SUMMARY REPORT TO

CITY OF NEW WESTMINSTER COUNCIL

IN THE MATTER OF

AN ETHICS COMMISSIONER INVESTIGATION
UNDER THE CORPORATION OF THE CITY OF NEW WESTMINSTER
BYLAW NO. 8408, 2023

Submitted by
Paula Butler, Staff Lawyer
and
Lisa Southern, Interim Ethics Commissioner
City of New Westminster

September 21, 2026

I. BACKGROUND

1. On June 26, 2026, Councillor Tasha Henderson (the "**Complainant**"), City of New Westminster (the "**City**"), filed a complaint (the "**Complaint**") alleging that Councillor Daniel Fontaine (the "**Respondent**") breached sections 19(a), 19(b), 20, and 23 of *Bylaw No. 8408, 2023: The Code of Conduct for Council Members* (the "**Code**").

2. The Complainant alleged that the Respondent contravened the Code as follows:

   (a) By intentionally stating publicly on multiple occasions, including on episode 65 of his podcast, that the Complainant, as chair of the Police Board, received an annual $7,000 or $10,000 honorarium, when these were incorrect amounts and it was public information that she received a stipend of $500/month or $6000/annually.

   (b) By not correcting the incorrect statement that the Complainant received "roughly $7,000" when he was interviewed by Global News.

   (c) By stating on episode 65 of his podcast (January 30, 2025) that:

   - Council appointed the Complainant as Police Board chair and commenting, "Within literally a matter of weeks a budget request comes in to Council, now we're asking to pay her, I believe it's about $7,000 umm in the annual stipends."

   - The timing on this honorarium was bad as it came on the heels of reports of people double-dipping, triple-dipping, and quadruple-dipping, which implied that the Complainant was participating in questionable behaviour.

   (d) By stating on New West Progressives' social media that if he was appointed to the Police Board, he would reject the new $7000 annual stipend that the Community First Party was now paying to the Complainant, when in fact, if he was elected it would be as mayor, and the mayor was not eligible for the honorarium.

   (e) By stating in another social media post that the $10,000 honorarium for the Police Board chair would be split between the chair and vice-chair, "with the chair receiving a significant majority of the honorariums."

   (f) By consistently making false claims about what Council was doing and how much certain projects cost, including:

   - In June 2025, when he handed out flyers which said Council had approved a public toilet on Columbia Street that was going to cost $650,000. However, there was no plan to build the toilet at that time, given Council's decision to suspend the project in September 2024.

   - By saying the City was going to sue big oil companies, which was going to cost $90,000, but this was not in the budget at that time.

   - By referring to the mushroom wall and Queen's Park redesign as costing $500,000. The mushroom wall costing $500,000 was also stated in episodes 9, 14, 16, 26, 36, 51, 54, and 116 and mentioned in episodes 1, 16, 40, 51, 54, 80, 84, and 114 of the Respondent's podcast.

(g) By misleading the public on episode 33 of his podcast about the number of public toilets Council was considering, saying it was 20 when it was only one.

II. PRELIMINARY MATTERS

3. There were several preliminary matters requiring decision.

4. First, we reviewed the Complaint for timeliness (Code, ss 45-47). As a result, we did not accept most of the Complaint because the events relied on in support of the alleged contravention occurred more than 60 days before the Complaint was submitted.

5. Second, as a result of our preliminary assessment, we dismissed some of the out-of-time allegations on the additional basis that they were not about a breach of the Code.

6. Third, we considered, and rejected, the Respondent's submission in his August 17, 2026 letter that the Code requires us to reject a complaint if no attempt has been made to resolve the matter informally before filing a formal complaint.

III. ISSUES FOR DECISION

7. After dismissal of the out-of-time and out-of-scope portions of the Complaint, what remained is whether the Respondent contravened sections 19(a) and/or 20 by making false statements about the amount of the Complainant's honorarium as Police Board chair: specifically, whether he publicly said that the amount of the honorarium was $7,000 per year, when it is in fact $6,000 per year. The two allegations remaining in relation to this part of the Complaint are that the Respondent:

   (a) On May 12, 2026, referred to a $7,000.00 honorarium for the Complainant on social media and said, "For that additional funding, you'd think she'd respond relatively quickly to a simple email from her Council colleagues asking if [a colleague] remains active on the Police Board."

   (b) On June 26, 2026, referred to the "NEW $7000 annual stipend," on social media, referring to the Complainant.

IV. FINDINGS AND ANALYSIS

8. The Complainant alleged the Respondent intentionally made incorrect statements about the Complainant's honorarium as chair of the Police Board. For the reasons below, we dismiss the Complaint.

9. Section 19(a) requires council members not misrepresent the decisions of Council. Section 20 requires council members accurately and fairly represent Council positions and make it clear when they are presenting their individual opinions and positions that these are not the views of Council or the City.

10. We conclude that section 20 does not apply to this portion of the Complaint. On its face and considered together with section 19, section 20 is aimed at ensuring Council members do not misrepresent their personal views as those held by Council or the City.

11. Turning to section 19(a), the Complainant submitted screenshots of the two social media posts that she alleged show the Respondent misstated the amount of her honorarium. However, those posts do not clearly indicate it was the Respondent who made the

statements about the honorarium.

12. The May 12, 2026 screenshot shows a post made by the New West Progressives on its social media. The post is made by the party and not the Respondent.

13. While less clearcut than the May 12, 2026 screenshot, it is more likely than not that the June 26, 2026, which is also on the party's social media, was made by the New West Progressives. It shows a photograph of the Respondent and purports to repeat something he said: that if elected, he would reject the Police Board honorarium. However, it is uncertain if the party is accurately repeating what he said, and the reference to the $7,000 honorarium appears to be made by the party and not the Respondent.

14. As both the May 12 and June 26 statements appear to be made by the New West Progressives and not the Respondent, they are not covered by the Code.

15. Finally, I determine that the Complaint was not frivolous, vexatious, or made in bad faith (Code, s. 69(a)). A frivolous complaint in the legal context is one without substance or that is groundless or fanciful (see, e.g., *Applicant v College of Psychologists of British Columbia*, 2010 BCHPRB 1 at paras 39-44). The Complaint was not without substance; it was not clearly insufficient on its face. Neither was the Complaint made in bad faith or vexatious. There is no indication that the Complaint was made for an improper purpose. Further, it was not part of a pattern of repeated complaints made with the intention to annoy, harass, embarrass, abuse someone, or abuse the complaint process (*Applicant v College of Psychologists of British Columbia*, 2010 BCHPRB 1 at para 45; see also *Simon v Canada (Attorney General)*, 2015 BCSC 924 at para 97).

V. CONCLUSION

16. We dismiss the Complaint.



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