

John Tory's airport dilemma: Would conflict of interest keep him out of the debate?



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Jennifer Pagliaro

Olivia Chow is demanding Tory declare a conflict of interest now on the island airport expansion because his son has lobbied on the issue.



RANDY RISLING / TORONTO STAR Order this photo

The future of Billy Bishop Airport is to be decided by city council in the next term.

By: [Jennifer Pagliaro](#) City Hall reporter, Published on Thu Oct 09 2014

The frontrunner in the mayoral election, John Tory, could be prevented from voting on a key city issue next year if he is elected: the [island airport expansion](#).

Opponent Olivia Chow is demanding Tory declare a conflict of interest before election day, saying voters deserve to know he could be absent from the discussion of a key item.

Tory's eldest son, John A.D. Tory, is the CEO of Private Air Inc., an airline headquartered in Thunder Bay with a regional office at Billy Bishop Airport. The younger Tory is also a registered lobbyist with the city.

In March, when the city's executive committee was considering the expansion issue, John A.D. Tory spoke

to committee members, arguing in favour of the expansion. He has also personally lobbied several councillors and Mayor Rob Ford ([open Rob Ford's policard](#)) on the issue, according to the lobbyist registry.

The committee voted in March to [establish a framework](#) for airport negotiations, ahead of council's decision as to whether jets should be allowed to fly there. That question is expected to return in the new term of council next year.

Conflict-of-interest law would arise for Tory only if he is elected mayor, but Chow argued he should declare a conflict now.

"We don't need a mayor that would declare a conflict on one of the most important issues — which is the waterfront island airport," she told reporters this week, after a debate in Leaside. "I think he needs to declare a conflict right now and be very upfront and honest to the ratepayers and to the people of Toronto that he does have a conflict, because his son is working for a private interest that are interested in the airport expansion."

Candidate Tory, who has not taken a position on the airport issue itself, saying it needs more study, refused to say whether he believed he was in a conflict.

"I will follow all of the rules and determine that. I've got to get myself elected first. And I will follow then all the rules thereafter. And it's a commitment I've made earlier on, and I stand by it today," he told reporters after the Leaside debate. "That's the kind of thing you can determine when you become the mayor, and I'm not the mayor yet. I've got three weeks of campaigning to do. I'm optimistic I can become the mayor."

John A.D. Tory, reached by phone, declined to comment.

With the elder Tory leading in the polls, the question of whether the city's new mayor would need to absent himself from one of council's most pressing debates remains.

The [Municipal Conflict of Interest Act](#) deals specifically with potential financial interests of members of council. It clearly states that the interest of a member's child or spouse should be considered the member's own interest.

When a member of council has a "pecuniary interest, direct or indirect," that person should "disclose the interest and the general nature thereof" and "not take part in the discussion of, or vote on any question in respect of the matter," the Act says.

The law also says that anyone with an interest "shall not attempt in any way whether before, during or after the meeting to influence the voting on any such question" — which means that if Tory declared a conflict he would also be prohibited from working behind the scenes to sway the vote in any direction.

Stephen D'Agostino, a lawyer who specializes in municipal conflict of interest law, said legal conflicts arise when a member is participating in any debate or motion or vote on an issue at council or a committee.

To establish a legal conflict, it must be proven the member has a potential financial interest in the topic at hand.

"In any endeavor involving your children, where there's that kind of relationship, the wise thing to do would be to pause and take a serious look at it to make that determination," D'Agostino said. "The Act doesn't ask us: Is the son going to benefit or disbenefit? There just has to be an interest. So it could actually disbenefit his son and still create the conflict — you just have to make that factual connection."

This would not be the first time a Toronto mayor would need to consider potential conflict over his son's work.

In 2000, former mayor Mel Lastman's participation in a council vote condemning a politically charged fundraising campaign launched by the police association came into question when Lastman realized the union had hired a law firm in which his son, Dale Lastman, was part of their fight against the Toronto Police Services Board.

But a Superior Court judge ruled that the younger Lastman's financial interest was "so remote or insignificant" that Lastman was not in a conflict.

At the Leaside debate, both Chow and Doug Ford ([open Doug Ford's polycard](#)) made clear what side they are on. Chow is strongly against any expansion, which she says would ruin the waterfront, while Ford is strongly in support of the expansion, saying it's good for business.

Norman Di Pasquale, acting chair for the No Jets T.O. advocacy group, said it is clear the younger Tory would benefit from the expansion.

"Our sense with this is there's no doubt at all that there's a conflict of interest," Di Pasquale said.

He said the optics of not having a mayor involved in such a debate would be difficult, but not impossible.

"It's deeply strange to have a headless debate like this," he said. "But I think we're used to it."