

# **Coun. Jan Harder should be removed as planning chair over conflict with developer, watchdog says**

*Integrity commissioner Robert Marleau found Harder breached two sections of the council code of conduct when it came to her relationship with development advisor The Stirling Group.*

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Jan Harder is the Ottawa city councillor for Barrhaven ward. PHOTO BY JULIE OLIVER /Postmedia

Coun. Jan Harder should be removed from chairing the planning committee and lose 15 days of pay for a relationship with a development consultant that has “tainted the city’s planning and development process,” the City of Ottawa’s integrity commissioner says.

In a report released Friday, integrity commissioner Robert Marleau found Harder breached two sections of the council code of conduct when it came to her relationship with development

advisor The Stirling Group, headed by Jack Stirling, who's the councillor's long-time friend and mentor. The investigation also involved the employment of Stirling's daughter, Alison Clarke, in Harder's office.

Marleau found that the relationships gave rise to an apparent conflict of interest and that Harder, councillor for Barrhaven ward, didn't disclose publicly that she received free services from The Stirling Group.

Harder, in a letter sent through her lawyer to the integrity commissioner, said she was "saddened by the fact that this investigation appears to be a politically motivated attack on me personally as chair of planning" and she disagreed with the findings.

The integrity investigation started on Oct. 7, 2020, based on an initial complaint made April 21, 2020.

The report released Friday gave a detailed account of the investigation.

Clarke worked for Harder between Aug. 14, 2017, and July 20, 2018, as a councillor's assistant. She then worked as a contractor for The Stirling Group, providing services to Harder between Nov. 1, 2018, and Oct. 31, 2019, and also between March 1, 2020, and Feb. 28, 2021. Each contract, which was for work that included notes on planning files, was for \$36,000, the report said.

There was a third one-year contract with The Stirling Group dated March 18, 2021, and also worth \$36,000, but the integrity investigation didn't consider that contract since the investigation was coming to an end at that time, the report said.

In addition, the report said Harder received \$12,000 worth of services from The Stirling Group at no charge in between contract periods.



A 2014 file photo of Jack Stirling, who heads The Stirling Group and is a long-time friend and mentor of Coun. Jan Harder. PHOTO BY ASHLEY FRASER /Postmedia

Harder and Stirling have known each other since working for the former Nepean municipal government. He was the planning commissioner when she was councillor.

Stirling, who previously worked for Minto Group, also served on the council-appointed planning advisory committee between March 28, 2018, until he resigned on Jan. 27, 2021.

Harder couldn't be reached on her cellphone for comment late Friday afternoon, but she responded to the integrity complaint during the investigation.

According to the report, Harder said she made sure Clarke had no input in her father's development files and that "she simply didn't see them."

Harder also compared Clarke's employment and contract work to how the city hired legal consultants and planning advisors.

"The City regularly contracts out work to the private sector to lawyers, planners and a host of other contractors. There are law firms and planners that regularly act against the City that also work for it," said Harder's explanation to the integrity commissioner.

Harder also said Clarke's employment was completely transparent to the public. The councillor told the integrity commissioner she did nothing wrong and defended her record representing her constituents.

The integrity commissioner found no evidence of financial interest or potential financial gain on Harder's part.

Stirling and Clarke accepted the integrity commissioner's invitation to be interviewed for the investigation. The integrity commissioner made no findings on their conduct.

Harder was interviewed and had a lawyer present, but refused to testify under oath, the report said.

Harder is one of the longest-serving members of council, going back to the pre-amalgamation City of Nepean. She took over as chair of the planning committee in the 2014-2018 term after serving as vice-chair. She retained the chair position for the current term after re-election in 2018.

It will be up to council to vote Wednesday on the recommended penalties against Harder.

The integrity commissioner also said Harder should be removed from the planning committee, the planning advisory committee and the Ottawa Community Lands Development Corporation board of directors for the rest of the term. The next municipal election is scheduled for October 2022.

In another recommendation, the integrity commissioner said council should direct the clerk "to seek reimbursement of any legal fees related to the investigation charged by Councillor Harder to her office budget."

It's the third time this term that the integrity commissioner has filed a report to council on conduct violations by elected members.

Coun. George Darouze was found to have bullied constituents, as described in a 2019 report.

In two reports in 2020, Coun. Rick Chiarelli was found to have exhibited lewd behaviour toward staff and job applicants, leading to a council-ordered salary suspension. He challenged the integrity investigation in court and is awaiting a decision from a three-judge panel.