



J. Paul Dubé, Ombudsman

BY E-MAIL

March 23, 2026

Council for the County of Lambton
c/o Kevin Marriott, Warden
789 Broadway Street
Wyoming, ON N0N 1T0

Dear members of Council for the County of Lambton:

Re: Closed meeting complaint

My Office received a complaint that a closed meeting held by council for the County of Lambton (the “County”) on May 7, 2025 contravened the open meeting rules. The complaint alleged that a proposal to donate County-owned land in the City of Sarnia was improperly discussed during this closed meeting.

I am writing to advise that following my Office’s review, I have determined that the meeting did not contravene the open meeting rules.

Ombudsman’s role and authority

The *Municipal Act, 2001* (“the Act”)¹ gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public. Municipalities may appoint their own investigator, but the Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the County of Lambton.

My Office has investigated hundreds of closed meetings. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting cases. This searchable repository was created to provide easy access to the Ombudsman’s

¹ SO 2001, c 25.



decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of the Ombudsman's previous decisions can be found in the digest: www.ombudsman.on.ca/en/info-public-bodies-and-officials/municipal-government/municipal-meeting-digest.

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

Review

My Office reviewed relevant meeting records, including the agenda, minutes, and closed meeting report. My Office also spoke with the Acting Clerk and Warden regarding the concerns raised by the complaint.

The May 7, 2025 meeting

Council met in chambers on May 7, 2025, at 9:01 a.m.

At 9:03 a.m., council resolved to move *in camera* to consider six items, of which one – a potential disposition of a County-owned piece of land located in the City of Sarnia – was the subject of the complaint to my Office. This item was closed under the exception for acquisition or disposition of land.

The closed meeting minutes contained minimal description of the discussions that occurred in closed session. The Warden and Clerk explained to my Office that, in closed session, council discussed a staff report about the disposition of a County-owned piece of land, as well as the terms and conditions of a draft agreement disposing of the land, and the County's interests in the agreement. We were told that council's discussion was about specific commercial elements of the draft agreement and that one member raised a question to staff about one of these elements. Council provided direction to staff in relation to the disposition of the piece of land discussed.

Council returned to open session at 9:44 a.m., and the meeting was adjourned at 10:45 a.m.

Analysis

Council relied on the open meeting exception for acquisition or disposition of land to move *in camera* on May 7, 2025. This exception allows closed session discussions about a proposed or pending acquisition or disposition of land by a municipality.² The purpose of the exception is to protect a municipality's bargaining position during negotiations for a land transaction, and for the exception to apply, a municipality must be either acquiring or disposing of the land.³ The exception does not apply to speculative discussions about land transactions.⁴

The complainant told my Office that, in their understanding, the County went on to dispose of the piece of land discussed at the May 7, 2025 meeting for a nominal amount. The complainant said they believed that the exception for acquisition or disposition of land would not apply to land donated for a nominal amount, as the municipality would have no bargaining position to protect.

A municipality's bargaining position in the context of a land transaction is not limited to cost considerations for the land. In addition to cost considerations in a land transaction, I have consistently found that the exception for acquisition or disposition of land also applies to discussions about other terms and conditions of the sale.⁵ For example, in a report to the City of Port Colborne, my Office found that a discussion about the effects of a specific condition of an agreement of purchase and sale of land was permissible in closed session under this exception.⁶

In this case, council's closed meeting discussion concerned specific terms and conditions of a proposed land transaction for a specific property owned by the County. Council had a bargaining position to protect in its negotiations to dispose of the land and this position could have been adversely affected by public disclosure of the details discussed during the closed session. Accordingly, the closed session discussion about the disposition of the piece of County-owned land fits within the exception for acquisition or disposition of land.

² Letter from Ombudsman to the Town of Orangeville (24 January 2014), online: <<https://www.ombudsman.on.ca/en/our-work/municipal-meetings/township-russell-march-6-2025>>.

³ *Burk's Falls / Armour (Village of / Township)*, 2015 ONOMBUD 26, online: <<https://canlii.ca/t/gtp6w>>.

⁴ *Ibid.*

⁵ *Temagami (Municipality of) (Re)*, 2024 ONOMBUD 6 (CanLII), online: <<https://canlii.ca/t/k4j1b>>; *Jocelyn (Township of) (Re)*, 2024 ONOMBUD 12 (CanLII), online: <<https://canlii.ca/t/k6vgw>>; *Essex (Town of) (Re)*, 2025 ONOMBUD 7 (CanLII), <<https://canlii.ca/t/kg8bd>>.

⁶ *Port Colborne (City of)*, 2015 ONOMBUD 32 (CanLII), online: <<https://canlii.ca/t/gtp7c>>.

Records of the meeting

In this case, the minutes for the May 7, 2025 meeting lacked details about the discussions that took place. As a best practice, I encourage council to keep complete and comprehensive minutes of closed sessions in the future. Minutes should include a detailed description of the substantive and procedural matters discussed. Keeping comprehensive minutes helps members of the public feel confident that matters dealt with in closed session are appropriate for *in camera* discussion and that the requirements of the Act have been followed.

My Office also confirmed that there was no audio recording of the closed session. As a best practice, I have consistently recommended that all municipalities make audio or video recordings of all meetings, both open and closed.⁷ Audio or video recordings of closed sessions provide the clearest and most accessible record for closed meeting investigators to review and assist in ensuring that officials do not stray from the legal requirements during the closed session.

Conclusion

Council for the County of Lambton did not contravene the *Municipal Act, 2001* on May 7, 2025 when it moved *in camera* to discuss the potential disposition of a piece of County-owned land located in the City of Sarnia.

I thank the County for its co-operation during my review. The Clerk has confirmed that this letter will be included as correspondence at an upcoming council meeting.

Sincerely,



Paul Dubé
Ombudsman of Ontario

Cc: Ryan Beauchamp, Acting Clerk, County of Lambton

⁷ *Bruce (County of) (Re)*, 2022 ONOMBUD 7 (CanLII), online: <<https://canlii.ca/t/jpbf9>>.