

# 2017 ANNUAL REPORT



Ombudsman  
Toronto

*Listening. Investigating. Improving City Services.*

Mayor Tory and Councillors:

I am pleased to submit my Annual Report to City Council for the period January 1, 2017 to December 31, 2017, pursuant to section 170(2) of the *City of Toronto Act, 2006*.

Sincerely,



Susan E. Opler

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# From the Ombudsman

**2017** was a very productive year at Ombudsman Toronto. Reflecting on it fills me with pride and gratitude.

Our small team published nine reports with 65 recommendations to improve fairness in how the City of Toronto serves people. We consulted with City staff on 18 projects. I am proud of these accomplishments.

But reports and consultations are not the whole story. Our daily work behind the scenes on individual requests for help from the public also has important and lasting impacts. In 2017, we handled almost 1,650 complaints. Each case in which we show the City how to treat people more fairly is a step towards improved systems and a culture of fairness in public service.

Our cases increased in number and complexity in 2017. To ensure that we are as effective as possible, we refined and modernized our processes, including through the use of a flexible new tool—the Ombudsman Toronto Enquiry.

I am grateful for the dedication, diligence and determination of each member of the Ombudsman Toronto team. They are shining examples of public service at its finest.

I am also grateful to the hundreds of members of the public who trusted us with their complaints about unfairness at the City of Toronto in 2017. Our approach is to look for a quick and effective resolution without taking sides. While the result is not always what the complainant was hoping for, our goal is for each person to know they were heard.

Finally, I am grateful to the staff and management of the City of Toronto and its agencies, corporations and adjudicative bodies that we oversee. Ombudsman Toronto appreciates City staff's willingness to work with us in a respectful and constructive way to resolve problems and improve fairness.

The City of Toronto government is extremely large and complex. As the following pages illustrate, it directly affects the lives of millions of people in myriad ways, every single day. For many, it is hard to navigate.

Being a public servant is often difficult and carries heavy responsibility. But serving the public is also a privilege. No matter their particular role, the best public servants act with wisdom, integrity and compassion. We witness these qualities in many City staff we work with every day.

Our work also shines a light on problems in City policies and procedures, and in how the City serves the public. One theme that runs through almost all our cases is the need for better communication. Fairness in public service demands that those providing service communicate effectively with those receiving it. Public trust depends on it.

Too often we hear of cases where staff are not trained—or do not take the time—to consider the circumstances and meet the needs of the person they are serving. In all cases, people need to be listened to and heard, and to get timely, clear and honest information about their issue.

At its core, fairness in public service comes down to how people treat people. The City needs to keep working on this. We are here to make sure it does so, and to support its efforts.

It is a privilege for me to lead the Ombudsman Toronto team in the work we do on the public's behalf.



*Susan E. Opler*  
Susan E. Opler  
Ombudsman  
Ombudsman Toronto

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# Vision

Our vision is a City of Toronto government that treats all people fairly.

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# Mission

Ombudsman Toronto is an independent and effective voice for fairness at the City of Toronto.

We:

- listen to the public's complaints about City services and administration
- investigate by asking questions, gathering information and analyzing evidence
- explore ways to resolve individual cases without taking sides
- shine a light on problems and recommend system improvements

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# Values

- Independence and Impartiality
- Fairness and Equity
- Accessibility
- Respect and Empathy
- Willingness to Help
- Professionalism

# Our Team



**Kwame Addo**  
Director, Investigations  
& Conflict Resolution

**Susan E. Opler**  
Ombudsman



**Jackie Correia**  
Complaints Analyst

**Zalina Deodat**  
Complaints Analyst



**Kate Zavitz**  
Ombudsman Investigator

**Luke Brown**  
Ombudsman Investigator

**Meredith Gayda**  
Ombudsman Investigator



**Emma Colucci**  
Research & Policy  
Consultant

**Alex DiGiuseffo**  
Access & Education  
Assistant



**Marsha Wynter**  
Administrative Assistant

**Sandra Paulo**  
Administrative Assistant



**Reema Patel**  
Ombudsman Investigator

**Adam Orfanakos**  
Ombudsman Investigator

# Administrative Fairness

The law requires the City of Toronto government to treat all members of the public fairly and equitably. This is its duty of administrative fairness.

We fulfill our mandate by helping the City hold itself accountable for providing fair services that work for people.



**We focus on three aspects of administrative fairness: fair process, fair outcome and fair treatment. What is required in each case depends on the context. But the principles in the fairness triangle always apply.**

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## FAIR PROCESS

This is about how a decision was made within the City's administration. It involves what happened before, during and after the decision. It depends on clear communication, providing people an opportunity to be heard, reasonable timelines, explaining decisions and giving reasons.

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## FAIR OUTCOME

This looks at the decision itself. It considers the legal authority for a decision, whether the decision was based on relevant information and considerations, and whether rules, policies and procedures were applied consistently and without bias.

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## FAIR TREATMENT

This is about how the public service treats people. The City must treat everyone equitably according to their individual needs and circumstances, with dignity and respect.

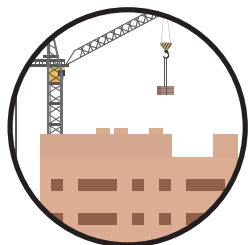


# What We Oversee

Some City services in our scope include:



Animal Services



Building Permits



Bylaw Enforcement



Child Care



City Insurance Claims



Electricity



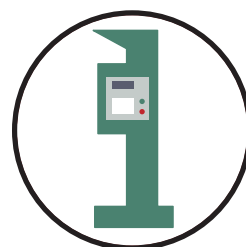
Fire Safety



Garbage and Recycling



Long-Term Care



Parking Ticket Disputes



Parks and Recreation



Property Standards



Property Tax



Public Health



Roads / Sidewalks /  
Bike Lanes



Shelters



Snow Removal



Social Housing



Social Services



Transit



Trees

**We oversee all City divisions and most City agencies, corporations and adjudicative bodies. For a full list, visit [ombudsmantoronto.ca](http://ombudsmantoronto.ca)**



Water Bills

# How We Work

**Ombudsman Toronto works independently of City government. We are impartial and do not take sides. We maintain confidentiality while clearly communicating the results of our work. Our influence and impact come from our voice: we identify problems, find practical solutions and make recommendations for how the City can improve services.**

## Handling Complaints

Any member of the public can make a complaint to Ombudsman Toronto at no cost. Whatever the issue, we listen to all complaints and determine whether and how we can help. If we can't—whether because the complaint is outside of our scope or because the complainant has not yet made reasonable efforts to resolve the issue directly—we provide a referral to someone who can.

## Enquiries and Investigations

All our investigative work begins with an Enquiry: an informal, flexible tool we use to consider an issue, gather information and look for a resolution. An Enquiry may take from a couple of days to several months to complete, depending on its complexity. Most Enquiries conclude with a letter to the complainant and the City explaining the outcome. Sometimes, for example when an Enquiry results in systemic recommendations to improve City services, we publish an Enquiry Report.

Ombudsman Toronto also has the power to investigate an issue of concern to us without a complaint. We call this an “own motion” Enquiry.

When an Enquiry reveals that it is necessary and appropriate, we launch an Investigation. An Investigation is more formal and involved than an Enquiry and takes longer. During an Investigation, we gather and analyze information, delve deeply into the issues we identify and make formal recommendations for improvement. Most Investigations conclude with a public Investigation Report.

## Consultations

We work constructively with the City to ensure it serves people fairly. On request, we consult with any City division, agency, corporation or adjudicative body within our scope on how to improve systems by making them fair and equitable. This is known as proactive ombudsmanship.

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## Collaboration, Co-Operation and Co-Ordination

We are part of the City's accountability framework. The Ombudsman is one of four independent Accountability Officers:

**Auditor General**  
deals with fraud and waste and ensures public funds are used cost-effectively

**Integrity Commissioner**  
oversees the conduct of elected officials and most appointed officials

**Lobbyist Registrar**  
regulates lobbying of public office holders

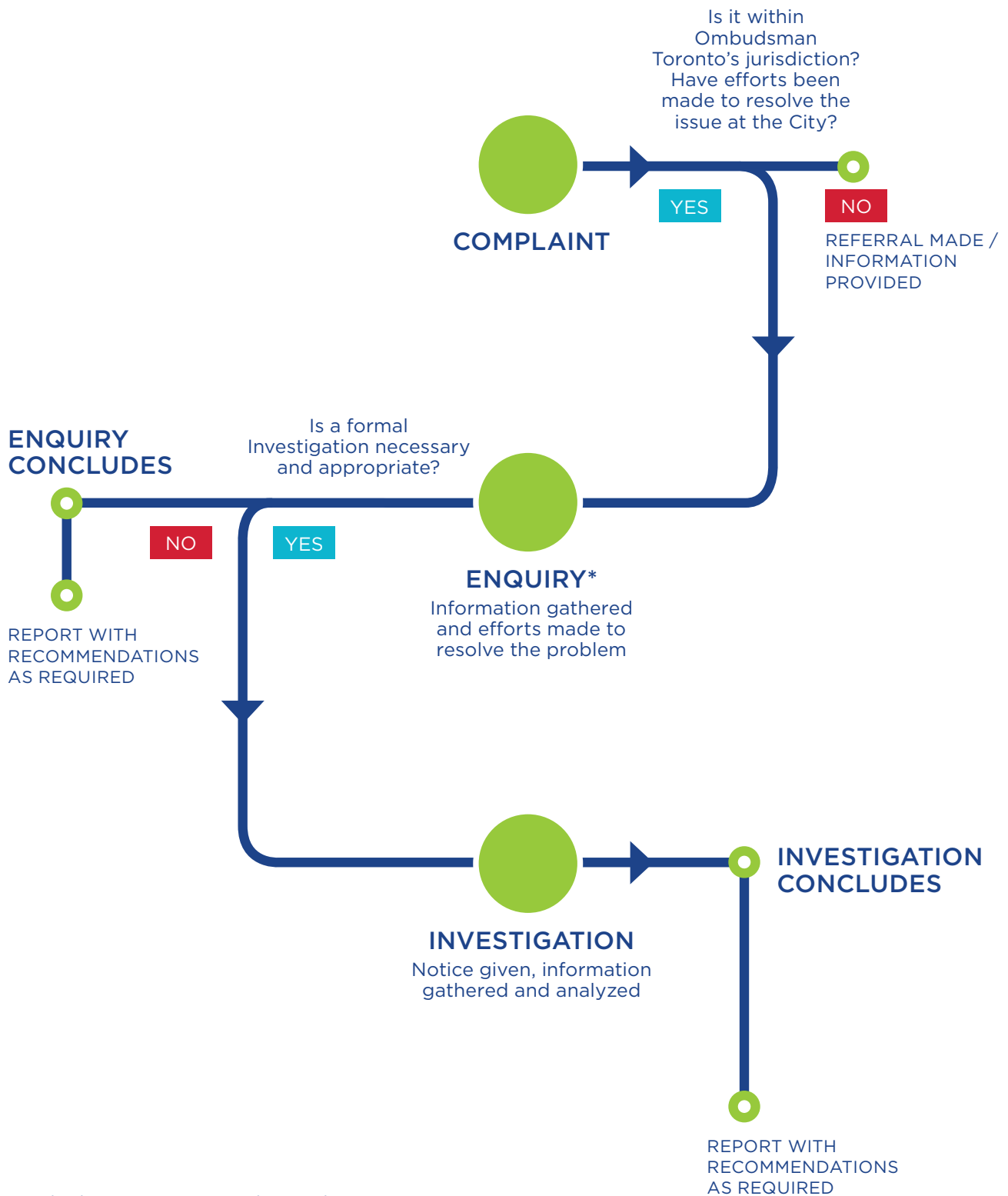
**Ombudsman Toronto**  
promotes administrative fairness

Together we help ensure fair, open and transparent municipal government.

Since 2015, the four accountability offices operate under a four-way Memorandum of Understanding, allowing us to co-operate and co-ordinate our work as we independently fulfill our respective mandates. This ensures that Toronto's accountability framework works efficiently and effectively in the public interest.



# Complaint Process

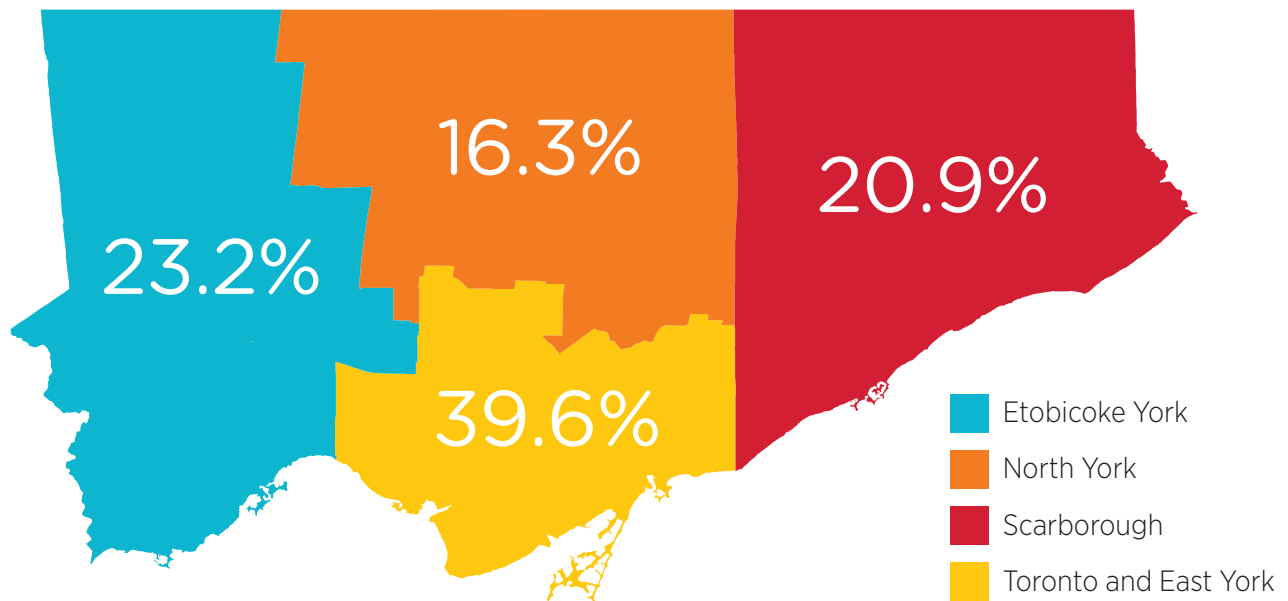


\* Ombudsman Toronto may also conduct an Enquiry without a complaint.

# Key Trends in 2017

## Who We Heard From

Complaints By City Quadrant



## Who We Heard About Most Often

(in alphabetical order)

- Municipal Licensing & Standards (MLS)
- Parks, Forestry & Recreation (PF&R)
- Revenue Services
- Shelter, Support & Housing Administration (SSHA)
- Toronto Building
- Toronto Community Housing Corporation (TCHC)
- Toronto Employment & Social Services (TESS)
- Toronto Hydro
- Toronto Transit Commission (TTC)
- Transportation Services

## What We Heard

### Toronto Employment & Social Services (TESS)

Many TESS complaints were about:

- problems with Ontario Works payments
- medical transportation and transportation allowances
- refusal of service due to lack of identification
- staff conduct

### Municipal Licensing & Standards (MLS)

Many MLS complaints were about:

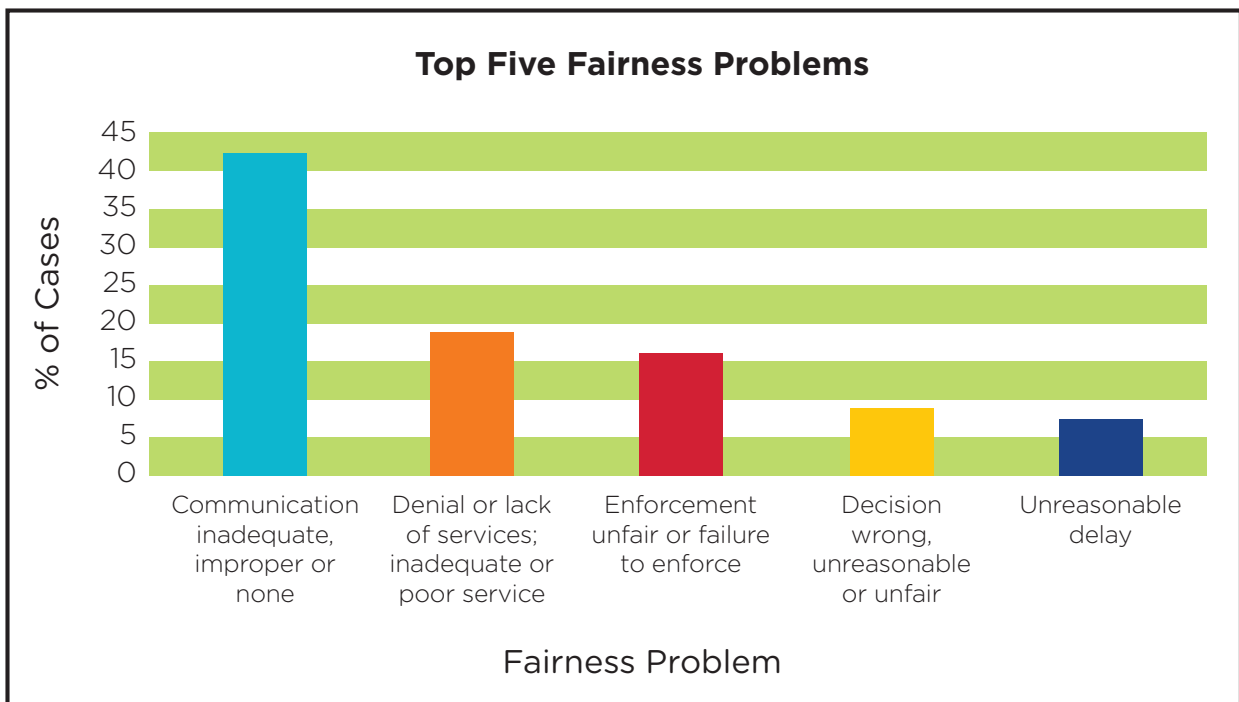
- conflict with neighbours about noise, property conditions and encroachment
- notices of violation issued by Municipal Standards Officers
- inconsistent bylaw enforcement
- fines and fees
- staff conduct

### Toronto Community Housing Corporation (TCHC)

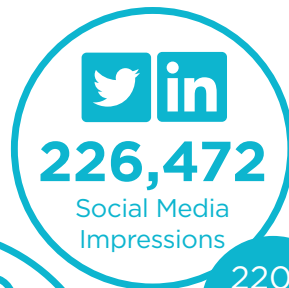
Many TCHC complaints were about:

- disputes over rent
- maintenance
- living conditions, including security and noise
- eviction
- tenant transfers and waiting lists
- staff conduct

## What We Found



# 2017 by the Numbers



# The Power of Our Voice

We are Toronto's bridge to fairness.

As a result of our Enquiries, Investigations and Consultations, the City treats people more fairly. Since our office opened in 2009, we have formally recommended hundreds of lasting improvements to City systems and services.

Our work shows what fairness in City services and administration looks like.



## An example of the impact of our work:

As of August 2017, it is easier for drivers to dispute a City of Toronto parking ticket, through the new Administrative Penalty System (APS). Our 2012 investigation directly contributed to this new program which provides a simpler and faster process, saving people time and aggravation.

## In the words of City management:

“The new program is a good illustration of what is possible when looking at alternative processes from the perspective of individuals requiring access to City services. The advice of Ombudsman Toronto staff during the planning stages was extremely beneficial in ensuring that the new program captured important elements of providing citizens with a fair and accessible City service.”

# Public Reports

## Enquiry: A Vulnerable Homeowner's Claim to Surplus Proceeds After a Tax Sale by the City

### Complaint:

The City sold Mr. W's house in 2013 to recover unpaid property taxes. Under the law, he had one year to claim the surplus of \$462,000, but he did not do so until 2017. By this time, Mr. W, a vulnerable senior, had used up his savings and was facing eviction. When the City told Mr. W it would not give him his money back, he contacted Ombudsman Toronto. We worked quickly to investigate the situation.

### Finding:

- Equitable unfairness: We found that in all the circumstances, the City should pay Mr. W the surplus funds, which were rightfully his.

### Recommendation:

We recommended that City Council direct the Chief Financial Officer to immediately pay the surplus back to Mr. W. Mr. W received the surplus within five weeks of our report.

## Enquiry: City of Toronto Cold Weather Drop-In Services in the 2016-2017 Winter Season

### Concern:

In late December 2016, media reported on public concern about the City of Toronto's cold weather response for people experiencing homelessness. We launched an Enquiry into the City's Cold Weather Drop-Ins.

### Findings:

- Lack of clear process: Shelter, Support and Housing Administration (SSHA) had not clearly defined maximum capacity numbers and had inadequate contingency plans for when a site reached maximum capacity.
- Poor communication: SSHA did not provide a clear response to the public's concern about there not being enough spaces for people requiring Cold Weather Drop-In services.

### Recommendations:

We made three recommendations to improve planning and communication to the public.

## Investigation: Toronto Transit Commission (TTC) Oversight of its Transit Enforcement Unit

### Concern:

In April 2015, videos surfaced on social media of a violent physical altercation at Union Station involving TTC transit enforcement officers and two members of the public. We began to review the TTC's oversight of its Transit Enforcement Unit.

### Investigation:

Information we gathered raised questions about how the Transit Enforcement Unit handles training, oversight and public reporting. We launched an Investigation to examine these questions more closely.

### Findings:

- Inadequate policies: Reporting requirements for use of force were unclear and the use of force policy did not specifically address de-escalation as an alternative. There was also no specific policy on use of force by transit fare inspectors.
- Inadequate training: It was not clear how transit enforcement staff are trained and evaluated on de-escalation.
- Inadequate data: There was no internal tracking of use of force incidents to detect and address trends.
- No review: The Transit Enforcement Unit missed an opportunity to examine the Union Station incident to determine how it might have been avoided.
- No complaints process: There was no formal process to monitor complaints about transit enforcement staff, and no policy on how the TTC should act on complaint trends.



**Recommendations:**

We made 26 recommendations to improve staff training, promote de-escalation and enhance the Transit Enforcement Unit's public accountability.

**Enquiry: How Municipal Licensing & Standards (MLS) Handles Noise Complaints****Complaint:**

Ms. B shared a wall with her neighbour and contacted MLS about construction noise coming from next door. After a long process of escalating her complaint with no results, she contacted us.

**Findings:**

- Communication failures: MLS staff gave Ms. B conflicting information.
- Delay: MLS staff did not complete their review in time to prosecute the case in court.
- Poor record keeping: A lack of documentation made it hard to determine the cause of the delay.
- No clear process: MLS staff did not understand how to handle residential home renovation noise complaints.

**Recommendations:**

We made seven recommendations, six of which addressed systemic issues in how MLS handles noise complaints.

**Enquiry: Committee of Adjustment Notice Procedures****Complaint:**

Mr. N did not know about his neighbour's home renovation plans until construction began. He had not received notice from the City. Had he known that his neighbour had applied to the Committee of Adjustment for a minor variance, he said, he would have appeared at the hearing to oppose it.

**Finding:**

- Failure to provide notice: the City did not follow its legal obligation.

**Recommendations:**

We made two recommendations requiring the City to examine its system for notifying the public.

**Investigation: Parks, Forestry and Recreation's Handling of a Park Permit****Concern:**

In the summer of 2016, media reported that the City had "booted" a sport program for toddlers from a park because of noise and safety complaints from neighbours. The City's Parks, Forestry and Recreation division (PF&R) had quickly revoked the permit and relocated the toddler program, without consulting the company or investigating the complaints. We began an Enquiry into how PF&R handled this park permit situation.

**Investigation:**

Information we gathered raised broader systemic questions about PF&R's permit processes. We launched an Investigation to examine how PF&R approves new park use permits, handles complaints and decides to cancel or alter a permit.

**Findings:**

- Inadequate information gathering: PF&R granted the permit without complete information about when and how the park would be used.
- No review: PF&R did not investigate neighbour complaints or canvas the perspectives of all affected parties before it revoked the permit.
- Unclear policy and process: There was no policy on how to deal with a complaint about park use. There was no process for handling park permit violations.

- Inconsistent practice: Staff were either unaware of existing complaints policies, or disagreed on how they applied.

**Recommendations:**

We made four recommendations for the new Administrative Penalty System (APS). These will ensure fairness, improve staff knowledge and administration of the dispute process, and clarify information for the public.

**Investigation: The City’s Process for Handling Development Charge Complaints**

**Complaint:**

Development charges are fees the City charges property owners and developers when it issues a building permit. The City denied Mr. D a hearing to dispute a development charge. Mr. D complained about how the City had dealt with his building permit and the development charges he incurred. We began an Enquiry.

**Investigation:**

We gathered information and spoke with City staff. Staff explanations raised broader administrative fairness questions about how the complaint process works. We launched an Investigation into how the City handles development charge complaints.

**Findings:**

- Unclear process: There were no written procedures for how staff should handle development charge complaints.
- Inconsistent practice: Staff either failed to inform complainants about the appeal process, or they provided conflicting information.
- Inadequate information: There was no publicly available information about the complaints handling process.

**Recommendations:**

We made 13 recommendations to improve consistency, transparency and fairness in the City’s handling of development charge complaints.

**Enquiry: The City’s Process for Out-of-Province Licence Plate Owners to Challenge Parking Tickets**

**Complaint:**

Mr. T, a Quebec resident, wanted to challenge three Toronto parking tickets. After giving him conflicting information, Revenue Services told him there was no way to challenge the tickets in court because his car was registered in Quebec, not Ontario.

**Findings:**

- Poor communication: the City told Mr. T to submit documents for a process that did not exist.
- Unfair system: At the time, there was no recourse for out-of-province licence plate holders to challenge Toronto parking tickets.

**Recommendations:**

We made four recommendations for the new Administrative Penalty System (APS). These will ensure fairness, improve staff knowledge and administration of the dispute process, and clarify information for the public.

**All our Investigative Reports are published at [ombudsmantoronto.ca](http://ombudsmantoronto.ca).**

# Case Stories

Any member of the public can bring a complaint to Ombudsman Toronto. Our services are fully accessible and confidential. There is no charge to complain to us.



Phone



Fax



Email



Mail



In Person



Online

## Examples of what we heard and how we helped:

### 1 Navigating TCHC Policy: Social Housing

Ms. V's mother was a tenant of Toronto Community Housing Corporation (TCHC) when she died. One month after her mother's death, TCHC sent Ms. V a request for rental payment for her mother's unit. Ms. V told staff that her mother had died and that she had already removed almost all of her mother's belongings from the unit. Staff said Ms. V was still required to provide 60 days' notice, and since she had not, she would have to pay an extra month's rent.

Ms. V asked TCHC for its policies on circumstances like this. When TCHC did not respond, she contacted Ombudsman Toronto. We requested TCHC's policy relating to a death of a tenant, which TCHC provided. They asked for Ms. V's mother's death certificate.

A few days later, TCHC staff followed up to confirm that Ms. V would not be responsible for any further payments. They allowed her 30 days to clear the unit. Ms. V was grateful for our help and noted her "respect for the work you do investigating and solving issues that seem to go nowhere for us."

### 2 Asking Questions and Getting Answers: Property Standards Enforcement

Ms. J lives in a row house. She contacted Municipal Licensing & Standards (MLS) with concerns about her adjoining neighbour's home and its possible impact on her own home and on her health and safety. She alleged her neighbour's house had longstanding problems, including a deteriorating foundation, vermin, and garbage in the yard.

Unsatisfied with the response from MLS, Ms. J came to Ombudsman Toronto. She complained about delays in MLS' actions and that MLS did not take enough enforcement steps against her neighbour.

We found that MLS had taken adequate steps against the neighbouring property, including conducting inspections, issuing notices of violation and hiring contractors to carry out work on the exterior of the home. Ms. J had also raised concerns that the neighbour was elderly and potentially vulnerable. MLS had involved its staff who specialize in working with vulnerable people and had sought the advice of the Office of the Public Guardian and Trustee.

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### **3 Securing a Payment Delayed by a Transferred File: Social Services**

Mr. E received Ontario Works benefits. He applied to have transportation costs related to his participation in an employment program reimbursed by Toronto Employment and Social Services (TESS). His case worker told him that he was eligible for reimbursement. Mr. E also provided the required referral forms and his job search activities to his case worker and the supervisor.

After six months passed without a response from TESS, Mr. E contacted Ombudsman Toronto. Our Enquiry found that TESS had no information about the application on Mr. E's file. It turned out that Mr. E's file had been transferred from one TESS office to another because he had moved.

With the right file, staff confirmed that Mr. E had provided the required information on two separate occasions and would be reimbursed. Mr. E called to tell us that the funds had been deposited into his bank account.

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### **4 Addressing Damage and Delay: Public Works**

When the City replaced a lead service pipe running from the street to Mr. M's property line, it damaged his lawn and walkway. He complained to Toronto Water and Transportation Services about the damage. After six months with no response, he contacted 311, the City's information hub.

A Transportation Services inspector visited the site and asked why it had taken so long for the damage to be inspected. He told Mr. M to sue the City. Mr. M felt the City had treated him unfairly. He contacted Ombudsman Toronto.

We followed up with senior staff at Toronto Water and Transportation Services. Staff inspected Mr. M's property again. Toronto Water said that staff should have done a temporary fix of the damage at the time, pending full restoration. This is their usual

practice. Toronto Water and Mr. M are working to restore the property to its original state.

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### **5 Improving Information About Appeals: Property Tax**

Two people contacted Ombudsman Toronto with similar complaints. Both had done repairs and renovations to their properties which had caused them to move out of their homes for more than three months.

When repairs or renovations prevent the normal use of land for at least three months, property owners can apply to Revenue Services for a cancellation, reduction or refund of property taxes by way of a property tax appeal. The complainants said that the City had not informed them of this process until the deadline had passed. They said that they could find no information about the appeal process online and had been unable to obtain information when they contacted Revenue Services.

During our Enquiry, we spoke with Revenue Services and Toronto Building staff. We reviewed relevant policies, procedures and legislation. We also reviewed the City's online information about the process. We found that the online information needed improvement, and made recommendations accordingly. Revenue Services updated its online content.

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### **6 Saving a Senior from Eviction: Social Housing**

TCHC sent an eviction notice to Mr. R, a senior rent-gear-to-income tenant. The notice said that TCHC was evicting him for riding his e-bike in the hallway of his building. Our Enquiry confirmed that TCHC had obtained two orders for Mr. R's eviction from the Landlord and Tenant Board.

We spoke with Mr. R. He confirmed he was in the habit of bringing his e-bike into his apartment at

night. He also told us that he was terminally ill. Eviction would present a great hardship for him.

With Mr. R's permission, we asked TCHC staff if they were aware of his illness and provided them with a copy of his doctor's note. TCHC agreed to hold off on enforcing the eviction orders, so long as Mr. R would not bring his e-bike into the building. He agreed.

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## 7 Confronting Delay: Building Permits

Mr. H was planning some home renovations and applied to Toronto Building for a building permit. He submitted his plans for a zoning review and was told that he could expect it to take four weeks.

After six and a half weeks, he emailed Toronto Building and didn't receive a response. He also phoned and the voice mail greeting told callers not to leave a message. After seven weeks, Mr. H contacted Ombudsman Toronto.

We called the Manager responsible for the City's zoning reviews in Mr. H's ward and asked about the delay. City staff told us that they had fallen behind on some of their files but would address Mr. H's zoning review plans immediately. Two business days later, Mr. H got notice that the zoning review was complete. Mr. H thanked us, describing the results of our intervention in one word: "Amazing."

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## 8 Clarifying an Appeal Process: Front Yard Parking

Mr. P submitted an application for a front yard parking permit. City staff told him that if it was denied, he would have the chance to appeal it. Two months later, Mr. P received a letter from the City denying his application. The letter contained no information about the appeal process.

The City had denied the application based on its understanding of Mr. P's proposal. In their letter, they provided a staff drawing of that proposal. Mr. P found that the drawing contained at least three errors and followed up with the City several times. He did not receive a reply. Frustrated, he contacted Ombudsman Toronto.

During our Enquiry, the City sent Mr. P a letter informing him how to submit an appeal. It also provided new reasons for denying his application, based on a new, different staff drawing. This new drawing, however, had more inaccuracies. At our request, the City contacted Mr. P, listened to his concerns, corrected its drawings, and sent them back to Mr. P in time for him to submit his appeal.

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## 9 Finding Answers: Tree Protection Payments

In 2011, Mr. A began constructing a new home. A tree stood in front of his house on City property so he was required to submit \$6,700 for a "tree protection guarantee" to the City's Urban Forestry department. Tree protection guarantees ensure that trees are protected during construction.

During construction, the tree's roots were damaged. When Mr. A applied for a refund, Urban Forestry staff told him they would hold on to the tree protection guarantee for an additional period of time—they wanted to see if the damage would cause the tree's health to decline. Mr. A found this decision unfair because a City contractor had carried out work that had contributed to the damage. Urban Forestry agreed to refund 50% of Mr. A's deposit, with the remaining 50% pending re-inspection.

Mr. A contacted Ombudsman Toronto. At our request, Urban Forestry eventually sent Mr. A a detailed response addressing the concerns he had raised. Mr. A was not satisfied. We continued to gather information, review relevant bylaws, policies and procedures, and speak with City staff.

We found that Urban Forestry had provided adequate reasons for its decision to withhold half of the tree protection guarantee amount. They had acknowledged that a City contractor caused part of the tree damage and had refunded half of Mr. A's deposit. They were holding on to the remaining half because Mr. A's construction activities had also damaged the tree.

Mr. A was still unsatisfied with the outcome and provided additional arguments to Urban Forestry. They presented Mr. A with a plan to re-inspect the tree, which was ultimately found to be in irreversible decline. In the end, it was necessary to remove the tree, almost five years after Mr. A had applied for the refund. Mr. A was not happy with the outcome, but he thanked us for helping him get answers from Urban Forestry. He said that he only got responses once we got involved.

We raised concerns with Urban Forestry about the quality of information they provide to residents like Mr. A about the tree protection guarantee.

The City has an obligation to be very clear about the process they follow when a tree is injured, and under what conditions the guarantee deposit may be forfeited. Urban Forestry acknowledged that they need to improve the quality of information they provide to property owners. We continue to monitor their progress in doing so.

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## 10 Resolving a Late Payment Charge Error: Property Taxes

The City's Revenue Services division sent Ms. H a late payment charge for not paying her property taxes. This surprised Ms. H because she had hand-delivered the payments to City Hall on time. She had a stamped receipt for confirmation.

When she tried to resolve the issue, City staff did not return Ms. H's calls. She became concerned that she would receive another late payment charge for the upcoming month and contacted Ombudsman Toronto.

We contacted Revenue Services. City staff called Ms. H. They found her payment and the issue was resolved.

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## 11 Responding to Needs: Social Housing

Ms. K contacted us about the planned reinspection of her TCHC unit. During the annual unit inspection, staff had determined that a reinspection was necessary, but had not provided Ms. K with reasons.

Ms. K wanted to prepare her unit for the reinspection. Due to her health, and her reliance on a helper to tidy the unit, Ms. K required some extra time to do this. When she tried to reschedule the re-inspection with TCHC, she had difficulty getting the time extension. Also, she still did not know what needed to be improved in her unit.

We contacted TCHC and asked what issues they wanted Ms. K to address for the re-inspection. We helped Ms. K get a later date for the inspection, and had TCHC make sure that a staff member onsite clarified the inspection scheduling process for her. Ms. K's unit passed the re-inspection.

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## 12 Ensuring Transparency: Property Tax

Ms. Q rents out a home to a tenant in Toronto. She was enrolled in the City's pre-authorized payment program in which her utility bill payments are automatically paid.

While Ms. Q was travelling outside the country for a long period, she wanted her tenant to receive a copy of the utility bill to know how much to reimburse Ms. Q. She filled out a form to have the bills mailed to her tenant under Revenue Services' Designate Mailer Program.



Ms. Q did not realize that appointing a designate would cancel her pre-authorized payment plan. Her bills did not get paid. The City added the unpaid balance and interest to her property tax bill. Ms. Q was also enrolled in the Pre-Authorized Property Tax Payment Program (PTP). Unpaid utility bill balances added to a property tax bill cannot be paid through the PTP. Because these arrears went unpaid, Ms. Q's PTP was also cancelled.

Ms. Q complained to Revenue Services. She wanted to be reimbursed for all administrative fees and interest charges incurred. When she was told that no reimbursement could be provided, she contacted Ombudsman Toronto. Our Enquiry looked into how the designate mailing process works and whether the application form is clear. We also reviewed the City's decision not to reimburse Ms. Q. We gathered information, reviewed correspondence and spoke with City staff. We also obtained financial information from Revenue Services' database. We confirmed that administrative fees are set by City Council and are mandatory. Revenue Services has no discretion to waive or adjust them.

We found, however, that the designate mailing request form did not explain that the designated person would be responsible for making payments on the owner's behalf. It also did not explain that any existing pre-authorized payment plan would be cancelled. Revenue Services agreed to our request that it amend the form and its website to include better information about the Designate Mailer Program and pre-authorized payments.

inspector, one large dead branch remained on the third tree. Urban Forestry had sent a contractor to remove the branch and charged the cost to Ms. C.

The City had not told Ms. C that an inspector would visit her property or that the inspector had found the work unsatisfactory. It had not given her a chance to remove the dead branch after the inspector noticed it. She contacted Ombudsman Toronto and we advised her to escalate the complaint to City management. When she did not receive a satisfactory result, we contacted senior management and asked them to do a more thorough review of Ms. C's complaint.

As a result of this additional review, Urban Forestry agreed to refund the money they had charged Ms. C. They acknowledged that they should have done a better job of communicating with Ms. C and should have given her an opportunity to finish pruning the tree before calling in someone else to do it. They concluded that refunding the charge was the fair thing to do in this case.

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## **13** Identifying and Correcting Errors: Urban Forestry

The City sent Ms. C an order to cut down two trees on her property and remove large dead branches from a third. Ms. C had the work completed by the City's deadline. She believed she had done everything required. Four months later, however, the City's Urban Forestry department sent her a bill for over \$800. According to an Urban Forestry

# Outreach

## 2017 was another year of Ombudsman Toronto educating, engaging and building relationships with people in Toronto and their local government.

We offered a variety of education sessions to diverse audiences across Toronto. We participated in events including accessibility forums, community BBQs and cultural celebrations. We even contributed to a Ryerson University podcast on how newcomers can access our services. In total, we delivered 22 public outreach sessions.

Educating City staff and leaders about our work and about administrative fairness is an important part of what we do. In 2017, the Ombudsman delivered 17 presentations to City divisions, agencies and corporations.

We value professional development and constructive partnerships. In 2017, we met with accountability officers from across Canada

and around the world to discuss administrative fairness, accessible service and how to facilitate positive change. The Ombudsman also attended the Forum of Canadian Ombudsman Biennial Conference to exchange best practices with Canadian Ombudsman leaders.

For the fifth time, our Director of Investigations & Conflict Resolution was a faculty member of the annual Osgoode Hall/Forum of Canadian Ombudsman Essentials for Ombuds Certificate program.

In 2017, we developed accessible public outreach materials and worked on finalizing two key resources: our strategic outreach plan and *Working with Ombudsman Toronto: A Guide for the Toronto Public Service*. The plan outlines our approach to educating the public about our services. The guide helps City staff know what to expect when they hear from us.



Ombudsman Susan Opler with City Streets to Homes outreach staff



Our team at Toronto Newcomer Day



Ombudsman Susan Opler presenting at the TTC's Accessibility Forum

## Financials

### 2017 Budget

Ombudsman Toronto's operating budget allocation approved by City Council was \$1.81 million for the year ending December 31, 2017.

### 2016 External Audit

Robert Gore & Associates, an external audit firm, performed a successful compliance audit for the fiscal year ending December 31, 2016. A full copy is available at [ombudsmantoronto.ca](http://ombudsmantoronto.ca).

# Feedback

I finally got [my permit] today... couldn't have done it without the help from your department, thanks so very much...it was an exhaustive long, long process of frustration!

— Complainant

I have always found your office very fair and good to work with...The light that you and your office shine on matters leads to improvements in how we do business and the customer service we provide.

— Senior City Leader

Without the involvement of the Ombudsman's office, whose representatives took very direct action to right an otherwise devastating impact to my client, this result could not have been achieved.

— Complainant's Lawyer

I cannot thank you enough for the way this issue was handled and resolved by your office. It is hard enough to deal with a death in the family, and to have to deal with administrative issues that cannot be resolved by the agencies due to the lack of information on the part of the employees, or the lack of clear legislation/processes that should be followed...

— Complainant

The Ombudsman report revealed the importance of serving our primary customers. Implementation of process improvements embraced the City's stated principles of fairness, transparency and timeliness. Embedding changes into daily operations now gives people timely information, explanations, details and assistance in a process they can rely on.

— City Division Head

As one who has a long-standing association with 2 Drop-Ins, I am in hearty agreement with your recommendations noted in your May 12th, 2017 report on Cold Weather Drop-In Services. If there is anything I can do as a private citizen to add voice to the concerns you have raised and ensure your recommendations are acted on, please let me know.

— Member of the Public

Despite numerous attempts on my own to have this charge removed, it wasn't until the Toronto Ombudsman's office stepped in that my concerns were addressed.

— Complainant

I extend my thanks to the Ombudsman's office for their leadership, advice and guidance in this matter and for achieving a fair resolution to a very difficult situation.

— City Division Head



# Ombudsman Toronto

*Listening. Investigating. Improving City Services.*

**Ombudsman Toronto listens to and investigates people's complaints and concerns about City of Toronto services. We are independent and impartial.**

**Our services are free and for everyone.**

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