information on ongoing hearings is available under the link “Current Public Hearings” at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/hearings/current-public-hearings/>

Decisions made during hearings are posted under the link “Public Hearing Decisions” at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/hearings/public-hearing-decisions/>

Each Annual Report of the Council is also available on the Council’s website no later than thirty days after it has been sent to the Attorney General at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/annual-reports/>

7. EDUCATION PLAN

The Associate Chief Justice Co-ordinator of Justices of the Peace of the Ontario Court of Justice is required by s. 14 of the *Justices of the Peace Act* to establish, implement and make public a plan for the continuing judicial education of justices of the peace. The education plan must be approved by the Review Council. In 2007, a continuing education plan was developed by the Associate Chief Justice Co-ordinator of Justices of the Peace in conjunction with the Advisory Committee on Education. The Committee included the Associate Chief Justice Co-ordinator of Justices of the Peace as Chair (*ex officio*) and justices of the peace nominated by the Associate Chief Justice Co-ordinator of Justices of the Peace and by the Association of Justices of the Peace of Ontario.

An Advisory Committee on Education of the Court reviews the education programs and may make recommendations to the Associate Chief Justice Co-ordinator of Justices of the Peace on changes and additions to existing programs, and on the content and format of new programs as they are being proposed and developed. Any proposed changes are submitted to the Review Council for review and approval.

A copy of the current Education Plan can be found on the Council’s website under the link “Justice of the Peace Education Plan” at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/education-plan/>

8. STANDARDS OF CONDUCT

The Associate Chief Justice Co-ordinator of Justices of the Peace may, under s. 13(1) of the *Justices of the Peace Act*, establish standards of conduct for justices of the peace and a plan for bringing the standards into effect and must implement the standards and plan when they have been reviewed and approved by the Review Council.

Further to s. 13(1), the *Principles of Judicial Office for Justices of the Peace of the Ontario Court of Justice* were approved by the Justices of the Peace Review Council on December 7, 2007. The principles set out standards of excellence and integrity to which justices of the peace should subscribe. These principles are not exhaustive. Intended to assist justices of the peace in addressing ethical and professional dilemmas, they also serve to assist the public in understanding the standards expected of justices of the peace in the performance of their judicial duties and in their conduct generally.

The principles are advisory in nature. A breach does not automatically lead to a conclusion that there has been misconduct. However, the principles set out a general framework of values and considerations that are relevant to evaluating allegations of improper conduct by a justice of the peace.

In 2024, the Associate Chief Justice – Co-ordinator of Justices of the Peace proposed several amendments to the *Principles of Judicial Office for Justices of the Peace*, in consultation with the Association of Justices of the Peace of Ontario. The amendments were both substantive and stylistic. Substantive amendments included:

- noting the importance of respectfully maintaining order, decorum and solemnity in court in both in-person and virtual settings (section 1.3);
- noting the need to be mindful of the differing backgrounds, circumstances and needs of the participants in the proceedings (section 2.2, commentary a);
- noting the importance of engaging in continuing education and self-directed learning in order to maintain currency in the knowledge and skills required to fairly discharge one's judicial duties (section 2.4, commentary a);
- noting that contributions to organizations or community needs should be made in a personal capacity, detached from the judicial title or role (section 3.4, commentary a); and
- noting the need to exercise caution in the use of social media (section 3.5).

Stylistic changes included using the affirmative or declarative voice rather than the prescriptive, similar to the formulation of the Canadian Judicial Council's *Ethical Principles for Judges* (2021).

In accordance with s. 13(1) of the *Justices of the Peace Act*, these amendments were approved by the Justices of the Peace Review Council on September 5, 2024.

The *Principles of Judicial Office for Justices of the Peace of the Ontario Court of Justice* can be found on the Council's website under the link for "Standards of Conduct" at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/standards-of-conduct/>

In 2023, the Associate Chief Justice Co-ordinator of Justices of the Peace proposed to the Justices of the Peace Review Council that the Canadian Judicial Council's [Ethical Principles for Judges](#) (2021) form part of the ethical standards governing the conduct of justices of the peace. The Review Council agreed and they form part of the ethical standards governing the conduct of justices of the peace of the Ontario Court of Justice.

9. APPLICATIONS FOR ACCOMMODATION

A justice of the peace who believes that they are unable, because of a disability, to perform the essential duties of the office unless their needs are accommodated may apply to the Council under s. 5.2 of the *Justices of the Peace Act* for an order that such needs be accommodated to enable them to perform their essential duties.

The Ministry of the Attorney General, with input from the Office of the Chief Justice, has a process that provides a consistent means for judicial officers to request accommodation of needs arising from disabilities. The Council recognizes that the Ministry has access to the expertise and resources to properly assess and address requests for accommodation of needs. For the Council to properly consider applications for accommodation, the applicant justice of the peace must first exhaust the accommodation of needs process that is available for judicial officers through the Ministry of the Attorney General. When that process has been completed, if the justice of the peace wishes to apply to the Council, they must provide a copy of all documentation from the Ministry's application process, including medical evidence and decisions.

Rule 20 of the Review Council's Procedures sets out the policy governing applications for an order of accommodation:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/procedures/>

No accommodation applications were considered by the Council in 2024.

10. OVERVIEW OF THE COMPLAINTS PROCESS

i. Who may file a complaint?

Any person may make a complaint to the Review Council about the conduct of a justice of the peace.

ii. Does the Council have the legal authority to consider the complaint?

The Review Council has a legislative mandate to review complaints about the **conduct** of justices of the peace. The Council has no authority to review **decisions** of justices of the peace to determine whether there were any errors in how the issues were determined or how conclusions were drawn. If a party involved in a court case thinks that a justice of the peace reached the wrong decision in the case, they may have legal remedies through the courts, such as an appeal or application for judicial review. Only a court can change a decision or order of a justice of the peace.

All correspondence sent to the Review Council is reviewed to determine whether a complaint is within the jurisdiction of the Review Council. In cases where the complaint may be within the jurisdiction of the Review Council, a complaint file is opened and a letter of acknowledgement is sent to the complainant.

If a complainant expresses dissatisfaction with a decision that has been made by a justice of the peace, a letter is sent advising the complainant that the Council has no power to change a decision made by a justice of the peace. In such cases, the complainant is advised that they may wish to consult legal counsel to determine what, if any, remedies may be available through the courts.

If an individual is complaining about a lawyer or paralegal, a police officer, a Crown Attorney, member of court staff, or about another office, the complainant is generally given the contact information of the appropriate body that may address their concerns.

If the complaint raises allegations of conduct about a justice of the peace arising from a court proceeding that is still ongoing, the Review Council will not generally commence an investigation until that court proceeding and any appeal or other related legal proceedings have been completed. This is to ensure that any investigation by the Council does not interfere, and is not perceived to be interfering with, ongoing court matters.

iii. What happens in the complaints process?

The *Justices of the Peace Act* and the procedures that have been established by the Council provide the framework for addressing complaints about justices of the peace. If a complaint is ordered to a public hearing, certain provisions of the *Statutory Powers Procedure Act* also apply. The complaints procedure is outlined below.

a) Preliminary Investigation and Review

Once it is determined that the complaint does not raise allegations related to ongoing court proceedings, a complaints committee will be assigned to investigate the complaint. Each complaints committee is composed of a provincially appointed judge who acts as chair, a justice of the peace and either a community or Law Society member. Members of the Council serve on complaints committees on a rotating basis.

Complaints are not generally assigned to judicial members from the same region where the justice of the peace who is the subject of the complaint presides to avoid possible conflicts of interest.

Section 11(8) of the Act requires that investigations by the Review Council be conducted in private.

Where a complaint involves allegations about a justice of the peace's conduct in the courtroom, the complaints committee will review the relevant court transcripts, documents, and/or the audio recording of the proceeding.

In some cases, the committee may find that it is necessary to conduct further investigation in the form of witness interviews. Section 8(15) of the Act permits the Council to retain external lawyers or investigators to assist the committee by interviewing witnesses who may have information concerning the allegations.

The complaints committee may also decide to invite the subject justice of the peace to submit a written response to the complaint. In such cases, a copy of the relevant materials considered by the complaints committee will be provided to the justice of the peace, together with a letter from the complaints committee of the Review Council inviting a response. The justice of the peace may seek independent legal advice to provide assistance in responding to the complaint.

b) Interim Recommendations

In the course of its investigation, the complaints committee may also consider whether the allegations warrant making an interim recommendation of non-assignment or reassignment of the justice of the peace pending the disposition of the complaint. Under s. 11(11) of the Act, the committee may make an interim recommendation to the Regional Senior Justice where the justice of the peace presides that the justice of the peace be non-assigned work or reassigned to another court location pending the final disposition of the complaint.

A Regional Senior Justice has discretion to accept or reject a complaints committee's interim recommendation. If the Regional Senior Justice decides not to assign work to the justice of the peace pending the final disposition of the complaint, pursuant to the legislation, the justice of the peace will continue to be paid. If the Regional Senior Justice decides to reassign the justice of the peace, the legislation requires that the justice of the peace must consent to the reassignment.

In deciding whether to make an interim recommendation, a complaints committee shall consider whether any of the following factors are present:

- ◆ the complaint arises out of a working relationship between the complainant and the justice of the peace and the complainant and the justice of the peace both work at the same court location;
- ◆ allowing the justice of the peace to continue to preside would likely bring the administration of justice into disrepute;
- ◆ the complaint is of sufficient seriousness that there are reasonable grounds for investigation by law enforcement agencies;
- ◆ it is evident to the complaints committee that the justice of the peace is suffering from a mental or physical impairment that cannot be remedied or reasonably accommodated.

Where a complaints committee is considering making an interim recommendation, it may (but is not required to) provide the justice of the peace with an opportunity to make written submissions before making its decision.

Particulars of the factors upon which the complaints committee's interim recommendation is based are provided to both the Regional Senior Justice receiving the interim recommendation and to the justice of the peace.

The Procedures of the Review Council recognize that an exception to the general requirement of confidentiality in the complaints process is warranted where an interim recommendation of non-assignment or reassignment has been made and the complaint has been referred to a public hearing. In such circumstances, once the Notice of Hearing has been served on the justice of the peace and the complaints process has become public, the Review Council's website informs the public that the justice of the peace has been unassigned from work or has been reassigned to a different location as a result of an interim recommendation.

Of the files under consideration in 2024, one justice of the peace was non-assigned work pending the final disposition of the complaint.

c) Dispositions by Complaints Committees

Pursuant to s. 11(15) of the Act, a complaints committee may impose one of the following dispositions following the consideration of a complaint:

- ◆ dismiss the complaint if it is frivolous, an abuse of process or outside the jurisdiction of the complaints committee;
- ◆ invite the justice of the peace to attend before the complaints committee to receive advice concerning the issues raised in the complaint or send the justice of the peace a letter of advice concerning the issues raised in the

complaint, or both;

- ◆ order that a formal hearing into the complaint be held by a hearing panel; or,
- ◆ refer the complaint to the Chief Justice of the Ontario Court of Justice.

The Review Council has developed criteria in its Procedures to assist complaints committees in determining the appropriate disposition of a complaint:

- ◆ **Dismissal:** A complaints committee will dismiss a complaint after reviewing the complaint if the complaints committee believes: (i) it is frivolous or an abuse of process; (ii) it falls outside the Review Council's jurisdiction because it is a complaint about the exercise of judicial discretion and does not include an allegation of judicial misconduct; (iii) if it does include an allegation of judicial misconduct, the allegation is unproven or unfounded, or the conduct does not rise to the level of misconduct that requires further action on the part of the Review Council.
- ◆ **Provide advice:** A complaints committee may provide advice to a justice of the peace, in person or by letter, or both, in circumstances where the misconduct complained of does not warrant another disposition, there is some merit to the complaint and the disposition is, in the opinion of the complaints committee, a suitable means of informing the justice of the peace that his/her course of conduct was not appropriate in the circumstances that led to the complaint.
- ◆ **Referral to the Chief Justice:** A complaints committee may refer a complaint to the Chief Justice of the Ontario Court of Justice in circumstances where the conduct complained of does not warrant another disposition, there is some merit to the complaint and the disposition is, in the opinion of the complaints committee, a suitable means of informing the justice of the peace that his/her course of conduct was not appropriate in the circumstances that led to the complaint. A complaints committee may impose conditions on the referral to the Chief Justice if, in its opinion, there is some course of action or remedial training of which the subject justice of the peace could take advantage.
- ◆ **Order a hearing:** A complaints committee may order a hearing into a complaint where there has been an allegation of judicial misconduct that the complaints committee believes has a basis in fact and which, if believed by the finder of fact, could result in a finding of judicial misconduct.

d) Reporting the Disposition of Complaints

After the complaints committee determines the appropriate disposition of a complaint, it communicates its decision to the complainant and, in most cases, to the justice of the

peace. Justices of the peace may waive notice of complaints made about their conduct in circumstances where the justice of the peace is not invited to respond to the complaint and the complaint is dismissed.

In accordance with the Procedures, if the complaints committee decides to dismiss a complaint, brief reasons will be provided in a disposition letter sent to the complainant (and the justice of the peace, if notice is not waived) and in a case summary that appears in the Annual Report.

Because of the role of the Review Council in balancing judicial independence and accountability for judicial conduct, the legislation provides that proceedings, other than public hearings, are generally private and confidential. Through the Annual Report, complaints committees report to the Review Council and the public about complaints received and disposed of during the reporting year. In accordance with the governing legislation and procedures, except where a public hearing is ordered, the Annual Report does not identify the complainant or the justice of the peace who is the subject of the complaint.

e) Public Hearings

When the complaints committee orders a public hearing, under s. 11.1(1) of the Act, the Chief Justice of the Ontario Court of Justice, who is also the Chair of the Review Council, establishes a three-member hearing panel from among the members of the Council composed of:

- ◆ a provincially-appointed judge who chairs the panel;
- ◆ a justice of the peace; and,
- ◆ a member of the Council who is a judge, a lawyer, or community member.

Complaints committee members who participated in the investigation of a complaint do not participate or form part of the hearing panel.

The legislation provides authority for the Chief Justice of the Ontario Court of Justice to appoint judicial members as “temporary members” of the Council where it is necessary to achieve quorum to meet the requirements of the Act. This also provides a means to ensure that none of the hearing panel members was involved in the investigation of the complaint.

With some exceptions, the *Statutory Powers Procedure Act* applies to hearings into complaints. Persons may be required by summons to give evidence under oath or affirmation at the hearing and to produce in evidence any documents or things which are relevant to the subject matter of the hearing and admissible at the hearing.

A hearing under s. 11.1 of the Act is public unless the Review Council determines, in accordance with criteria established under the JPRC Procedures Document, that it should proceed in private. These criteria include whether the hearing involves matters of public

or personal security that may be disclosed, or where intimate financial, personal or other matters may be disclosed of such a nature that the desirability of avoiding disclosure of such matters, in the interests of any person affected or in the public interest, outweighs the desirability of following the principle that the hearing be open to the public.

Where a complaint involves allegations of sexual misconduct or sexual harassment, the Review Council hearing panel has the power to prohibit publication of information that would disclose the identity of a complainant or a witness in accordance with s. 11.1(9) of the Act.

The Review Council engages legal counsel, called presenting counsel, for the purposes of preparing and presenting the case about the justice of the peace to the hearing panel. The legal counsel engaged by the Review Council operates independently of the Review Council. The duty of presenting counsel is not to seek a particular order against a justice of the peace, but to see that the complaint about the justice of the peace is evaluated fairly and dispassionately to the end of achieving a just result.

The justice of the peace may be represented by counsel or agent, or may act on their own behalf in any hearing before a hearing panel of the Review Council.

Under s. 11.1(10) of the Act, the hearing panel of the Review Council may dismiss the complaint, with or without a finding that it is unfounded or, if it upholds the complaint, it may impose one or more of the following sanctions:

- ◆ warn the justice of the peace;
- ◆ reprimand the justice of the peace;
- ◆ order the justice of the peace to apologize to the complainant or to any other person;
- ◆ order the justice of the peace to take specified measures such as receiving education or treatment, as a condition of continuing to sit as a justice of the peace;
- ◆ suspend the justice of the peace with pay, for any period; or,
- ◆ suspend the justice of the peace without pay, but with benefits, for a period up to 30 days.

Following the hearing, the hearing panel of the Review Council may make a recommendation to the Attorney General that the justice of the peace be removed from office. A recommendation to the Attorney General that the justice of the peace be removed from office cannot be combined with any other disposition.

A justice of the peace may be removed from office only if a hearing panel of the Review Council recommends to the Attorney General under s. 11.2 that the justice of the peace be removed on one or more the following grounds:

- ◆ they have become incapacitated or disabled from the execution of their office by reason of inability to perform the essential duties of the office because of a disability and, in the circumstances, accommodation of their needs would not remedy the inability, or could not be made because it would impose undue hardship to meet those needs;
- ◆ they have engaged in conduct that is incompatible with the execution of the office; or
- ◆ they have failed to perform the duties of their office.

Only the Lieutenant Governor in Council may act upon the recommendation of the hearing panel and remove the justice of the peace from office.

11. COMPENSATION FOR LEGAL COSTS

When a complaints committee has dealt with a complaint, s. 11(16) of the *Justices of the Peace Act* permits the committee to consider an application by the subject justice of the peace for compensation for legal costs incurred in connection with the investigation. The complaints committee may recommend to the Attorney General that the justice of the peace be compensated for all or part of the costs of legal services incurred in connection with the investigation.

Where a hearing into a complaint is ordered, s. 11.1(17) allows a hearing panel to consider an application by the subject justice of the peace for compensation for legal costs incurred in connection with both the investigation and the hearing. Where a recommendation for removal from office is made in response to a complaint received on or after July 8, 2020, a hearing panel shall not recommend compensation: s. 11.1(17.2).

The amount of compensation recommended by a complaints committee or hearing panel is based on a rate for legal services that does not exceed the maximum rate normally paid by the Government of Ontario for similar services, in accordance with s. 11(17) and s. 11.1(18) of the Act. Compensation requests are submitted to the Council after the complaints process has concluded, along with a copy of the lawyer's statement of account(s).

In 2024, there were four recommendations for compensation for legal costs made to the Attorney General by complaints committees or hearing panels.

12. COUNCIL PROCEDURES

Under s. 10(1) of the *Justices of the Peace Act*, the Review Council may establish rules of procedure for complaints committees and hearing panels, and the Review Council must make the rules available to the public. The Review Council has established procedures governing the complaints process which are posted on its website under the link, "Publications & Policies" at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/procedures/>

In 2024, the Council continued to refine and develop its procedures and policies. The following amendments to the Review Council's Procedures Document were adopted by the Council:

- ◆ Rule 3.1 of the Procedures was amended to confirm the discretion of complaints committees to permit the Council to consider anonymous complaints where the committee is satisfied that the allegations raise a serious issue of judicial misconduct and the allegations may be independently verified.
- ◆ Rule 3.2 of the Procedures was amended to confirm the discretion of complaints committees to decide whether to permit a complainant to withdraw a complaint. The amended rule 3.2 provides that if a complainant indicates in writing that they wish to withdraw their complaint, a complaints committee may (a) treat the matter as withdrawn; or may (b) proceed to review the matter on the basis that it warrants further consideration by the Review Council.
- ◆ Rule 3.5 of the Procedures was amended to clarify the Review Council's general policy of not assigning a complaints committee to consider a complaint until any court or other legal proceedings related to the complaint are finally concluded. The amended rule states: "Where any allegations in a complaint to the Review Council relate to an ongoing court, tribunal or other legal proceeding, the Registrar shall advise the complainant that the Council does not generally consider such complaints until the proceeding, and any appeal or judicial review thereof, have been completed. This approach prevents the Council's consideration of a complaint from interfering with, or from being perceived as interfering with, any ongoing legal proceedings."
- ◆ Rule 10.3 of the Procedures was amended to clarify that, at a formal hearing into a complaint, where a hearing panel makes a finding of judicial misconduct by a justice of the peace, presenting counsel may make submissions on the appropriate disposition, or combination of dispositions, necessary to restore public confidence in the judge and in the administration of justice.
- ◆ Rule 19.15 of the Procedures was amended to clarify that summaries of extra-remunerative work applications in the Review Council's annual reports shall not name the justice of the peace or the region in which they preside.

The Council's current procedures that incorporate the amendments made in 2024 are posted on the Review Council's website at this link:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/procedures/>

13. OVERVIEW OF COMPLAINT CASELOAD IN 2024

The Justices of the Peace Review Council works hard to administer an efficient and timely process to review complaints against justices of the peace that fall within its jurisdiction.

In 2024, the Review Council received, reviewed and responded to over 80 letters of complaint. In addition, Council staff responded to several hundred phone calls from complainants and members of the public.

Many complaints received by the Review Council involve matters that are outside of its jurisdiction. For example, the Council receives a number of complaints that are about the decisions of justices of the peace rather than about their conduct. In addition, the Council receives complaints about federally appointed judges, police, lawyers or Crown Attorneys, and complaints concerning administrative law proceedings. Council staff provide written responses to complainants advising them of the appropriate body to which they may wish to direct their complaints. Depending on the nature of the complaint, Council staff provide information about legal resources that could assist.

When the Council receives a complaint raising allegations that may be within its jurisdiction to investigate, a complaint file is opened and the complaint is assigned to a three-member complaints committee of the Council for consideration.

During the reporting period, 18 new complaint files were opened and assigned to complaints committees of the Council. In addition, 15 complaint files were carried forward from 2023. There was a total of 33 open complaint files under consideration by the Council during 2024.

In 2024, the Review Council closed 27 complaint files. Of the 27 files that were closed, 1 complaint file was opened in 2021, 14 complaint files were opened in 2023, and 12 complaint files were opened in 2024. Twenty-two of these complaints were dismissed by the Review Council under s. 11(15)(a) of the *Justices of the Peace Act* on the basis that the allegations in the complaint letter were outside the jurisdiction of the Council, or were unsubstantiated or unfounded, or the behaviour in question did not amount to judicial misconduct requiring further action by the Council. Two of the complaints were disposed of by way of written advice. Two were referred to the Chief Justice. One was disposed of by a hearing panel.

COMPLAINT OUTCOMES FOR FILES CLOSED IN 2024

Disposition	Number of Cases
Dismissed – Frivolous or an abuse of process; outside jurisdiction; unsubstantiated or did not amount to judicial misconduct ¹	22
Advice Letter	2
Advice – In Person	0
Referred to Chief Justice	2
Loss of Jurisdiction	0
Hearing	1
TOTAL	27

¹ In annual reports prior to 2022, the Review Council reported separately on the number of complaints that were dismissed as outside the Review Council's jurisdiction and the number of complaints that were dismissed as frivolous, an abuse of process, unsubstantiated, or did not amount to judicial misconduct. Complaints dismissed by the Review Council often contain a combination of allegations, some of which are outside the Review Council's jurisdiction and some of which are frivolous, an abuse of process, unsubstantiated, or do not amount to judicial misconduct. Accordingly, these two categories have been consolidated since 2023.

TYPES OF COMPLAINT FILES CLOSED IN 2024

Types of Cases Closed	Number of Cases	% of Caseload
Provincial Offences Court	8	30%
Intake Court	8	30%
Case Management Court	1	3%
Bail Court	4	15%
Peace bond application	0	N/A
Pre-enquête	2	7%
Outside of Court	4	15%
TOTAL	27	100%

COMPLAINT FILE CASELOAD

	2019	2020*	2021*	2022*	2023	2024
Files opened during year	39	17	9	10	23	18
Files continued from previous year	33	29	16	11	10	15
Total open files during year	72	46	25	21	33	33
Files closed during year	43	30	14	11	18	27
Files remaining at year end	29	16	11	10	15	6

*The lower number of new complaints received in 2020-2022 may in part be due to the impact of the COVID-19 pandemic on court proceedings including proceedings involving provincial offences. Court proceedings were adjourned due to health risks associated with the pandemic. Most complaints arise from proceedings in court.

FORMAL HEARINGS

A public hearing may be ordered pursuant to s. 11(15)(c) where the complaints committee is of the opinion that there has been an allegation of judicial misconduct which the majority of the members of the committee believes has a basis in fact and which, if believed by the finder of fact, could result in a finding of judicial misconduct.

Hearing decisions are posted on the Review Council's website on the webpage "Public Hearing Decisions" at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/hearings/public-hearing-decisions/>

Hearing about the conduct of Justice of the Peace Margot McLeod

In 2023, a public hearing was held into a complaint about the conduct of Justice of the Peace Margot McLeod. On November 20, 2023, the Hearing Panel released Reasons for Decision dismissing the complaint against Justice of the Peace McLeod. In its unanimous decision, the Hearing Panel dismissed the complaint on the basis that the first allegation did not support a finding of judicial misconduct and the remaining allegations had not been proven on a balance of probabilities. In 2024, the Hearing Panel made a recommendation to the Attorney General that Justice of the Peace McLeod be compensated for her legal costs in relation to the investigation of the complaint and the hearing in the total amount of \$97,715.99.

The decisions of the Hearing Panel can be found on the Review Council's website at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/hearings/public-hearing-decisions/>

Completion of Mentoring by Justice of the Peace McLeod Arising from Prior Hearing

In January 2021, Justice of the Peace Margot McLeod was subject to a hearing before the Justices of the Peace Review Council. The hearing panel found that Justice of the Peace McLeod engaged in multiple instances of judicial misconduct: see *Re McLeod* (JPRC 2021). In its decision on disposition, the hearing panel imposed various remedial measures on Justice of the Peace McLeod, including that she engaged in continued education and mentorship for a period of one year or as determined by the Chief Justice of the Ontario Court of Justice.

In a report to the JPRC dated December 2, 2024, the Chief Justice confirmed that Justice of the Peace McLeod had fulfilled the term of the hearing panel's order requiring her to engage in continued education and mentorship for a period of one year.

JUDICIAL REVIEW APPLICATIONS AND RELATED APPEALS

Decisions of JPRC hearing panels may be judicially reviewed in accordance with the procedures outlined in the *Judicial Review Procedures Act*, R.S.O. 1990, c. J.1.

Justice of the Peace Julie Lauzon

As noted in the Annual Reports of 2020 and 2021, following a hearing into three complaints about the conduct of Justice of the Peace Julie Lauzon, a majority of the hearing panel recommended to the Attorney General that Her Worship be removed from office. Her Worship filed an application for judicial review, which was dismissed by the Divisional Court in reasons reported as *Lauzon v. Justices of the Peace Review Council*, 2021 ONSC 6174, and are available on CanLII at <https://canlii.ca/t/jj90l>. The Court of Appeal for Ontario granted an application for leave to appeal, and the appeal was heard on September 27, 2022.

As noted in the Annual Report of 2023, on June 15, 2023, the Court of Appeal dismissed Justice of the Peace Lauzon's appeal from the hearing panel's misconduct decision, and allowed her appeal from the majority of the JPRC hearing panel's disposition decision. The Court of Appeal's reasons are reported as *Lauzon v. Ontario (Justices of the Peace Review Council)*, 2023 ONCA 425, and are available on CanLII at <https://canlii.ca/t/jxnwq>.

On September 14, 2023, the JPRC filed an application for leave to appeal the Court of Appeal's decision to the Supreme Court of Canada. The application for leave was dismissed with costs on May 9, 2024: <https://canlii.ca/t/k4j0f>.

14. CASE SUMMARIES

Except where a public hearing was ordered, a summary of each complaint for which the complaints process was completed, with identifying information for the subject justice of the peace, the complainant and witnesses removed as required by the legislation, are provided below. Decisions on public hearings are posted on the Review Council's website.

JPRC-002-23

The complainant attended a *Highway Traffic Act* trial with the defendant, who was charged with leaving the scene of an accident contrary to s. 200 of the *Highway Traffic Act*. The defendant was self-represented at his trial before the subject justice of the peace. At the defendant's request, the trial was conducted in French, except for the examination of an English-speaking witness called by the Crown. The justice of the peace convicted the defendant of leaving the scene of an accident and sentenced him to the mandatory minimum fine.

In correspondence to the Review Council, the complainant made several allegations including:

- The justice of the peace and the prosecutor conferred prior to the hearing before members of the public were admitted to the hearing, with no record of what was said. According to the complainant, this left the impression that the matter was already decided in advance.
- The justice of the peace and the prosecutor failed to introduce themselves at the start of the hearing, which showed a lack of professionalism.
- The defendant was not provided with any instructions on how to submit documents to the court. He was counting on the clerk to tell him when to hand in the documents.
- When the witness and the police officer were invited to testify, they were both asked if they needed an opportunity to use documents to remember details, while the defendant was not provided with the same opportunity.
- The court record stated that the defendant did not bring any documents, which is a lie.
- The justice of the peace did not respect the defendant's wish for a French hearing. The defendant was informed that a witness only spoke English although the defendant had specified that he wanted the hearing to be held in French. The court should have arranged for an interpreter, instead of having the defendant translate his questions for the witness. The defendant

had not prepared for the complication of questioning the witness in his second language.

- The complainant alleged that when the defendant asked to see a witness's identification as he did not recognize the witness, the police officer said, "hide them". The complainant further alleged that when the clerk showed the ID to the defendant, she hid some of the details and kept moving her hands making it impossible for the defendant to see clearly behind the plexiglass.
- The justice of the peace did not consider any points raised by the defendant, leaving the impression that the justice of the peace's mind was made up from the start.
- When the matter was over, the justice of the peace said "leave now" in a rude and harsh tone.
- The complainant was concerned about the prohibition against having cameras in the court room. According to the complainant, allowing citizens to film court proceedings until cameras are installed in courtrooms would help to ensure that court proceedings are conducted fairly. The complainant indicated that because there are no cameras in court, the justice of the peace, prosecutor and police could cover for each other.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The complaints committee reviewed the correspondence from the complainant and the transcript and audio of the proceedings before the subject justice of the peace.

Allegations Outside the Review Council's Jurisdiction

The complaints committee concluded that some of the allegations raised by the complainant were outside the jurisdiction of the Review Council. These included the complainant's concerns about the merits of the justice of the peace's decision to convict the defendant, the concerns about the conduct of the prosecutor and the police, and the concerns around legislative restrictions prohibiting cameras in courtrooms. The Council provided the complainant with information about the appropriate bodies to which these concerns could be raised.

Allegations Unsupported by the Record of the Proceeding

The complaints committee observed that several of the complainant's allegations were unsupported by the transcript and audio recordings of the proceeding. In particular, the complaints committee observed:

- The record of proceedings did not support the allegation that, prior to the trial while the defendant and complainant were waiting outside the courtroom, the Crown, the police, and the justice of the peace were conspiring about the defendant's case. After reviewing the recording of the proceeding that was immediately prior to the defendant's matter, the complaints committee observed that the only discussion prior to the defendant's trial was about which witnesses/defendants were present, to determine which of three trials should proceed next. The subject justice of the peace determined that the defendant's trial would proceed next, and the defendant was then called in to deal with his matter.
- The complainant's allegation that the defendant was denied the opportunity to rely on documents when testifying was not substantiated by the transcript. When the defendant advised that he wished to testify, the justice of the peace told him to bring with him any documents that he wished to rely on.
- The recording did not support the allegation that the police officer, or anyone else, told the clerk to cover the witness's identification to hide it from the defendant. The defendant said he did not recognize the witness and asked to see her identification. The witness retrieved her identification. The subject justice of the peace reviewed the identification, confirmed the witness's identity and then directed that the identification be shown to the defendant but not be handed to him.
- With respect to the complainant's allegation that the justice of the peace ought to have informed the defendant there would be a witness, the complaints committee noted that it would be the Crown's responsibility to provide disclosure to the defendant in advance of his trial.
- The audio recording did not support the allegation that the justice of the peace told the defendant to "leave now" in a rude and harsh tone. At the conclusion of the proceeding, the justice of the peace told the defendant in French that he was free to go in a tone that was neither rude nor harsh.
- The complaints committee observed that the Information in the court record states that no exhibits were filed at the hearing. This statement is accurate since, while the defendant may have brought documents with him, these were not filed as exhibits.

Concerns of the Complaints Committee

The complaints committee noted that the complainant's remaining allegations related to a justice of the peace's ethical obligation to assist self-represented litigants. Justices of the peace have an ethical responsibility to "provide information and reasonable assistance [to self-represented litigants], proactively where appropriate, on procedural and evidentiary rules, while being alert not to compromise judicial impartiality and the

fairness of the proceeding”: Canadian Judicial Council’s *Ethical Principles for Judges*, 2.D.2. The *Ethical Principles* also require that justices of the peace “take appropriate and reasonable measures to provide a fair and impartial process and to prevent an unfair disadvantage”: *Ethical Principles for Judges*, 5.A.8.

The committee was concerned that the justice of the peace may not have introduced the trial participants or provided adequate assistance to the defendant about the trial process, including when and how to submit his documents. The committee noted that the defendant had indicated that he wanted to submit documents at the outset of the trial.

The committee was also concerned about whether the justice of the peace provided adequate assistance to the defendant in respect of his right to have a French language trial, including in determining whether he was prepared to proceed with cross-examining the Crown’s witness in English.

In addition, the committee was concerned that the justice of the peace did not give the defendant any opportunity to make submissions on sentencing prior to imposing the mandatory minimum fine.

The committee invited the justice of the peace to respond in writing to its concerns. The justice of the peace provided a detailed response addressing the committee’s concerns.

Response to the Concerns of the Complaints Committee

In her response, the justice of the peace noted that the defendant had previously appeared before her and the same Crown prosecutor at a first appearance date. She expressed confidence that the defendant knew who she and the Crown were and was aware of their respective roles. In addition, the names of the participants appear on a large TV screen used for Zoom platform attendees.

Regarding the committee’s concerns about providing adequate assistance to a self-represented defendant, the response noted that it was local practice to include with a Notice of Trial a copy or link to the Ontario Court of Justice Guide for Defendants in Provincial Offences Cases and the defendant received a copy of this guide. The response further noted that the documents that the defendant was relying on would not have assisted with his defence as they related to the dismissal of a complaint the defendant had made to the Office of the Independent Police Review Director about the OPP’s investigation of the incident in issue at the trial.

Regarding the committee’s concern about whether the justice of the peace provided adequate assistance to the defendant in respect of his right to have a French language trial, the justice of the peace explained that the defendant had not made a formal request for a French trial. The court record confirms that the justice of the peace asked the defendant if he wished to adjourn the matter to have an interpreter present or continue in a bilingual format and he indicated that he did not. With the exception of the one English witness called by the Crown, all other portions of the trial proceeded in the French language.

The justice of the peace noted that when the Crown presented an English-speaking witness, she told the defendant (in French): “If you can, ask your question in English”. The defendant then proceeded to ask questions in English without hesitation or difficulty. The subject justice of the peace further noted that the court location in question is a designated bilingual court, and presiding judicial officers do not know in advance whether witnesses are bilingual.

The justice of the peace acknowledged not having asked the defendant for submissions prior to imposing the minimum fine, noting that it seemed unnecessary to ask for a submission when the Crown was requesting the minimum fine. However, the subject justice of the peace confirmed that in the future, she fully intends to seek sentencing submissions prior to imposing sentence.

Disposition

The complaints committee was satisfied that, having regard to the additional information and considerations noted by the justice of the peace in the detailed response to their concerns, there was no basis to find that the justice of the peace had failed to comply with the ethical duties to assist a self-represented bilingual defendant. The committee further observed that the justice of the peace demonstrated insight into the committee’s concern about the need to seek submissions prior to imposing a sentence, and the justice of the peace committed to do so going forward.

Based on its review of the entirety of the materials before it, the complaints committee dismissed the complaint on the basis that the allegations were either outside the Review Council’s jurisdiction, were unproven or unfounded, or the conduct did not require further action on the part of the Review Council. Accordingly, the file was closed.

JPRC-004-23

The complainant was charged with three counts of uttering threats arising out of posts he made in an online chat forum. He appeared before the subject justice of the peace for a bail hearing. The Crown did not consent to the complainant’s release. Following several adjournments of the hearing, the justice of the peace denied the complainant’s application for bail. The complainant was ultimately found not criminally responsible on account of mental disorder in relation to the three charges.

The complainant’s correspondence to the Review Council included the following allegations:

- The bail hearing was not heard at the “earliest possible opportunity” and keeping him in custody for days was “unreasonable and an abuse of judicial power and process.”
- The justice of the peace made an order requiring him to undergo a criminal responsibility assessment for the sole purpose of prolonging the complainant’s time in custody, which order resulted in the complainant being detained for multiple months.

- The justice of the peace signed a search warrant authorizing the police to search his residence, which was unnecessary and an abuse of judicial power because the police already had obtained the complainant's internet subscriber information.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letters and the transcripts of the various appearances before the subject justice of the peace. Based on this review, the committee observed that there was no basis to support the complainant's allegation that the subject justice of the peace deliberately or improperly delayed the bail hearing. On the contrary, the committee noted that most of the delay appeared to have been caused by the complainant's need to retain counsel and his subsequent change of counsel.

The committee further noted that the record revealed that the justice of the peace did not make a criminal responsibility assessment order as alleged by the complainant; this order was made by a different judicial officer. In any event, the committee noted that it is outside the authority of the Council to scrutinize the correctness of an order made by a justice of the peace, or to review their evidentiary findings or legal conclusions. If a person is of the view that a justice of the peace erred in their findings or decisions, a higher level court is the body with jurisdiction to determine whether there was reviewable error and, if so, to change the decision.

Lastly, the committee observed that the allegation that the justice of the peace should have declined to issue a search warrant because the police already had sufficient evidence against the complainant raised an issue of judicial decision-making rather than an issue of judicial conduct.

The committee thus dismissed the complaint pursuant to s. 11(15)(a) of the *Justices of the Peace Act* on the basis that the allegations were unfounded and were otherwise outside the jurisdiction of the Review Council to consider.

JPRC-009-23

The complainant was a self-represented defendant at a *Provincial Offences Act* trial conducted over Zoom before the subject justice of the peace. The complainant's car was allegedly captured for speeding by an automated speeding camera.

The complainant made the following allegations concerning the subject justice of the peace:

- The justice of the peace did not allow him to present evidence establishing that the yellow square that appeared on the road in the photograph of his vehicle meant that the camera was in calibration mode and the speed measurement by the camera could not be relied on until the yellow square was removed from the asphalt.

- The justice of the peace did not consider that his car was close in line with another car in the opposite lane, and the justice of the peace and the prosecution couldn't explain which car was in fact caught speeding.
- The justice of the peace made disrespectful remarks to other defendants such as, "You better run away from here fast before I change my mind".
- The justice of the peace was more concerned with obtaining revenue for the City than understanding the complainant's request for a trial and understanding the issues.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The complaints committee reviewed the complaint, and the transcript and the audio of the proceeding before the subject justice of the peace. In addition, the complaints committee invited the justice of the peace to respond to its concerns arising from the complaint, and reviewed the response provided.

Regarding the complainant's allegation that the justice of the peace did not consider that his car was close to another car in the opposite lane, the complaints committee observed that the Review Council has no jurisdiction to assess the merits of judicial decisions. Conclusions reached by a justice of the peace about the evidence or merits of the case are matters that may be subject to appeal, but are not matters of judicial conduct that raise ethical concerns.

Regarding the allegation that the justice of the peace made disrespectful remarks to other defendants, the committee observed based on its review of the transcript and audio of the proceedings for the day that there was no support in the record for this allegation. The committee observed that the subject justice of the peace had commented to one defendant that she should "Go before I change my mind". However, this remark was made in the context of a pleasant and light-hearted exchange with the defendant and there was no offense taken by the defendant.

Concerns of the Complaints Committee

The complaints committee noted that the complainant's remaining allegations related to a justice of the peace's ethical obligation to assist self-represented litigants. Justices of the peace have an ethical responsibility to "provide information and reasonable assistance [to self-represented litigants], proactively where appropriate, on procedural and evidentiary rules, while being alert not to compromise judicial impartiality and the fairness of the proceeding": Canadian Judicial Council's *Ethical Principles for Judges*, 2.D.2. The *Ethical Principles* also require that justices of the peace "take appropriate and reasonable measures to provide a fair and impartial process and to prevent an unfair disadvantage": *Ethical Principles for Judges*, 5.A.8.

The committee was concerned that the justice of the peace did not explain the process that applies at a trial involving an automated speed enforcement system. The committee noted that the justice of the peace did not explain to the complainant that he had the option of applying for a summons of the officer who issued the certificate of offence, under s. 39 of the *Provincial Offences Act*. The committee observed that, had the justice of the peace explained to the complainant the procedure in automated speed enforcement matters at the outset of the trial or advised him of his option to apply for a summons, the complainant may not have been left with the impression that the justice of peace was unwilling to hear his evidence.

The committee invited the justice of the peace to respond in writing to its concerns. The justice of the peace provided a detailed response addressing the committee's concerns.

Response to the Concerns of the Complaints Committee

In the response, the subject justice of the peace recognized and acknowledged the concern that providing the defendant with an explanation of the procedures of an automated speed enforcement trial may have avoided the defendant's impression that his concerns were not heard.

The justice of the peace committed to explaining the automated speed enforcement trial process to self-represented litigants going forward. The justice of the peace also confirmed the intention going forward to offer self-represented defendants the opportunity to apply for a summons of the Provincial Offences Officer to testify at such trials.

Disposition

The complaints process through the Review Council is remedial in nature. By reviewing and reflecting upon their conduct, justices of the peace can improve how they handle situations and treat individuals in the future. The committee observed that the subject justice of the peace had demonstrated insight into the committee's concerns about the need to explain trial procedures to self-represented defendants and had committed to doing so going forward.

Based on its review of the entirety of the materials before it, the complaints committee dismissed the complaint on the basis that the allegations were either outside the Review Council's jurisdiction, were unproven or unfounded, or the conduct did not require further action on the part of the Review Council. Accordingly, the file was closed.

JPRC-010-23 and JPRC-011-23

The complainant was a paralegal who appeared on behalf of a professional in misconduct proceedings brought by the professional's regulatory body. The regulatory body ultimately suspended the professional's license. The complainant subsequently commenced an application to lay private criminal charges against the regulatory body and various investigators and adjudicators who were involved in the misconduct proceedings.

The complainant appeared for a virtual pre-enquête hearing on two dates before two different justices of the peace. The first justice of the peace adjourned the matter (JPRC 010-23) and the second justice of the peace dismissed the application (JPRC 011-23). In correspondence to the Review Council, the complainant alleged that both justices of the peace misconducted themselves during the pre-enquête.

The complaints were assigned to the same three-member complaints committee of the Review Council, comprised of a judge, a justice of the peace and a community or lawyer member, for review and investigation. The complaints committee reviewed the complainant's correspondence and transcripts of the proceedings before both justices of the peace.

JPRC 010-23

The complainant alleged that during the first appearance at the pre-enquête hearing, the justice of the peace advised that the address for the prospective accused in the Informations was incorrect, and that the complainant was required to provide their primary business or home addresses. The complainant disagreed and advised the court that the prospective accused all conducted business at the address listed in the Informations. The justice of the peace told the complainant that the complainant was incorrect "because his colleagues ha[d] advised him so". The complainant indicated, "for that reason", the justice of the peace adjourned the hearing.

The complainant wrote that he was "disconcerted" by the behaviour of the justice of the peace. He advised that the issue was that another justice of the peace was making the decision for the subject justice of the peace and that the subject justice of the peace was not open to submissions regarding the correct address.

After reviewing the transcript of the proceedings, the complaints committee observed from the record that the justice of the peace disagreed with the complainant's position regarding the address provided for the prospective accused. After much back and forth on the issue, the justice of the peace made the following remarks:

My understanding, and again I have sought advice on this because I noticed the address and I spoke to one of my learned colleagues and they're the ones that explained to me that, no, they have to have their individual addresses. You can't just send it collectively to one address. So I'm not just making this up. I've actually done some research...

The committee observed that the justice of the peace's remarks may have led to the complainant's impression that the justice of the peace had been influenced by someone outside the hearing process and did not preside with an open mind. The committee was concerned that such comments may have undermined the appearance of the justice of the peace's independence and impartiality.

As part of its investigation, the committee invited the justice of the peace to respond to its concerns. The committee observed from the response provided that the justice of the peace did not intend to create the impression that another jurist had influenced the decision-making process. The justice of the peace explained having flagged a procedural irregularity in the complainant's application materials concerning the address listed for the accused, and having then consulted with a more senior member of the court to ensure that the justice of the peace's views were not mistaken.

The justice of the peace emphasized in response that no final decision had been made prior to hearing submissions from the parties, nor was the justice of the peace looking to a colleague to make the decision. The justice of the peace acknowledged that the language used should have been more precise when describing this conversation with the colleague, and endeavored to be more cognizant of how such comments may be interpreted in the future.

While the committee appreciated the acknowledgements of the justice of the peace, it remained a concern that the justice of the peace did not fully appreciate how or why the remarks caused the complainant to form the impression that the decision was improperly influenced by someone external to the hearing process. While the committee observed that it is not uncommon for judicial officers to discuss legal issues with their colleagues, it also observed that referring to such informal discussions during legal proceedings may reasonably raise a concern about judicial impartiality and independence. Further, the committee was concerned that the tone and tenor of the justice of the peace's response demonstrated a lack of insight or accountability with respect to the impact of his words and conduct on the complainant.

In accordance with the remedial objective of the complaints process, the committee decided that the appropriate disposition was to provide the justice of the peace with written advice pursuant to s. 11(15)(b) of the *Justices of the Peace Act*. A complaints committee provides advice in circumstances where the conduct complained of does not warrant another disposition, there is some merit to the complaint, and advice is, in the opinion of the committee, a suitable means of informing the justice of the peace that his or her conduct was not appropriate: JPRC Procedures Document, Rule 6.23(b).

In the written advice provided, the committee reminded the justice of the peace of the importance of ensuring that judicial comments do not give rise to the impression that an issue in dispute has been predetermined or otherwise influenced outside the hearing process. The committee noted that inadvertent, casual, or impromptu remarks by a judicial officer, particularly related to their decision-making, may reasonably give rise to concerns about judicial independence and impartiality.

The committee also reminded the justice of the peace that where a decision-maker refers to information obtained outside the hearing process, it is important to specifically seek submissions from the parties with respect to such information, prior to rendering a decision on the issue. This may help avoid the perception that the decision-maker was influenced by something or someone external to the hearing process.

Finally, the committee reminded the justice of the peace of the power imbalance that exists between judicial officers and self-represented parties, including those who may have a legal background. As a result of this power imbalance, a party or legal representative may be reluctant to express their concerns about judicial conduct directly with the presiding judicial officer. It is therefore incumbent on judicial officers to ensure that the proceedings over which they preside appear fair, transparent and impartial.

After providing its advice to the justice of the peace, the committee was of the view that no further action was required, and the file was closed.

JPRC 011-23

The complainant made various allegations about the conduct of the second justice of the peace who presided at the pre-enquête, including that the justice of the peace:

- did not have the complete materials when the hearing commenced at 9:30 a.m. and falsely claimed to have read the complainant's materials during a 20-minute recess;
- did not give the complainant adequate time to present his submissions and told the complainant to "wrap up" by noon;
- told the complainant that he had "no right to bring these allegations" for two reasons: (1) the complainant was not the victim; and (2) the harm suffered by the complainant's client was already being adjudicated in civil court. The complainant says that he advised the justice of the peace that criminal and civil proceedings are parallel processes, "and one does not depend on the other".

The complainant alleged that the justice of the peace's reasons for dismissing the case were "bogus" and that the justice of the peace was either incompetent or was deliberately obstructing justice.

In a follow-up letter to the Council, the complainant further alleged that after the complainant left the virtual hearing, the justice of the peace brought the witnesses and victims (who were previously in a breakout room) into the courtroom and spoke to them in the complainant's absence. It was alleged that the justice of the peace told one of the victims that the victim should be laying the private information and not the complainant. The complainant asserted that if the justice of the peace truly believed that the civil proceedings prevented criminal charges from being laid, the justice of the peace would not have advised the victim to lay a private information personally. The complainant

expressed the view that the hearing was not fair or transparent, and that action was taken “behind the scenes”.

The complaints committee observed that the decision of the subject justice of the peace to dismiss the application, and the reasons underlying this decision, were matters of judicial decision-making outside the jurisdiction of the Review Council to consider. The Review Council has no jurisdiction to consider the correctness or appropriateness of reasons given by a justice of the peace for refusing to issue process on a private information.

The committee was concerned, however, about some of the comments made by the justice of the peace during and following the hearing, which could be perceived as demonstrating a lack of patience and respect towards the complainant.

In reviewing the transcript of the proceedings, the committee observed that some of the justice of the peace’s comments and conduct during the hearing may have given the complainant the impression that the justice of the peace had not decided the application in a fair and impartial manner. The committee noted that the justice of the peace interrupted the complainant’s submissions attempting to address the justice of the peace’s concerns about the basis for the complainant’s application. The justice of the peace described the application as “a waste of the court’s time”.

In addition, the committee observed from the transcript that, after the complainant left the virtual hearing, the justice of the peace spoke to the witnesses who had been waiting in a Zoom breakout room. The committee noted that, while it was not inappropriate for the justice of the peace to advise the witnesses that the application was not proceeding and that their evidence was no longer required, the committee was concerned that the justice of the peace appeared to discuss the merits of the hearing in the complainant’s absence, without an opportunity for the complainant to respond.

The committee was concerned that some of the justice of the peace’s remarks in this regard may have been perceived as undermining the competence of a member of the Law Society of Ontario. Based on the comments and conduct of the justice of the peace, the committee could understand why the complainant may have felt that the hearing was unfair.

The committee invited the justice of the peace to respond in writing to its concerns and reviewed the response provided.

The committee noted that, in the response, the justice of the peace reflected on the actions and words used during the hearing, including the discussion with the witnesses after the complainant left the hearing. The committee observed from the written response that the justice of the peace had genuinely reflected on the conduct in question and sincerely regretted how the hearing had been handled. The justice of the peace recognized the obligation to uphold the principles of impartiality and integrity and acknowledged that a negative impression had been created by how the hearing was conducted.

The committee noted that the justice of the peace did not attempt to justify or rationalize the conduct forming the basis for the committee's concerns. In addition, the justice of the peace expressed sincere apologies to the complainant and the witnesses present at the hearing. The justice of the peace gave assurances of having the utmost respect for the complainant and for the legal process. Finally, the justice of the peace expressed a commitment to striving to do better in the future.

The complaints process through the Review Council is remedial in nature. Through the review of and reflection upon one's conduct, improvements are made as to how situations are handled, and individuals are treated in the future. Considering the response to the complaint, the committee was satisfied that the justice of the peace had demonstrated clear insight into the committee's concerns and accepted full responsibility for the conduct. The committee was satisfied that the justice of the peace would not engage in conduct of a similar nature in the future.

Accordingly, the committee concluded that no further action was required on the part of the Review Council, and the complaint was dismissed and the file was closed.

JPRC-014-23

The complainant, who was represented by legal counsel, appeared at a bail hearing before the subject justice of the peace. The complainant was facing multiple criminal charges and the Crown was seeking detention. The justice of the peace concluded that the release plan proposed on behalf of the complainant was not adequate to address concerns for public safety and ordered that the complainant be detained.

In correspondence to the Review Council, the complainant made the following allegations about the subject justice of the peace:

- The justice of the peace wrongly denied him bail.
- The spouse of the justice of the peace was friends with one of the alleged victims of the offences with which the complainant was charged.
- The justice of the peace mocked the complainant in the reasons for denying bail.
- The justice of the peace failed to ask police detectives who testified at the bail hearing what they were doing to investigate crimes alleged by the complainant.

The complainant also requested the justice of the peace to repay him for his legal costs and for his lost wages incurred while incarcerated after being denied bail.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and subsequent correspondence from the complainant. The committee also reviewed the transcripts of the proceedings before the justice of the peace including the reasons for the decision to deny bail.

Regarding the allegation that the justice of the peace wrongly denied the complainant bail, the complaints committee observed that this allegation raises an issue of judicial decision-making rather than judicial conduct. The Review Council does not have jurisdiction to review the manner in which a justice of the peace decides legal and evidentiary issues or the manner in which they exercise their judicial discretion. Such an allegation would properly be raised on a bail review application rather than through a complaint to the Review Council.

Concerning the allegation that the justice of the peace's spouse was a friend of one of the alleged victims of the offences with which the complainant was charged, the committee noted that there was no suggestion that the justice of the peace had a relationship with this individual. The committee also observed that the complainant's counsel at the bail hearing did not raise any issue about whether the presiding justice of the peace knew any of the alleged victims of the offences. Had the complainant been concerned about a real or apparent conflict of interest, such an issue ought to have been raised by the complainant's counsel and a recusal motion brought if warranted.

With respect to the allegation that the justice of the peace mocked the complainant in the reasons for denying bail, based on their review of the transcripts, the committee observed that the justice of the peace did not make any improper or mocking comments capable of warranting consideration by the Review Council. The comments the complainant objected to were made in the context of the justice of the peace's assessment of the strength of the Crown's case. The comments did not warrant review by the Council, as there could be no suggestion that they were intemperate, discourteous or otherwise improper.

Regarding the allegation that the justice of the peace failed to ask police detectives what they were doing to investigate crimes alleged by the complainant, the committee observed that this allegation does not raise an issue of judicial conduct. The committee noted that it would have been inappropriate for the justice of the peace to suggest to the police that they should investigate crimes being alleged by the complainant. A justice of the peace must be impartial and must not interfere with the exercise of police or prosecutorial discretion.

Finally, the committee observed that the Justices of the Peace Review Council does not have authority to order a justice of the peace to pay compensation to a complainant.

Having regard to these considerations, the committee dismissed the complaint pursuant to s. 11(15)(a) of the *Justices of the Peace Act* on the basis that the allegations were outside the jurisdiction of the Review Council to consider or were otherwise unsubstantiated and therefore frivolous. Accordingly, the file was closed.

JPRC-015-23

The complainant was a court reporter. In a complaint to the Review Council, the complainant alleged that the subject justice of the peace publicly berated her in open court.

The complainant explained that, upon the conclusion of a contested hearing, the justice of the peace raised with the parties an intention to delay the lunch hour to render a decision. The complainant stood to advise the court of an appointment over the lunch hour. The complainant alleged that the justice of the peace gave a very disapproving look but agreed to recess court for lunch.

The complainant acknowledged and took responsibility for not advising the court earlier of the personal appointment. The complainant alleged, however, that when court resumed following the lunch break, the justice of the peace began to “berate, belittle, insult and embarrass” the complainant in open court. The complainant felt personally attacked and was “in a state of shock, almost to tears”.

The complaint was assigned to a three-person complaints committee of the Review Council, composed of a judge, a justice of the peace and a Law Society or community member, for consideration. The complaints committee reviewed the letter of complaint and relevant excerpts from the transcript and audio recording of the court proceedings. In addition, the committee retained independent investigating counsel to interview the complainant about the allegations.

Based on the materials reviewed, the committee was concerned that the record substantiated the complainant’s allegations that the justice of the peace berated and belittled the complainant in open court. The record reflected that following the lunch break, the justice of the peace expressed frustration about how the complainant had interrupted the proceedings and required the court to recess early due to a “personal issue”. The justice of the peace referred to the complainant’s conduct as “inappropriate” and “intolerable”. The justice of the peace also requested that the court clerk provide him with a copy of the transcript so that he could “notify who needs to be aware of what happened ...so that it will never happen again.”

The committee was concerned that the justice of the peace’s remarks appeared to lack the dignity, civility and respect expected of a judicial officer. In addition, the committee was troubled by the fact that the justice of the peace raised concerns about the complainant’s conduct on the record, in front of other justice system participants, and suggested that he would be reporting the complainant’s conduct. The committee was concerned that the justice of the peace’s remarks could be seen as an attempt to threaten, punish or intimidate the complainant, and could be perceived as an abuse of power by a judicial officer toward a Court Services Division employee.

The committee noted that the ethical principles applicable to justices of the peace establish that judicial officers are expected to treat all participants in the justice system with civility, integrity and respect. The ethical principles also caution judicial officers to be

mindful of the power of their office and to avoid misuse of that power in the workplace. The committee noted the following principles from the Canadian Judicial Council's *Ethical Principles for Judges* (2021):

E. Judges avoid all forms of harassment and abuse of authority or status.

Commentary

2.E.1 The conduct of judges towards others is an important aspect of their commitment to integrity and respect. Judges should be attentive to the ways in which offensive remarks, or conduct, or inappropriate behaviour may adversely affect or intimidate others, particularly those in subordinate positions to the judge. A judge's conduct in this respect affects their individual reputation and that of the judiciary as a whole.

2.E.2 A common concern in the modern workplace is the possibility that authority may be used in inappropriate ways. The workplace of the judiciary is no exception. Judges refrain from any form of harassment in the workplace. It is also important for judges to avoid relationships with others with whom they work or associate that could be reasonably perceived as the judge taking advantage of their position or authority.

The committee invited the justice of the peace to respond to its concerns arising from the complaint and reviewed the response provided. The committee observed from the written response that the justice of the peace expressed regret for the conduct and acknowledged that the courtroom comments were "unnecessary and inappropriate". The justice of the peace also acknowledged that the situation should have been handled differently and expressed apologies to the complainant.

While the committee appreciated the justice of the peace's acknowledgements and expressions of remorse, it remained concerned that the response included justifications for the comments and behaviour, including references to the heavy docket that day and the way the complainant had informed the court of the appointment. The committee was also concerned that the justice of the peace appeared to lack insight into the power imbalance between members of the judiciary and court staff, and the corresponding need for judicial officers to ensure that their behaviour towards court staff is respectful and is not perceived as intimidating or an abuse of the power of judicial office.

Pursuant to s. 11(15)(b) of the *Justices of the Peace Act* and rule 6.23(b) of the JPRC Procedures Document, the committee decided that the appropriate disposition of the complaint was to provide the justice of the peace with written advice.

In the written advice provided, the committee reminded the justice of the peace that the conduct of judicial officers toward others, including court staff, affects their individual reputations and the reputation of the judiciary and the administration of justice. In this

regard, the committee directed the justice of the peace to the “Integrity and Respect” chapter of the Canadian Judicial Council’s *Ethical Principles for Judges*.

Further, the committee advised the justice of the peace that, as a result of the power imbalance between court staff and members of the judiciary, judicial officers must ensure that their conduct toward court staff is, and is seen to be, above reproach. A personal attack on a member of court staff on the record, which includes a perceived threat of disciplinary action, is unacceptable conduct by a member of the judiciary.

The committee further reminded the justice of the peace that while judicial officers have discretion to manage court proceedings, including the timing of recesses, as they see fit, they must do so in a manner that respects the rights of Court Services Division employees and the terms of their employment. They must also do so in a manner that maintains the appearance of integrity and respect on the part of the judicial officer.

After providing its advice to the justice of the peace, the committee was of the view that no further action was required and the file was closed.

JPRC-016-23

The self-represented complainant was facing two charges under the *Criminal Code*. The charges were withdrawn at the request of the Crown before the subject justice of the peace in case management court.

In a letter to the Review Council, the complainant alleged that the justice of the peace incorrectly advised that the agreement in court would not affect the complainant’s pardon application at the Parole Board of Canada. The complainant alleged that the pardon application was twice refused because of the agreement made in court.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

Based on Council staff’s inquiries directed to Court Services Division of the Ministry of the Attorney General, it was confirmed that the complainant appeared before a different justice of the peace on the date indicated in the complainant’s letter. Council staff informed the complainant of the identity of the justice of the peace before whom he had appeared, however, he continued to maintain that he appeared before the subject justice of the peace. The complainant was asked to advise if he appeared before the subject justice of the peace on a different date. No response to this inquiry was received from the complainant.

The complaints committee reviewed the complaint letter, the correspondence between Council staff and Court Services Division, correspondence between Council staff and the complainant, and the audio recording of the proceeding referred to in the complaint letter, at which the Crown withdrew the criminal charges against the complainant. The

committee observed that the presiding justice of the peace did not make any of the remarks about a pardon application as alleged by the complainant.

Given that there was no evidentiary basis for the allegations in respect of the subject justice of the peace, or the presiding justice of the peace, the committee dismissed the complaint on the basis that the allegations were unfounded and the file was closed.

JPRC-018-23

The complainant was a senior member of a police force who complained about the conduct of the subject justice of the peace. The allegations involved the justice of the peace's out-of-court conduct towards a police officer who was under the complainant's command.

In a letter to the Review Council, the complainant alleged that:

- The justice of the peace was part of a private social media group for the local community, as was the justice of the peace's spouse.
- The justice of the peace and the spouse made negative comments in the social media group about the police officer in relation to the officer's work patrolling local waterways to enforce the *Criminal Code*, the *Highway Traffic Act*, the *Canada Shipping Act*, and the *Liquor Licence and Control Act*.
- The justice of the peace posted to the social media group about the presence of the police officer's patrol boat on a local waterway, apparently to warn members of the social media group, and referred to the police patrol boat in a derogatory fashion. In a comment responding to the justice of the peace's post, the justice of the peace's spouse described the location of the officer's patrol boat on the waterway.
- The justice of the peace's spouse posted a photograph to the social media group of the couple's boat anchor, which was allegedly demarked in a way that referenced the police officer.

According to the complainant, the justice of the peace was familiar with the police officer's work. The complainant alleged that the social media posts called into question the justice of the peace's attitude towards the police officer's work and also called into question the justice of the peace's impartiality in matters involving the police officer and the laws enforced by the officer.

Investigation and Concerns of Complaints Committee

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and enclosures provided by the complainant. In addition, the committee retained investigating counsel to interview the police officer referred to in the complaint letter. The committee reviewed the witness interview transcript and related documentation obtained during the investigation.

Based on this review, the committee observed that the material gathered in the investigation suggested that the justice of the peace and the spouse used social media to make posts that appeared to undermine, criticize and/or mock the law enforcement efforts of a police officer.

The committee noted that justices of the peace are required to uphold and exhibit high standards of personal conduct, both in their professional and personal lives. The *Principles of Judicial Office of Justices of the Peace of the Ontario Court of Justice* state:

- 1.1 Justices of the peace must be impartial and objective in the discharge of their judicial duties.

Commentaries:

Justices of the peace should maintain their objectivity and shall not, by words or conduct, manifest favour, bias or prejudice towards any party or interest.

As the Canadian Judicial Council's *Ethical Principles for Judges* (2021) indicate, there are risks associated with members of the judiciary using social media, including the risk that such activities could compromise public confidence in a justice of the peace's integrity, impartiality and in the judiciary more generally. Social media communications by a member of the judiciary could potentially be used as a basis for claims of a lack of impartiality. As noted in the CJC's *Ethical Principles*, "Judges who choose to use social media should exercise great caution in their communications and associations within these networks, including expressions of support or disapproval" (5.B.17).

The committee noted that public confidence in the administration of justice requires a justice of the peace to be, and to be seen to be, objective, open-minded and free from any biases or predispositions in presiding over court proceedings. Social media comments attributable to a judicial officer on a topic that may come before the courts may negatively impact the perceived fairness of the proceedings, the legal interests of the parties, and public confidence in the administration of justice. Accordingly, justices of the peace must minimize the risk of creating a reasonable apprehension of bias because of their use, or their family's use, of social media.

The committee was concerned that, if in fact the justice of the peace was the author of the social media posts, the posts could weaken public confidence in the justice of the peace's integrity and impartiality and could thereby weaken public confidence in the judiciary generally.

In particular, the committee was concerned that social media posts by a member of the judiciary that appear to be disparaging of members of the police force and their efforts to

enforce the *Criminal Code*, *Highway Traffic Act*, *Canada Shipping Act*, and *Liquor Licence and Control Act*, could give rise to concerns of bias or a lack of impartiality in relation to matters that could come before the courts, including before the Ontario Court of Justice.

Further, the committee was concerned by the allegation that the justice of the peace had notified the social media group when the police officer was patrolling the waterway, which could be interpreted as an attempt to undermine the police officer's enforcement efforts. The committee observed that while the social media group was designated as "private", it apparently had over 500 members.

The committee was similarly concerned about the anchor allegedly present on the justice of the peace's property, given that members of the public might reasonably interpret the anchor as a derogatory reference to the officer and his enforcement efforts.

With respect to the allegations involving the justice of the peace's spouse, the committee questioned whether, if the posts attributed to the spouse were made with the justice of the peace's knowledge, the posts reflected the appropriate degree of caution required of members of the judiciary. The committee noted that the CJC's *Ethical Principles* advise members of the judiciary that they may "...wish to inform family members of the ways in which their social media activities could reflect adversely on the judge" (5.B.15).

Response from Justice of the Peace

As part of its investigation, the committee invited the justice of the peace to respond to the allegations and reviewed the response provided. In the response, the justice of the peace acknowledged that the justice of the peace and the spouse had made the social media posts attributed to them by the complainant. The justice of the peace expressed some understanding of the committee's concerns regarding the posts.

However, based on the response provided, the committee continued to be concerned that the justice of the peace lacked full insight into how a reasonable member of the public might perceive the social media posts. In addition, the committee had concerns that some of the explanations provided by the justice of the peace were either not credible or reflected an attempt to excuse or justify the conduct.

Referral to the Chief Justice

The committee determined that the appropriate disposition in the circumstances was a referral of the complaint to the Chief Justice of the Ontario Court of Justice under s. 11(15)(d) of the *Justices of the Peace Act*. The Procedures provide that a complaints committee will refer a complaint to the Chief Justice in circumstances where the conduct complained of does not warrant another disposition, there is some merit to the complaint and the disposition is a suitable means of informing the justice of the peace that his or her course of conduct was not appropriate in the circumstances that led to the complaint.

The Procedures state that a committee may impose conditions on its referral to the Chief Justice if, in its opinion, there is some course of action or remedial training of which the

justice of the peace could take advantage. With the justice of the peace's consent, the committee imposed the following conditions on the referral:

1. That the justice of the peace prepare a draft letter of apology to the police officer for review by the Chief Justice and the complaints committee.
2. That the justice of the peace participate in any remedial education, training or mentorship on the ethical principles engaged by the complaint, as the Chief Justice may direct.
3. That the justice of the peace attend a further meeting with the Chief Justice to discuss the impact of any remedial education, training or mentorship.

The Chief Justice met with the justice of the peace and discussed the committee's concerns. The Chief Justice determined that the justice of the peace would benefit from mentoring from a senior judge of the Ontario Court of Justice to discuss the ethical issues related to the complaint.

The senior mentoring judge met with the justice of the peace on three occasions and prepared a report detailing the topics covered in the mentoring process. In their report, the mentoring judge confirmed that the justice of the peace took full responsibility for the conduct in question and demonstrated a high degree of insight into the ethical concerns of the committee arising from the complaint.

After the mentoring concluded, the Chief Justice met with the justice of the peace to discuss the results of the mentorship.

At the conclusion of the referral process, the Chief Justice provided a written report to the complaints committee. The report indicated that the Chief Justice was satisfied, based on the two meetings with the justice of the peace, the mentoring judge's report, and the wording of the justice of the peace's apology letter to the police officer, that the justice of the peace had reflected upon and learned from the complaints process. The Chief Justice confirmed that she was confident that the justice of the peace would not engage in conduct of a similar nature in the future.

The complaints process through the Review Council is remedial in nature. Through reviewing and reflecting upon their conduct, jurists may improve how they handle situations and treat individuals in the future. Having reviewed the report of the Chief Justice, the complaints committee was satisfied that the justice of the peace understood the concerns expressed by the Council and had learned from the complaints process.

The complaints committee concluded that no additional action in relation to the complaint was required, given that the remedial objectives of the judicial complaints process had been served by the referral of the complaint to the Chief Justice. Accordingly, the complaint file was closed.

JPRC-019-23

The complainant was a correctional officer whose duties included transporting individuals from their units in a correctional institution to attend video bail court before the subject justice of the peace.

In a letter to the Review Council, the complainant alleged that the justice of the peace belittled and acted arrogantly towards them, including that:

- The complainant advised the justice of the peace of a slight delay and explained that it takes some time to pick up accused persons as the facility is quite large. The justice of the peace allegedly responded that they had been doing the job for a long time and is aware of how things work.
- The justice of the peace corrected the complainant's grammar and choice of words. The complainant used the word "people" and the justice of the peace advised that they preferred the word "persons". The complainant alleges that they "have been working as a correctional officer for many years and have never been spoken to in this manner by anyone in a position of authority." The complainant spoke to another correctional officer, who said that this was "common" for this justice of the peace.
- Due to security protocols, one accused person was not cleared to be moved from their living unit to attend video court. The justice of the peace was not impressed by the delay and decided they did not want to wait and did not want the person to be brought forward.

The complainant alleged that such conduct was "not the only occurrence of its kind", stating that the justice of the peace "behaved this way on numerous occasions" and that correctional officers find the justice of the peace's conduct to be "unprofessional".

The complaint was assigned to a three-member complaints committee of the Review Council, consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The complaints committee reviewed the complaint letter and the audio recording of the court proceedings before the justice of the peace on the date referred to in the letter of complaint.

The committee observed from the audio recording of the proceedings that the complainant used the word "bodies" (and not "people") when referring to inmates. The justice of the peace asked if the complainant meant "persons". It did not appear to the committee that the justice of the peace was attempting to correct the complainant's grammar in this instance. Rather, the justice of the peace may have been suggesting that referring to inmates as "bodies" was problematic, although the justice of the peace did not state this expressly. In this context, the committee determined that the justice of the peace's comment was not arrogant or belittling. Nor did the committee have any concerns

about the justice of the peace's remark about doing this job for a long time and understanding the process.

In addition, the committee reviewed the exchange between the complainant and the justice of the peace regarding an inmate who had not been cleared to attend court due to a recount that was occurring at the correctional facility. The committee observed that the complainant explained that the institution was doing a recount and that they were not allowed to move any of the inmates. The justice of the peace requested that the complainant ask a supervisor how long the recount would take. The committee concluded that this was a reasonable request for the justice of the peace to make, given the role in managing the court proceedings.

The committee further observed that the justice of the peace did not become impatient by the delay, nor decide that the inmate not be brought forward, as alleged by the complainant. Rather, the record reflected that the justice of the peace adjourned the matter at the request of the inmate's lawyer.

Finally, the committee determined that the allegations that the justice of the peace "behaved this way on numerous occasions" and that other correctional officers found the conduct to be "unprofessional" did not warrant consideration by the Review Council, as the allegations were unsupported by any detail or examples.

The committee dismissed the complaint on the basis that there was no misconduct on the part of the justice of the peace and the allegations were unfounded and the file was closed.

JPRC-020-23

The complainant was the subject of an application by a private citizen for a peace bond under s. 810 of the *Criminal Code*. In addition, the complainant faced two criminal charges of assault with a weapon involving a different alleged victim. The complainant appeared on two occasions before the subject justice of the peace in case management court.

In a letter to the Review Council, the complainant alleged that the justice of the peace:

- "block[ed] [the] real transcripts to hide actions in court";
- gave the wrong court date; and
- conducted court proceedings behind the complainant's back.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The complaints committee reviewed the correspondence from the complainant, as well as the criminal Information and the s. 810 peace bond Information. In addition, the committee reviewed the transcript and audio recording of the proceedings before the justice of the peace.

Based on this review, the committee observed that the complainant's allegations related to the second of the two appearances before the justice of the peace. Based on its review of the audio and the transcript of the second court appearance, the committee found no basis to support the complainant's allegation that the justice of the peace "blocked" any transcripts to "hide actions in court".

The committee similarly observed that there was no evidentiary support for the complainant's allegation that the justice of the peace conducted court proceedings behind the complainant's back. The committee noted that the justice of the peace allowed the Crown to have a private discussion with the person who had made the s. 810 peace bond application (the "applicant"). This discussion related to what information the applicant needed to disclose to the complainant. The committee observed that there was nothing improper with this discussion happening off-the-record, especially since the applicant was participating in the hearing through a video call and did not have another way of speaking with the Crown at the time.

The committee further found that there was no basis to support the complainant's allegation that the justice of the peace provided the wrong court date. While there was some initial confusion at the appearance regarding which charges were being dealt with that day, the justice of the peace took particular care to ensure that the complainant was provided both orally and in writing with the dates and times of the upcoming appearances in relation to both the criminal charges and the s. 810 peace bond application.

Further, the committee noted that the justice of the peace adjourned the criminal charges for a judicial pre-trial only after obtaining consent from both the complainant and the Crown to deal with the criminal charges at the appearance. In so doing, the justice of the peace gave effect to the complainant's request to speak to a judge in relation to the criminal charges.

Given that there was no evidence to support the complainant's allegations of misconduct on the part of the justice of the peace, the committee dismissed the complaint on the basis that the allegations were unsubstantiated. Accordingly, the file was closed.

JPRC-021-23 and JPRC-022-23

The complainant was a self-represented individual who alleged in correspondence to the Review Council that he attempted unsuccessfully to lay a private information in intake court before two different justices of the peace.

According to the complainant, the first justice of the peace was very abusive in manner and behaviour. The complainant alleged that this justice of the peace demanded that the complainant's presentation be something the justice of the peace could "process quickly" and that the justice of the peace was "very rough". The complainant alleged that court staff instructed him to return before a different justice of the peace.

The complainant alleged that he returned to the courthouse and met with another justice of the peace who "found the same private information too much ... to handle" and gave the complainant back the information and refused to hear the complainant's case.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complainant's original correspondence to the Council referred to the days on which the complainant alleged that the two appearances occurred. Court Services Division of the Ministry of the Attorney General had no record of the complainant having appeared in the Ontario Court of Justice on the dates indicated in his correspondence. Nor could Court Services Division staff find any dates on which the complainant may have appeared in intake court within the timeframe provided.

The complainant was contacted by the Review Council and asked to confirm the appearance dates in intake court so that the allegations against the justices of the peace could be assessed by the complaints committee. The complainant wrote back to the Review Council multiple times, however, the complainant did not provide alternative dates for the appearances in intake court.

Given the lack of information about the dates in question, it was not possible for the committee to obtain and review the audio or transcript of the court proceedings in question. Accordingly, the committee was unable to assess the complainant's allegations.

In the circumstances, and having regard to the nature of the allegations, the committee saw fit to dismiss the complaints on the basis that the allegations were not substantiated and were otherwise outside the jurisdiction of the Review Council to assess, and the complaint files were closed.

JPRC-023-23

The complainant appeared before the subject justice of the peace in *Provincial Offences Act* court on a charge of speeding contrary to the *Highway Traffic Act*. The complainant was self-represented and appeared via Zoom.

In a letter to the Review Council, the complainant alleged:

- The justice of the peace convicted the complainant in absenteeism even though the complainant was present, without allowing the complainant to defend himself and without consent.
- The justice of the peace did not give the complainant an opportunity to speak and put the complainant on mute, which was childish, disrespectful and extremely unprofessional.
- The justice of the peace prevented the complainant from making arguments about identity and the jurisdiction of the court. Instead, the justice of the peace interrupted the complainant and shouted, "NO, NO... like a lunatic."

- The justice of the peace ordered court staff to mute the complainant and did not allow the complainant to speak again. The justice of the peace did not give the complainant an adjournment date or tell the complainant of any decision.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and enclosures. The committee also reviewed the transcript and audio recording of the proceedings before the justice of the peace.

The committee observed that at the beginning of the appearance, the justice of the peace asked the complainant to state his date of birth and to provide his full name. The complainant refused, instead directing the justice of the peace to documents the complainant had provided to the court, apparently intending to raise arguments relied upon by Organized Pseudolegal Commercial Argument litigants, which have been discredited by the courts: see, e.g., *Meads v. Meads*, 2012 ABQB 571.

The justice of the peace interjected and proceeded to convict and sentence the complainant, commenting that the complainant was: “supposed to be here today, refused to identify himself, so he’s deemed not to dispute a charge”. When the complainant interrupted to say that he did not refuse to identify himself, the justice of the peace directed court staff to mute the complainant.

The committee noted that the decision of the justice of the peace to find the complainant guilty and the sentence imposed were matters of judicial decision-making outside the jurisdiction of the Council to review. The Review Council does not have jurisdiction to assess the merits of decisions made by justices of the peace. The jurisdiction of the Council extends only to complaints about the conduct of justices of the peace.

The committee observed that the audio recording of the proceedings and the court transcript did not support the allegation that the justice of the peace shouted, “NO, NO ... like a lunatic” when the complainant attempted to speak. No such remark was evident in either the audio recording or in the transcript.

The committee recognized that the justice of the peace had a very busy docket and that conducting virtual hearings can be challenging, particularly considering the obligation on judicial officers to ensure the efficient and orderly conduct of proceedings. The committee also acknowledged the apparent lack of merit to the legal arguments the complainant wished to advance regarding the court’s lack of jurisdiction to conduct the trial.

However, the committee was concerned about whether the justice of the peace adequately fulfilled the ethical obligations on members of the judiciary when conducting proceedings involving self-represented litigants. These obligations include informing a self-represented litigant about the applicable legal procedures, the consequences of a

litigant's procedural choices, and recognizing a litigant's right to be heard. The committee also questioned whether the justice of the peace's conduct exhibited the required degree of civility and patience expected of a judicial officer.

The committee observed that at times, the justice of the peace's tone and language toward the complainant appeared curt, impatient and abrupt. The committee was concerned about the justice of the peace's instruction to court staff to put the complainant on mute without having explained to the complainant why the court required him to state his date of birth and full name, or advising the complainant of the legal consequences for refusing to provide the information in the manner required by the court.

As part of its investigation into the complaint, the complaints committee invited the justice of the peace to respond to these concerns and reviewed the response provided. The committee observed that the justice of the peace's response focused on the flaws in the complainant's legal arguments in court, rather than addressing the concerns raised by the committee.

The committee determined that the appropriate disposition in the circumstances was a referral of the complaint to the Chief Justice of the Ontario Court of Justice under s. 11(15)(d) of the *Justices of the Peace Act*. The Procedures Document of the Justices of the Peace Review Council provides that a complaints committee may refer a complaint to the Chief Justice in circumstances where the conduct complained of does not warrant another disposition, there is some merit to the complaint, and the disposition is a suitable means of informing the justice of the peace that their course of conduct was not appropriate in the circumstances that led to the complaint.

The Chief Justice met with the justice of the peace and provided a written report to the complaints committee on the results of this meeting. In the report, the Chief Justice advised the committee that a package of materials was provided to the justice of the peace for review in advance of the meeting. The Chief Justice informed the committee that the justice of the peace had prepared carefully for their meeting and demonstrated a firm understanding of the relevant ethical principles.

The Chief Justice further advised that, at their meeting, the justice of the peace acknowledged that he should not have muted the complainant and that instead he ought to have adjourned the proceedings and required the complainant to attend in person. The justice of the peace described some challenges associated with conducting trials over Zoom. In a report to the complaint committee, the Chief Justice confirmed that the justice of the peace had learned from the complaints process and would not engage in conduct of a similar nature in the future.

The complaints process through the Review Council is remedial in nature. Through reviewing and reflecting upon their conduct, justices of the peace may improve how they handle situations and treat individuals in the future. Having reviewed the report of the Chief Justice, the complaints committee was satisfied that the justice of the peace understood the concerns expressed by the Council and had learned from the complaints process.

The complaints committee concluded that no additional action in relation to the complaint was required, given that the remedial objectives of the judicial complaints process had been served by the referral of the complaint to the Chief Justice. Accordingly, the complaint file was closed.

JPRC-001-24

The complainant was a provincial offences prosecutor for a municipality. The complaint related to *Provincial Offences Act* matters that were before the subject justice of the peace in provincial offences court on two separate dates.

In a letter to the Review Council, the complainant asserted that the justice of the peace erred in law and exceeded their jurisdiction in quashing three Informations that charged various offences under provincial statute. The justice of the peace quashed the Informations without having been asked to do so by the parties.

In the complaint letter, the complainant acknowledged that the Review Council's role does not include reviewing decisions made by justices of the peace. However, the complainant alleged that the justice of the peace's conduct and comments in handling the cases in question raised the following ethical concerns:

- The justice of the peace's decision to quash the three cases, in the absence of a motion to quash brought by any of the defendants, suggested either a deliberate decision not to follow the law or ignorance of the law.
- The justice of the peace's conduct and comments suggested prejudice against the prosecution, an articling student who was appearing as the prosecutor on the three cases, and/or against the municipality generally.
- The justice of the peace's conduct and comments towards the articling student involved prejudice and bullying. The complainant noted that the articling student is a member of a visible minority.
- The justice of the peace was improperly giving legal advice in intake court to municipal enforcement officers about the wording of Informations.

The complainant also submitted a copy of three Application Records seeking judicial review of the justice of the peace's decisions quashing the Informations. The complainant noted that these applications were pending in the Superior Court of Justice.

In addition to the allegations about the subject justice of the peace, the complainant raised systemic concerns about the manner in which other justices of the peace in the same region were addressing Informations filed in provincial offences matters. The complainant alleged that the subject justice of the peace, and others in the region, routinely refuse to accept sworn Informations without a legal basis.

In the letter acknowledging receipt of the complaint, the Review Council informed the complainant of the Council's policy that if a complaint raises allegations concerning the conduct of a justice of the peace in a court proceeding, the complaint will generally not be considered until that court proceeding and any appeal or other related legal proceedings are no longer before the courts.

The complainant subsequently wrote to the Review Council to advise that the decisions of the justice of the peace had been overturned on judicial review, and enclosed a copy of the reviewing court's decision.

After the court proceedings related to the complaint were no longer before the courts, the complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letters and other materials submitted by the complainant, including the reasons of the judicial review judge. In addition, the committee also reviewed the transcript and audio recording of the proceedings on the two dates referred to in complaint letter. The committee also retained investigating counsel to interview the articling student as well as a paralegal who was present at the appearances in question.

The committee observed that in their interview, the articling student stated that they did not feel the justice of the peace engaged in discriminatory conduct based on the student's religious or cultural identity. The articling student stated that they did not feel personally targeted by the justice of the peace. The paralegal who was interviewed likewise indicated that the justice of the peace's conduct towards the articling student was not "personal", but was consistent with how this justice of the peace generally communicates in court proceedings.

Based on its review of the record of the proceedings in question, the committee observed that the justice of the peace's manner and tone towards the articling student was at times abrupt, impatient or curt. The committee observed that the justice of the peace appeared to believe that court time was being wasted by the prosecution's approach and by what the justice of the peace perceived as repeated errors in the Informations.

The committee noted that provincial offences court is often very busy, and justices of the peace must manage the court list efficiently. In addition, justices of the peace must exercise an appropriate degree of firmness to ensure that court time is used effectively. Considering the information provided by the witnesses, as well as its own observations of the record, the committee concluded that the justice of the peace's tone and manner of conducting the proceedings did not rise to the level of judicial misconduct warranting intervention by the Review Council.

Similarly, the committee found no basis for the allegations of bias and prejudice, noting that these allegations appeared to be based primarily on the justice of the peace's decisions and manner of conducting the proceedings involving the articling student.

Regarding the complainant's allegations concerning the justice of the peace's decision-making and competence in the law, the committee noted that the legislated jurisdiction of the Review Council is to consider complaints about the conduct, not decisions, of justices of the peace. The committee further noted that there are a range of factors which may bring legal error into the realm of judicial misconduct, including if a judicial officer engages in an ongoing pattern of legal error.

In the present case, the committee observed that the reviewing judge set aside the justice of the peace's orders quashing the Informations and remitted the matters back to the Provincial Offences Court. The reviewing judge concluded that the justice of the peace had acted without authority in quashing the Informations on the justice of the peace's own motion and without providing an opportunity for the municipality or the defendants to make submissions on the issue. The reviewing judge also noted that the justice of the peace had an erroneous understanding of how Informations are drafted.

The committee observed that following the judicial review decision, the justice of the peace would have the benefit of a decision from a higher court explaining the flaws with the justice of the peace's procedural and substantive approach to Informations. The committee concluded that it could reasonably be expected that the judicial review process had served a corrective function, and that the justice of the peace would follow the law in this area going forward. There was no suggestion in the materials before the committee that the justice of the peace was continuing to quash Informations in the absence of a motion to quash, or that the justice of the peace continued to possess an erroneous understanding of how Informations are drafted.

Based on these considerations, the committee determined that the allegations regarding the justice of the peace's legal competence did not raise conduct concerns sufficient to warrant intervention by the Review Council.

Regarding the concerns raised by the complainant about the conduct of other unnamed justices of the peace in the region, the committee observed that its jurisdiction is limited to considering complaints about the conduct of specific justices of the peace. The Council does not have jurisdiction to address concerns about the decision-making of a broad group of unnamed judicial officers in a particular region.

Having regard to the materials before it, the complaints committee concluded that the allegations of judicial misconduct were not supported by the record, and that the allegations related to judicial decision-making had been addressed through the judicial review process and therefore did not raise conduct concerns warranting intervention by the Review Council. Accordingly, the complaint was dismissed, and the file was closed.

The complainant was convicted of various *Highway Traffic Act* offences at an *ex parte Provincial Offences Act* trial conducted by the subject justice of the peace. The justice of the peace was satisfied based on the evidence tendered by the prosecution that the defendant had received a notice of hearing and had failed to appear on the date set for trial. The justice of the peace was also satisfied of the defendant's identity based on the evidence of the investigating police officer who testified at the trial.

In a letter to the Review Council, the complainant alleged that:

- the justice of the peace committed fraud by allowing the appearance of a fictitious person, thus proceeding on a lie. Although the defendant shares the same date of birth and address as the complainant, legally the names of the defendant and the complainant are distinct. This was deliberate, unlawful and deceitful conduct by the justice of the peace;
- the justice of the peace's conduct caused the complainant significant harm and injury, including the suspension of the complainant's driver's license.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and transcript of the court proceeding before the justice of the peace including the reasons for decision.

The complaints committee observed that the allegations in the complaint essentially involve the complainant's disagreement with the justice of the peace's decision to convict on an *ex parte* basis, as well as concerns about the impact of the decision on the complainant.

Conclusions reached by a justice of the peace about the evidence adduced at trial and about the merits of a case are matters that may be subject to appeal, but are not matters of judicial conduct that raise ethical concerns within the Review Council's jurisdiction to consider. If a person is of the view that a justice of the peace erred in their findings or decisions, a higher level court is the body with jurisdiction to determine whether there was reviewable error and, if so, to change the decision.

Pursuant to s. 11(15)(a) of the *Justices of the Peace Act*, the committee dismissed the complaint on the basis that it falls outside the jurisdiction of the Review Council as it relates to the exercise of judicial discretion and is otherwise frivolous. Accordingly, the complaint file was closed.

The complainant was a retired police officer. The complainant commenced a private prosecution against a neighbour for trespass contrary to the *Trespass to Property Act*. The complainant appeared before the subject justice of the peace for trial.

In a letter to the Review Council, the complainant explained that on the day of the trial, he was ready to proceed, however, the subject justice of the peace declared a conflict of interest and recused herself from the trial. The complainant alleged that, following the recusal, the justice of the peace began to reprimand him for failing to disclose that he was a retired police officer at the time the trial was being scheduled. The complainant asserted that he included this information in the materials filed with the court, even though he was not required to do so. The complainant alleged that the justice of the peace “chastised” him in front of his wife, the defendant, the defendant’s counsel, the witnesses and court staff, “leaving the impression that [he] had done something clearly wrong.”

The complainant further alleged that what followed was “particularly egregious and disconcerting”: instead of simply rescheduling the trial date, the justice of the peace engaged in a conversation with defence counsel, who was seeking to have the prosecution set aside. The complainant indicated that as a result of this “conversation”, the justice of the peace scheduled the matter for a judicial pretrial. At the pretrial, the presiding justice “ruled in favour of the defence”.

The complainant alleged that the justice of the peace improperly participated in the decision-making process after the recusal by “entertaining and ruling on the defence counsel’s request”. The complainant also questioned the legitimacy of the justice of the peace’s decision to declare a conflict of interest. The complainant concluded that the justice of the peace’s behavior “clearly showed” bias and prejudice and that this conduct had negative consequences for him and his family.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for review.

The complaints committee reviewed the letter of complaint and the transcript and audio recording of the proceeding before the justice of the peace. The committee also invited a response from the justice of the peace in respect of the complaint and reviewed the response provided.

The committee observed that the record did not support the complainant’s allegation that the justice of the peace inappropriately “chastised” him for failing to identify himself as a retired police officer at the time the trial was being scheduled. Rather, the justice of the peace expressed skepticism when the complainant indicated that he thought that the judicial officer who swore the Information charging the offence would preside at the trial. The committee had no concerns about this comment rising to the level of judicial misconduct, particularly in light of the complainant’s familiarity with the criminal justice system.

The committee also observed that the record did not support the allegation that the justice of the peace entertained submissions from defence counsel after deciding to recuse herself from the proceeding. The transcript of the proceeding confirmed that after the recusal decision was made, counsel for the defendant attempted to assert a defence, however, the justice of the peace explicitly refused to hear these submissions. The committee further noted that the justice of the peace's decision to set the matter for a judicial pretrial instead of a setting a new trial date constituted an exercise of judicial discretion with respect to the case management of the proceeding and did not raise an ethical concern within the jurisdiction of the Review Council to consider. The Council's legislated jurisdiction is limited to the conduct of justices of the peace and does not extend to reviewing the merits of the exercise of judicial discretion.

While the committee was not concerned with the decision of the justice of the peace to declare a conflict of interest, it was concerned about the decision having been made without first seeking submissions from the parties and without clearly articulating the reasons for the decision on the record. The committee invited the justice of the peace to respond to these concerns.

Having regard to the response provided, the committee observed that the justice of the peace demonstrated a clear understanding of the applicable ethical principles that apply to judicial officers when confronted with an actual or potential conflict of interest. The justice of the peace explained the recusal decision to the justice of the peace's familiarity with the parties and their trespass dispute. The justice of the peace indicated that submissions were not sought, and reasons were not provided for the recusal decision in this case because of the justice of the peace's understanding and belief that both parties knew of the circumstances giving rise to the conflict of interest.

The committee concluded that the justice of the peace's response adequately explained the circumstances leading to the recusal decision and the reason for not inviting submissions from the parties on the issue or providing reasons for the decision. The committee observed that the approach was understandable in the circumstances.

The committee further observed that the response demonstrated that the justice of the peace fully understood the need to explain court processes to self-represented litigants. The response outlined the steps that the justice of the peace typically follows when conducting proceedings involving self-represented litigants. The justice of the peace explained that these steps were not followed in this case because the complainant was not a typical self-represented defendant, given his background as an experienced justice system participant.

The committee concluded that the justice of the peace's response to the complaint fully addressed its concerns and, accordingly, no remedial action was required. Given that the other allegations in the letter of complaint did not raise issues of judicial misconduct or were otherwise outside the jurisdiction of the Review Council to consider, the committee dismissed the complaint and the file was closed.

JPRC-004-24 and JPRC-005-24

The complainant submitted a complaint to the Review Council about the manner in which two justices of the peace (Justice of the Peace “A” and Justice of the Peace “B”) dealt with his applications to commence a private prosecution.

Overview

The complainant attempted to bring private criminal charges against a government benefits program and a healthcare benefits provider with respect to an initial denial and subsequent delay in addressing certain medical claims.

The complainant appeared in intake court before Justice of the Peace A and was allowed to make submissions about his application. After initially indicating to the complainant that he would accept the Information laying criminal charges, Justice of the Peace A took a break so that he could review the complainant’s application materials further. Following this review, Justice of the Peace A returned to intake court and advised the complainant that he had decided not to receive the Information.

The complainant subsequently attended before a different justice of the peace [not Justice of the Peace A or B], who determined that an Information laying criminal charges could be prepared and sworn. A pre-enquête hearing was scheduled to determine if there was enough evidence to summons the defendants named in the Information to answer to the charges.

When the complainant returned for the pre-enquête hearing, Justice of the Peace A was again presiding. After a lengthy discussion with the complainant, Justice of the Peace A recused himself and scheduled the matter to proceed before a different justice of the peace.

The matter returned before Justice of the Peace B. Justice of the Peace B refused to issue a summons to the defendants to answer to the criminal charges.

The complainant subsequently sought judicial review of the decisions of the justices of the peace and submitted a complaint to the Review Council. In his letter of complaint, the complainant alleged, among other things, that the two justices of the peace engaged in collusion and/or were influenced by someone in the “Ministry” to impede the criminal prosecution and thereby pervert the natural course of justice.

The complainant was informed of the JPRC’s policy with respect to ongoing court matters (rule 3.5 of the Procedures of the Review Council) and advised to contact the Review Council when the judicial review proceedings had concluded. After the complainant’s judicial review application and another court related court proceeding initiated by the complainant were concluded, the Review Council opened a file in relation to each justice of the peace named in the letters of complaint.

JPRC-004-24 (Justice of the Peace “A”)

Allegations

The complainant alleged that during his first appearance before Justice of the Peace A in chambers, the latter listened to his evidence and then asked the complainant to step outside his chambers.

While waiting to be called back in, the complainant overheard the justice of the peace speaking with others and assumed the justice of the peace was making phone calls. When the complainant returned to chambers, the justice of the peace said that the complainant could not lay criminal charges “as there are budgets with the Ministry” for which they could not be faulted.

The complainant stated that he was “devastated” by this experience and felt that the justice of the peace had offered a “lame excuse that no one of intellect would accept”. The complainant indicated that he returned to the courthouse on a different day to meet with another judicial officer, who did not “fault” his evidence, and scheduled a hearing.

When the complainant returned to court several months later, Justice of the Peace A was again presiding. When the complainant recounted what Justice of the Peace A had said during their last encounter, the justice of the peace “became angry and agitated” and denied making such remarks. Justice of the Peace A recused himself from the proceedings and put the matter over to a “pretrial” hearing.

Complaints Committee Review

The complaints committee reviewed the letter of complaint and the transcripts and audio recordings of the complainant’s two appearances before Justice of the Peace A.

The record of the first appearance reflected that Justice of the Peace A was patient, attentive and sympathetic toward the complainant, and allowed him to make lengthy submissions regarding his background and the basis for his allegations. Justice of the Peace A asked the complainant to step outside for a few minutes so he could review the materials provided and determine “the best way forward”.

Following the break, Justice of the Peace A indicated that he had considered the matter further and decided not to receive the information given that the government agency had the right to allocate their budgets as they chose, provided they did not do so capriciously.

The committee observed that the complainant’s allegations involved Justice of the Peace A’s assessment of the evidence and the manner in which he exercised his discretion and did not raise an issue of judicial conduct within the Review Council’s jurisdiction. In addition, the committee found no support for the complainant’s allegation that Justice of the Peace A engaged in discussions with third parties that improperly influenced his decision. The committee noted that these allegations were unsubstantiated by the record.

Regarding the second appearance before Justice of the Peace A, the record confirmed that there was some discussion about Justice of the Peace A's familiarity with the matter and prior interactions with the complainant. The complainant referred to the justice of the peace's previous remarks about the Ministry's budgetary constraints, to which the justice of the peace responded, "those certainly don't sound like my words". The justice of the peace subsequently recused himself.

The committee found no evidence that Justice of the Peace A deliberately lied about his previous remarks or otherwise engaged in collusion, as alleged by the complainant. Nor did the record support the allegation that the justice of the peace became "angry" or "agitated" when the complainant confronted him about his previous remarks.

The committee observed that Justice of the Peace A appeared to adopt a firm and direct tone during this appearance. The committee observed that judicial officers have discretion to manage proceedings to ensure the efficient use of court time and to ensure that a party's submissions are focused on the relevant issues.

The committee dismissed the complaint against Justice of the Peace A on the basis that the allegations of judicial misconduct were unsubstantiated, and the remaining allegations related to judicial decision-making and were outside the jurisdiction of the Review Council.

JPRC-005-24 (Justice of the Peace "B")

Allegations

The complainant alleged that he appeared for a "pretrial" hearing before Justice of the Peace B. He asserted that Justice of the Peace B spent the majority of the hearing trying to talk him out of laying charges and told him that laying the charges would not make him whole. According to the complainant, Justice of the Peace B became agitated and argued with him after he accused her of being "in cahoots" with the government.

Complaints Committee Review

The complaints committee reviewed the complaint and the transcript and audio recording of the appearance before Justice of the Peace B.

The committee observed from the record that at the beginning of the hearing, Justice of the Peace B confirmed that the matter was proceeding as a pre-enquête and explained the hearing process, including the role of the court and the Crown.

After listening to the complainant's submissions, Justice of the Peace B expressed the view that a civil proceeding was the more appropriate forum for the complainant to obtain redress. The complainant continued to insist on the necessity of a criminal prosecution (as opposed to a civil proceeding) and, in doing so, interrupted Justice of the Peace B several times.

The committee found no evidence of inappropriate conduct by Justice of the Peace B during the proceeding, especially in the light of the need for a judicial officer to manage

court proceedings effectively and efficiently. The committee observed that the justice of the peace's overall manner toward the complainant was calm and direct. The committee noted that Justice of the Peace B expressed sympathy for the complainant's circumstances on multiple occasions, and attempted to explain how he could seek redress through alternate avenues.

The committee further noted that the complainant's allegations related to his dissatisfaction with the decision not to issue process, which was a matter of judicial discretion outside the Council's jurisdiction to review.

Finally, the committee determined that the allegation that Justice of the Peace B colluded and/or was influenced by others to pervert the course of justice was frivolous and had no foundation in the record.

The committee dismissed the complaint against Justice of the Peace B on the basis that the allegations of judicial misconduct were unsubstantiated, and the remaining allegations related to judicial decision-making and were outside the jurisdiction of the Review Council.

JPRC-006-24

The self-represented complainant brought a private prosecution application seeking to lay charges under the *Criminal Code* and under the *Environment Protection Act* ("EPA") against certain corporate and public entities. The subject justice of the peace refused to issue process based on the finding that there was no reasonable prospect of conviction. The justice of the peace dismissed the application on a "without prejudice" basis, noting that a further application would benefit from legal advice.

In his complaint letter, the complainant indicated that he was not asking the Review Council to change the justice of the peace's decision, but rather was alleging criminal conduct on the part of the justice of the peace in refusing to issue process on the EPA violations alleged in the private prosecution application.

The complainant enclosed a copy of a separate private prosecution application he had prepared against the subject justice of the peace. In the application, the complainant alleged that:

- the justice of the peace committed the *Criminal Code* offences of breach of trust by a public officer (contrary to s. 122 of the Code) and obstructing justice (contrary to s. 139(2) of the Code) by refusing to allow the complainant to commence private prosecution proceedings under the EPA;
- there was ample evidence to support the private prosecution application given that reasonable and probable grounds for conviction are not required to issue process; and
- the justice of the peace's acts were "so markedly inconsistent with the relevant legislative context that they were not performed in good faith."

In further correspondence to the Review Council, the complainant referenced a newspaper article he had found from a number of years earlier about the justice of the peace's judicial appointment. The article indicated that the justice of the peace was an elected official with a municipality prior to being appointed to the bench. The same municipality was named as one of several defendants in the complainant's private prosecution application. The allegations in the private prosecution application covered many years, including when the justice of the peace was an elected official with the municipality. The complainant alleged that the justice of the peace was knowingly in a conflict of interest in refusing to issue process against the defendant municipality.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the correspondence received from the complainant. The committee also reviewed the transcript and audio recording of the proceedings before the justice of the peace, as well as the private prosecution application materials relating to the municipality and other defendants and the justice of the peace's endorsement dismissing the application.

Having regard to the materials before it, the committee concluded that the allegation that the justice of the peace engaged in criminal conduct in refusing to issue process amounted to an expression of the complainant's disagreement with the justice of the peace's decision. The committee did not find any evidence capable of supporting the allegation that the justice of the peace's decision reflected any form of criminal conduct. The committee observed the complainant's characterization of the decision as criminal conduct did not change the fact that the justice of the peace's decision not to issue process and the reasons for this decision involve a matter of judicial discretion outside the Review Council's authority to consider.

The committee also considered the complainant's allegation that the justice of the peace had a conflict of interest. Based on its review of the record of the proceeding, the committee observed that, in conducting the hearing, the justice of the peace did not refer to having been an elected official with the defendant municipality. The committee also noted that the allegations in the private prosecution application against the various defendants spanned a lengthy time frame including when the justice of the peace was an elected official with the defendant municipality.

The committee concluded that the justice of the peace's former position with the municipality did not raise an issue of judicial misconduct in the circumstances. Justices of the peace bring to the bench varied and extensive experience from both the private and public fields. Some justices of the peace may have served within municipal, provincial or federal government prior to their appointment to the bench, while others may have had some association with a political party. These types of prior associations do not automatically create conflicts of interest on the part of a judicial officer. The committee observed that many years had passed since the justice of the peace's appointment to the bench. In addition, there was no evidence of any improper motive on the part of the justice

of the peace, nor was there any evidence to suggest that the justice of the peace could not fairly and impartially adjudicate the complainant's application as a result of the justice of the peace's former role with the municipality.

For these reasons, the committee concluded that the allegations raised issues outside of the jurisdiction of the Justices of the Peace Review Council to consider, and that the allegation of a conflict of interest did not involve an issue rising to the level of judicial misconduct. Accordingly, the committee dismissed the complaint pursuant to s. 11(15)(a) of the *Justices of the Peace Act* and the file was closed.

JPRC-007-24

The complainant filed applications in intake court of the Ontario Court of Justice seeking to lay several private Informations. The subject justice of the peace reviewed and dismissed the applications in a written endorsement.

In a letter to the Review Council, the complainant alleged:

- The complainant was prepared to present her allegations to a justice of the peace, but the justice of the peace pushed her away and refused to talk to her. The complainant clarified that she did not see or speak to the justice of the peace. Instead, she was given a letter containing his decision.
- The justice of the peace "verbally abused" the complainant. The justice of the peace's decision was "a written reprimand that devalued, degraded and blamed" the complainant. The decision was a lie, and ignorant and unacceptable legal abuse.
- The justice of the peace refused to read the complainant's documents and instead made false assumptions and accusations against her.
- The justice of the peace "gained pleasure" in saying that the complainant was frivolous, vexatious, and that the applications were an abuse of process.
- The justice of the peace contacted the Law Society to interfere with complaints she made to the Law Society about various lawyers.
- The complainant felt she was treated this way because she is "a girl".

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and enclosures provided by the complainant, which included the justice of the peace's written endorsement dismissing the complainant's applications. The committee also considered information obtained from

Court Services Division confirming that the complainant did not appear in person before the justice of the peace.

The committee concluded that there was nothing abusive or degrading about the contents of the endorsement provided by the complainant. Rather, the allegations related to the complainant's disagreement with the justice of the peace's reasons for dismissing the applications. The Review Council does not have the mandate or the power to review decisions made by justices of the peace and cannot interfere in judicial proceedings. Conclusions reached by a justice of the peace about the evidence, or the merits of a case may be subject to appeal or judicial review, but are not matters of judicial conduct that raise ethical concerns.

The committee did not have any ethical concerns about the procedure followed by the justice of the peace in considering the complainant's applications in writing. The committee observed that the justice of the peace reviewed the complainant's materials and rendered a decision in accordance with the procedure described in the Ontario Court of Justice's Guide for Applying for a Private Prosecution.

The committee determined that there was no support for the remaining allegations. The endorsement provided by the complainant confirmed that the justice of the peace reviewed the documents she submitted. The complainant provided no information capable of corroborating the allegations that the justice of the peace took pleasure in deciding the applications against her, that the justice of the peace interfered with complaints the complainant had made to the Law Society, or that the justice of the peace treated her differently based on her gender. To warrant consideration by the Review Council, a complainant must provide a sufficient level of detail in their complaint to support an allegation of misconduct. An unsupported allegation of impropriety, in and of itself, is not sufficient.

Having regard to the materials before it, the complaints committee dismissed the complaint on the basis that the allegations were outside the jurisdiction of the Review Council and were otherwise unproven and the file was closed.

JPRC-008-24

The complainant was the sibling of a defendant facing criminal charges. The defendant appeared before the subject justice of the peace in bail court. The complainant attended the hearing as an observer by way of video conference.

In a letter of complaint to the Council, the complainant indicated that, prior to the bail hearing, he had tried to contact the assistant Crown Attorney and the court clerk in order to convey his concern that his sibling should not be released on bail since he was a vulnerable person suffering from mental health and substance abuse issues; however, the complainant was unable to reach them.

The complainant alleged that during the bail proceedings, the justice of the peace asked why he was there and when he replied, the justice of the peace responded in a

disrespectful manner and with a “disgusting demeanour” and told him that he should be talking to counsel. The complainant further alleged that the justice of the peace:

- is “completely out of touch with a system that is aimed at getting all the facts”;
- runs the courtroom like a circus act and is disorganized;
- lacks respect and empathy and is disrespectful in tone and choice of words;
- interrupts people instead of allowing them to speak;
- exhibits “diva” like behaviour; and
- would rather rush out to lunch instead of considering all the facts.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and the transcript and audio recording of the proceedings.

Based on their review of the transcript and the audio recording of the proceedings on the day in question, the committee observed that the complainant’s sibling was represented by duty counsel at the bail hearing. The parties agreed to a consent release on conditions, which was subject to receiving confirmation from a local bail program about a supervision condition. The justice of the peace agreed to adjourn the matter with a warrant of remand, but indicated that the defendant could be released that day if the bail program responded before the end of court. The justice of the peace then dealt with other bail matters on the court docket.

At a later point in the proceedings, the justice of the peace indicated that it was time for the lunch break. The complainant addressed the court and sought to raise a concern about releasing his sibling on bail given his health. In response, the justice of the peace advised the complainant to discuss that with counsel and his sibling. The justice of the peace then directed that the court would break for lunch.

Based on the review of the audio and the transcript, the complaints committee observed that the justice of the peace did not speak rudely, aggressively or disrespectfully to the complainant. The justice of the peace had proper regard to the fact that the complainant’s sibling was represented by duty counsel, and that a consent release on conditions was being proposed. The committee was satisfied that the justice of the peace acted appropriately in directing the complainant to raise this issue with counsel, rather than with the court.

Regarding the complainant's allegations that the justice of the peace conducted the proceedings in a disorganized or rushed fashion, the committee noted that on the date in question, the justice of the peace effectively managed a lengthy docket with a combination of in-person and video appearances.

Based on the materials before it, the complaints committee concluded that there was no evidence to support any possible finding of misconduct on the part of the justice of the peace. Accordingly, the committee dismissed the complaint pursuant to s. 11(15)(a) of the *Justices of the Peace Act* and the file was closed.

JPRC-009-24

The complainant appeared on multiple occasions before the subject justice of the peace over a lengthy period with respect to various provincial offences charges. In a complaint to the Review Council, the complainant raised numerous allegations about the justice of the peace, including that:

- during a court appearance in 2013, the justice of the peace denied the complainant the opportunity to stand up and defend herself and explain why she had been driving without a license or insurance;
- during a court appearance in 2013, the justice of the peace violated the complainant's equality rights by issuing a \$5,000 fine even though the complainant told the justice of the peace that she was on ODSP;
- during a court appearance in 2017, the justice of the peace violated the complainant's *Charter* rights after the complainant's car was impounded;
- at the "following court appearance", the justice of the peace told the complainant that the justice of the peace had no problem putting her in jail. The justice of the peace was therefore targeting a Canadian citizen with no criminal record;
- the justice of the peace dismissed three of the complainant's Form 1 *Charter* applications, thereby violating her *Charter* rights;
- the justice of the peace's violation of the complainant's legal rights has caused the complainant to experience fear, depression and anxiety;
- the justice of the peace "put down" the complainant because of her mental disability during two appearances;
- in dismissing the complainant's *Charter* applications, the justice of the peace acknowledged that the police had violated the complainant's rights and criminally harassed her contrary to s. 264(1) of the *Criminal Code*;

- the justice of the peace was guilty of various *Criminal Code* violations and continued to violate the complainant's equality rights and discriminate against her on the basis of her disability; and
- the justice of the peace erased the records of the complainant's court appearances.

Given the lack of particulars in the letter of complaint and the complainant's many previous court appearances, Review Council staff requested further information from the complainant regarding several of her allegations, including the court dates and court locations in question, and particulars of the allegation that the justice of the peace discriminated against her based on her disability. However, the complainant did not respond to this request or to the Council's follow-up correspondence.

The complaint was assigned to a three-member complaints committee of the Review Council, consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The committee reviewed the letter of complaint and transcripts from court proceedings on two dates that the complainant had specifically referenced in the complaint.

The committee observed that many of the complainant's allegations arose from the justice of the peace's decisions and exercise of judicial discretion. For example, the allegations concerning the justice of the peace's dismissal of the complainant's applications and the decision to impose a particular fine involved matters of judicial decision-making outside the jurisdiction of the Review Council.

With respect to the allegations pertaining to the two court appearances with specified dates, the committee observed that these allegations were not borne out by the court record. The complainant appeared before the justice of the peace in Provincial Offences court on two separate charges under the *Compulsory Automobile Insurance Act*. The complainant filed *Charter* applications in which she submitted that the police had violated her constitutional rights. The record reflected that, on both dates, the justice of the peace carefully considered the complainant's arguments prior to dismissing her applications. In doing so, the justice of the peace took time to explain to the complainant why her position was legally untenable.

The committee observed that, contrary to the complainant's allegations, the justice of the peace did not make a finding that the police had criminally harassed the complainant or violated her legal rights. Rather, the transcripts reflected that the justice of the peace explained to the complainant why the police conduct did not constitute criminal harassment or violate her *Charter* rights. Further, the record did not support the allegation that the justice of the peace criticized the complainant because of her disability. Rather, the justice of the peace acknowledged the complainant's disability on the record but indicated that having a disability did not exempt a person from following the law.

The committee observed that the allegations that the justice of the peace violated various *Criminal Code* and *Charter* provisions and erased the records of the complainant's court

appearances were frivolous and without merit. The committee determined that the remainder of the complainant's allegations lacked sufficient detail to permit consideration by the committee.

Accordingly, the committee dismissed the complaint pursuant to s. 11(15)(a) of the *Justices of the Peace Act* on the basis that the allegations were frivolous or unfounded and otherwise outside the jurisdiction of the Review Council.

JPRC-010-24

The complainant appeared before the subject justice of the peace in intake court to commence a private prosecution against an individual for assault and criminal harassment. The justice of the peace accepted the complainant's application, and a document setting out the charges (the "Information") was prepared by court staff, sworn by the complainant, and executed by the justice of the peace.

In his complaint to the Review Council, the complainant alleged that when he asked to obtain a copy of the sworn Information from the court, the justice of the peace became aggressive, threatening, impatient and abusive. The complainant further alleged that the justice of the peace refused to engage in a discussion about the issue and threatened to have security remove him from the courtroom. The complainant asserted that the justice of the peace's conduct prevented him from fully reviewing the Information.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration. The complaints committee reviewed the letter of complaint and the transcript and audio recording of the entirety of the proceedings in question.

Based on its review of the record, the committee observed that the justice of the peace did not engage in aggressive, threatening or abusive conduct toward the complainant at any time during the proceedings. To the contrary, the record reflected that the justice of the peace appeared calm, albeit firm, throughout the proceedings, including in response to the complainant's repeated insistence that he was entitled to receive a copy of the sworn Information. The committee noted that the justice of the peace initially tried to explain to the complainant why he was not entitled to receive a copy of the Information, however, the latter interrupted and continued to argue his position.

The committee further observed that the complainant was provided with an opportunity to review the Information prior to swearing it, at which time the complainant confirmed his agreement with its contents on the record.

Finally, the committee noted that the justice of the peace indicated that security would be called after advising the complainant three times that he was not entitled to receive a copy of the sworn Information. In the circumstances, the committee did not find anything inappropriate or threatening about the justice of the peace asking the complainant to leave or suggesting that security would be called. Judicial officers have discretion to ensure the efficient management of court proceedings in the interests of justice. The

committee noted that the justice of the peace did not ultimately call security to remove the complainant from the courtroom.

Having regard to the materials before it, the complaints committee dismissed the complaint on the basis that the allegations were unsubstantiated and otherwise did not warrant remedial action, and the file was closed.

JPRC-011-24

The complainant appeared before the subject justice of the peace in provincial offences court on a red-light camera charge on behalf of his spouse.

In a letter to the Review Council, the complainant alleged that the justice of the peace became “very mad and upset” when the complainant informed the justice of the peace that he was requesting an order for production of the maintenance records for the camera and traffic light, the authenticity of the photograph, and the photograph of the driver’s identity. According to the complainant, the justice of the peace called security to “kick [him] out of the Court.” The complainant also alleged that the justice of the peace imposed a fine that was higher than the fine amount noted on the ticket.

According to the complainant, when he informed the justice of the peace that he would report his behavior to the Justices of the Peace Review Council, the justice of the peace responded that the complainant could report the justice of the peace to whomever he wanted. According to the complainant, this response indicated that the justice of the peace is not accountable to any authority, including the Associate Chief Justice – Coordinator of Justices of the Peace. The complainant alleged that this incident has had a negative effect on his health.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The committee reviewed the letter of complaint and the transcript and audio recording of the proceeding before the justice of the peace. Based on its review of these materials, the committee found that there was no evidence capable of supporting a finding of judicial misconduct on the part of the justice of the peace.

The committee observed that the justice of the peace was composed throughout the appearance and did not verbally insult the complainant, as alleged. The committee noted from the audio recording that in managing the courtroom, the justice of the peace used a clear and direct tone. The justice of the peace provided information to the complainant about his requests for records and explained the options available to him. The complainant decided to plead guilty and subsequently became upset by the fine imposed by the justice of the peace.

The committee observed that the complainant did not leave the courtroom as directed by the justice of the peace after the matter was completed. The complainant instead tried to revoke his guilty plea and attempted to argue with the justice of the peace about the fine.

At that point, the justice of the peace determined that it was appropriate to call for assistance to have the complainant removed. The committee observed that justices of the peace have the duty and responsibility to maintain control of their courtrooms to ensure an effective and efficient use of court time. The committee found no evidence of misconduct in the justice of the peace's handling of the situation in the circumstances.

Regarding the complainant's concerns about the quantum of the fine imposed, the committee noted that the Review Council has no jurisdiction to review a penalty imposed by a justice of the peace in their exercise of judicial discretion. If a person is of the view that a justice of the peace erred in their findings or decisions, a higher level court is the body with jurisdiction to determine whether there was reviewable error and, if so, to change the decision.

Finally, the committee observed that there was no record in the audio or transcript of the proceedings of the complainant advising the justice of the peace that he was going to report the justice of the peace to the Review Council. Instead, the complainant told the justice of the peace that he intended to appeal, and the justice of the peace confirmed that the complainant had a right to do so.

Having regard to the materials before it, and pursuant to s. 11(15)(a) of the *Justices of the Peace Act*, the committee dismissed the complaint on the basis that the allegations were unfounded or were otherwise outside the jurisdiction of the Review Council.

JPRC-014-24

The complainant was a correctional officer who had responsibility for bringing detained defendants for virtual appearances in criminal case management court before the subject justice of the peace. In a letter to the Review Council, the complainant wrote that on the day in question, the correctional institution experienced a power issue, which caused areas of the institution to lose some or all lighting. As a result, the institution had to conduct an emergency count of all the inmates. At that time, an inmate was scheduled to appear virtually in court before the justice of the peace.

The complainant appeared before the justice of the peace to explain that the inmate could not be brought before the court due to the power outage. The complainant told the justice of the peace that "the institution was in an emergency count and that there was no movement until it clears". The complainant alleged that the justice of the peace responded, "So what you are telling me is that [the institution] is refusing to bring the inmate forward?"

The complainant indicated that this "could not be farther from the truth", and that the complainant was following the policies and procedures of the institution. The complainant advised the justice of the peace that the inmate would be brought forward if the emergency count concluded before the institution's time with the court was over. According to the complainant, the justice of the peace repeated the statement about the institution refusing to bring the inmate forward.

The complaint was assigned to a three-member complaints committee of the Review Council consisting of a judge, a justice of the peace, and a Law Society or community member, for consideration.

The complaints committee reviewed the complaint letter and the transcript and audio recording of the proceeding before the justice of the peace.

Based on this review, the committee did not have any concerns about the justice of the peace's conduct during the proceeding referred to in the complaint letter. Based on their review of the audio recording, the committee observed that the justice of the peace was polite throughout the complainant's brief appearance.

The committee further observed that the justice of the peace did not say, as alleged by the complainant, "So what you are telling me is that [the correctional institution] is refusing to bring the inmate forward?". Rather, the justice of the peace asked the complainant twice to confirm that the institution was "not bringing" the inmate to court, and the complainant confirmed that this was correct.

Based on its review of the transcript of the exchange involving the complainant, the committee concluded that the justice of the peace was trying to determine whether the court should wait until the correctional institution could bring the inmate to court, or whether the institution would not be able to bring the inmate to court due to the emergency count. The transcript revealed that the complainant told the justice of the peace that the complainant could not say whether the court should wait for the inmate, because the complainant did not know when the emergency count would conclude. The justice of the peace then thanked the complainant. The committee concluded that the justice of the peace was entitled to ask these questions of the complainant as part of the justice of the peace's responsibility to manage the courtroom and the justice of the peace did not act inappropriately in attempting to determine if the inmate would be able to attend court on the day in question.

Having regard to the materials before it, and pursuant to s. 11(15)(a) of the *Justices of the Peace Act*, the complaints committee dismissed the complaint on the basis that the allegations of misconduct were unfounded, and the file was closed.

15. EXTRA-REMUNERATIVE WORK APPLICATIONS

Under s. 19 of the *Justices of the Peace Act*, all justices of the peace are required to seek the written approval of the Review Council before accepting or engaging in any extra-remunerative work.

Applications received from justices of the peace to engage in extra-remunerative work are considered in accordance with the Council's Policy on Extra-Remunerative Work, which is found on the Review Council's website at:

- <https://www.ontariocourts.ca/ocj/conduct/jprc/publications/policy-on-extra-remunerative-work/>

The policy sets out criteria that are used in assessing applications, including:

- ◆ whether there is an actual or perceived conflict of interest between the judicial duties as assigned and the extra-remunerative activity for which approval is sought;
- ◆ whether the nature of the activity for which the justice of the peace seeks approval will present an intrusive demand on the time, availability or energy of the justice of the peace and their ability to properly perform the judicial duties assigned; and,
- ◆ whether the activity for which the justice of the peace seeks approval is a fitting or appropriate activity in which a judicial officer should engage, having regard to public perceptions of judicial demeanour, independence and impartiality.

The Council considers two factors in determining whether non-judicial work is “remunerative”. First, the Council considers whether the work gives rise to any remuneration to the applicant justice of the peace directly. Second, the Council considers whether a justice of the peace is a party to someone else’s remunerative work. The Review Council has determined that there are circumstances, such as where a justice of the peace’s spouse is receiving remuneration, where a justice of the peace may be engaged in extra-remunerative work even though they are not receiving remuneration directly. If the Council determines that the justice of the peace is engaged in extra-remunerative work, the policy and criteria set out by the Council for considering applications is considered.

One criterion to be considered by the Council in considering applications is whether the activity for which the justice of the peace seeks approval is a seemly or appropriate activity in which a judicial officer should engage, having regard to public perceptions of judicial demeanour, independence and impartiality (paragraph 6(c) of the Policy Re Extra-Remunerative Work). The Council has determined that this criterion must be understood in the context of the public policy encapsulated in the legislative framework set out in the *Justices of the Peace Act* and, in particular, in view of the amendments that resulted from

the *Access to Justice Act*, 2006, S.O. 2006, c. 21. The legislative amendments brought about a comprehensive reform intended to strengthen public confidence in a professional bench and in the justice system.

Having carefully considered the public policy underlying the current legislative framework, the objectives of the amendments underlying the *Access to Justice Act*, 2006, and the *Principles of Judicial Office of Justices of the Peace of the Ontario Court of Justice*, the Review Council determined that, generally, it would be unseemly for full-time presiding justices of the peace to be engaged in commercial extra-remunerative work. The Policy Re Extra-Remunerative Work was amended to reflect the Council's decision.

The Review Council has approved some applications by full-time justices of the peace to engage in extra-remunerative work on an exceptional basis where the activity was primarily non-commercial and had other intrinsic value from an educational, patriotic, religious or creative standpoint. In accordance with the Council's policy and procedure, an applicant who seeks approval to engage in commercial activity must address the issue of why the application for extra-remunerative work should be approved as an exception to the general policy that full-time presiding justices of the peace should not engage in extra-remunerative work that is commercial in nature.

In 2022, the Review Council adopted an application form for justices of the peace to complete when applying for approval to engage in extra-remunerative work. The form is found on the Review Council's website at:

- <https://www.ontariocourts.ca/ocj/conduct/files/JPRC-Application-Form-re-Approval-to-Engage-in-Extra-Remunerative-Work.docx>

In this reporting year, the Council considered and decided four applications from justices of the peace for approval to engage in extra-remunerative work. One application was not pursued by the justice of the peace and the file was administratively closed.

The following are summaries of the extra-remunerative work applications that were dealt with in 2024.

ER-001-24

The Review Council considered an application from a justice of the peace to complete and publish a non-fiction book related to the sport of hockey in Canada. In the application, the justice of the peace advised that the justice of the peace had signed a contract with a publisher to write the book prior to their appointment to the bench.

The Review Council noted the importance of a newly-appointed justice of the peace prioritizing initial judicial education and judicial duties over any outside work. The Review Council also noted the importance of ensuring that the book does not discuss any matter that has or may come before the courts.

The Review Council approved the application subject to the following conditions, which were accepted by the justice of the peace:

- 1) The writing and publication of the book and any related activities must not impact on judicial scheduling, the justice of the peace's initial judicial education, or the assignment of judicial duties.
- 2) The justice of the peace's activities in relation to the book must be subject to their responsibilities as a justice of the peace, and as such, must be undertaken at times when the justice of the peace is not otherwise assigned to judicial duties.
- 3) The justice of the peace may accept remuneration for the publication of the book, but such remuneration must be established without reference to the position as a justice of the peace.
- 4) In the event the justice of the peace becomes involved in the sale or promotion of the book in any way, the justice of the peace must maintain distance with respect to their role and responsibilities as a judicial officer. The justice of the peace must avoid any reference to their judicial position in advertising, promotional or informational materials or activities related to the book.
- 5) The justice of the peace must demonstrate sensitivity in transactions related to the book, to ensure the avoidance of any real or perceived conflict of interest or bias. The justice of the peace must refrain from knowingly conducting any sales or transactions with anyone directly involved with the justice system. For instance, the justice of the peace must not knowingly conduct any sales with members of the justice community, such as Crown Attorneys, police, agents, paralegals, lawyers, or others who may have the opportunity to appear before the justice of the peace in exercising decision-making capacity. The justice of the peace also must not knowingly conduct any sales with persons with whom the justice of the peace may have a relationship in the course of exercising judicial duties, including court administration and court security staff.
- 6) Sales to justices of the peace or to judges are exempt from the provisions of Condition 5. The justice of the peace may conduct sales with justices of the peace or judges.
- 7) The justice of the peace must not use the Court's email network to promote, advertise, or sell the book. The justice of the peace must not use the Court's resources, including IT resources, for any purpose in relation to the book, as the Court's resources are provided for purposes associated with official responsibilities.
- 8) The justice of the peace must avoid discussing any matters in the book that are presently before the courts, which have been before the courts in the past, or which could come before the courts.
- 9) The justice of the peace must immediately advise their Regional Senior Justice of the Peace if the justice of the peace is assigned to preside over a case that deals with any matter discussed in the book, or if the justice of the peace faces any civil action related to the book.

- 10) The Review Council reserves the right to revisit the request and its decision should the Council become aware of any new information or any relevant circumstances change.

ER-002-24

The Review Council received an application to engage in extra-remunerative work associated with developing the curriculum for a community college program.

The Council received information confirming that this outside work would not interfere with the justice of the peace's judicial responsibilities or pose any issues relating to judicial scheduling.

The approval of the Council was granted, subject to the following conditions:

- 1) The Council's approval of the request must not impact on judicial scheduling and the assignment of judicial duties.
- 2) The responsibilities related to developing the curriculum must not impact on the justice of the peace's ability to discharge their judicial duties as a justice of the peace. The work related to developing the curriculum must be restricted to weekends and other times outside of assigned judicial duties.
- 3) The justice of the peace must demonstrate sensitivity in transactions related to the development of the curriculum to avoid any real or perceived conflict of interest or bias.
- 4) The justice of the peace must maintain appropriate distance in the work of developing the curriculum from their role and responsibilities as a judicial officer, including in any promotional or course materials.
- 5) The justice of the peace must refrain from using the Court's email network to develop, promote or advertise the curriculum. The justice of the peace must refrain from using the Court's resources, which are provided for purposes associated with a justice of the peace's official responsibilities, while conducting personal business in relation to working for the community college.
- 6) The justice of the peace may accept remuneration for developing the curriculum, but such remuneration must be established without reference to their position as a justice of the peace.
- 7) Should the justice of the peace's role or responsibilities with the college change, they must promptly advise the Review Council in writing.

8) The Review Council reserves the right to revisit the request and its decision should any relevant circumstances change.