

# Examination of Senator Duffy's Primary and Secondary Residence Status

The Senate of Canada



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## Schedule 1 – Summary of Senator Duffy’s Location

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May 7, 2013

Senator David Tkachuk  
Chair, Standing Committee on Internal Economy,  
Budgets and Administration  
The Senate of Canada  
Parliament Buildings  
Ottawa ON K1A 0A4

Dear Senator Tkachuk,



## 2. Summary of findings

### 2.1. Framework and guidelines related to Senators' residency and allowances

1. Senators, whose "primary residence" is located more than 100 kilometres from the NCR, are entitled to a reimbursement of travel expenses, and a reimbursement of living expenses, while in the NCR for Senate business.

2. We have assessed that the claimed trips between Prince Edward Island and Ottawa by Senator Duffy during the period of examination did take place.
3. We identified one group of days where Senator Duffy submitted expense claims for per diems during a time period when he does not appear to have been in Ottawa. Included in these claims were twelve (12) days of per diems during the period where Senator Duffy appears to be located in Florida, United States, for a total amount of \$1,050.60 (12 days at \$87.55 per day). We have identified this amount as subject to repayment to the Receiver General.

Senator Duffy has issued a letter to Senator Tkachuk, dated April 18, 2013, wherein he indicates that these claims were inappropriate and that he intends to reimburse The Senate.

3.





# 4. Framework and guidelines related to Senators' residency and living allowances

## 4.1. Constitution of Canada Acts 1867 to 1982

Under the Constitution (S.23), there are various qualifications to be a Senator, including:

...

(3) He shall be legally or equitably seised as of Freehold for his own Use and Benefit of Lands or Tenements held in Free and Common Socage, or seised or possessed for his own Use and Benefit of Lands or Tenements held in Franc-alieu or in Roture, within the Province for which he is appointed, of the Value of Four thousand Dollars, over and above all Rents, Dues, Debts, Charges, Mortgages, and Incumbrances due or payable out of or charged on or affecting the same;

...

(5) He shall be resident in the Province for which he is appointed;

(6) In the Case of Quebec he shall have his Real Property Qualification in the Electoral Division e, withi7.9(e)- a8.7(ope)23 24.4(l)2gh.orke or .6uc.tf(o( t(l)-2)-16..7381 TD (s)15.3(i)-24.4(de(ec)-12c.i)15.7(9)-24.4 .orke(v)-3hoefiphape( Dues)155-246e (-p5P)10v(d.4(l)2gh)15.6-8.8(a)23.0heshall be res Fs; [(Under)-8.8( t)-16.4( Under)16(s-6.3(h").)16 T\* -.0035 Tc 0 TwTm /Cs6 c13 10.120.44d.8(-2.8(ou1-0]9.1.)2191116.4)2191 -.003513Tc 0

The *Senate Administrative Rules* govern Senate administrative practice. They complement and are of equal authority to the *Rules of the Senate*, which govern Senate

## 4.2.2. Eligibility for Allowances



	Source	April 1, 2011 to June 4, 2012	June 5, 2012 to September 30, 2012
Rented or leased accommodation in the NCR	<p>Living Expenses in NCR Guidelines</p> <p>Senators' Travel Policy 2.11.3</p>	<p>A senator, who rents or leases an accommodation in the NCR, will be reimbursed for the rent by providing a copy of the lease and proof of payment.</p> <p>The senator is required to submit a <i>Declaration of Primary and Secondary Residences</i> form on a yearly basis (at the beginning of each fiscal year) to attest that:</p> <ul style="list-style-type: none"> <li>• the lessor is not a “family member” as defined in the Senate Administrative Rules (chapter 1:03, section 1);</li> <li>• the lease will not further the private interests of the senator or those of his or her “family member”; and</li> <li>• no senator or his/ her “family member” shall have an interest in a partnership or private corporation that is a party to such lease under which the partnership or corporation receives a benefit.</li> </ul>	<p>A senator may lease accommodation in the NCR and be reimbursed for the monthly rent upon submission of a copy of the lease and proof of</p>



# 5. Assessment of the Location of Senator Duffy's Primary Residence

## 5.1. Declarations and Claims Made by the Senator Duffy





Table 4: Senator Duffy's Primary Residence "Indicators"

Indicator
-----------

### *Credit Card Statements*

Credit card statements were provided by the Senate for the corporate Amex credit card used by Senator Duffy for Senate related travel. These records provide information as to the location and date of specific transactions, providing insight as to the location of Senator Duffy.

We have asked for, but have not received any other information related to credit cards (transaction listings) from Senator Duffy.

#### **5.2.2.2 Location Confirmed, Likely or Unconfirmed**

For each of the 549 days in the period under examination, based on the available information, we also assessed whether the location determination was confirmed, likely, or unconfirmed as set out below.

Table 5: Status of Location Assessment

### 5.2.2.3 Summary of Senator Duffy's Location and Travel Patterns

Based on all of the information available, we prepared graphic summaries of the locational indicators from April 2011 to September 2012. This information enabled us to perform a determination of Senator Duffy's location on a daily basis. This analysis, presented at Schedule 1 to this report and summarized below, represents our assessment of the location of Senator Duffy at the end of each day.

Table 6: Summary of Senator Duffy's Location

End of Day Location of Senator Duffy	Number of Days	%
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Table 7: Monthly Detail of Senator Duffy's Location

Period	Ottawa Senate Business	Other location Senate Business	Ottawa, before/after Senate Business	Ottawa, activity undocumented	Primary Residence	Other location, activity undocumented	Unknown	Total	Primary Residence (Day Trips)*
Apr-11	7	6	4	1	5	7	0	30	0
May-11	18	3	6	0	3	1	0	31	0
Jun-11	18	1	5	0	6	0	0	30	0
Jul-11	0	0	0	0	31	0	0	31	0
Aug-11	1	2	0	2	25	1	0	31	0
Sep-11	11	1	4	3	9	2	0	30	0
Oct-11	12	2	4	4	6	1	2	31	0
Nov-11	14	0	7	6	3	0	0	30	0
Dec-11	13	2	7	8	0	1	0	31	0
Jan-12	5	14	1	1	1	7	2	31	0
Feb-12	14	2	3	4	6	0	0	29	1
Mar-12	22	1	5	0	3	0	0	31	0
Apr-12	20	1	8	0	1	0	0	30	0
May-12	14	0	2	0	3	0	12	31	0
Jun-12	19	1	4	0	4	2	0	30	0
Jul-12	4	2	1	1	23	0	0	31	0
Aug-12	0	7	0	1	19	4	0	31	0
Sep-12	9	2	3	0	16	0	0	30	0
Total	201	47	64	31	164	26	16	549	1

\* Day trips not included in monthly totals

### Majority of Time

Based on our analysis, we estimate that Senator Duffy was in Ottawa for 296 of the 549 days during the period of our examination, or approximately 54% of the period under examination, of which:

# 6. Assessment of Senator Duffy Travel Expense Claims

## 6.1. Nature of Prince Edward Island to Ottawa claims

The majority of Senator Duffy's travel claims are for travel from Ottawa to Prince Edward Island and returning to Ottawa. The travel claims are for trips to go to the declared primary residence, as opposed to claims for travel from the declared primary residence to Ottawa in order to attend Senate business in Ottawa. Due to the distance, travel is by air, which is supported by boarding passes and other supporting

*“Following our informal conversation, Tuesday evening, I went through my files for January 2012. I discovered that through a clerical error, per diems were inadvertently charged for several days when I was not in the National Capital Region.*

*My regular staff person was away on maternity leave and a temporary worker processed that claim.*

*This claim was clearly not appropriate, and I will reimburse The Senate without hesitation.”*

# Schedule 1 – Summary of Senator Duffy’s Location

The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed
Likely
Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01		Confirmed					Confirmed	
			Confirmed					
		Confirmed				Confirmed		
			Confirmed				Confirmed	
		Confirmed		Confirmed				
				Confirmed			Confirmed	
				Confirmed			Confirmed	
		Confirmed	Confirmed					
		Confirmed						
		Confirmed				Confirmed		
		Confirmed		Confirmed				







The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

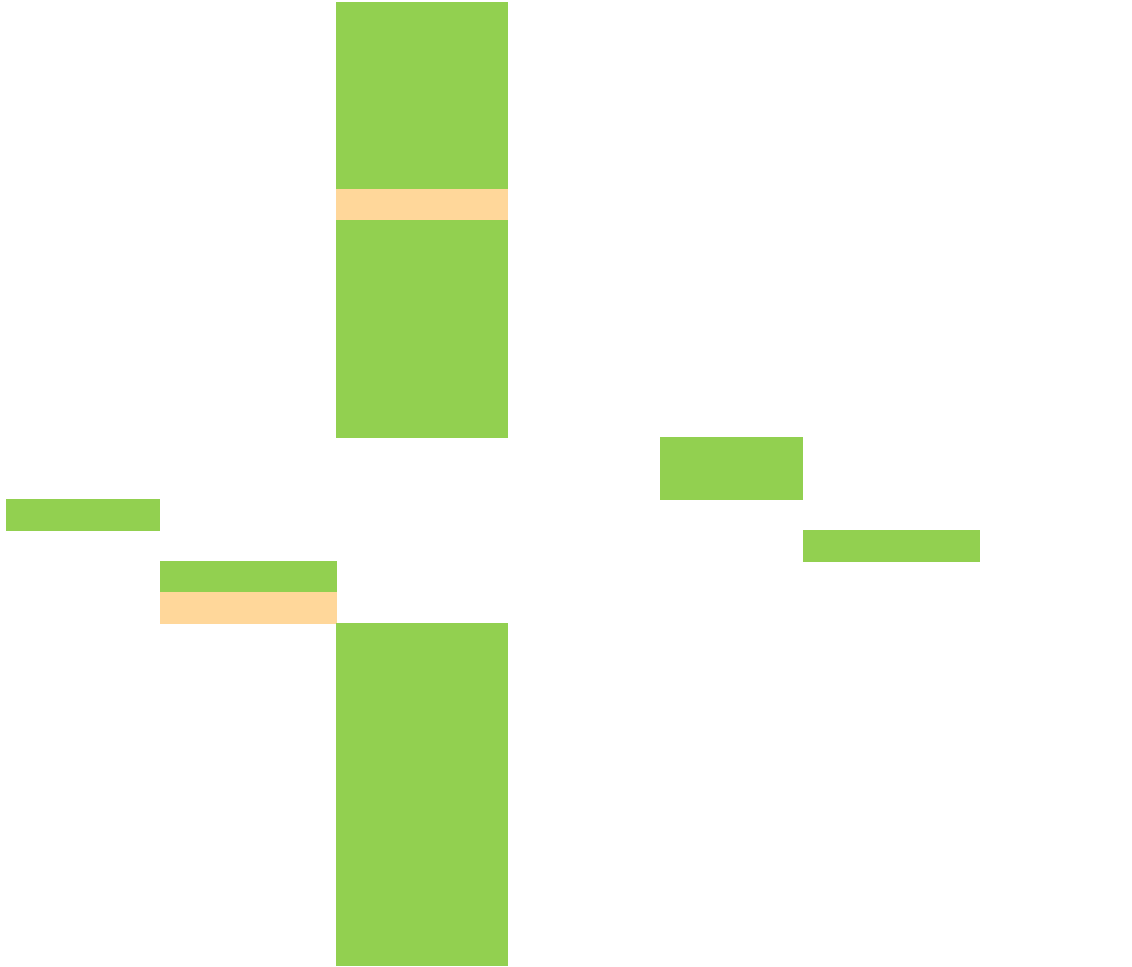
Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Jul 11	Fri			Confirmed				
02 Jul 11	Sat			Confirmed				
03 Jul 11	Sun			Confirmed				
04 Jul 11	Mon			Confirmed				
05 Jul 11	Tue			Confirmed				
06 Jul 11	Wed			Confirmed				
07 Jul 11	Thu			Confirmed				
08 Jul 11	Fri			Confirmed				
09 Jul 11	Sat			Confirmed				
10 Jul 11	Sun			Confirmed				
11 Jul 11	Mon			Confirmed				
12 Jul 11	Tue			Confirmed				
13 Jul 11	Wed			Confirmed				
14 Jul 11	Thu			Confirmed				
15 Jul 11	Fri			Confirmed				
16 Jul 11	Sat			Likely				
17 Jul 11	Sun			Confirmed				
18 Jul 11	Mon			Confirmed				
19 Jul 11	Tue			Confirmed				
20 Jul 11	Wed			Confirmed				
21 Jul 11	Thu			Confirmed				
22 Jul 11	Fri			Confirmed				
23 Jul 11	Sat			Confirmed				
24 Jul 11	Sun			Confirmed				
25 Jul 11	Mon			Confirmed				
26 Jul 11	Tue			Confirmed				
27 Jul 11	Wed			Confirmed				
28 Jul 11	Thu			Confirmed				
29 Jul 11	Fri			Confirmed				
30 Jul 11	Sat			Confirmed				
31 Jul 11	Sun			Confirmed				
		0	0	31	0	0	0	0

The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
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01 Aug 11 Mon  
 02 Aug 11 Tue  
 03 Aug 11 Wed  
 04 Aug 11 Thu  
 05 Aug 11 Fri  
 06 Aug 11 Sat  
 07 Aug 11 Sun  
 08 Aug 11 Mon  
 09 Aug 11 Tue  
 10 Aug 11 Wed  
 11 Aug 11 Thu  
 12 Aug 11 Fri  
 13 Aug 11 Sat  
 14 Aug 11 Sun  
 15 Aug 11 Mon  
 16 Aug 11 Tue  
 17 Aug 11 Wed  
 18 Aug 11 Thu



The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa or Senate Business (including per diem)	Ottawa or activity undocumented	Primary Residence	Primary Residence or Day Trip	Other location or Senate business	Other location activity undocumented	Unknown
------	-----	--	---------------------------------	-------------------	-------------------------------	-----------------------------------	--------------------------------------	---------

01 Sept 1 Thu

				Confirmed				
			Confirmed					
	Confirmed			Confirmed				
							Confirmed	
			Confirmed					
	Confirmed							
			Confirmed					
	Confirmed					Confirmed		
	Confirmed							

The Senate of Canada  
Summary of the Location of Senator Michael Duffy  
For the Period April 1, 2011 to September 30, 2012

Confirmed  
Likely  
Unconfirmed

Date	Day	Ottawa r Senate Business (including per diem)	Ottawa r activity undocumented	Primary Residence	Primary Residence r Day Trip	Other location r Senate business
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The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
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The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Jan 12	Sun						Confirmed	
02 Jan 12	Mon					Confirmed		
03 Jan 12	Tue						Confirmed	
04 Jan 12	Wed					Confirmed		
05 Jan 12	Thu	Confirmed						
06 Jan 12	Fri	Confirmed						
07 Jan 12	Sat							Unconfirmed
08 Jan 12	Sun							Unconfirmed
09 Jan 12	Mon	Confirmed						
10 Jan 12	Tue	Confirmed						
11 Jan 12	Wed	Confirmed						
12 Jan 12	Thu					Confirmed		
13 Jan 12	Fri					Confirmed		
14 Jan 12	Sat						Likely	
15 Jan 12	Sun						Confirmed	
16 Jan 12	Mon					Likely		
17 Jan 12	Tue					Confirmed		
18 Jan 12	Wed					Confirmed		
19 Jan 12	Thu					Likely		
20 Jan 12	Fri					Likely		
21 Jan 12	Sat						Likely	
22 Jan 12	Sun						Likely	
23 Jan 12	Mon					Confirmed		
24 Jan 12	Tue					Confirmed		
25 Jan 12	Wed					Confirmed		
26 Jan 12	Thu					Confirmed		
27 Jan 12	Fri					Confirmed		
28 Jan 12	Sat						Confirmed	
29 Jan 12	Sun		Confirmed					
30 Jan 12	Mon			Confirmed				
31 Jan 12	Tue		Confirmed					
		5	2	1	0	14	7	2

The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
01 Feb 12	Wed	Confirmed						
02 Feb 12	Thu	Confirmed						
03 Feb 12	Fri	Confirmed						
04 Feb 12	Sat		Confirmed					
05 Feb 12	Sun		Confirmed					
06 Feb 12	Mon	Confirmed						
07 Feb 12	Tue	Confirmed						
08 Feb 12	Wed	Confirmed						
09 Feb 12	Thu	Confirmed						
10 Feb 12	Fri			Confirmed				
11 Feb 12	Sat	Confirmed						
12 Feb 12	Sun		Confirmed					
13 Feb 12	Mon	Confirmed						
14 Feb 12	Tue				Confirmed			
15 Feb 12	Wed	Confirmed						
16 Feb 12	Thu	Confirmed						
17 Feb 12	Fri					Confirmed		
18 Feb 12	Sat							
19 Feb 12	Sun		Confirmed					
20 Feb 12	Mon		Confirmed					
21 Feb 12	Tue		Confirmed					
22 Feb 12	Wed		Confirmed					
23 Feb 12	Thu			Confirmed				
24 Feb 12	Fri			Confirmed				
25 Feb 12	Sat			Confirmed				
26 Feb 12	Sun			Confirmed				
27 Feb 12	Mon			Confirmed				
28 Feb 12	Tue	Confirmed						
29 Feb 12	Wed	Confirmed						
		14	7	6	1	2	0	0

The







The Senate of Canada  
Summary of the Location of Senator Michael Duffy  
For the Period April 1, 2011 to



The Senate of Canada  
Summary of the Location of Senator Michael Duffy  
For the Period April 1, 2011 to September 30, 2012

Confirmed  
Likely  
Unconfirmed

Ottawa  
Senate  
Date Day

The Senate of Canada  
 Summary of the Location of Senator Michael Duffy  
 For the Period April 1, 2011 to September 30, 2012

Confirmed  
 Likely  
 Unconfirmed

Date	Day	Ottawa Senate Business (including per diem)	Ottawa activity undocumented	Primary Residence	Primary Residence Day Trip	Other location Senate business	Other location activity undocumented	Unknown
------	-----	---	------------------------------	-------------------	----------------------------	--------------------------------	--------------------------------------	---------

01 Aug 12 Wed  
 02 Aug 12 Thu  
 03 Aug 12 Fri  
 04 Aug 12 Sat  
 05 Aug 12 Sun  
 06 Aug 12 Mon  
 07 Aug 12 Tue  
 08 Aug 12 Wed  
 09 Aug 12 Thu  
 10 Aug 12 Fri  
 11 Aug 12 Sat  
 12 Aug 12 Sun  
 13 Aug 12 Mon  
 14 Aug 12 Tue





The Senate of Canada  
Summary of the Location of Senator Michael Duffy  
For the Period April 1, 2011 to September 30, 2012

Confirmed  
Likely  
Unconfirmed

Date      Day      Ottawa  
                         Senate  
                         Business  
                         (including

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