

March 16, 2010

Mr. Joseph Pennachetti  
City Manager, City Hall  
11<sup>th</sup> Floor, East  
100 Queen Street West  
Toronto, Ontario  
M5H 2N2

copy: Ulli  
Annak.

Dear Mr. Pennachetti:

**Re: Our File No. 227099**

This is in response to your December 21, 2009 letter in which you advise that Toronto City Council requested on December 2, 2009 that you file complaints on behalf of the city with both the Ombudsman and the Ontario Human Rights Commission regarding "*the alleged failure of MPAC to ensure that tenants are properly enumerated for municipal elections and are thereby denied their democratic right to vote.*" You also note that City Council has requested the Ombudsman to "*assess the overall accuracy of the voters list provided to the City of Toronto by MPAC.*" You subsequently referred us to the City Clerk for more details regarding Council's complaint.

Please be advised that although the Ombudsman has jurisdiction to oversee the administrative processes of MPAC, there is no provision in the legislative frameworks of the *Ombudsman Act* or the *Municipal Act*, which would give the Ombudsman authority to review the accuracy of municipal voters lists. For these reasons, we are unable to comply with this aspect of Council's request.

With respect to Council's complaint regarding the enumeration of tenants, we communicated with yourself and the City Clerk, Ms. Ulli Watkiss. We also reviewed correspondence, documents and reports, which were provided to us, as well as relevant provisions of the *Assessment Act* and the *Municipal Elections Act*. Please be advised, that we will not be proceeding further with our review of

Council's complaint at this time, for the reasons set out below.

The City Clerk's Office advised us that MPAC will be forwarding a Preliminary Voters List by July 31, 2010, and that City Council is concerned this Preliminary List will not include a large number of tenants who are eligible to vote in the upcoming municipal elections.

According to the City Clerk's Office, there are significant challenges for MPAC in preparing accurate and up-to-date Preliminary Lists. We were told that approximately 20 per cent of tenants who receive Municipal Enumeration Forms from MPAC complete the forms and return them. We were also told that elector information is continuously changing in Toronto because 17 per cent of the city's residents relocate to new addresses each year.

The City Clerk's Office advised our Office that MPAC is actively cooperating with its staff to better identify eligible tenants for its Preliminary List. We were advised that MPAC's efforts include re-designing the Municipal Enumeration Form mailed out to tenants, an initiative with Elections Canada that allows MPAC to compare its file of vacant apartment units against the National Register of Electors, and the provision of enumeration information to tenants in the top 10 languages spoken in Toronto as identified by Statistics Canada.

The City Clerk's Office further advised our Office that recent amendments to the *Municipal Elections Act* allows MPAC to access the province's Vital Statistics records, and that this will assist in the creation of a more accurate Preliminary Lists.

We also understand that you and Ms. Watkiss recently met with Mr. Carl Isenberg, the President and Chief Administrative Officer of MPAC, at City Council's request, to obtain MPAC's written commitment to improve the accuracy of the Preliminary List. Mr. Arthur Anderson, Director of Municipal Relations and Mr. Greg Martin, Acting Director of Key Projects, subsequently forwarded a letter to you, dated January 11, 2010, outlining MPAC's role in the creation of Preliminary Lists of Electors and specific efforts which are being undertaken to improve the accuracy of the lists. The letter also provided MPAC's commitment to supporting municipal clerks in their efforts to finalize an accurate voter's list.

In light of the above-noted information, we will not be proceeding further with our review of Council's complaints at this time.

Thank you for bringing your concerns to our Office.

Yours truly,



Eva Kalisz  
Manager – Early Resolution Team

Cc Ms Watkiss, City Clerk