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C H A M B E R S

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for the Township of Wainfleet

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February 23, 2026

PRIVATE AND CONFIDENTIAL

SENT BY EMAIL TO:

Mr. Peter Aarts

AND TO:

Councillor Terry Gilmore

AND TO:

**Amber Chrastina, Township Clerk – for distribution to all Members of
Wainfleet Township Council**

**Re: Code of Conduct Investigation Report (“Report”)
File No. IC-35690-0925**

INTRODUCTION AND DELEGATION OF INVESTIGATIVE POWERS

This is my Investigation Report respecting a referral for inquiry (“Complaint”) initiated by Mr. Peter Aarts (“Mr. Aarts”) against Member of Council Mr. Terry Gilmore (“Councillor Gilmore”), under the Township of Wainfleet’s (the “Township”) *Code of Conduct for Council Policy* (the “Code of Conduct”, or

alternately the “Code”).¹

Mr. Michael L. Maynard, Integrity Commissioner for the Township, delegated some of his investigative powers and duties to me, Mr. Benjamin M. Drory, on October 10, 2025, to inquire into, investigate, and report upon these matters, subject to his review and approval. I facilitated the exchange of written submissions between the parties, and sought further evidence, including interviewing both parties and a witness. The civil “balance of probabilities” standard of proof applied to this matter.

THE COMPLAINT

Mr. Aarts stated the following in his Complaint, which was sworn at the Township Clerk’s Office on September 22, 2025:

1. *Terry Gilmore, using his Office as a Councilor ... organized a meeting to discuss a “minor Township issue.”*
2. *The “Township issue” is a proposed dwelling on Misener Road that requires a Minimum Distance Separation I setback calculation, as per the MDS I policy guidelines.*
3. *The responsibility to supply all necessary documents for obtaining the permit is that of the applicant, not Council.*
4. *The proposed dwelling ... could be moved to a location on the same lot that complies with MDS I setback policies.*
5. *The applicant ... is an owner of JLA Grain.*
6. *Terry Gilmore is an employee of JLA Grain.*
7. *On August 12, 2025, Terry Gilmore came to my residence to request an email stating the livestock barn on the property is empty.*
8. *Terry Gilmore requested the letter eight times during the conversation.*
9. *During the discussion, Terry Gilmore was reckless with the truth. He*

¹ Code of Conduct for Council Policy (By-law No. 044-2016 (August 2, 2016))
<https://www.wainfleet.ca/sites/24/files/2024-06/BL044-2016-Council-Code-of-Conduct-AS-AMENDED.pdf>

made several false or misleading statements about the MDS I ...

10. *Terry Gilmore was selective with the information ... including claiming the only factor was the livestock barn, and excluding the manure storage until it was brought up by myself.*
11. *Terry Gilmore was misleading about the ... consequences of providing said information. That is, that the email would be used to circumvent the MDS I setback policy.*
12. *Terry Gilmore attempted to convince me to write a letter prior to understanding the ... guidelines and ... the importance of the manure tanks in the MDS I setback calculation.*
13. *The consequences of writing the requested letter could have harmed my business.*
14. *Terry Gilmore reduced the importance of MDS I calculations to "just Township bureaucracy" and "some bureaucratic thing." Neither of these statements promotes public confidence.*
15. *...*
16. *The statements ... do not promote respect for the Township, or its by-laws and policies.*
17. *A lack of knowledge ... of the MDS I ... resulted in false or misleading statements and claims about Township policies (i.e. a livestock barn being empty means no MDS I setback is required.)*
18. *This lack of knowledge on the part of Terry Gilmore does not promote public confidence in the reliability, fairness and honesty of the Township of Wainfleet.*
19. *Terry Gilmore threatened to use the fire department as a means of acquiring information about the activity status of the livestock barn.*
20. *The MDS I Document outlines how to get information about a livestock barn when the owner/operator will not provide the information himself. A fire department inspection is not an option.*

21. *Terry Gilmore involved himself in the "issue", despite the ... pecuniary conflict of interest, before I was made aware ... through an official Township letter.*
22. ...
23. *Terry Gilmore visited my residence ... prior to the Township's official letter being written.*
24. *Terry Gilmore conversed with Sarah Ivins (Planner) ... prior to the Township's official letter being written. It is unclear when or if these communications stopped.*
25. *In the official letter... the Planner indicates a willingness to follow the MDS I guidelines. In the ensuing phone conversations and emails, there seemed to be a resistance to implement the MDS I setback.*
26. *It is my understanding that these actions are not part of Terry Gilmore's official duties as a Councilor of the Township of Wainfleet and interfered with the normal practices and duties of the Planning Department.*
27. *Terry Gilmore admitted to "trying to get [his nephew's building permit] into the Committee of Adjustment," claiming it was his "Councilor duties."*
28. *The Committee of Adjustment is to make independent decisions, free from the influence of Councilors.*
29. *I had no further conversations with Terry Gilmore.*

Mr. Aarts attached a significant amount of supporting documentation. He described the timeline as follows:

Tuesday, August 12: *Terry Gilmore texts to set up a time to meet about a "minor Township issue."*

Tuesday, August 12: *Terry Gilmore comes to my residence to request a letter indicating that the livestock barn is empty.*

...

Wednesday, August 13: Township letter, detailing MDS I setback requirement, is dated.

Monday, August 18: Township called ... David Scott asks if a letter was received. No letter was received yet, but told David Scott that Councilman Terry Gilmore was here on behalf of the Township.

Tuesday, August 19: Letter received.

Tuesday, August 19: Called Township ... Talked to Sarah Ivins to confirm that she had to do the calculation.

Thursday, August 21: Sarah Ivins calls ... explains that the permit was issued because no MDS I setback was required. She claims it falls under the Nutrient Management Act.

Thursday, August 21: Email follow-up ... Explained why the liquid manure storage does not fall under the Nutrient Management Act. ...

Monday, August 25: Called Ontario Federation of Agriculture ... Spoke with Neil Cousins. ...

Monday, August 25: Email from Neil Cousins with information about MDS I calculations.

...

Tuesday, August 26: Email from Duncan Goetze ... with OMAFA contact information.

Tuesday, August 26: ... Sarah Ivins says permit was issued based on Guideline #12 of the MDS I Document.

Tuesday, August 26: ... Read MDS I Guideline #12 to Sarah Ivins, explaining her incorrect calculation ...

Tuesday, August 26: Email to Sarah Ivins ... Restating Guideline #12 requirements ...

...

Thursday, August 28: Sarah Ivins calls twice (@ 4:01pm and 4: 11 pm) ...

Friday, August 29: Called Nancy Rutherford (OMAFRA) ... Nancy says she will call the Township.

...

Friday, August 29: Called Duncan Goetze Duncan explains that legacy permitting protects use of manure storage unless the land has been rezoned.

Friday, August 29: Sarah Ivins ... wants to arrange a farm visit on Tuesday or Thursday. Tentatively agreed on Thursday. ...

...

Wednesday, September 3: Sarah ... [c]onfirms attendees are Sarah Ivins and Ben Hopkins and the reason for the visit is to confirm measurements and assess condition of the tanks.

Thursday, September 4: Sarah Ivins, Ben Hopkins, Dean Glenny, Peter Aarts in attendance (@9:00am). Sarah says condition of tanks looks good. Ben Hopkins steps out measurements and takes photo of manure storage. Sarah Ivins is verbally reminded of the proper use of MDS I Guideline #12 and the importance of preserving the value of the farm.

...

Tuesday, September 9: Sarah Ivins confirms in email ... that Ben Hopkins found no concerns with the condition of the manure storage and therefore are considered reasonably capable of storing manure. The MDS I setback is to be applied for the proposed dwelling on Misener Road (reduced setback of 336m (1,100ft) is required ...). Permit will either be amended to comply with the setback or be cancelled, depending on the applicant's preference.

Ms. Ivins (Planner, Assistant Secretary-Treasurer (Committee of Adjustment)) sent Mr. Aarts the following letter dated August 13, 2025, which Mr. Aarts said he received on August 19, 2025:

PETER JOHN AARTS
ANITA LYNN AARTS

...

Dear Property Owner,

The Planning Department has received an application for building permit for a single detached dwelling for a vacant lot on the east side of Misener Road. A Minimum Distance Separation (MDS) calculation is to be completed for all nearby livestock operations as part of the application submission.

MDS calculations are generally required when new development, new lots or the addition of new sensitive land uses are proposed in proximity to existing agricultural operations. To ensure that the proposed dwelling does not encumber your ability to operate your farm, I must complete a calculation to determine how far away the new dwelling must be placed and if the proposed use is compatible with the surrounding uses in the Agricultural Area. MDS calculations are completed in accordance with the requirements of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) through a computer program called AgriSuite.

The Planning Department has completed a review of all properties within 750m of the subject property ... through ... aerial imagery and Google street view.

... [Y]our property was identified as possibly having livestock. In order to complete the MDS calculation the Township requires one of the following:

- Information regarding the type and number of current livestock units on your farm, as well as the type and location of manure storage. ...*
- Confirmation that the livestock barn is currently unoccupied and the length of time that it has been unoccupied.*
- Confirmation that the barn is no longer reasonably capable of housing livestock (meaning that all infrastructure to support the livestock use has been removed, such as removal of stall, feeding implements, etc.).*

If you can please respond by to me via email ... by ... August 19, 2025. If you have any questions or require assistance ... please do not hesitate to contact me ...

Mr. Aarts submitted a variety of supporting email correspondence. He wrote to Ms. Ivins on Thursday evening, August 21, 2025, after speaking with Ms. Ivins earlier that day:

From: Peter Aarts

To: Sarah Ivins

Subject: URGENT: Proposed building permit for dwelling on Misener road

Sent: August 21, 2025, 7:49 pm

Hi Sarah.

Further to the discussion we had... I still have some concerns regarding the Minimum Distance Separation I calculation.

Under Guideline #3 of the MOS I Document, it states ... reasons for which an MOS I calculation would not be necessary. Included ... are: (i) Certain unused manure storages in accordance with Implementation Guideline #21, and (ii) Temporary field nutrient storage sites (as defined under the Nutrient Management Act, 2002).

... Guideline #21 states that an MDS I setback is not required when:

- 1. the structure has been deemed by a municipal building official ... as no longer being structurally sound or reasonably capable of storing manure; or,*
- 2. the portion of the lot ... is zoned such the structure shall not be used for storing manure; or,*
- 3. the floor area of the unused manure storage is $< 40m^2$.*

...

Additionally, under Wainfleet's Minimum Distance Separation (MOS I) Guide ... "MDS I & II do not apply to abattoirs, apiaries, feed storages, greenhouses, kennels, slaughterhouses, pastures, stockyards, or livestock facilities less than $10m^2$ "

*My existing manure storage facility does not meet these reasons ... So ... **an MDS I calculation should be performed prior to approving the proposed application.** Should my understanding be incorrect, please direct me to the MOS I guideline that exempts my liquid manure storage from requiring a minimum distance setback.*

I will provide you with the relevant information regarding the manure storage:

1. *Manure storage volume: +/-1,645m³*
2. *Type of manure stored: liquid*
3. *Manure storage type: M1 (Liquid, outside, no cover, straight-walled storage)*

Mr. Duncan Goetze (Farm Policy Analyst, Ontario Federation of Agriculture) spoke with Mr. Aarts on the morning of Tuesday, August 26, and then emailed him later that afternoon:

From: *Duncan Goetze*

To: *Peter Aarts*

Subject: *Minimum Distance Separation in Wainfleet*

Sent: *August 26, 2025, 2:44 pm*

... I have collected a few links that you might find useful.

... [T]he Minimum Distance Separation (MDS) Document² provides the rules that spatially separate sensitive land uses from livestock facilities, manure structures, and anaerobic digesters. The MDS can be a challenging policy document to read. I recommend using the AgriSuite website³ to help simplify the MDS's many rules, but the website alone does not account for every exception and special case discussed in the MDS. Another resource is OMAFA's newly updated Ag Maps⁴, which has tools for drawing shapes on the map and a number of data layers.

OMAFA is available to municipalities if they have difficulty interpreting the MDS. They have been helpful in the past where we've encountered disagreements about MDS interpretations. They've also recently been doing educational outreach on MDS for municipalities and other planners. ... I can also help to interpret the policies at play if it would be helpful.

Wainfleet has also posted its own MDS materials.⁵ Their MDS files are trimmed down from the province's MDS Document to make it a bit easier to

² The Minimum Distance Separation (MDS) Document – Formulae and Guidelines for Livestock Facility and Anaerobic Digester Odour Setbacks, Publication 853 (Ontario Ministry of Agriculture, Food, and Rural Affairs) <https://www.ontario.ca/files/2023-07/omafra-minimum-distance-separation-document-en-2023-07-26.pdf>

³ AgriSuite <https://agrisuite.omafra.gov.on.ca/>

⁴ AgMaps <https://www.lioapplications.lrc.gov.on.ca/AgMaps/Index.html?viewer=AgMaps.AgMaps&locale=en-CA>

⁵ Minimum Distance Separation MDS (Township of Wainfleet) <https://www.wainfleet.ca/mds>

read. Their wording makes it seem like they are hesitant to reduce MDS setbacks, which is somewhat odd given your present circumstance. The Region of Niagara probably won't have anything to say about the MDS, seeing as the province took away their planning responsibilities. It perhaps should be noted that it is rather difficult to reverse planning decisions made for developments on your neighbour's property, as the province took away "third party" appeal rights for planning decisions. For that reason, it's important to get it right on the first try.

The OMAFA planner for Wainfleet ... is Nancy Rutherford. ...

Take care and reach out any time,

Mr. Aarts also spoke with Ms. Ivins that day, and wrote to her that evening:

From: Peter Aarts

To: Sarah Ivins

Subject: Proposed Dwelling Misener Rd

Sent: August 26, 2025, 5:48 pm

... Further to our conversation... I will further outline my concerns with the proposed dwelling on Misener Road.

... [Y]ou explained that Guideline #12 of the MDS I Document applies ... Guideline #12 outlines when a reduced MDS I setback is permitted.

...

... Guideline #12 is applicable as it meets the criteria outlined ... This, however, only reduces the setback for the proposed dwelling to no closer than the furthest of the four dwellings located within 60 degrees to the north and 60 degrees to the south of the line connecting the livestock facility and the proposed dwelling ...

...

According to Guideline #12, the proposed dwelling may be no closer to the livestock facility than the existing dwelling located at 52225 Misener Road, the furthest of the four dwellings.

Thus, according to my calculations, the reduced setback may be no closer to

the livestock facility than 1,026 feet. ...

Mr. Aarts slightly corrected himself at 8:03 am the next morning:

Hi Sarah,

I want to make a correction to the minimum distance I calculated. ... [T]he minimum distance should be calculated to the furthest point of the furthest of the four dwellings. This makes the setback calculation +/-1,100 feet.

Ms. Ivins emailed Mr. Aarts on September 3, 2025, regarding a property visit for the next day:

... Ben Hopkins, Chief Building Official, and myself will be attending the property ... to take some measurements to confirm the volume of the storage tanks (to finalize a MDS calculation) and to assess the condition of the storage tanks. ...

Ms. Ivins wrote to Mr. Aarts again on September 9, 2025:

... I can confirm that the Chief Building Official ... found no concerns with respect to the condition of the manure storage tanks and therefore they are considered reasonably capable of storing manure. As such, the MDS I setback is to be applied for the proposed dwelling on Misener Road. In accordance with Implementation Guideline #12, a reduced setback of 336m (1,100 ft) is required for the proposed dwelling. This is based on the distance between the closest point of the manure storage tanks to the furthest corner of the dwelling located at 52225 Misener Road. The building permit for the proposed dwelling will either be amended to relocate the dwelling so that it complies with the MDS I setback or the permit will be cancelled, depending on the applicant's preference. ...

Mr. Aarts also provided an unofficial transcript of his interactions with Councillor Gilmore on Tuesday, August 12, 2025 – which was the basis for this complaint. Councillor Gilmore and Mr. Aarts texted each other that afternoon, beginning at 4:33 pm (Councillor Gilmore on the left):

Hi Pete, are you around tonight after supper? I need to talk to you about a minor Township issue.

Sure Terry. What time are you thinking

Anytime after 6

How is 6.30

What is the issue regarding

Your empty barn and your nephew's house. Nothing that affects you.

Councillor Gilmore gave Mr. Aarts email addresses for himself and Mr. David Scott during the text exchange.

On top of an informal written transcript, Mr. Aarts also provided our Office a video of his in-person interaction with Councillor Gilmore on August 12, 2025 – which lasted 19 minutes and 50 seconds, seemingly taken from a camera at his front door. Councillor Gilmore began driving away at the (20:04) mark. I have condensed Mr. Aarts' transcript as follows (with Councillor Gilmore again on the left):

... It hasn't been used for livestock

Right

... So. I figured you probably knew that, that if you ever wanted to use it again for animals, there'll be this extra layer of bureaucracy.

OK

... It's just the fact that there's ... dwellings ... in the circle.

Mhmm. yep.

... [I]f you have an active operation then you don't have to ... comply with anything new they make. But if you stop doing it and then you wanna come back, then ... then you get to play by the new rules ... so to speak. ...

Right.

... I figured you probably knew that, but I wasn't sure.

Yeah, I'm not aware of all of this stuff, no.

Yeah, so anyway ... he just needs an email saying that you're the registered owner of this property, this barn is vacant ...

Who needs that?

Jonathan will. ... He needs it for his building permit.

Why do you need that for a building permit?

Because ... of the proximity to the barns. So ... if you had animals in there ...

... [H]ow far does he need to be away?

I think it's 500 feet.

And ... how close is it now?

I don't know. I'd have to look it up. ... But ... the reason I said it doesn't really affect you because ... Ross' house is closer and ... so is his rental house.

Yeah. Like if I wanted to do something.

If you want to put livestock back in there, then it's not that you can't do it ... you gotta have this number and you gotta have the storage here and ... all this stuff. ... [I]t's just they're within the proximity.

Right. So why can't he just do it anyways now?

What's that?

If he can't build it without having me sign some letter?

Well, I don't know. ... Sarah just said that we need ... an email just to verify that the barn is empty.

Yep.

That's all. So ... like I said if you decided to do something down the road then that's ...

Yeah, then that would change everything again.

But it's not gonna ... matter whether he has a house there or not cause there's already all those other houses.

Yeah yeah. Yep.

So he's really no closer or farther than the other houses ... so that's all ... just if you could send an email to the planner.

I'll have to think about it cause really ... you know ... I have ... if he could build his house further back, then, I guess. What would be the problem with that?

Uhh ... well ... he might have to put it out in the middle of the field.

I guess he could do that. No I'm just not looking at making any kind of thing that's gonna change my future plans, right?

... It ... doesn't matter because the fact that he's putting it there doesn't affect any future plans that you ... might have. It's just ... the building's empty now, and ... the Township just needs to verify that the building's empty. ...

Well, I'll have to give it some thought.

Well I'll send you the guy's email. ... Dave Scott ... he's a planning tech. ... So I'll text you his Township email and mine ...

What if they already know it's empty?

Well, they don't particularly. Like, how would the Township know that it's empty?

Well, I could just say that it's not empty ... like ... I don't know. ... I'm more looking at ... what's the future for that piece of property ... I'm not looking at making it harder for myself.

Well, this doesn't do that. That's all I'm trying to tell you ... there's four or five other dwellings that are already in the donut, so to speak.

Yeah, so that's why I don't understand why there's a problem to begin with.

It really isn't a problem. It's just as part of the building permit process. If there's a barn they have to determine if it's vacant ... That's really all there is to it, so ... I don't know whether ... you don't have anything in there, but I don't know that ... it would make any particular difference. ... It's just Township bureaucracy.

Oh, I get it.

The way you gotta do stuff. But ... it won't make any difference to you down the road. It's totally totally irrelevant. ... I mean this is just some bureaucratic thing that the planner wants ... that's all it really is.

I get that ... bureaucracy as far as that kinda stuff goes. I'm just looking to not make it any more difficult for myself for if I, somewhere down the road, ... I decide to sell it and somebody wants to do something there, cause if they put another house there, that could make it even harder.

Yeah, well, there won't be any other houses going there.

Yeah I get that. But there's the one going in now, so ... I mean they could move the house back further and it wouldn't be issue either, I guess. I'll have to give it some ...

...

Yeah, yeah. Yep. Well you have my Township email. You don't need that but, yeah ... let me know ...

Well, you know where I'm coming from, right. I'm just thinking of my future. You know, if ... he's going by what you're allowed to do, I don't have any problem with that. But I'm not gonna change something that I'm allowed to do. If I have to go through the hoops of something, I guess I'll have to do that. So ... that's just my thought.

Yeah, all I'm saying is ... when and if you decide to put something in there, it

would be whatever the new rules are. And I don't even know what the new rules are. ...

...

What about manure storage? Cause I have storage tanks. Can I use them the way they are? ...

...

Yeah, storing ...

Storing manure.

Well, I don't know why you couldn't. But ... I'd have to drill down further. So that's ... yeah that's ... It's really just a declaration that the barns are empty.

But he needs it for his building permit?

According to Sarah, yeah. She has to verify that the barns are empty.

And what if I don't verify that the barns are empty?

... I don't know.

I'm not trying to be a hardass, I'm just saying ...

No, no, no. I don't know.

I feel like I'm giving up rights to myself, or future potential people.

I don't ... I'm confident that's not the case. Sarah can verify that, because ... that's why I asked her about well, what if you wanted to put something in there later? And she said, well ... whatever the new MDS rules are regarding the new livestock ...

See ... if I don't, then this means, to me, that just means that they're not empty, or it's not verified ... I'm just trying to get my head around it.

I mean, I can ask some more questions from her about that. Like what I don't want to have happen is well. ...

Cause if they can build it and it's really not gonna change anything ... then they can just go ahead and build it, right? As long as they're doing what they have to do.

Yeah, yeah, oh yeah. Definitely. It's ... uhh ... you know, I thought about that too, well what if ... they say, well, maybe the Fire Chief should go in and do an inspection. And then he can sign an affidavit that yeah, I went and inspected it, the barn is empty. Well, that might pacify 'em. But what's that gonna ...

The Fire Chief is not qualified for that, is he? He's a fire chief.

No, but, he can come in and say ... I wanna come and ... I don't wanna get to that point, right? Well, I'll send you the guy's ... contact and my township email, so just cc me. And then if you want me to do it ... you could just ask him those questions before you ... like ... cause he'd be the guy that could answer them. He's the planning guy. And if you want me to find out any other information, then I'll find out other information.

So ... you know ... you talk about the Fire Chief coming and doing an inspection ...

Oh ... I ... that's just hypothetical.

I know, but I'm just saying that would be going in there for a false pretenses of something else.

Yep.

You know what I'm saying?

I'm, just ... hypothetical. No he probably can't do that without a reason.

I mean I do get it inspected for insurance purposes, right? So I would think that would be good enough.

Mhmmm.

You know.

Alright well I'll just text you the contact info.

Yep. and if I have another question I'll contact you.

Yeah, OK that's fine. But basically, all it needs to say is that I'm the owner of ... this barn, and this barn is vacant. That's all there is to it. As far as ... what else they have to do I don't know what that would be.

I'm sure they got other ways to do things. I mean, they can ... set back the house further to where it's not an issue, right? Put it somewhere else further away. ... I don't know the footage of what he's allowed.

Yeah, well ... the frontage along that road is all the same distance, right? Like as far as being along the road ...

They could make a longer driveway and set it back if that's an issue.

Yeah, I don't know how close it is to ... I didn't find that out.

Yeah, I don't know what the footage is.

I think it's 500 feet. That number sticks in my head.

Yeah, I don't know. I thought the barn was further than 500 feet, but I have no idea.

...

Yeah, so it would be the livestock barn itself. I'll ask Sarah ... how close it is ... I didn't really get into it with her, I just ... I was talking to her about some other stuff and ... cause my nephew's building a barn at his house too, a bardominium type thing. ... So we're trying to get that into Committee of Adjustment and blah blah blah blah. Just doing my, uh, my councillor duties.

Oh, yeah. It never ends, eh?

Oh, off and on. Not too much going on, but ... alright, well anyway, I'll text you his email, my Township email, both together. And then if you have any other issues, then buzz me. Don't send the Township an email about it. Just call me, or text me.

Yeah, I'll call you.

For whenever it's official just cc and then I have it on my Township ...

Try to look up some more information with this ... what I'm looking at. What the distances are ...

Yeah, I can try and find out, I should refresh my memory on it anyway.

I mean if you say that I can't put pigs in there or any kind of livestock ... or I'm limited to how many ...

Yeah, I think that's what the thing would be is how many and how you're storing the manure ... is really what they get cranky about. But, whether ... there's his house or there's other houses there, any of them are going to trigger it.

Well, I had to do all that with the last barn I built. I had to do all the measurements and all that kind of stuff.

For your implement shed?

No, for the last livestock barn that I did. A permit and all that kind of stuff. I had to deal with it some at that time, I'm sure the rules are more strict ... And a lot of it's further back because the barns are just so much bigger, right?

I'll find that out, and I'll [inaudible] you back [inaudible].

Code of Conduct

Mr. Aarts asserted that Councillor Gilmore contravened sections 2(b), 2(c), 2(e), 5(c), 5(g), 7(a), 7(b), 11(a), and 12(a) of the Township's Code of Conduct. Those provisions state:

2. Key Principles

...

b. Members shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members shall also not extend... preferential treatment to ... organizations or groups in which they ... have a direct or indirect pecuniary interest.

c. Members are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

...

e. Members shall seek to serve the public interest by upholding the laws and policies established by the Federal and Provincial government, and by Council.

...

5. Use of Staff, Property, Service and Other Resources of the Township

...

c. Nor shall any Member use, or attempt to use, their authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing Staff with the intent of interfering with that person's duties [T]here are distinct and specialized roles carried out by Council as a whole and by Members ... Similarly, there are distinct and specialized roles expected of Staff ...

...

g. No Member shall attempt to influence Staff to circumvent normal processes in a matter ...

...

7. Improper Use of Influence

- a. *No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.*
- b. *Members shall not contact members of any tribunal regarding any matter before it, including, but not limited to, the Committee of Adjustment ...*

...

11. Respect for the Township and its By-Laws and Policies

- a. *Members shall encourage public respect for the Township, its by-laws and policies.*

12. Respectful Workplace

- a. *Members shall treat members of the public, one another, and Staff appropriately and without abuse, bullying or intimidation and ensure that their work environment is free from discrimination and harassment.*

I also observed (although not cited by Mr. Aarts) that section 5(h) of the Code of Conduct mandates the following, which I consider highly relevant:

5. Use of Staff, Property, Service and Other Resources of the Township

...

- h. *No Member shall involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer.*

RESPONSE

Councillor Gilmore submitted his written Response on October 24, 2025:

1. Introduction

... The core of my interaction with the Complainant was an attempt to fulfill my duty as an elected official to diligently serve and assist a resident, by facilitating personal and timely communication with the appropriate municipal department.

I assert that my conduct was, at all times, in accordance with the Code.

2. Specific Allegations and Code of Conduct

Key Principles ... Making a false or misleading statement

DENIED. *My statements were an accurate reflection of my knowledge ... which is why I repeatedly deferred to staff and encouraged that communication.*

Conscientiousness2(a)

DENIED. *I arranged ... this meeting with the intention of serving my constituents in keeping with my role as an elected official.*

Integrity and improper influence2(b)

DENIED. *I performed my function as a Councillor in a manner consistent with all other such meetings, with the intent of finding a middle ground and advancing the issue. I did not direct staff; I repeatedly referred the resident to the appropriate person. There is no pecuniary interest and the assertion that I am an employee of JLA Grain is false. I am a self-employed contractor.*

Use of Township Staff /Resources

5(c)

DENIED. *I did not use my authority or influence for the purposes of intimidating, threatening, coercing, commanding, or influencing staff with the intent of interfering with any person's duties ... I repeatedly referenced staff and their role in the matter.*

5(g)

DENIED. *I did not attempt to influence staff to circumvent normal processes in this matter. On the contrary, I was attempting to obtain key information for staff to be able to move the process forward for my constituents.*

Improper use of influence 7(a), (b)

DENIED. *I did not direct staff; use my influence outside of my duties as a Councillor; nor attempt to influence the Members of any Tribunal. I referred the resident to the appropriate staff.*

Respect for the Township and its By-laws and Polices 11(a)

DENIED. *... [W]ith a tenure of over 10 years, I have always demonstrated the utmost respect for the Township I serve, its residents, and our staff. As a legislator, I hold the By-laws of the Township, as well as it's policies, in the highest regard. I strongly reject this allegation.*

Respectful Workplace 12(a)

DENIED. *... I strongly reject the allegation that I have abused, bullied, intimidated or otherwise treated anyone in a disrespectful manner. ... [T]here will often be times when there is disagreement or debate on a matter, but mutual respect has been a hallmark of my time on Council with the public, fellow Members, and staff.*

3. Factual Chronology of Events

I can confirm items 1, 2 and 3 on the Timeline provided by the Complainant.

4. ... Allegation of Making False Statements (or Misrepresentation)

... My statements ... were a prudent and appropriate exercise of my role... The questions posed by the Complainant were often operational, technical or procedural in nature, which are explicitly the responsibility of municipal staff, not elected Council.

The records ... demonstrate that I attempted to obtain the information related to the occupancy of the barn in question, to assist staff; and appropriately and repeatedly, referred the Complainant to the relevant staff member, to ensure accurate technical or procedural information was provided to him.

My statement that "I do not know the answers" was an accurate reflection of my lack of technical expertise on a particular administrative matter or question, and a deliberate act to prevent any misrepresentation by deferring to the appropriate authoritative source (staff). ...

4.(b) Use of the Unofficial Transcript/Video Evidence

... While I cannot verify the accuracy of the transcription ... the context of my statements was an attempt to simply liaise between a resident and staff to help get a house built. ... [I]n my opinion, our interaction was calm and respectful.

5. Context of the Matter

The spirit and intent of my interaction ... was to serve my constituents diligently ... by addressing a pressing concern to get a house built and assist staff by getting the information they needed to move forward with their response.

Staff had indicated they required confirmation that the barn ... was, in fact, vacant. My conversation ... was an effort to help staff by clarifying the administrative process and directing the Complainant to provide the required documentation. It was strictly about the barn. It was the complainant who raised the ... manure tanks and related speculative matters.

There was no element of financial gain, nor malice, in my actions. ... I am not an employee of JLA Grain. I am a self-employed contractor. My only objective was to apply a sensible, common-sense approach to facilitate the resolution of a building permit issue, which is an expected and necessary part of the Councillor's role.

The ... records ... shows that procedures were being followed and continued to be followed, and, that my referral of technical or procedural questions back to staff was appropriate for an operational matter such as this.

I strongly believe my actions are those of a Councillor acting in good faith to serve his constituents, and ... maintaining the integrity of the staff-Council relationship and my elected office.

6. Conclusion and Requested Outcome

I was more than a little surprised to receive this complaint from a person with whom I had previously enjoyed long-standing friendship ...

... I respectfully submit that:

1. *My actions were consistent with my duties as a municipal Councillor and ... the ... Code of Conduct.*

2. *The allegations of contravention are unsubstantiated by the objective evidence.*

...

REPLY

Mr. Aarts submitted the following Reply on November 5, 2025:

Regarding Pecuniary Interest in the Matter:

Councillor Gilmore is a self-employed contractor who I believe has, for an extended period of time, done contract work for JLA Grain. I have witnessed this myself, and Councillor Gilmore has shared about it publicly on Facebook. His status ... should be able to be verified through the following records:

- I Grain delivery receipts ... signed ... upon delivery ... to the terminal;*
- II Driver signatures in JLA Grain Truck Safety Logs;*
- III Payment or compensation records;*
- IV Other persons working at JLA Grain.*

His status ... confirms Councillor Gilmore's pecuniary interest in the matter as well as his inability to stay objective ... in this particular situation.

Councillor Gilmore has publicly removed himself from matters of Council in the past for the reason of being a contract employee. At the ... Meeting of Council on December 11, 2023, Councillor Gilmore declared a conflict of interest ... because he was a contract employee of the petitioner ...

It is my belief ... that the ethical standards of Council apply not only in public settings ... but also in all other matters where members represent the Township. ... Councillor Gilmore was acting as a representative of the Township of ... and should therefore be held to the same standards of conduct ...

Regarding respect for the Township and its policies:

Although Councillor Gilmore's conversation was calm in appearance, there were several instances where he showed little respect for the Township and its policies. The MDS I Policy was established by the Government of Ontario for the purpose of protecting the rights of farmers to operate in agricultural areas. In the Township ... where agriculture is central to the community, the MDS I Document is of the utmost importance. Through the use of words such as "just Township bureaucracy"

and “some bureaucratic thing,” Councillor Gilmore reduces the importance of the Document and disrespects the Policy itself. His statement about ... Township staff getting “cranky” and that the letter was to “pacify them” shows little respect for the Planning Department staff.

Regarding the Knowledge of Policies and Normal Processes:

Councillor Gilmore demonstrated sufficient familiarity ... to note that the proposed dwelling would need to be located significantly farther into the field in accordance with Minimum Distance I regulations. This indicates that he did ... possess knowledge of the MDS requirements relevant to the area.

... [I]t would be reasonable to expect that he possess enough knowledge of the matter to answer basic questions. Without sufficient understanding to address ... the appropriate procedure – official notice from the Township by letter – should have been followed. However, Councillor Gilmore requested the information before I had received any formal correspondence from the Township. Had the proper process been followed, I would have immediately understood the importance of the manure storage in the matter, as it was referenced in the letter. Following the standard process would also have avoided the added stress of feeling intimidated by a threat to involve the fire department. The Township obtained the information they needed by dealing with me directly; Councillor Gilmore’s involvement was unnecessary to “facilitate the resolution of a building permit issue.”

... I had no prior knowledge of the issue ... According to Wainfleet’s own MDS I Guide, it is the responsibility of the Applicant to collect information from the livestock facility owner for submission to the Township. A Member of Council making such a request on behalf of one constituent ... already involving a lack of impartiality is not acting in good faith. This appears to have been an attempt to ... push through a building permit that never should have been approved.

Councillor Gilmore also claimed that his interaction ... was intended to “assist staff.” However, on August 18 ... David Scott called me to ask if I had received a letter about the proposed dwelling. I told him I had not received a letter, but that Councillor Gilmore met with me to discuss the matter. Mr. Scott indicated that he was surprised that Councillor Gilmore had already discussed the matter with me. He seemed to have been unaware of this “assistance.”

Regarding False/Misleading Statements:

...

- *The property is still permitted as a livestock facility, and, as such, I retain my right to re-establish a livestock operation ... using existing facilities, including the manure storage.*

...

- *Ross' house is located outside the 120-degree intervening area ...*

...

- *A new, non-compliant dwelling in the area would affect the ability to expand operations in the future ...*

Had I listened to Councillor Gilmore's confident claims about this matter not affecting my farm, and written the letter, my livelihood could have been affected.

Regarding Respect for Residents and Intimidation:

... Councillor Gilmore threatened to use the fire department as a means of acquiring information about the status of the livestock barn. ... This attempt to coerce me into giving the requested documentation made me feel threatened and intimidated. In no way were these words respectful of my rights ...

Regarding Friendship:

To clarify ... this Complaint is not coming from a friend of Councillor Gilmore, but from a resident of the Township ... In fact, Councillor Gilmore ... appeared to be using our long-standing friendship as a means of trying to coerce me into doing something that wasn't integral or looking out for my ... best interest. He was therefore not impartial; he was looking out for one constituent's best interests over another ... It appears he was trying to use that very friendship as a means of gaining an advantage over me for another constituent ... with whom he does business.

... [I]ntegrity would have required Councillor Gilmore to acknowledge, "I cannot speak to this matter on your behalf," and to recuse himself entirely from the situation.

Conclusion:

... [H]ad the proper procedures been followed ... and had Councillor Gilmore not inserted himself in the matter, thereby creating a conflict of interest, there would be no need for a Complaint. I have sincere concerns about the integrity and ethics of the matter, and I respectfully believe that ... the Integrity Commissioner is there is to uphold matters such as these.

... I believe that it is especially important for Councillors in agricultural communities to respect and uphold the ... policies that establish these protections for farmers. ... I strongly support holding elected officials to the highest of standards regarding ethics and conduct in public as well as private. ... I believe the context and evidence of the matter support the need for an investigation.

Mr. Aarts attached the following image, which he described as an October 17, 2024 Facebook post by Councillor Gilmore. He asserted the pictured truck had JLA Grain's logo on its door.

[continued on next page]



Terry Gilmore

Oct 17, 2024 · 🌐



New truck, New logo, great weather, great day. Love life in Wainfleet.



INTERVIEWS

I reached out to both parties inviting opportunities to speak, and spoke with the Respondent first simply because he was available earlier.

Respondent

I asked Councillor Gilmore why he approached Mr. Aarts on August 12. He replied that the Township's Planning Department needed a letter stating Mr. Aarts' barn was empty – they had issued a building permit, but then realized the letter was necessary, so they were going to send it to Mr. Aarts and allow him

some time – but Councillor Gilmore suggested he had a personal relationship with Mr. Aarts as a friend, so he'd just go ask if he would provide it.

Councillor Gilmore said there was a significant backstory between Mr. Aarts and the rest of his family, but he was friends with both of them, so he was just trying to expedite the permit process. He said Ms. Ivins told him if Mr. Aarts didn't respond within about a week then they'd make some assumptions, so he replied he'd just go speak with him – Ms. Ivins didn't ask him to do so, he just volunteered.. Councillor Gilmore said the well-known animosity between Mr. Aarts and his family didn't affect him because that was personal between them, but he was trying to expedite the permit for Mr. Aarts' nephew ('Jonathan'), despite the fact Jonathan and Mr. Aarts don't get along.

Councillor Gilmore said Jonathan had already put the driveway in, but suddenly needed a letter stating Mr. Aarts' barn was empty, and they were ready to dig foundation the next day. Councillor Gilmore told me Mr. Aarts' barn has been empty for 25 years, and "everybody in the Township knows it" – so he went to see if Mr. Aarts would send an email confirming so, to prevent more delay and expense. He said Ms. Ivins only told him she needed confirmation the barn was empty.

Councillor Gilmore said Jonathan is the son of 'Lenny', and Lenny and Jonathan own JLA Grain together (with Lenny as its President), and he does contract driving for them. He said 'Ross' is an unrelated property owner across the highway. Councillor Gilmore said his relationship with JLA Grain was contractual – he is a sole proprietor, using the business name 'Gilmore Driver Service' – he drives people's trucks, and invoices them hourly. He confirmed that the Facebook picture was of a new JLA Grain truck he drives.

I asked Councillor Gilmore why he felt it was important to approach Mr. Aarts on August 12, rather than just let the application process play out like usual. He replied that waiting for a response from Mr. Aarts would have probably added a week or two to the process, and he speculated that if Mr. Aarts ignored the letter and the Township made some assumptions, then Mr. Aarts would have probably sought some recourse against the Township. He said there are only certain windows for farming activities, and the farm was between planting and harvest seasons, so the owners (Jonathan's family) were anxious to get things going and build in the summer rather than the winter. Councillor Gilmore said he was just trying to facilitate that, and thought he might be able to bridge the animosity

because of his personal relationship with Mr. Aarts – which he acknowledged was clearly an oversight on his part. Councillor Gilmore said Mr. Aarts' barn had been empty for 25 years, so he only asked for a letter saying so. I asked how Councillor Gilmore knew the barn was empty – to which he replied there's been no activity, and there's no livestock in or around it, it was the family farm where Mr. Aarts, Lenny, and their sisters grew up, and Lenny's business was across the road. He acknowledged that it was hyperbolic to say "everybody" knew, since the Township has 6,000 residents, but he said everyone in the vicinity knew the barns were empty. He added that the MDS was "a big circle around the barn", within which several houses already existed, so adding another wouldn't affect that there were already other residential buildings in the circle.

I asked Councillor Gilmore why he mentioned the Fire Department with Mr. Aarts. He replied that it was just a friendly conversation, and Mr. Aarts asked about saying the barns weren't empty – which startled him because he knew that wasn't true, so he didn't know what to say. He said the Fire Department can inspect any building they deem necessary in the Township, but it wasn't a threat – it was just conversation, he was only speaking with Mr. Aarts the way he had for 30 years, and he said in the moment the Fire Department reference was hypothetical. He acknowledged using the term "bureaucratic stuff", but said Township staff could corroborate that he says that all the time but also has the utmost respect for them. Councillor Gilmore said he made no demands of Mr. Aarts, and gave him contact methods for replying, but asked to be cc'd so there'd be a paper trail. He told me "if I'm not able to ask someone to expedite someone to do something, then I don't need to be in my role."

Councillor Gilmore elaborated that he asked Ms. Ivins what would happen if Mr. Aarts didn't respond to her letter within 7 days – to which she replied they'd make some assumptions, and Councillor Gilmore thought was worse than letting Mr. Aarts know what happening, in case he was away (because he's retired and travels around), so he didn't want Mr. Aarts returning and alleging that the Township made an assumption and then going after them for it. Councillor Gilmore said he had no pecuniary interest in the building permit application, and he was just acting on the Township's behalf. He said it would have only been an ordinary house, next to five others in a row, and it would have made no sense for the applicants to build it way back in the middle of the field, because "it wasn't the only house in the 'donut.'"

Councillor Gilmore said the main problem in this situation was Mr. Aarts' relationship with Lenny and the rest of his family – he thought Mr. Aarts was only doing all of this out of spite for them, which troubled him personally, although he acknowledged it was irrelevant to everything relating to the MDS. He noted he had worked for JLA Grain since 2001, and said Lenny asked him if he was sure he wanted to speak with Mr. Aarts, to which he replied he had a good relationship with Mr. Aarts, so asking him might expedite matters because Lenny couldn't do it. Councillor Gilmore acknowledged that in hindsight he probably shouldn't have done so, because his friendship with Mr. Aarts has ended since Mr. Aarts won't speak with him now. He said Mr. Aarts was bothered because the permit application involved Lenny and Jonathan potentially getting something of value, so he was disappointed that Mr. Aarts was “doing this basically out of spite,” but he didn't want to drag the rest of the family into all the interpersonal stuff.

Following our call, Councillor Gilmore sent me documentation that established his business number and GST/HST registration for Gilmore Driver Service. He also sent me a sampling of invoices he sent local customers for “hourly driver service”, including some to Len Aarts at JLA Grain Inc. on Misener Road. I am satisfied that Councillor Gilmore operates as a sole practitioner, and has a remunerative relationship with JLA Grain Inc.

Complainant

I spoke with Mr. Aarts the following week. He said the building permit application was initiated by Jonathan Aarts (his nephew) and his wife Nadine – they have an approximately 70-acre farm across the road from his farm and wanted to build a house on it. Mr. Aarts said the permit process requires a minimum distance setback ('MDS'), which he hadn't known about until Councillor Gilmore approached him by texting him and coming to his place on August 12. He said the Township later wrote a letter describing the setback requirement, dated August 13, but he didn't receive it until August 19 – the Building Planner (Ms. Ivins) first said an MDS I was needed, but then later said it wasn't needed. Mr. Aarts thought the Guidelines clearly indicated a calculation was needed, so he and Ms. Ivins emailed back and forth in the ensuing days, and he felt Ms. Ivins had been encouraged not to follow the Guidelines for some reason, even though she previously followed the setback rules for other houses. To him, it seemed Ms. Ivins may have been influenced by somebody encouraging her to say the rules weren't met. He said he communicated with staff at the Ontario Federation of Agriculture ('OFA') and the Ontario Ministry of Agriculture, Food, and

Agribusiness ('OMAFAs'), both of whom highly recommended using the Guidelines for such situations.

Mr. Aarts said he has a liquid manure storage on his farm, which by his calculations the proposed house needed to be 1,100 feet away from, and ultimately Ms. Ivins agreed with him that it was necessary in order to approve the application. He said the building permit didn't go forward – Ms. Ivins' final email said it would be approved based on 1,100 feet setback, but the applicants had the option to pull the permit, so the Building Department ultimately did what they were supposed to. He said the applicants had a lot of space on their property to satisfy a permit (70 acres), but they proposed to put the house in the closest spot possible.

Mr. Aarts said Jonathan and his father ('Leon Aarts') own a company known as JLA Grain Elevator and Farm, who Councillor Gilmore drives a truck for, which in his eyes put Councillor Gilmore in a conflict of interest, and he never should have been involved in the matter. He said JLA Grain is a grain elevator, and many people had witnessed Councillor Gilmore drive their truck – he, his wife, and his daughter had all witnessed it, as well as several other JLA Grain employees. He added that Councillor Gilmore is also on a Township drainage committee with Leon, so Councillor Gilmore is an associate of Leon and works for both Leon and Jonathan, so to him Councillor Gilmore shouldn't have been involved in this situation from the start.

Mr. Aarts added that Councillor Gilmore drives trucks for at least two or three other local businesses, and he found that Councillor Gilmore recused himself from a Council conversation owing to a conflict of interest because he worked for the company involved – so that established that Councillor Gilmore knew what conflicts of interest are, and knows what he should and shouldn't do, even though the building permit was more semi-private since it didn't go before Council for approval.

Mr. Aarts thought the permit applicants and the Planning Department knew the MDS I Guidelines quite well, and that Councillor Gilmore also had prior knowledge of them. He said 'Ross' only came up because Councillor Gilmore was telling him the proposed house wouldn't affect him "because Ross' house was already there" – but to him Ross' house didn't really come into play, so he was unsure why Councillor Gilmore mentioned him. He said Councillor Gilmore's whole process caught him off guard – his initial text said the Township had an

issue and he wanted to meet, so he agreed just to see what was going on, but he thought if the Township had an issue they'd normally send a letter explaining what it was. He said when he asked Councillor Gilmore what the matter was about, he replied it was his empty barns and Jonathan's house – which didn't strike him as a normal procedure for a building permit. He said Councillor Gilmore was minimizing his concern throughout their conversation, saying he had nothing to be concerned about; but he wondered why Councillor Gilmore was there if it wasn't really a concern, since he came under the pretenses as a Township Councillor. He said Councillor Gilmore told him the Township just needed a letter saying his barns were empty, to which he asked where the house would be if the rules were followed, and Councillor Gilmore replied it'd be out in the middle of the field. Mr. Aarts asked Councillor Gilmore what would happen if he didn't give him the information, to which he replied the Township could just send in the Fire Department for an inspection – which intimidated him in the moment, and then Councillor Gilmore further minimized the matter by saying it was “just Township bureaucracy” that wouldn't really affect him. He said Councillor Gilmore mentioned Ms. Ivins a couple of times, and Ms. Ivins seemed very resistant to follow the Guidelines initially, even though she knows the Guidelines and had made others in the community follow them. However, Mr. Aarts acknowledged that dealing with Ms. Ivins was fine in the end – he just didn't know “why there was resistance there.”

Mr. Aarts confirmed that his barns are empty, but said he learned it didn't really matter if his barns or the manure storage were empty because the MDS calculations would have been the same – it was more about potential use for the barns, and he uses the manure storage occasionally. He added that Mr. David Scott asked him during a short discussion on August 18 if he had received a letter – to which he replied ‘no’, but told him Councillor Gilmore had talked to him about it, which seemed to surprise Mr. Scott because he didn't know Councillor Gilmore was going to ask him about it. He noted that Ms. Ivins and Mr. Scott work in the same office in the Township's Planning Department.

Mr. Aarts acknowledged that he knew Councillor Gilmore for a long time and had some friendship or relationship with him – they had both been residents of Wainfleet their whole lives, and were involved in sports when they were younger and attended a couple of social events; but he said they were never close friends, and he thought Councillor Gilmore used the “so-called friendship” to gain his trust to go to his home to talk about the permit. He felt that Councillor Gilmore knew more about the MDS I than he was leading on, because Councillor Gilmore told

him “the house needed to be out in the middle of the field” – considerably farther out than the applicants wanted. He said the Ontario Federation of Agriculture (“OFA”) and the Ontario Ministry of Agriculture, Food and Agribusiness (“OMAFRA”) both told him Councillor Gilmore wasn’t following the Guidelines as written, which the provincial government instituted to prevent conflicts like these – regarding things like building barns when buildings and manure storages are already there. Finally, he added that Nadine Gill (Jonathan’s wife, and his co-applicant) was the local OFA representative at the time, so it was her job to know these things, and she knows all the MDS setback rules if you’re building a barn.

Witness – Sarah Ivins

I spoke with Ms. Ivins, a Planner with the Township’s Community & Development Services department. She said there are three individuals in her department – David Scott reports to her, and she reports to their Manager, Lindsay Earl.

I asked Ms. Ivins about the Misener Road building permit application the Township received in summer 2025, and her conversation with Mr. Aarts after she sent him her August 13 letter. She said the application was from Jonathan Aarts and Nadine Gill-Aarts, for a single detached dwelling, and she never received the completed form back from Mr. Aarts, but he called to clarify that there wasn’t livestock (only the manure storage), so the Township could go forward with their Minimum Distance Separation calculation. I asked if Ms. Ivins was aware of any relationship between the applicants and Mr. Aarts, to which she replied that she thought Mr. Aarts was Jonathan’s uncle.

I asked Ms. Ivins to briefly describe how the MDS rules governed the permit application. She said anytime there’s a new sensitive land use, including residential (like a new dwelling), the Township must review the Minimum Distance Separation for any livestock facilities nearby – including structures that can potentially house livestock, even if they currently don’t. She said when an applicant hasn’t provided that information, the Township would reach out to the property owners where there could potentially be livestock, to determine if the proposed location complies with the MDS setback. She said rule’s purpose is to minimize conflicts between residential users and farm operators, so that farm operators don’t get complaints about smell or normal operations, and ensure new residential uses are adequately separated from them.

Ms. Ivins said the permit application was revoked, at the applicant's request, around September or October 2025. She said the necessary setback between the proposed dwelling and the manure storage tanks was 336 metres⁶ – substantially farther than in the application, so the applicants needed to move the dwelling back considerably to comply with the MDS – i.e., more towards the middle of the field than adjacent to the road.

I asked Ms. Ivins why Mr. Aarts might have thought she had initially been reluctant to apply the MDS rules. She said she wasn't reluctant to apply the MDS, but they disagreed over its interpretation because she initially thought the MDS wasn't relevant to Mr. Aarts' barns, since they were no longer capable of housing livestock without renovations – there was no livestock there, and hadn't been in over 20 years. However, she said Mr. Aarts kept hypothesizing about what would happen if he re-established livestock use, so she told him he'd then have to do a new MDS II calculation of his own because he'd be establishing new livestock facility, and he had said he was only using the barns for storage, and there were no stalls, manure distribution, or feeding systems. She said her unoccupied livestock calculation created a different setback than just for manure storage tanks, but after speaking with OMAFRA (the provincial body that established the Guidelines) they clarified what was needed to satisfy the MDS, so she then did a final MDS calculation based on that and determined that her interpretation had been incorrect, so she made a different calculation and determined the 336m setback. The applicant was notified of such and chose to revoke their application.

Ms. Ivins recalled speaking with Councillor Gilmore about the permit application, but didn't recall exactly when because he just "popped into the office", so it hadn't been formally noted. She said Councillor Gilmore only asked her questions about the MDS, and why it needed to be applied to Mr. Aarts' property, given that it hadn't housed livestock for over 20 years. She said she told him what MDS was and what the Township needed to move forward with the application. I asked who reached out to who, and she replied Councillor Gilmore reached out to her, wanting clarification because the Township flagged MDS as an issue in its review. She denied asking Councillor Gilmore to help her with anything respecting the application. I asked if it was common for Members of Council to become involved in the building permit process, to which Ms. Ivins replied it is quite common in the Township – anytime a resident has problem with the process, or if they've been rejected and aren't satisfied with the information from staff, they usually contact a

⁶ This measurement converts to 1,102 feet

Member of Council, who then reach out to Township staff to try to help resolve the issue.

Ms. Ivins said this permit application process took about a couple of weeks – including speaking with the applicant, Mr. Aarts, Councillor Gilmore, and the Building Department. She said Councillor Gilmore told her he knew Mr. Aarts personally and might reach out to him, but she certainly didn't ask him to do that, and Councillor Gilmore never followed up with her about any of his conversations with Mr. Aarts. She added that she told Councillor Gilmore her department would be sending Mr. Aarts the formal letter.

ANALYSIS

The details in this case clearly reveal some unfortunate aspects to relationships impacted by the sequence of events. Although Councillor Gilmore believed he was interjecting himself into the permit application process for positive reasons, I find that he contravened the *Code of Conduct* in two ways by approaching Mr. Aarts on the evening of August 12, 2025. Most clearly, Councillor Gilmore usurped the role of Township staff – i.e., the handling of technical matters for the building permit application on Misener Road. Section 5(c) of the *Code of Conduct* states:

In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Members when performing their other roles. ... Similarly, there are distinct and specialized roles expected of Staff in both the carrying out of their responsibilities and in dealing with the Council.

Section 5(h) of the *Code of Conduct* mandates:

No Member shall involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer.

The building permit application was unquestionably an administrative matter falling within the jurisdiction of the Township's Chief Administrative Officer (who has oversight over all Township staff.) It should have been overseen by Ms. Ivins' department, and ultimately was. Ms. Ivins made clear that she did not seek Councillor Gilmore's assistance with the application, and that he undertook any actions on his own volition – which Councillor Gilmore also corroborated.

Councillor Gilmore also contravened the Code's "undue use of influence" provision:

7. *Improper Use of Influence*

- a. *No Member shall use the influence of his or her office for any purpose other than for the exercise of his or her official duties.*

I find that the August 12 interaction did not relate to Councillor Gilmore exercising his official duties – because nothing in his duties formally includes trying to speed up any particular building permit application. Mr. Aarts’ evidence creates a clear impression that he was uncomfortable during the conversation, and felt pressured by a Member of Council to provide a legally consequential statement that he didn’t understand at the time and felt could have led to negative consequences for him, such as giving up legal rights. Mr. Aarts also clearly perceives his nephew Jonathan (the applicant) to be adverse in interest to himself, and the evidence establishes that Councillor Gilmore is in an ongoing economic relationship with Jonathan’s company, as a contractor for JLA Grain. There was a reasonable appearance that Councillor Gilmore was interjecting himself into the matter to benefit Jonathan, who he has some degree of economic reliance upon – an appearance that made Councillor Gilmore’s interjection inappropriate. Councillor Gilmore acknowledged in writing that he “was attempting to obtain key information for staff to be able to move the process forward for my constituents”, and verbally told me that simply letting the application process just play out would have added a week or two to the process, and the owners (i.e., Jonathan and his wife) “were anxious to get the ball rolling and do construction in the summer rather than the winter.”

The evidence establishes that Mr. Aarts’ barn was factually uninhabited, but the fact that Councillor Gilmore (and seemingly many others) knew that does not impact the analysis. I accept that Mr. Aarts was intimidated in the moment that if he admitted so, it could negatively impact him in future, which was exacerbated by the fact that Township staff hadn’t reached out to him by that point. Very simply – the only inquiry to Mr. Aarts from anybody associated with the Township should have been made by Township staff. I acknowledge Ms. Ivins’ statement that Members of Council interjecting themselves into planning matters is apparently common in the Township; however, that should not be assumed to make such an approach compliant with the *Code of Conduct*.

CONCLUSION

I have determined that Councillor Gilmore contravened sections 5(h) and 7(a) of the *Code of Conduct*, through his interaction with Mr. Aarts on the evening of August 12, 2025. By approaching Mr. Aarts about an ongoing building permit

application, Councillor Gilmore usurped an administrative role that was clearly within the purview of Township staff, which was exacerbated by the fact that he was in an economic relationship with the applicant through his role as a contractor for the applicant's company (JLA Grain Inc.) The evidence establishes that at least part of Councillor Gilmore's motivation was to benefit Jonathan. As such, Councillor Gilmore's intervention into the permit application process, before Township staff had even reached out to Mr. Aarts, constituted an improper use of influence that I accept intimidated Mr. Aarts in the moment.

Publication

The Formal Complaint Procedure to the Code of Conduct establishes the following (I note uncommon) procedural steps when our Office finds that the *Code of Conduct* has been contravened.

17. Formal Complaint Procedure

...

e. Investigation

...

xvi. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct ... unless the Member has had at least seven (7) days notice of the basis for the proposed finding and any recommended sanction and an opportunity ... to comment ...

...

xix. Where the Complaint is sustained in whole or in part, the Integrity Commissioner shall ... report to Council outlining the findings, the terms of any ... recommended corrective action.

...

f. Penalties Regarding a Contravention by a Member

i. The potential penalties ... shall be those authorized under subsection 223.4(5) of the MA, namely:

1. a reprimand; and
2. suspension of remuneration paid to the Member in respect of the Member's services ... for a period of up to 90 days.

ii. The Integrity Commissioner may also recommend in his or her report that Council take the following actions:

1. removal of the Member from membership of a committee;
2. removal of the Member as chair of a committee;
3. ...;
4. ...; and
5. a written and/or verbal request for an apology from the Member to Council, the Complainant, or both.

iii. The power to impose penalties ... is delegated to the Integrity Commissioner, and the Integrity Commissioner shall ... exercise the power personally.

iv. A penalty imposed by the Integrity Commissioner takes effect immediately upon the filing of their report ... with the Clerk of the Township.

g. Reporting An Investigation:

...

iii. The Integrity Commissioner shall provide a copy of their report ... to the Complainant, to the Member ... and to all other Members at the same time as filing the report with the Clerk ...

iv. The report ... shall include:

...

5. where ... the Member has contravened the Code of Conduct ... the penalty under subsection 17(f) ... to be imposed, including a copy of a letter of reprimand, if imposed ...

...

vi. Where the Integrity Commissioner has filed a report ... with the Clerk ... the Clerk ... shall place the report on the next available Council agenda as

an information item.

My view (which I have stated in other municipalities) is that I do not believe the options listed in section 17(f)(ii) are legally permissible as a direct response to an Integrity Commissioner's report. Pursuant to s. 223.4(1) of the *Municipal Act, 2001* – which is the constating legislation governing our jurisdiction – there is only clear legislative authority for a reprimand or a suspension of pay. That section reads (fully):

Inquiry by Commissioner

223.4 (1) *This section applies if the Commissioner conducts an inquiry under this Part ...*

...

Penalties

(5) *The municipality may impose either of the following penalties on a member of council ... if the Commissioner reports to the municipality that, in his or her opinion, the member has contravened the code of conduct:*

1. *A reprimand.*
2. *Suspension of the remuneration paid to the member in respect of his or her services as a member of council ... for a period of up to 90 days.*

This is the first time our Office has issued a Report finding a contravention of the *Code of Conduct* by Councillor Gilmore since we were appointed as the Township's Integrity Commissioner. I believe a reprimand is the most appropriate sanction for this case's circumstances – they arose from an error in judgment by Councillor Gilmore, and I hope that this Report will be a meaningful learning opportunity. I have accepted that Mr. Aarts was intimidated by Councillor Gilmore on August 12, 2025. However, I also acknowledge that nothing about the building permit application ultimately changed substantively owing to Councillor Gilmore's interjection – Township staff ultimately agreed with Mr. Aarts' technical objections. The only lasting consequence in fact seems to have been a deterioration in the relationship between Councillor Gilmore and Mr. Aarts. That is for them to address between themselves as they might wish; however, in my view that is already a sufficient consequence – on top of the public reporting we are obligated to fulfill – such that I believe imposing a further financial penalty upon Councillor Gilmore is unnecessary to aid in addressing this situation. Our letter of reprimand

is being provided to the Township's Clerk along with this Report, and this Report is being provided to Township Council for information.

Prior to the formal release of this Report, Councillor Gilmore was provided an opportunity to comment, in accordance with section 17(e)(xiv) of the Code of Conduct. However, he advised on February 16, 2026 that he had no further comment respecting this matter.

Conclusion

I thank the parties for their cooperation in this complaint process and now consider the matter to be concluded.

Respectfully submitted by,



Benjamin Drory, Senior Investigator

Endorsement and Issuance of Report

I, Michael L. Maynard, Integrity Commissioner for the Township of Wainfleet, have reviewed the evidence, process, and results of Mr. Drory's Investigation. I agree with and endorse this Report in respect of Complaint IC-35690-0925, and hereby issue it to Parties and the Township, along with a letter of reprimand, in conclusion of this matter.



Michael L. Maynard
Integrity Commissioner



ADR
CHAMBERS

Integrity Commissioner Office
for the Township of Wainfleet

MICHAEL L. MAYNARD
Integrity Commissioner
E-mail: mmaynard@adr.ca

February 23, 2026

PRIVATE AND CONFIDENTIAL

SENT BY EMAIL TO:

Councillor Terry Gilmore
TGilmore@wainfleet.ca

Cc: Township of Wainfleet Council

Re: Code of Conduct Investigation Report ("Report")
File No. IC-35690-0925

Dear Councillor Gilmore,

This letter will serve to confirm that you are hereby reprimanded for the contraventions of sections 5(h) and 7(a) of the Code of Conduct referenced in Report IC-35690-0925 prepared by Mr. Benjamin M. Drory, the Investigator to whom I delegated responsibility to investigate and report upon this complaint. I have reviewed and am in agreement with that report.

Yours truly,

Michael L. Maynard
Integrity Commissioner