

Toronto Ombudsman

ANNUAL REPORT 2012



The Office
of Last Resort

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Office of the Ombudsman

January 22, 2013

His Worship Mayor Rob Ford and Members of Toronto City Council

I am pleased to submit my 2012 Annual Report to City Council for January 1 to December 31, 2012, pursuant to section 173 (2) of the *City of Toronto Act 2006* and the City of Toronto Municipal Code Chapter 3.

Yours sincerely,



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Ombudsman's Message

The presence of an independent and properly resourced ombudsman is a sign of good government, a notice to the people that the government is willing to hold itself accountable. It connotes recognition that self-remedy is generally difficult for governments to achieve, especially big governments. That is why impartial evaluation by an independent ombudsman is a sign that a healthy democracy is at work.

Having an ombudsman for the City of Toronto is a recent experience—in reality just short of four years. The requirement to have an ombudsman who investigates the administration of government on behalf of the people came with the *City of Toronto Act*. The office's job is to protect the public's right to receive fair, equitable, competent public service.

Since the office opened, the public, elected representatives and staff at City Hall have had to come to terms with what having an ombudsman means. So perhaps it's not surprising that the past year saw increasing resistance to the presence of our office from some councillors and public servants.

At times there is confusion about the role of the Ombudsman: how can the government appoint an official whose job is to criticize the government? The confusion becomes apparent when politicians challenge the independence of the Ombudsman who was established to provide an independent review of complaints. In my view, this arises from a narrow understanding of the Ombudsman's role.

This was never more evident than during City Council's debates about ombudsman matters during the fall of 2012. The tabling of two investigation reports at Council, one about the administration of the public appointments policy and the other about TTC second-exit projects, triggered accusations that the investigation was politically motivated, that an investigation report lacked thoroughness, and suggestions there be a new reporting relationship for the Ombudsman. This proposal, which requires a legislative change, would make our office accountable to a committee instead of Council. This would undermine the office's ability to report to the legislative body as a whole, and through Council to the public at large.

It has never been more important to understand the reasons for an ombudsman's independence and the ways that the office is accountable to Council. This is particularly true in municipal government where, unlike other levels of government, legislators often act as

administrators, going beyond law-making to involve themselves in day-to-day operations.

In 1978, the Ontario legislature grappled with the question of the independence of its recently created ombudsman office. Following an extensive international study tour, a legislative committee highlighted its concern that members of the legislature did not understand the role and function of the Ombudsman:

“[The Ombudsman] must be placed in a position where he is not constantly looking over his shoulder, concerned with the...legislature's, and the government's reaction to a particular course of conduct.”

The Committee took pains, in its words, “not to diminish the...autonomy of the office in relation to the assembly and the government... It is a unique and delicate flower in any democratic system, and its preservation and growth requires almost infinite and endless care.”

For Toronto City Council's part, safeguarding the independence of the Ombudsman's office requires sustained leadership, respect for its function and sufficient funding to enable the office to fulfill its mandate.

This independence requires reciprocal action. We have a responsibility to maintain the confidence of the people and City Council and to ensure that we are accountable to both.

We must always make sure our investigations are thorough and fair, our conclusions objective and well founded, and recommendations appropriate for the situation. Our statutory obligations go beyond reporting annually to Council and the public. Expenditures are scrutinized by the Budget Committee, all expenses are posted on the website and external auditors look at our books. The office is transparent and explicit about its processes. In other words, the best way to justify our independence is by making certain that it is continually well earned.

This has been another challenging year for public servants. Speaking truth to power and providing “best advice” can be risky. It requires courage. In recent years, there has emerged a climate in government in which

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there are insufficient safeguards against political interference in public service decision-making. This worried Madame Justice Denise Bellamy, who recommended in her 2005 report on the Toronto Computer Leasing Inquiry that “Council should delegate the administrative, day-to-day operations of the City to staff and concentrate on matters of policy.”

We know there is a duty for public servants to implement policy and provide impartial advice. They also have a duty to question instructions and not follow them if they are for an improper purpose. Public service anonymity, unlike other levels of government, is not present in municipal government, so it becomes even more important to have clear roles and responsibilities set out for public servants, elected representatives and political staff.

Boundaries between public servants and elected representatives must be defined in legislation so that the rules are clear. As Lorne Sossin, currently dean at Osgoode Law School, wrote in *Defining Boundaries: the Constitutional Argument for Bureaucratic Independence and its Implication for the Accountability of the Public Service*, “without a rule of law culture, proliferating rules and procedures are unlikely to produce accountability or compliance with a set of institutional boundaries.”

Our office has generally had good cooperation from the public service. However, at times, employees have demonstrated resistance by shirking their responsibilities and saying they could do nothing because the Ombudsman was involved. In some instances, there have been challenges to our jurisdiction and attempts to curtail our inquiries. When these situations have arisen, dialogue and information have overcome the resistance.

These episodes though, have generally been the exception. We have also seen an increase in requests from City staff for information about our mandate. There has been great leadership in this regard from senior managers in areas that deal with the social welfare of residents such as Toronto Employment & Social Services, Recreation, and Children’s Services. Divisions such

as Pension Payroll & Employee Benefits and Revenue Services have also requested information sessions.

Indifference and insensitivity are not acceptable. We intend to be tenacious in pursuit of fairness for residents everywhere in this city. I thank all those residents who have courageously brought forward complaints and the many people who have expressed their support for our office during this challenging time. Once again, my heartfelt thanks to the perseverance and dogged hard work of the Ombudsman team, without whom none of this would be possible.

We have learned a lot from the challenges of introducing the Ombudsman’s role to the City and making everyone aware of the implications it has for all residents. I believe mutual understanding and acceptance will grow as the office demonstrates its capacity for making significant contributions to good government.

There is an almost structural tension inherent in having an ombudsman appointed to investigate the body that funds the office. This conflict is seen most often in discussions of the Ombudsman’s independence. The challenge of protecting Ombudsman independence will never go away. It will pop up for my successor, just as it has for me this year. Every time there is a controversial investigation, the independence of the Ombudsman is likely to be attacked. The context will be different, but not the underlying disagreement.

This independence is the bedrock on which the trust in the office and its impartiality is built. I will continue to fight for the independence of the office, while being highly accountable. Having an independent ombudsman is the only way the residents of this City can believe their elected representatives when they say they support accountability, transparency, fairness and equity. None of these are possible without a fully independent Ombudsman.

A handwritten signature in blue ink, appearing to read 'Fiona Crean'.

FIONA CREAN
Ombudsman of Toronto

Monitoring Systemic Change

The Ombudsman has made more than 160 recommendations since the office opened in 2009. Many of them have been aimed at remedying individual residents' circumstances, but more than half—96—advocated systemic change in the Toronto Public Service. All these recommendations were accepted by the public service and adopted by City Council.

The 96 recommendations covered a broad spectrum of change, ranging from new legislation and policy to improved standards and more rigorous performance expectations. They have targeted service standards, legislation, policy, process and procedure, record keeping, communications, roles and responsibilities, training, and performance expectations.

One of the first recommendations in 2009 was to establish service standards and access to a complaint handling mechanism for all City services that deal with the public. These procedures are now in place and posted on the City's website.

The public service has made great strides towards the protection of marginalized and vulnerable communities. The Guide to Good Practice, spearheaded by the Office of Equity, Diversity and Human Rights, provides a corporate framework for addressing the needs of and serving residents who have dementia, diminished capacity, and a range of mental health issues. This was the result of a systemic investigation involving a senior with dementia. The City Manager went beyond the Ombudsman's recommendation and addressed the imperatives of the population's significant diversity and hence its demand for equitable service.

The guide's development was further informed by an investigation into the treatment of a woman with mental health challenges by Emergency Medical Services (EMS). Her complaint was neither taken seriously nor properly investigated. EMS complaint investigation policies and procedures were amended and training took place.

Corporate training is being put in place across the City. The City Clerk's Office has assumed a leadership role, in consultation with the Centre for Addiction and Mental Health, by developing online tutorials regarding mental health and delivering training sessions to their staff.

The Toronto Community Housing Corporation has now put in place an eviction prevention policy for non-arrears to help residents stay in their homes and ensure eviction is left as a last resort.

Following an investigation into the aftermath of the 200 Wellesley Street fire, a protocol for vulnerable populations was completed to address how the City assists vulnerable residents in accessing services during emergency evacuations. The protocol outlines how the City is to provide residents with temporary accommodation, food and other emergency human services.

Public service improvements have also been made in the area of communications. Seven investigations have resulted in systemic recommendations for improving standards in communicating with the public. In January 2010, the Ombudsman recommended that the Toronto Public Service create corporate service standards to clearly document expectations, including timelines, for written and oral communications with residents.

The establishment of new or improved processes and procedures emanated from a number of investigations. In January 2010, the Ombudsman recommended that the Toronto Public Service develop corporate record-keeping standards. The City-wide standard includes a directive and guidelines to provide a baseline for public servants to assess record-keeping practices and consider necessary revisions for improving the management of records.

One of the clearest benefits of this directive is a more open and accountable government. For instance, the City accepted the recommendation to develop a service standard for reviewing third-party liability claims of less than \$10,000, when previously residents' insurance claims were being denied without investigation.

Reaching and maintaining appropriate service standards by improving staff professionalism and performance has been another priority. Recommendations for training were made to the Toronto Transit Commission, Toronto Community Housing Corporation, Municipal Licensing & Standards, Emergency Medical Services and Children's Services. These recommendations have included training in technical aspects of job performance, complaint handling, conducting investigations and appeals processes, leadership development, and in how to consult and communicate with the public.

A recommendation was also made in 2011 to ensure the appropriate learning and skills development opportunities be put in place corporate-wide to assist public servants who have been promoted and that, afterwards, they be offered ongoing skills development. The City now offers a supervisor's course for newly promoted staff and continues to work on this recommendation.

The investigation into the appeal process of the Children's Services Division has resulted in policies and processes to provide greater protection for vulnerable parents, increased record-keeping transparency and more clarity in roles, documentation and communication to staff. Parents should no longer worry about documents getting lost or inaccurate information being transmitted. Appeals will be heard by a well-trained panel.

The City Manager's work on the public service bylaw recommended in January 2011 is well underway and undergoing a broad consultation process. It will go some lengths in delineating public servants' roles and responsibilities. But it will not go far enough, and the Ombudsman continues to urge City Council to pursue the imperative of creating a *City of Toronto Public Service Act*.

The feedback the Ombudsman's office has received in response to our recommendations is encouraging and assists us in measuring impact and value. We are vigilant about improving efficiency, cost savings and ultimately ensuring fair and equitable service to the public on the part of the Toronto Public Service.

The findings of the Ombudsman's investigations have affected many Torontonians, even if they did not come to the office with a problem. They may not see the effect, but it is there in their parking tickets, water bills or how the City answers their questions. The recommendations for systemic change in these investigations will continue to improve the City's processes and services for everyone.

Three-Year Plan: Our Progress



In January 2010 we set out a three-year strategic plan.

We thought that by 2012 we would be focusing on increasing the credibility of the office while undertaking major investigations and making recommendations that would improve government administration. We expected the City of Toronto to have adopted a leadership role in being held to account and that fairness in public administration would have improved. We also expected the Toronto Ombudsman to be a leader in municipal “ombudsmanship” internationally. We said that we would hold ourselves to account and make the necessary improvements, setting new goals for the ensuing three years.

MAJOR INVESTIGATIONS AND IMPROVEMENTS TO PUBLIC SERVICE

In the three years and eight months we have been in business, we have conducted 22 major investigations.

Together with our annual reports these have resulted in more than 160 recommendations. Some of the recommendations entailed broad systemic changes. In every case, the recommendations make a positive difference in residents’ lives, increase public service accountability and add to transparency.

The City of Toronto accepted all the recommendations, demonstrating it is prepared to be held to account.

This task has been far greater than we originally anticipated given our limited resources. We focused on continuing information sessions across the Toronto Public Service with about 2,000 Toronto Employment & Social Services staffs, the TTC and Children’s Services management groups, and many Revenue Services and Recreation employees.

The Ombudsman accepted many speaking engagements including the Toronto Board of Trade, University of Western Ontario’s Local Government Program, Durham Elder Abuse Network Conference, CBC retirees, National Ethnic Press and Media Council of Canada, town halls of Scarborough and Parkdale-High Park residents, Toronto Catholic School Board, Urban Alliance on Race Relations, Toronto Social Planning Council, Toronto Community Housing Board of Directors, Bangladeshi youth, Agincourt Community Services, and Thorncliffe community sessions.



Meeting with Chinese seniors in Scarborough

The Ombudsman also attended and spoke at a myriad of local events including Asian Heritage Month, Family Cricket Day, Council of Agencies Serving South Asians, a Scarborough graduation ceremony of the Civic Awareness Project, Action for Neighbourhood Change in Steeles L’Amoreaux, Centre for Independent Living and Toronto Neighbourhood Centres.

Nationally, we delivered a workshop on dementia and diminished capacity to several audiences. In 2012, we refined that work specifically to address mental health and delivered workshops to public servants, professionals and front line workers in a number of venues. With increasing demand for the topic, we continue to deliver the workshop to diverse audiences across Canada.

Internationally, the Ombudsman, through the Institute of Public Administration Canada, spoke to a visiting study tour of senior civil servants from India and Sri Lanka about the role of the office in supporting government accountability. She also met with a Chinese delegation from the Ministry of Justice and officials from Bangladesh.

Further afield, the Ombudsman ran a three-day investigators’ training course for the Trinidad and Tobago Ombudsman. She was also the keynote speaker at the international Eurasia Ombudsman conference in Azerbaijan.

Communicating with the Public: Focusing Where the Need is Greatest

Everyone in Toronto comes into contact with city services at some time or another—transportation, parks, recreation, clean water, public health, inspections. Anyone can run the risk of receiving poor service or experiencing a misunderstanding or maladministration.

Making sure everyone knows they can use Ombudsman services is a priority. It's particularly important for those who may be marginalized or vulnerable and as a consequence have more contact with government and perhaps less knowledge about our services.

So, we have a new outreach program whose objectives and activities are designed to give residents information about, and easy access to, Ombudsman services.

Our goals are to:

- heighten awareness about the Ombudsman's role and mandate within under-represented communities
- generate a base of complainants that more accurately reflects the City's demographics
- develop constructive and reciprocal relationships between the Ombudsman's office and stakeholder communities
- increase our understanding of issues within specific communities that may inform systemic investigations.

The Office of the Ombudsman communicates its message and mandate in three ways.

1 First, we publish an annual report, table investigation reports with City Council and communicate through our website, media interviews, newsletter, twitter and other publications.

2 Second, we communicate with Councillors and their staff, Toronto Public Service staff, umbrella organizations, community, philanthropic, business and academic groups. The Ombudsman speaks regularly to a wide range of audiences and, along with Ombudsman staff, meets with many organizations and communities.

3 Third, we are now undertaking targeted outreach to specific communities to ensure these residents know about our services. Our intent is to transfer knowledge at the neighbourhood and community level so that groups may gain access to Ombudsman services according to their needs and circumstances.

This program is based on several assumptions:

- residents and community service providers do not know about Ombudsman services
- when they do know, they are unsure about the process

- residents may not be able to complain
- service providers are under-resourced and therefore unable to help residents file their complaints.

The targeted outreach will take place in planned sequence across the city over time. In light of the office's resources, we have chosen to focus our efforts in selected neighbourhoods.

Our plans are based on a combination of demographic analysis, including the office's database, census data, and data derived through the use of Wellbeing Toronto. We have included groups who are more likely to use government services and less likely to know about the Ombudsman.

We will be focusing on the neighbourhoods of L'Amoreaux, Woburn, Malvern and Rouge over the coming months. These neighbourhoods generally have larger households, higher percentages of foreign-born, recent immigrants and racialized residents, and a higher prevalence of blue-collar jobs and lower household incomes.

The statistics show us that many people who need Ombudsman services may not know how to access them. Part of the Ombudsman mandate is to see that they do.

The Ombudsman's Public Service Award

The establishment of this award recognizes outstanding public service in resolving claims of unfairness brought to the Ombudsman's office about the City of Toronto.

Nominations must reflect service provided in one or more of the following activities and may be awarded to an individual or group:

- demonstrating leadership in problem solving and good customer service
- initiating innovative approaches to dispute resolution
- encouraging the application of problem solving at a systems level
- providing exceptional responsiveness and cooperative service during a complaint inquiry or investigation.

The jury was chaired by the Ombudsman and consisted of community and business leaders:

- Sabina Ali, Project Coordinator, Thorncliffe Park Neighbourhood Women's Group
- Rahul Bhardwaj, President & CEO, Toronto Community Foundation
- Angela Coke, Associate Deputy Minister of Ontario Shared Services, Ministry of Government Services
- Winnie Ng, CAW-Sam Gindin Chair in Social Justice and Democracy, Ryerson University
- Gord Nixon, President & CEO, Royal Bank of Canada
- John Tory, Radio Host, Newstalk 1010
- Carol Wilding, CEO, Toronto Board of Trade

There were 16 nominations from Ombudsman staff, residents and other stakeholders. The jury selected five public servants to receive the award at a ceremony in September.

RECIPIENTS OF 2012 OMBUDSMAN'S PUBLIC SERVICE AWARD

Lou Di Gironimo, General Manager, Toronto Water

Ismail Ibrahim, Counsel, Toronto Community Housing Corporation

Heather MacVicar, General Manager, Toronto Employment & Social Services

Atul Medhekar, IT Coordinator, Shelter Support & Housing Administration

Wendy Quaintance-Collier, Manager, Revenue Services

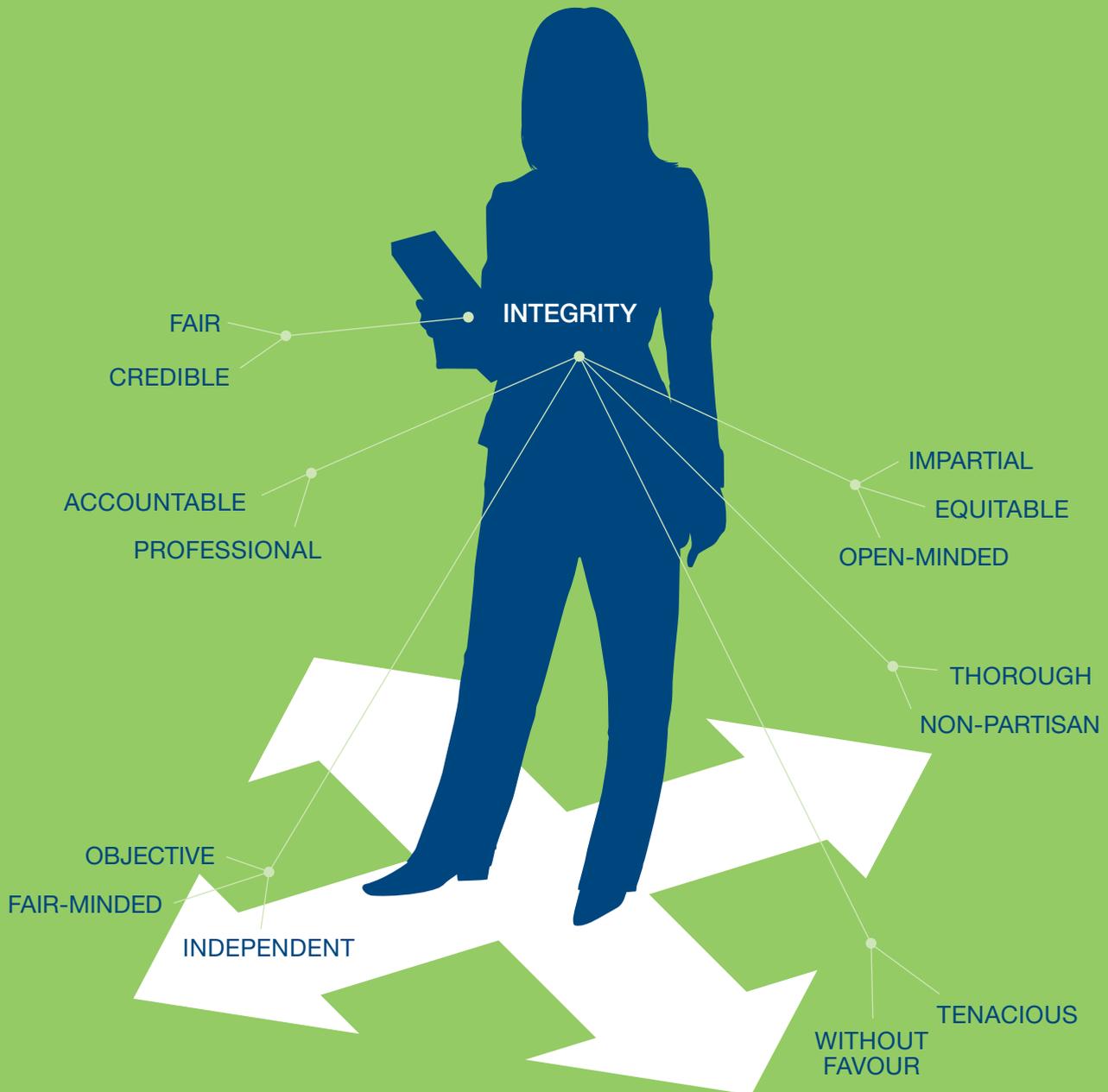


Award recipients and jury members



Kwame Addo, Director of Investigations
hosts the presentations

Investigations



THE OMBUDSMAN LAUNCHES a formal investigation when a complaint involves complex or conflicting information, multiple issues or cases where there are systemic or public interest implications. An investigation, which can take several months and up to a year depending on complexity, usually results in a formal report and recommendations.

Investigations



EMERGENCY SERVICES AFTER THE 200 WELLESLEY STREET FIRE

In September 2010, a fire at 200 Wellesley Street, Canada's largest social housing building, forced the evacuation of 1,700 residents. Many had special needs and no place to stay. The City set up reception centres and provided food, shelter and temporary housing.

The Ombudsman initiated an investigation after receiving complaints about the City's response.

The Ombudsman found confusion about emergency procedures and roles and a failure to communicate at all levels. The role and authority of the incident commander and the hierarchical chain of command was not respected. The lack of clarity regarding the role of the Emergency Planning Unit (EPU) resulted in persistent confusion between it and the Toronto Community Housing Corporation. The Ombudsman found it troubling that the Office of Emergency Management refused the first request of the EPU, only to offer help later, when the urgency had abated.

Many City staff responders did not have the necessary training, which led to wasted and misplaced efforts. For instance, fear, misinformation and exaggeration occurred when the issue of bedbugs was raised. Rumours abounded about requiring residents to bathe, change clothes and abandon their belongings before being allowed to go to hotels. None of this was true.

The EPU's plans and external resources for dealing with vulnerable residents were inadequate. EPU staff were unsure who was responsible for residents once they moved out of temporary care centres to other locations.

During the investigation, there was an unacceptable delay in Shelter, Support & Housing Administration's response to the Ombudsman's requests. The protocol on vulnerable populations remained in draft 18 months after the fire and at the time of the investigation's completion.

The Ombudsman made 15 recommendations designed to develop a protocol for vulnerable populations, to clarify roles, to improve record keeping and communication, and to have City staff respond in a timely manner to Ombudsman requests.



WATER WASTE

The Ombudsman received many complaints from residents about excessive bills for sudden, inexplicable water consumption.

City staff would explain to these residents how they might have used more water, for example because of a leak or additional people in the home, and inform them that they could have the water meter tested. If the meter was accurate and there was no City error, the residents were responsible for the bill. Their consumption tended to return to previous levels in the next bill, whether the meter was replaced or not.

Complainants said the City implied they were not telling the truth about their water consumption. If the City agreed to adjust the bill, the adjustment was so small as to be meaningless.

The Ombudsman decided to investigate and found that, on the whole, Toronto Water's metering system functions well. The City issues 1.5 million bills annually and receives fewer than 300 complaints about high consumption or billing. The system was unable to provide the remedy complainants seek—an adjustment to their bill—since the Toronto Municipal Code permits the adjustment of water bills only in cases of meter inaccuracy or other City error.

The City cannot conclusively demonstrate that the metered information on which it bills is absolutely reliable. Nonetheless, the City requires residents to show the charges are incorrect before the City will adjust their bill. The Ombudsman found that this unfairly impacts residents.

The Ombudsman, in her recommendations, asked that the City develop criteria to address exceptional cases, amend the Municipal Code to allow for discretion to adjust an account in exceptional circumstances, set a standard for notifying customers of spikes and dips, and ask for a reading after three consecutive estimated bills. The City agreed.



MAKING THE PUBLIC APPOINTMENTS PROCESS WORK

Almost 500 citizens serve on governing boards of the City's 120 agencies such as the Police Services Board, the Toronto Public Library Board, Property Standards Committee, and local arena boards.

City policy has been that public servants recruit a wide and diverse range of qualified applicants for these positions, pre-screen applicants, and present candidate lists and summaries to the Civic Appointments Committee made up of City Councillors. The Committee then shortlists and interviews candidates and makes recommendations to Council about who should be appointed.

After the first round of appointments in 2011, the Ombudsman received many complaints about the process not being followed, problems with conflicts of interest, lack of diversity among those appointed and interference from the Mayor's office. The Ombudsman decided to investigate. She found that while the appointments policy was itself exemplary, the process and some of the policy's provisions were not followed.

The evidence from the investigation found:

- confusion about board composition caused by recent changes made by City Council
- instructions provided to staff from the Mayor's office including direction about advertising and scheduling, which impacted the implementation of the policy
- lack of clarity about roles that the City Manager's Office and the City Clerk's Office have in implementing the Public Appointments Policy.

The Ombudsman recommended that the City give responsibility for public appointments, and adequate resources, to one unit, that it develop provisions to ensure that known conflicts of interest on the part of applicants are properly reported, and that the City develop community engagement strategies to recruit from diverse communities.

The City Manager and City Clerk started work immediately on the Ombudsman's recommendations.



TAKING RESPONSIBILITY

Ms. A complained to the Ombudsman's office that staff from the Toronto Employment & Social Services Division (TESS) treated her unfairly, which frustrated her ability to receive ongoing financial support.

She said TESS discontinued her family's special diet allowance, failed to pay rent on time, restricted certain benefits, made unreasonable requests for information, and failed to provide adequate services.

The investigation revealed that Ms. A was treated fairly. The special diet allowance was suspended because she had failed to comply with the new requirements of the program. Her rent payment was delayed and insufficient because she had failed to notify TESS of her landlord's new mailing address and of her rent increase. TESS later withheld rent because Ms. A was being evicted and the funds were required for future rent with a new landlord or possible settlement with the current landlord. Ms. A's refusal to provide additional information to TESS relating to the ownership of a vehicle resulted in an eligibility review. The other service-related complaints were not corroborated by independent evidence.

The Ombudsman found that TESS' decisions were reasonable and in keeping with policies and procedures. No evidence was found to support Ms. A's complaint.

Investigations



TUNNEL VISION

In June 2010, the Toronto Transit Commission (TTC) delivered an unaddressed flyer to residents near Donlands and Greenwood stations. The flyer said two homes in each neighbourhood would be torn down to build a second exit and gave the date of a public meeting, scheduled less than two weeks later.

A group of residents complained to the Ombudsman.

The investigation found that the TTC began evaluating options for the second exit in early 2004 and chose their locations in December 2009, but only notified local residents in 2010, a few months before construction was to begin. The TTC provided no time for a meaningful public consultation.

The TTC also communicated poorly with residents whose homes were directly affected by the new exits. They failed to notify two of the four owners whose homes it planned to acquire before delivering the flyer. The TTC did not meet face-to-face with any of the four property owners and provided one property owner with one hour's notice to prepare a statement to present before the Toronto Transit Commission.

The public consultation lacked credibility. The TTC's initial option for Donlands remained its preferred option. The TTC continued to make decisions without communicating with the public. The TTC failed to tell homeowners if their homes were still required and cancelled a public meeting without communicating the status of the project to area residents.

The TTC and the City agreed to the Ombudsman's recommendations, including setting up procedures to notify Councillors, property owners, and the public about new construction projects; training TTC staff; communicating the current status of the project; and laying out the responsibilities of the TTC and the City's Real Estate Division.



HOUSING STILL MATTERS

In 2010, the Ombudsman issued Housing Matters, an investigation report, that found the Toronto Community Housing Corporation (TCHC) acted unfairly and overreacted by serving a tenant an eviction notice to warn the tenant, although it had no intent to evict. As the report noted, evicting a tenant should always be the last resort. In that case and again in this recent investigation, it was the first.

In August 2011, a superintendent of a TCHC building approached a tenant about playing his trumpet in the building's recreation room. The discussion became heated, and in anger the tenant uttered a death threat. The superintendent reported the threat immediately to his manager. The superintendent did not lay charges against the tenant as he did not believe the person intended to carry out his threat.

Staff asked to meet the tenant to discuss the threat but refused his request to bring a legal representative. In refusing, TCHC failed to follow its own policy directives.

Two months after the incident, TCHC served the tenant two poorly drafted eviction notices, citing the threat and a petition of complaint from tenants as the reasons for the eviction. The tenant complained to the Ombudsman who issued a notice of investigation in March 2012.

The investigation found that TCHC's decision to evict the tenant was unfair and unjust. TCHC staff failed to give him an adequate opportunity to respond to the allegations before serving the eviction notices and failed to adhere to its policy of conducting a fair investigation into the complaints. The Ombudsman investigation revealed that TCHC employees will serve eviction notices to get tenants to cooperate.

TCHC agreed with the Ombudsman's recommendations, including adhering to its eviction policy, developing guidelines for conducting fair and thorough investigations, holding staff accountable to performance standards, ensuring staff get appropriate training and that staff properly document all relevant information in tenant files.

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BRINGING FAIRNESS TO PARKING TICKET DISPUTES

After receiving a large number of complaints from parking ticket recipients, the Ombudsman initiated an investigation to examine the fairness and accessibility of the City's process for responding to parking disputes.

People complained that the parking infraction notice did not give enough information about avenues of recourse, that the City unfairly required them to attend in person if they wished to request a trial, and that service at the City's Parking Tag Offices was inadequate and slow.

The Ombudsman concluded that the current dispute process provided reasonable service to recipients, given demand and available resources.

The Ombudsman found, however, that there were ways to improve the service. The parking infraction notice did not give enough information about the dispute options available.

The City's website highlighted the payment option over the trial option and did not provide enough information about other avenues.

The Parking Ticket Cancellation Guidelines were not sufficiently prominent. Staff did not routinely determine if tickets could be cancelled because they fell under the guidelines before they filled the recipient's trial request.

The City had for some time been unable to accommodate all parking ticket trial requests, but was working on the capacity problem. It had considered implementing an administrative penalty system for dealing with parking ticket disputes to remove them from the courts, but had not implemented the process.

The Ombudsman recommended the City improve the service by expanding and clarifying the information on the infraction notice and on the City website, by expanding the screening done at Parking Tag Offices to identify those not requiring appearance in court, and by reducing unwarranted requests for trial, including the introduction of the fixed fine system and a courier or delivery parking permit. The Ombudsman also recommended the City address any impediments to introducing the administrative penalty system by asking the Attorney General to refer the issue to the Court of Appeal.



Overland Learning Centre Human Rights Day Celebration



Fiona Crean leading investigator training



Case Stories

OFTEN INTAKE STAFF HANDLE complaints that range from a few hours to days through phone calls, emails and meetings. Investigators, and sometimes intake staff, handle more complex complaints that involve research into policy and practice. These cases can take much longer.

Case Stories

N^o. 1

TREES, WASTE, FEES, FEES Communication is always key

Mr. C had an elm tree that was pushing up against his neighbour's garage, causing some damage. The neighbour called Municipal Licensing & Standards (MLS), whose inspector decided there was no imminent danger. The neighbour then approached Urban Forestry, whose arborist gave the neighbour a permit to remove the tree, with Mr. C's consent or a court order.

Mr. C did not consent and the neighbour continued to ask MLS to re-investigate. MLS subsequently issued an order about a second tree. Mr. C did not know from the description whether he had to remove the tree or just prune it.

Meanwhile, the neighbour also complained about waste left outside the house. And, the inspection fees were beginning to pile up for Mr. C—more than \$800.

One day, a crew cut through the fence and hedge into Mr. C's backyard and removed the first elm tree. They refused to identify themselves and showed Mr. C a copy of the permit to remove a tree.

Mr. C called the Ombudsman, complained about their actions and said that the MLS inspector was harassing him and told him to "pay the order or else."

We called a senior MLS manager. Much information was missing from the file and photograph labels lacked detail, critical in a case involving more than one tree and several inspections. The inspector had not contacted Mr. C, even though Mr. and Mrs. C, being in their 80s, were almost always home. Some inspection dates were too close together, suggesting over-enthusiastic enforcement. MLS had no involvement with the tree removal.

The MLS manager took the complaint seriously. He discussed the errors with the inspector and reviewed with the entire team the need for good communication, clear orders and notices, and proper file management.

Result: The MLS manager visited the Cs at their home to explain and apologize. He looked at the remaining tree and explained exactly what Mr. C had to do. He also promised to review the fees and reverse some or all of them. Mr. C was very pleased someone finally listened.

Case Stories

Nº.2



MAKING AN URGENT CASE A PRIORITY

If City process prevents a person from working, putting the speed on is possible

As a taxi driver, Mr. Q needs a licence from the Municipal Licensing & Standards Division (MLS).

Mr. Q applied to renew his licence in June and paid the fee. MLS wrote to him that he was missing some paperwork and had 30 days to provide this. Unfortunately, Mr. Q was out of the country visiting an ill relative. When he did not send in the paperwork, MLS returned his cheque and told him that his licence was not renewed.

Mr. Q found this out when he returned to Toronto in the fall. He then completed the forms, paid the fee, and took the refresher course.

However, MLS reviewed his driving record and noted a series of minor traffic infractions over the past three years that caused the loss of points from his licence. MLS decided not to re-issue his licence.

MLS told Mr. Q he could appeal, but that it would be up to eight months before he could have a hearing at the Toronto Licensing Tribunal. In the meantime, he was unable to work. Without income, he received an eviction warning from his landlord.

Mr. Q came to our office and we contacted MLS to ask why such an urgent case did not receive priority. There was a large backlog with the MLS Mobile Business Licensing Issuance Office, who must prepare a report before the Tribunal can hear the matter. Some cases were delayed up to a year. Drivers can work up to the date of their hearing, but because Mr. Q's licence had lapsed, he was not able to work.

Result: MLS agreed to make this case a priority as the delay had serious consequences for Mr. Q. MLS gave him a hearing within one month. We also suggested he seek interim social assistance, which he did.

Nº.3



300% RENT INCREASE REVERSED FOR SENIOR

Sometimes, cases come to us as we're doing something else

Ms. B is a senior who receives social assistance and has lived for six years in a rent-geared-to-income Toronto Community Housing Corporation (TCHC) apartment. During a conversation about issues that seniors were facing, we heard about Ms. B. She returned from a hospital stay to find a letter from TCHC saying she was no longer eligible for a rent subsidy because documents were missing from her file. Then TCHC withdrew more than \$900 from her bank account for rent—three times what she was used to paying. This emptied her account.

Worried about eviction, Ms. B went to a legal clinic for help. They gave TCHC copies of the “missing documents,” tried to reinstate the subsidy, and tried to make sure that TCHC would not take any more money from her account. They believed TCHC had not followed the law, as it had not sent a Notice of Proposed Decision to Ms. B warning her about the problem.

N^o.4



TCHC continued to ask Ms. B for the “missing documents” and sent her another letter for overdue rent of more than \$1,000.

We contacted TCHC, telling them how frightening their actions were to a vulnerable senior and asked them to look into the process they had used. Given that the tenant was a vulnerable senior, the Ombudsman was particularly concerned about the treatment she received. We asked the TCHC to review the matter and they agreed to do so.

Result: TCHC reinstated Ms. B’s rent subsidy.

GAINING TRUST **Problems seem overwhelming at times**

Ms. S, a senior, and her adult son, who is blind, came to the Ombudsman’s office to complain about a City shelter. Over the course of many visits, during which Ms. S would talk only with one particular staff member, their story came out.

They had moved into the shelter when they were evicted from Toronto Community Housing for not paying rent. Since then, Ms. S had not received any benefits for her son’s disability from the federal government. Ms. S said a shelter worker tried to force her to sign some consent forms. She refused to sign because the worker did not explain things. Shelter, Support & Housing Administration was keeping her son’s disability benefit and giving them only \$32 a day to buy food, medication and clothes. She said the shelter staff harassed her and threatened to hospitalize her.

Ms. S gave us consent to check into her son’s federal disability benefits. The government had suspended the benefits because they had no current address for Ms. S and her son. About \$6,000 was waiting for them.

We contacted the manager of Shelter, Support & Housing Administration who reported that Ms. S and her son had been at the shelter for a number of months. Staff from the Ontario Disability Support Program (ODSP) had visited the shelter and after several discussions decided to put the ODSP benefits owed to the son into safe keeping at the shelter. Shelter staff assumed that Ms. S and her son were receiving disability benefits from the federal government.

We asked if they had consulted Ms. S and if they had any information to support the assumption. The manager said Ms. S refused to give her consent and would not say what benefits she was receiving. The manager agreed to release the ODSP benefits once she had confirmation that Ms. S and her son were receiving Canada Pension Disability benefits. The manager later called to say they had given Ms. S her son’s ODSP benefits.

Result: Ms. S visited our office again to say she had received both benefits and that she and her son were moving to another province, where they had family.

Case Stories

Nº.5

SEARCHING FOR THE SEWER When we improve the solution

The X family bought a new home in 1998 that was on a septic system. The previous owners and City staff told them sewer connections were available on their property and the home could be attached to City sewers easily. This meant the connection would cost half what it would if the connections were on City property.

In 2008, the Xs asked Toronto Water for the connection location. The City gave them three marked maps. The contractor, following the maps, dug a moonscape of 14-foot holes and found nothing.

When they next asked, the City found the sewer connection was under the property that had been annexed to widen the road in 1989. Since the connection was now on City property, it would cost the homeowners about \$7,500 to attach pipelines, plus the cost of installing pipelines on the private property side.

The Xs complained to Toronto Water and the Mayor's office but were not satisfied, although one staff did offer to drop the price to \$3,000. Then they called the Ombudsman.

We contacted Toronto Water. They told us there was no getting around the fact that the connection was under City property. They did acknowledge there had been some communication problems and they had provided inaccurate information.

Result: They were willing to honour their earlier commitment to do the connection for less than half the usual charge. They also agreed to put it in writing, noting they would honour this for two years and extend it to any future owners, as the Xs were thinking of selling.

Nº.6

FAIR PROCESS City employees come to us too

In 2009 Mr. Y became one of 28 Toronto Urban Fellows (TUF), early-career professionals who for a year receive an intensive introduction to Toronto's public service. Each fellow has two six-month placements, chosen in a matching process that considers the fellow's preferences and the assignments from the participating city divisions.

Mr. Y received his first choice for the first placement but his ninth choice for the second. He believed the matching process was unfair and that TUF had not adequately addressed his concerns about the procedure.

2009 was the first year of the program. The matching process included an informal networking session, job presentations and speed interviews. For the first placement, fellows and divisions ranked their preferred projects or fellows from one to four. The TUF organizers found some limitations to this system and for the second placement asked everyone to rank all projects or fellows.

N^o. 7



Mr. Y expressed dissatisfaction with the matching process to the manager responsible for TUF. The manager gave Mr. Y advice and support by phone, email, and in person.

We found that, out of the 13 options available, Mr. Y listed only three possible matches. Two other fellows were placed on projects they had ranked lower than ninth. All the fellows were repeatedly told there was no guarantee participants would receive their preferred placement or person.

Result: We wrote to Mr. Y, detailing the reasons for refusing to investigate the matter further and closing the file. City staff used the matching procedure consistently and it was fair. The manager had not ignored Mr. Y's concerns about his placement. We also wrote to the City Manager, telling him there was no maladministration.

MANAGING ENCROACHMENT Costs can be shared

Ms. P was installing a pool and building a fence in her yard. In granting the permit, the City approved a plan and landscape design.

Ms. P did not understand the plan or intention of the landscape design. One side of the fence and a small part of the pool were built on City property.

Municipal Licensing & Standards (MLS) inspected the fence and reported the encroachment to Right of Way Management (RWM). RWM staff confirmed the problem and helped arrange for an encroachment agreement to allow the pool to remain. Approval for the agreement depended on Ms. P satisfying some conditions. She had to redo part of the fence and some landscaping. Ms. P thought she should not be responsible for the costs. She thought that Toronto Building had made a mistake in granting the permit, that the MLS inspector was at fault for failing to tell her about the encroachment despite having visited her home frequently, and that the City had agreed to pay half the costs associated with the encroachment agreement.

We looked into the complaint, speaking to City staff, the owner of the pool company and the contractor for the fence.

Toronto Building reported that they had reviewed the plans submitted with Ms. P's application and were satisfied there were no encroachments. Had the original plan shown exactly where Ms. P intended to build the pool and fence, the City would not have approved the permit.

MLS staff said their inspectors are responsible for ensuring that fences are constructed according to City bylaws but are not responsible for monitoring compliance with plans. In any event, their inspectors did not see the fence during construction.

Community Council approved an encroachment agreement that would leave the pool unchanged but required changes to the landscaping and fence. The City agreed to equally share the legal fees for the agreement, but not all the costs required to bring the fence and landscaping into compliance.

Result: We wrote to Ms. P, outlining in detail her and the City's responsibilities. If she makes the changes to the fence and landscaping, the City is prepared to validate the encroachment agreement.

Case Stories

N^o.8



REPAIRING CITY DAMAGE

The process just isn't clear

Ms. T had a small leak on her water meter and she called Toronto Water to fix it. The City worker accidentally snapped the pipe that held the meter. He turned off the water, then hooked Ms. T up to her neighbour's pipe so she would have access to water until her pipe was fixed. No one told Ms. T what she was supposed to do next.

Ms. T sent Toronto Water a number of emails and got consent to get three quotes for the repair work. It then took four days for the repairs to be completed. No one told her who was responsible for paying for the repairs. When she contacted Toronto Water, she was told that a manager was reviewing the matter. A Toronto Water manager later told her she should make a claim with the City insurer. After several attempts to resolve the matter with Toronto Water, Ms. T called her Councillor who referred her to the Ombudsman.

We called the Toronto Water manager, who told us they were not aware that the matter was outstanding. The manager we spoke to said he would review the file and contact Ms. T directly.

Result: As Ms. T wrote, "the water meter situation has been totally resolved...I didn't get all of my money back but I was satisfied with the amount I did get."

N^o.9



GETTING A DEPOSIT BACK

It shouldn't be this difficult

When doing renovations, homeowners must leave a security deposit with the City's Transportation Services division in case they damage city property, such as a sidewalk. Mr. H was renovating his home and made the deposit. When he was finished, he received clearance from an officer at Transportation Services, who told him he would receive a cheque for \$1,999 in four to six weeks. No cheque arrived so Mr. H contacted the Ombudsman.

We called Transportation Services who said they had spoken with Mr. H and would send the file for refund that day.

Ten days later with no cheque, Mr. H phoned again. Transportation staff told us they thought the cheque had been issued three weeks before it actually was. They provided file details and another number to call if the cheque did not arrive within two weeks.

Result: The cheque arrived within two days of the last phone call.

N^o.10



WAY TOO LONG

Delay, not dispute, is the issue

Mr. E's company did some work for the City of Toronto on contract. After some time, he said the City still owed his company nearly \$24,000. Mr. E sent several emails to a Revenue Services manager but did not receive a reply. He even asked for a meeting. Two months later, he hired a lawyer to write to the Ombudsman to ask why there had been no response and sent a copy to Revenue Services.

We called Revenue Services who said the City was preparing a written response and admitted no one had responded to Mr. E for three months. The Toronto Public Service standard is to acknowledge emails within 48 hours.

At our insistence, the manager wrote to Mr. E that the City was preparing a response and it would take two to three weeks. It did not arrive. Several times in the following months Revenue Services told us the letter was "coming soon."

Seven months later, Mr. E received a letter from Legal Services. It disputed his claim and suggested his company owed money to the City. It asked him for payment and offered to provide documentation of accounting upon request.

N^o.11



LOST FAX CAUSES REAL TROUBLE

**You don't have to live
in Toronto to get help**

Ms. W, who lives two hours north of Toronto, went to renew her licence plate only to discover she first had to pay \$878 in fines for 13 Toronto parking tickets acquired in 2010. She sent a fax asking for cancellation of the fines on compassionate grounds, but after two weeks she had no response.

Ms. W received the tickets for expired parking meters at Sunnybrook Hospital, where her mother was treated over three months for a catastrophic brain injury. Every day Ms. W drove the 160 kilometres from her home to the hospital and back. It was not always possible to return to the meter in time to insert

Result: The Ombudsman wrote to the director of Revenue Services, concerned about the incredible delay. The director responded, acknowledging that the delay was unacceptable. He raised the issue with senior managers and reminded staff that Ombudsman requests are to be responded to "with the highest priority" and with cooperation from all staff.

more money. Ms. W has been sole caregiver for her mother during her recovery, even giving up her job. Her only source of income is a monthly social assistance allowance of \$599. She needs the car to take her mother to and from medical appointments. There is no public transportation where she lives.

Ms. W contacted the Ombudsman.

We made several calls to track down Ms. W's original fax and find out about the procedures and response times for dealing with faxes. No one found the fax. Investigations staff at the Parking Tags unit of Revenue Services gave us the correct fax number and asked us to have Ms. W send the fax again. She did.

Result: We received a call from City staff who said they would cancel the tickets on compassionate grounds. Ms. W would be able to drive her car.

N^o.12



GETTING HER OWN MONEY BACK

We can speed up the process

Ms. N was paying her income tax online at the end of April. Instead she accidentally put \$20,000 into her property tax account.

She called Revenue Services and spoke to a customer service representative who was helpful but could not resolve the issue. She then spoke with a supervisor who said it would take another two weeks before she got the money back.

Ms. N phoned the Ombudsman after hearing the same story for a month. She could not understand why the City was taking so long to return her money.

We made enquiries.

Result: Ms. N received her cheque soon after.

Case Stories

N^o.13



TAX MISTAKE STRAIGHTENED OUT

Companies complain, too

In October 2004, ABC Company purchased a property in Toronto. Prior to the purchase, ABC obtained a tax certificate saying that no taxes were owing. However, in May 2005, it received a tax statement that \$211,248 was overdue. ABC sent three letters to Revenue Services asking for more information without a reply until 2008, when it received a new tax statement showing a zero amount owing.

To ABC's surprise, in February 2012 it received a distress seizure notice from a collection agency for overdue taxes of \$346,494. ABC again asked for information, but the City refused, citing privacy issues. The City said the original unpaid tax related to the previous property owner.

In July 2012, a representative from ABC met with Revenue Services but received no satisfactory explanation for the outstanding tax statement. The company called the Ombudsman.

We contacted Revenue Services, who agreed to look into the matter. City officials discovered that when the previous owner split the property, they mistakenly misdirected a tax bill mailing. Although the original owner eventually paid, the mistake resulted in an outstanding amount because of interest and penalty. Revenue Services linked the amount owing to

ABC's account. Unrelated payments to the account, such as vacancy rebate credits, resulted in a zero balance in 2004 and 2008, although the amount owing remained. Revenue Services reviewed its mistake and suggested a way to cancel the charges. This correction required agreement from City Council, which would occur later in 2012.

Result: The company will be content with City Council's agreement to reverse the charges.

N^o.14



WIDENING DRIVEWAYS, LEGALLY

Not everyone gets everything they want

In 1995, the City told Mr. Z he needed a parking permit for his widened driveway as his car partially occupied the City's right of way. He began paying for annual permits. In 2010, he discovered that not all property owners with widened driveways had permits. The City explained to him that inspections were generally conducted based on complaints and that it did not have the resources to go door to door enforcing bylaws.

For the next couple of years, Mr. Z sent the City addresses of widened driveways to investigate. The City investigated more than 240 driveways and enforced its bylaws accordingly. It re-inspected Mr. Z's driveway

and discovered he had removed his walkway. As his car no longer occupied the City's right of way, and had not since the end of 2010, the City refunded his parking permits for 2011 and 2012.

Mr. Z called the Ombudsman, requesting that the City refund his parking permit for five more years. We spoke to a Transportation Services manager, who told us the parking permit was no longer required as the parking pad no longer occupied City property. This was the reason it refunded Mr. Z for 2011 and 2012. The manager could not justify refunding for any more years.

Result: Mr. Z understood and accepted the decision, thanking us for our time.

N^o.15



BOUNCING BETWEEN DEPARTMENTS

Even the resolution gets complicated

A Municipal Licensing Officer issued a notice about a fence on a property of Mr. D. The resident thought the officer was wrong and disputed the notice. Mr. D received a number of warnings and violation notices after this incident. He complained to Municipal Licensing & Standards. A supervisor visited and agreed there were no violations. He assured Mr. D there would be no fines.

Then Mr. D received a fine for \$265. He contacted the supervisor and received an email apologizing for the delay and saying the matter would be resolved. It wasn't. Mr. D continued to phone the Finance department and the Licensing branch. Everyone told him it was the other department's problem.

Mr. D then called the Ombudsman. We called the supervisor and he agreed the issue should have been resolved. Although he had changed departments he called Revenue Services to explain the reason for withdrawing the charges.

Result: Revenue Services notified Mr. D that the notice was cancelled and all charges removed.

N^o.16



ACKNOWLEDGING A MISTAKE

When the City has a responsibility, it must follow through

Toronto Employment & Social Services (TESS) helped Ms. J enrol in a provincial job retraining program after she was injured and could not work in her previous field. The application had to be made through TESS.

Ms. J got her severance payment after she put in the application. She told her caseworker, who said she would send an amendment form to the province.

Two months later, Ms. J started her one-year course and received a few hundred dollars each week from the province for living expenses. Ms. J was told by the province that all communication had to come through her TESS caseworker.

About nine months into her program, Ms. J was notified that she would now begin receiving EI, as her severance had ended. She told the province, who said she would have to repay \$11,500 immediately as they did not know about her severance pay.

Ms. J discovered that the province never received the form her TESS caseworker had promised to send. Even though the caseworker acknowledged the error, Ms. J received two letters from senior managers who said that her contract was with the province and TESS had nothing to do with it.

Ms. J complained to the Ombudsman. We reviewed the documents, interviewed staff and met with TESS managers.

Result: TESS spoke to the province and wrote a letter acknowledging their error. They also agreed to review TESS protocols about their responsibility for communicating with the province.

The Story in Numbers



CASE CATEGORIES

The five most common ombudsman issues were:

1. failure to communicate adequately
2. inadequate, poor or denied service
3. enforcement unfair or not done
4. decision wrong, unreasonable or unfair
5. unreasonable delay

The Story in Numbers

The Office of the Ombudsman handled 1,430 complaints in 2012. Seven investigations were completed, six of which were systemic reviews and one an individual investigation. Twenty-one complaints are carried into 2013, of which four are investigations.

The five most common ombudsman issues remained similar to those reported for 2011: poor communication; inadequate, poor or denied service; unpredictable enforcement; wrong, unreasonable or unfair decision; and unreasonable delay.

OUR JURISDICTION TOP 10

- Corporate Finance
- Employment & Social Services
- Municipal Licensing & Standards
- Parks, Forestry & Recreation
- Revenue Services
- Toronto Building
- Toronto Community Housing Corporation
- Toronto Transit Commission
- Toronto Water
- Transportation Services

About 55 per cent of all closed, jurisdictional complaints received in 2012 related to poor communication. Almost 20 per cent were about poor service. Customer service, decision-making, staff conduct and communications remained trends across City services. Noteworthy was a drop in the number of complaints involving poor record-keeping, a

potential sign, though too early to verify, that the City's directive on the matter may be taking hold.

The top 10 areas of the City complained about in 2012 remained largely consistent from 2011. Only one division, Toronto Building, made it into the top 10 for the first time this year. Municipal Licensing & Standards (MLS) topped the list. Revenue Services and Toronto Community Housing Corporation (TCHC) follow.

At MLS, most complaints were about residents' frustration with the lack of communication or follow-up to emails, telephone messages and letters from staff, including senior management of the division. Other MLS complaints contended that bylaws were not being enforced, even after complainants reported bylaw violations. A number of complaints were about staff conduct and behaviour that was described as unprofessional and at times discriminatory.

Complaints about Revenue Services centred on high water bills, more specifically about the arduous process of getting water meter readings corrected. This was followed by property tax billing issues, particularly about the appeal process. Finally, there were many complaints about parking ticket disputes.

TCHC complaints were largely about building conditions and delays in maintenance repairs ranging from a leaky ceiling to a lack of heating. Major infestation problems such

as bed bugs and ants were also cited. There were complaints about unfair procedures such as the evictions process and other notices from TCHC staff. A further common complaint involved requests for transfers to other housing units because of health and safety concerns. Complaints about abusive and harassing conduct on the part of TCHC staff were also not unusual.

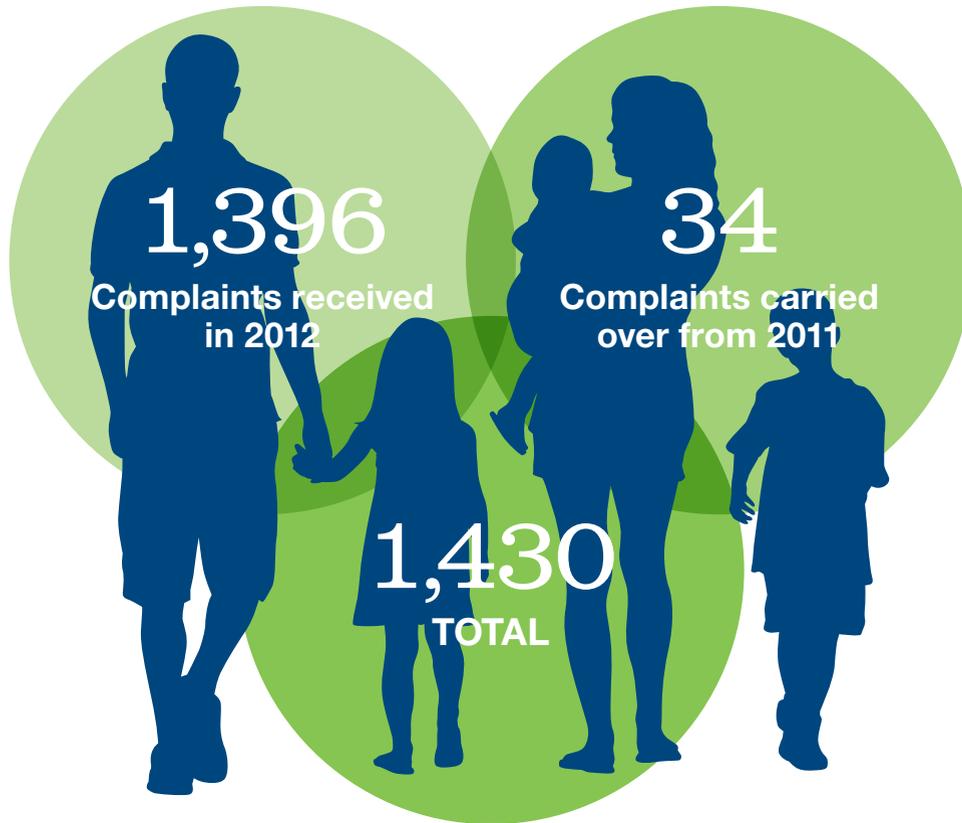
More than twice as many complaints were received in 2012 from downtown and East York than from Scarborough. This is largely in keeping with the geographic distribution of complaints received in 2011.

Scarborough is an area the office is targeting for outreach and public education on the assumption that residents in Scarborough have no less need for ombudsman services than other neighbourhoods.

The Office of the Ombudsman has a complaint system about its own services. This year there were two. In the first, the complaint was about the delay in our response. Staff wrote a letter of apology and outlined the reasons for discontinuing the review.

In the second, the complainant said we took too long, did nothing for him and failed to respond to two calls. The director found he had not exhausted his avenues of redress. There was no evidence of delay but the employee missed the telephone calls due to illness and was reminded to regularly update her voicemail.

Complaint Summary



CLOSED IN 2012

| | |
|----------------|-------|
| Complaints | 1,402 |
| Investigations | 7 |
| | <hr/> |
| | 1,409 |



CARRIED INTO 2013

| | |
|----------------|-------|
| Complaints | 17 |
| Investigations | 4 |
| | <hr/> |
| | 21 |

The Key Trends



FAULTY DECISIONS

- wrong
- unreasonable
- unfair
- unexplained

POOR SERVICE

- inability to reach public servant
- unfair treatment
- unfair policies



POOR COMMUNICATION

- written communications unclear, difficult to understand
- calls not returned
- unreasonably long response time
- information lacking or wrong



UNREASONABLE DELAY

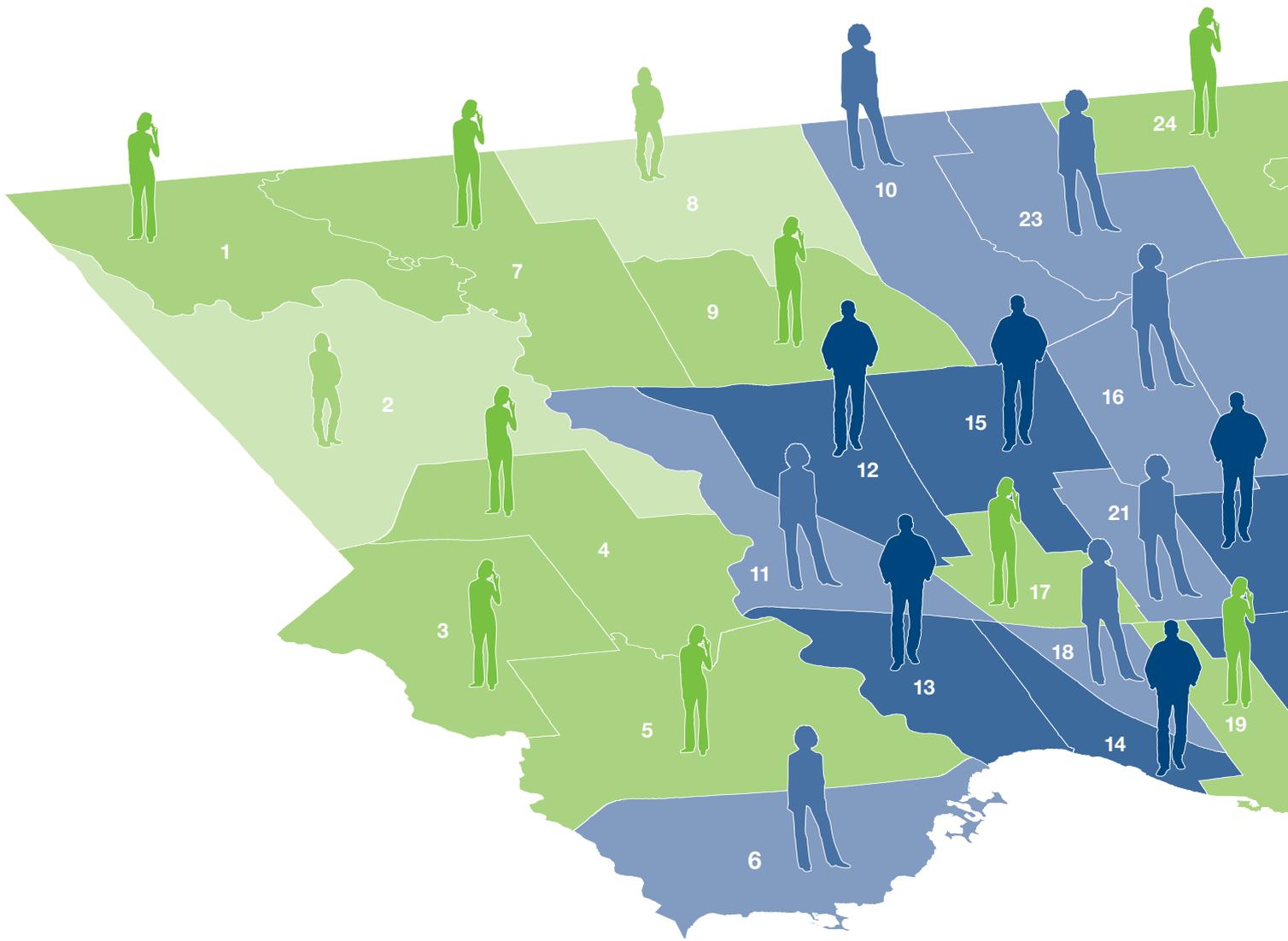
- in returning calls or emails
- in processing appeals
- in handling complaints

UNPREDICTABLE ENFORCEMENT

- over-enforcement
- under-enforcement



City Wards



- | | | | |
|------------------------|------------------------|-----------------------------|-----------------------------|
| 1. Etobicoke North | 12. York South-Weston | 23. Willowdale | 34. Don Valley East |
| 2. Etobicoke North | 13. Parkdale-High Park | 24. Willowdale | 35. Scarborough Southwest |
| 3. Etobicoke Centre | 14. Parkdale-High Park | 25. Don Valley West | 36. Scarborough Southwest |
| 4. Etobicoke Centre | 15. Eglinton-Lawrence | 26. Don Valley West | 37. Scarborough Centre |
| 5. Etobicoke-Lakeshore | 16. Eglinton-Lawrence | 27. Toronto Centre-Rosedale | 38. Scarborough Centre |
| 6. Etobicoke-Lakeshore | 17. Davenport | 28. Toronto Centre-Rosedale | 39. Scarborough-Agincourt |
| 7. York West | 18. Davenport | 29. Toronto-Danforth | 40. Scarborough-Agincourt |
| 8. York West | 19. Trinity-Spadina | 30. Toronto-Danforth | 41. Scarborough-Rouge River |
| 9. York Centre | 20. Trinity-Spadina | 31. Beaches-East York | 42. Scarborough-Rouge River |
| 10. York Centre | 21. St. Paul's | 32. Beaches-East York | 43. Scarborough East |
| 11. York South-Weston | 22. St. Paul's | 33. Don Valley East | 44. Scarborough East |



COMPLAINTS BY WARD



Financials

2012 BUDGET

In 2012, the Office of the Ombudsman budget allocation approved by City Council was \$1,421 million.

2011 EXTERNAL AUDIT

Hillborne Ellis Grant, an external audit firm, performed a successful compliance audit with two exceptions for the fiscal year ending December 31, 2011, a full copy of which is available on the website at ombudstoronto.ca.

The auditor reported these exceptions:

1. Appendix B states: “Contracts exceeding \$50,000 multi-year requirements should be done through a formal bid process administered by PMMD [Purchasing Material Management Division]. The contract referenced above was administered by the OO [Office of the Ombudsman] rather than PMMD.”
2. Appendix C states that “we noted an instance of insufficient documentation related to the Conference and Business Travel Policy, Guidelines for Obtaining Travel Rates.”

On July 4, 2012, the Ombudsman tabled a report with City Council about the material facts of these two exceptions. The relevant excerpts follow and the report is at ombudstoronto.ca

On Appendix B:

The Ombudsman posted a Request for Proposal for purposes of retaining a communications consultant/firm during the fiscal year 2010. The office awarded the call to one of the proponents based on predetermined scoring criteria. The RFP referred to an award that was not to exceed \$30,000 in each of three successive years for a total of up to \$90,000 over the three years.

The original RFP was issued by the Ombudsman so the office would retain its independence as provided for in Chapter 3. Because the DPO [Divisional Purchase Order] Policy requires that purchases exceeding \$50,000 must be processed through PMMD, the contract was not awarded as issued. In consultation with PMMD, it was decided that rather than cancelling the entire RFP, the best approach was to issue a contract for only two years. This would be compliant with the policy for purchases less than \$50,000.

A DPO for \$49,000 (\$19,000 in 2010 and \$30,000 in 2011) was issued in compliance with policy.

On Appendix C:

The Ombudsman’s office obtained three quotes for the air travel, selecting the cheapest option. It is the case that the Ombudsman’s office inadvertently disposed of the copies of the three quotes that were obtained. The seat sale with West Jet was the most cost effective way to travel and the quotes obtained through Expedia and Air Canada were more expensive.



Explaining the Ombudsman’s role to seniors at the Malvern Family Resource Centre



Ombudsman staff, Jorge Kaneshalingam, at the Scarborough Community Fair

The Team



Fiona Crean
OMBUDSMAN



April Lim
**RESEARCH AND
POLICY CONSULTANT**



Jorge Kaneshalingam
**ACCESS AND
EDUCATION ASSISTANT**



Lauren Hollywood
**ADMINISTRATIVE
ASSISTANT**



Kwame Addo
**DIRECTOR, INVESTIGATIONS
AND CONFLICT RESOLUTION**



Zalina Deodat
**OMBUDSMAN
REPRESENTATIVE**



Jackie Correia
**OMBUDSMAN
REPRESENTATIVE**



Shoshanna Levitt
**OMBUDSMAN
INVESTIGATOR**



Kate Zavitz
**OMBUDSMAN
INVESTIGATOR**



Lindsay Cheong
**OMBUDSMAN
INVESTIGATOR**



Mailbag

Just a quick note to thank you, and [your staff] in particular, for an early intervention to solve a delayed response from the City of Toronto. [Your staff] followed up to ensure that the problem was addressed to my satisfaction. Thanks again. Excellent job!
(Complainant)

I've just been stunned, quite honestly. That the Ombudsman's office would get back to me so quickly...I honestly think that you should be teaching Customer Service to people in Canada. I just really appreciate it, thank you. I know it's your job, but you did it very nicely and I appreciate it...you just took the extra step. Thank you. (Complainant)

I wanted to thank you once again for your help and the great follow-up...Clearly you have not lost your touch and just became better!
(Complainant)

Just a small word to say that I am totally impressed by all the work your little team does and by the quality of your interventions...your annual reports are clear, direct and incisive. Your investigation reports all the more so.
(Ombudsman colleague)

A note to thank you...for an early intervention to solve a delayed response from the City of Toronto. (Complainant)

Thank you for the outstanding job that you have done on your investigative reports. Like many other public service employees [I] recognize the critical role that you play and that the role must continue on in its capacity... my family admires your professionalism, courage and the role model that you clearly play for the rest of us. (Public Servant)

I simply want to take a moment to wish you a Happy New Year and to let you know how comforted I am with...the role of ombuds(wo)man at City Hall. Seeing [your] results and knowing that [you] are there as Toronto's ombudswoman makes me a little more confident about the future of Toronto. (Resident)





Contact Us

T: 416-392-7062

TTY: 416-392-7100

E: ombuds@toronto.ca
ombudstoronto.ca



Having trouble with a City service?

1. Our services are confidential and free.
2. We are independent from the Toronto Public Service.
The Ombudsman is an officer of Toronto City Council.
3. We look into your complaints about the administration of Toronto's government, agencies, boards and commissions, for example, water, parks, the TTC or community housing.
4. We are an office of last resort, after you have already tried to resolve the problem.
5. We advocate for fairness.
6. We offer information sessions. Call us at 416-392-7062 and TTY 416-392-7100 or email us at ombuds@toronto.ca
7. Our location:
Office of the Ombudsman
375 University Avenue, Suite 203
8:30am-5pm
Monday to Friday



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