



2019

ANNUAL REPORT



Ombudsman
Toronto

Listening. Investigating. Improving City Services.



Listening.
Investigating.
Improving City Services.

Table of Contents

5	Vision, Mission and Values
8	Message From the Ombudsman
12	Team
15	What You Can Expect From Your City Government
18	Ombudsman Toronto's Role
23	2019 by the Numbers
27	Public Reports
38	Case Stories
56	Because of Ombudsman Toronto
58	Consultations
60	Outreach
61	Teaching and Learning
62	Recognition



Vision, Mission and Values



Vision

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

Mission

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

WE:

- listen to the public's concerns 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

Values

INDEPENDENCE AND IMPARTIALITY

We operate at arm's length from the City. This allows us to be unbiased and objective. We speak up for fairness.

FAIRNESS AND EQUITY

We investigate whether a decision, act or omission by the City was fair. We look at the process, the outcome, and how people are treated. We consider people's circumstances and needs.

ACCESSIBILITY

We make it easy for everyone to use our services. If we cannot help with someone's complaint, we direct them to someone who can.

RESPECT AND EMPATHY

We listen to the people we serve with an open mind. We understand we don't have all the answers, so we ask members of the public and City staff lots of questions.

WILLINGNESS TO HELP

We do our utmost to resolve complaints and concerns as quickly and informally as possible. We work constructively with City staff to ensure they serve the public fairly.

PROFESSIONALISM

We are rigorous in our approach. We base our findings on evidence. We identify practical solutions and recommendations. We maintain confidentiality while clearly communicating the results of our work.

Message From the Ombudsman

One essential right of people is to be heard when they have a complaint about how their City government treated them.

– Susan E. Opler





The City of Toronto’s unprecedented growth is well known the world over. As our city continues to grow, so does its government, becoming ever more complex and hard to navigate, understand and participate in. The difficulty is amplified for marginalized and vulnerable people, people with no experience interacting with government and people whose previous dealings with government have left them traumatized.

Staff of the City and its agencies, boards and corporations have important and difficult jobs. Every day, most do those jobs in a way that should make everyone who loves Toronto proud and grateful. But too often, we see unfair service, rooted in poor communication, a lack of transparency and distrust of the public by staff.

Since becoming Ombudsman in 2016, I have had the pleasure of meeting many dedicated public servants at the City of Toronto. They want to be effective in their roles, and often ask me what fairness requires; what does it look like? If I could meet with every single public servant in Toronto and give them advice, I would share these six key messages:

Six for the Six

- 1. **THINK ABOUT HOW YOU MAKE PEOPLE FEEL.**
- 2. **LISTEN, AND TRY TO UNDERSTAND.**
- 3. **TRUST MEMBERS OF THE PUBLIC AND BE OPEN WITH INFORMATION THEY NEED.**
- 4. **BE NICE AND TRY TO HELP.**
- 5. **EMPATHIZE. IMAGINE WHAT IT’S LIKE TO BE THE PERSON YOU ARE SERVING.**
- 6. **FIGHT INSTITUTIONAL INDIFFERENCE. TREAT EACH PERSON LIKE A PERSON, NOT A NUMBER.**

Despite the City of Toronto’s apparent fondness for the concept of “Customer Service”, public service is not the same thing. People who rely on our City’s government are exercising their human, legal and democratic rights. Most of them are not engaged in a business relationship with the City, as customers are. And they do not have the option to take their business elsewhere, as customers typically do. They have no choice but to depend on the City for roads, transit, water, parks, social housing and shelters, child care, building safety, fire and paramedics, and the many other critical services it provides. As the City

leadership knows, I wish they would talk more about good, fair public service and less about customer service, shifting to a focus on people’s right to be treated fairly when dealing with their City government.

One essential right of people is to be heard when they have a complaint about how their City government treated them. City staff and leadership should welcome complaints; they are a valuable source of information on how to serve people better. However, despite entreaties by my predecessor that started a decade ago and repeated prodding from me, the City still does not have effective procedures for handling public complaints that are consistent, clear to the public and staff and subject to central oversight. The same must unfortunately also be said about many of the City’s agencies, boards and corporations.

This is a serious shortcoming and it is unfair. It leaves people confused, angry, frustrated and distrustful. Too often, it also results in people coming to Ombudsman Toronto before the City has properly addressed their complaint: a big waste of people’s time and energy and of public resources. Some good news is that the City Manager has assured me that this problem will be fixed in 2020; my team and I very much look forward to the results. We have also been pressing TCHC, the TTC, and other City organizations to take similar action.

2019 was another exceptionally productive year at Ombudsman Toronto. Complaints to our office increased yet again. As the pages of this report show, the impact of our small team is deep, broad and significant. Council and the public get exceptional value from their investment in this office. Council’s vote for a modest increase in our staffing during its 2020 budget deliberations – the first increase in five years despite a steady rise in the number of complaints – was a vote of confidence in how this office makes the City better.

I am grateful to the members of the public who trusted us with their complaints in 2019. I also wish to thank the many City staff who worked respectfully and cooperatively with me and my team to resolve problems and improve how they serve people. I feel especially lucky to have as colleagues the members of the amazing Ombudsman Toronto team, who inspire me with their dedication to fairness in public service and hard work every single day.

It is an honour and a privilege to serve as Toronto’s Ombudsman.

Susan E. Opler, Ombudsman

Team



“Susan Opler and her team treated me with respect, courtesy, patience and fairness. They listened. They acted. Ombudsman Toronto is an important and unbiased avenue for people to raise serious problems that need to be solved.”

– Member of the public

“It was a true pleasure working with you and your team on this initiative; thank you for your patience and professionalism.”

– Senior City staff

“I want to reiterate how important this [office] is – it’s sometimes the only way that citizens can get a breakthrough on the ‘stone in their shoe.’

– City Councillor



What You Can Expect From Your City Government

The City of Toronto is your municipal government. Its 44 divisions and 134 agencies, boards and corporations deliver countless services and programs affecting people's daily lives. Housing, roads, bike lanes and public transit; electricity; parks, ravines and waterways; public safety and public health; childcare and long-term care; arts, culture and recreation; building permits, by-law enforcement and property standards; garbage, recycling and composting – the City of Toronto delivers all of this and more to you.

Remember: when receiving all of these services, you are entitled to fairness, accountability and transparency. The City's job is to serve you and meet your needs.

WHAT DOES THIS MEAN? WHEN YOU INTERACT WITH THE CITY OF TORONTO, YOU CAN EXPECT:

- Clear and accessible information about what rules apply to your situation
- An opportunity to be heard on decisions or services that affect you
- Service in a reasonable time
- To be treated with dignity, respect and care
- Accessible services that meet your needs
- Reasons for decisions
- To be listened to and to receive an apology when necessary

WHAT HAPPENS WHEN THE CITY FALLS SHORT OF WHAT FAIRNESS REQUIRES?

Every City division, agency, board and corporation should have a public complaints process. Anyone who is not satisfied with the service they've received should contact the City to make a complaint and pursue it until they get an acceptable response.

Don't know where to go?

Contact 311 Toronto by phone at 3-1-1 or by email at 311@toronto.ca and they will direct you.



Ombudsman Toronto's Role

Sometimes the City does not resolve an issue in a way that is acceptable to the person who complained. What happens then? That's where we come in.



QUEEN

We are your bridge to fairness. When your complaint to the City of Toronto has gone as far as it can go, if you are not satisfied with the outcome, you can contact Ombudsman Toronto for an impartial review.

What does this mean?

1. When you call us, write to us, or meet us in person, your first point of contact will be a Complaints Analyst. They will listen to you and may ask questions, to try to understand your complaint and whether it falls within our scope. If not, they will refer you to someone who can help.
2. For complaints within our scope, once the Complaints Analyst has considered the information you provide, they will ask for your consent to contact the relevant City of Toronto division, agency, board or corporation to find out more.
3. If the issue(s) we identify can be sorted out quite quickly, a Complaints Analyst will let you know the outcome of their findings and the resolution.
4. Sometimes, the case is more complex or takes more time. In that situation, an Investigator will take over your file. Throughout, we will keep you informed about what is happening with the case.
5. We will inform you and the City division, agency, board or corporation you complained about when we close the case, explaining why and including what we did, our findings and any advice we have given or recommendations we have made to the City.

You can expect Ombudsman Toronto to:

- Not take sides
- Always refer you to another resource if helpful
- Provide accessible services, including translation services in over 100 languages
- Think carefully about whether and how we can help with the issue(s) you’ve raised
- Tell you when we have finished working on your case, explaining our actions, findings, reasons and recommendations
- Call out unfairness when we find it
- Work to find practical, fair solutions

“The Complaints Analyst I spoke to was a good listener, focused and articulate. Her assistance was appreciated.”

– Member of the public





2019 by the Numbers

Staff: Ombudsman + 11

Cases handled: 2,319 (9.1% increase from 2018)

Public reports: 4

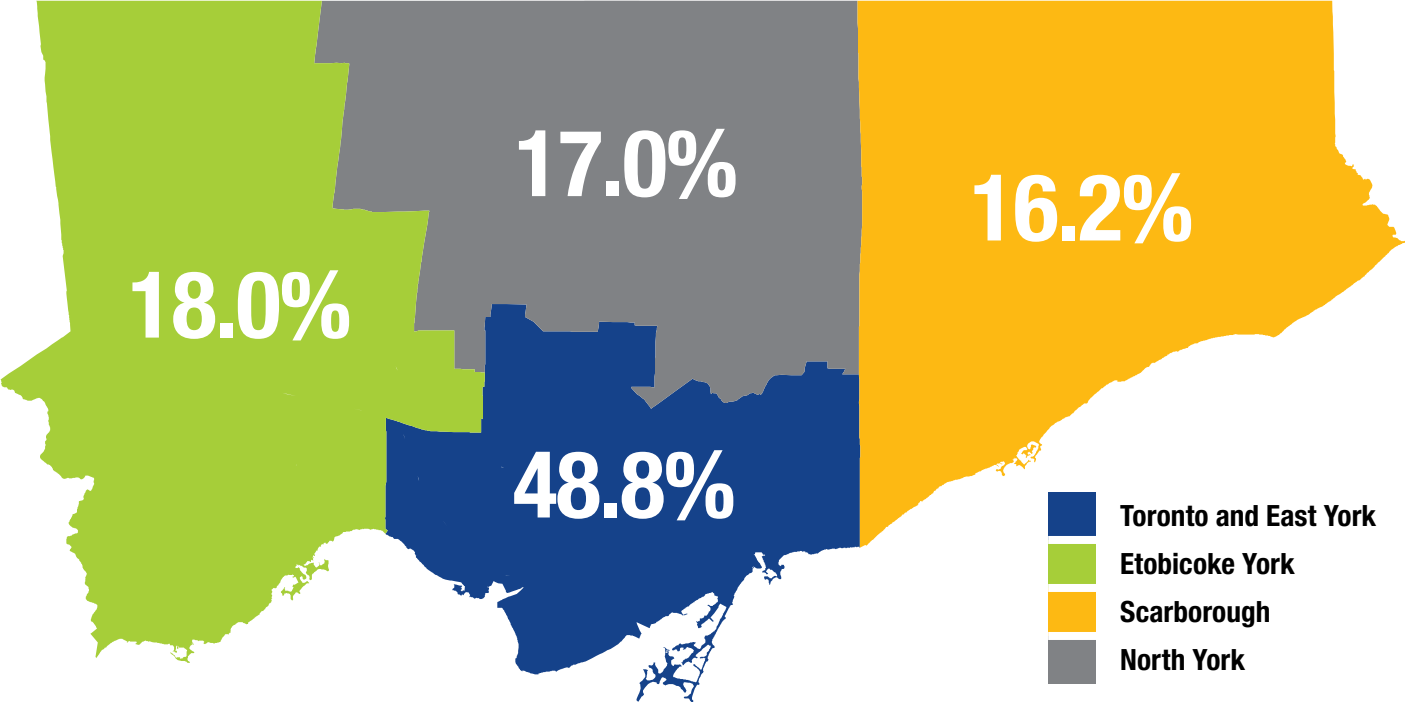
Cases closed within 30 days: 74.8%

Consultations with City staff: 14

Formal recommendations made: 29

Formal recommendations followed-up on: 87

Who We Heard From



Complaints Per 100,000 People



Who We Heard About Most Often (in alphabetical order)

- Court Services
- Municipal Licensing & Standards
- Parks, Forestry & Recreation
- Revenue Services
- Shelter, Support & Housing Administration
- Toronto Building
- Toronto Community Housing Corporation
- Toronto Employment & Social Services
- Toronto Transit Commission
- Transportation Services

What We Heard: Frequent Complaint Topics

TORONTO COMMUNITY HOUSING CORPORATION:

- Maintenance
- Transfers
- Tenancy/Rent

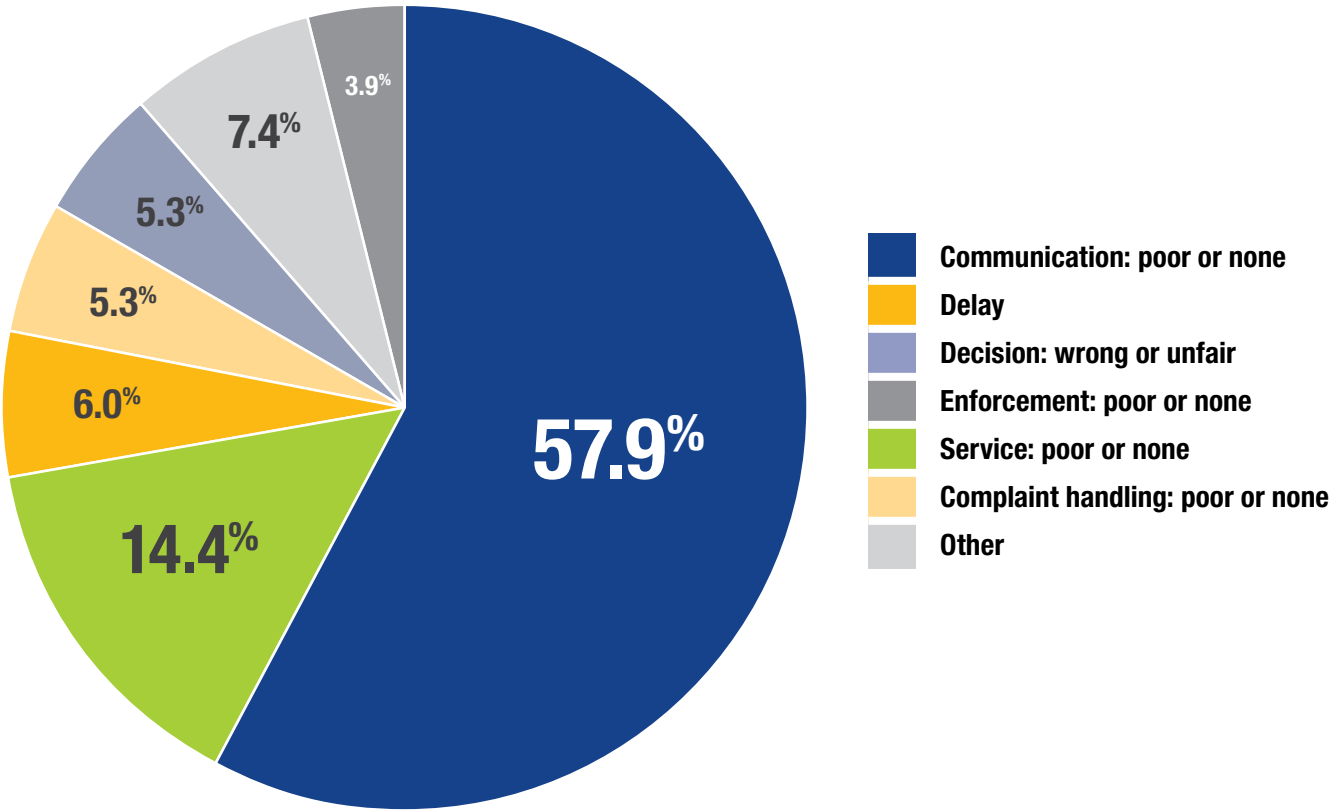
TRANSPORTATION SERVICES:

- Winter Maintenance
- General Maintenance
- Right of Way

MUNICIPAL LICENSING & STANDARDS:

- Property Standards - Enforcement and Investigations
- Other By-laws - Enforcement and Investigations
- Animal Services

What We Found: Fairness Problems





“These are really important recommendations that we have to move forward on.”

– City Councillor

Public Reports

All public reports are on our website:
www.ombudsmantoronto.ca/Investigative-Work/Investigative-Reports



Enquiry into Toronto Hydro’s “Project Carlaw” Pole Replacement in the former Ward 30

ISSUE: Toronto Hydro has been undertaking “rebuild” projects across Toronto to address the City’s aging overhead electrical system. To improve service to residents and ensure fewer outages, it plans to install new hydro poles and upgraded electrical cables and to remove the old poles and cables.

ENQUIRY: Six Toronto residents complained to Ombudsman Toronto about “Project Carlaw”, Toronto Hydro’s capital project to replace old hydro poles in Toronto Danforth (the former Ward 30).

All six complained that Toronto Hydro was installing new hydro poles in front of their homes without notice. Some complainants also reported poor customer service, including delayed, incomplete or rude responses to their questions or complaints.

Our Enquiry included interviewing the complainants, Toronto Hydro staff and the local Councillor and constituency staff, conducting site visits and reviewing extensive documents, governing legislation, policy and protocol documents.

FINDINGS: We found fairness problems in two key areas:

Communications: Toronto Hydro did not follow its own communication plan. Some residents who should have gotten notice did not. Available information about the project was incomplete, outdated and confusing.

Interaction with residents: Toronto Hydro did not keep adequate records of its interactions with residents. It did not respond promptly to questions and complaints or inform residents how its complaints process works. In some cases, there was no response, or the response was inadequate.

- RECOMMENDATIONS:** We made 13 recommendations to improve the fairness of Toronto Hydro’s service to residents. These included that Toronto Hydro:
- Improve its communications to the public, from updating its overall communications plan for large projects to improving the content of the notice letters it sends to residents.
 - Develop a consistent process for responding to requests to change design plans and to challenging complaints.
 - Provide training and templates to ensure that correspondence is helpful, respectful and sincere in tone and in content, showing that Toronto Hydro understands residents’ legitimate concerns and takes them seriously.
 - Designate a single contact “expert” with project information immediately available to promptly respond to all questions and complaints.

IMPACT: Toronto Hydro implemented all our recommendations, resulting in improved service to the public.

Also, the City’s Transportation Services division reported back to Council’s Executive Committee about how the City can improve communications about Toronto Hydro projects.

In response to our finding that many homeowners do not understand where their private property ends and the City right of way begins, Transportation Services recommended a change to bylaw and municipal consent requirements so that the written notice of work on streets and sidewalks would also include “an orthophoto clearly identifying the subject property, location of work and property line”. This will help ensure that property owners know the line between their property and the City’s.

Review of the TTC's Investigation of a February 18, 2018 Incident Involving Transit Fare Inspectors

ISSUE: On February 18, 2018, three Toronto Transit Commission (“TTC”) Transit Fare Inspectors forcibly detained a young Black man on a streetcar platform. Witnesses, the media and members of the public wanted to know why the fare inspectors detained him, whether they used unnecessary force and whether anti-Black racism was a factor.

Ombudsman Toronto called on the TTC to investigate the incident.

ENQUIRY: After the TTC released the results of its investigation, which cleared the fare inspectors of any misconduct (with one small exception), we began our Enquiry. We conducted a detailed review of the TTC’s investigation report, the contents of the TTC’s investigation file, media reports, video documentation from various sources, and relevant corporate documents, policies, and procedures. We also interviewed the two TTC investigators.

FINDINGS: We found that the TTC’s investigation into the actions of a few of its Transit Fare Inspectors was not sufficiently fair, thorough or transparent to justify its conclusions.

While the TTC investigation had several good features, we found some problems:

- The TTC investigation did not consistently identify important facts in dispute and make clear findings of fact.
- It did not acknowledge and analyze the fact that fare inspectors are expected to disengage when there is a potential for conflict.
- The investigation applied an inappropriate standard of proof in some of its analysis.

- The TTC’s corporate structure did not adequately ensure the independence and impartiality of the primary internal investigator of complaints about fare inspectors.
- The TTC’s expert witness for its investigation was not sufficiently independent and did not review all the relevant evidence.
- There was no analysis of evidence that might have suggested unconscious racial bias.

RECOMMENDATIONS:

- It will take steps to strengthen the independence and impartiality of its internal investigations.
- Internal investigators will receive additional training.
- It will clarify the standard of proof investigators should use in making findings.
- Expert opinions will be appropriately independent and thorough.

IMPACT: Following broader discussions with Ombudsman Toronto, TTC management pledged to develop and implement a comprehensive anti-racism strategy across the organization. It also committed to reviewing the name, structure and culture of the Transit Enforcement Unit where the fare inspectors worked, with the goal of advancing a service model based on treating all people with respect and dignity, always starting with the position of trying to help, and using force only as an absolute last resort.

The TTC is also implementing all our recommendations to make its investigations fairer and more transparent.

“I would like to extend our sincere thanks to our Ombudsman Susan Opler. Your report was thorough and did a great job of assessing the TTC’s investigation of the February 2018 incident. She’s done an amazing job of pulling together recommendations that will move us forward.”

– City Councillor





WE MAKE
TORONTO
BETTER.

“We can do better. We ought to do better. We have to do better. That’s what the findings in the Ombudsman’s report are really saying.”

– City Councillor



Enquiry into Toronto Animal Services’ Handling of a Dangerous Dog Investigation and Appeal

ISSUE: In June 2017, a young boy was injured in an incident involving two dogs owned by his neighbour. His parents reported to the City that he had been attacked after the dogs broke away from their owner and rushed at the child in their shared front yard.

Although some of what happened was disputed, there was no question that the seven-year old child received a dog bite to his forearm and another wound to his upper arm. He was also terrified. Because the family, the dogs and the dog owner all lived close to each other, how the City responded was essential to everyone’s comfort and well-being.

Although Animal Services (part of the City’s Municipal Licensing and Standards division) investigated the incident and took action, it did not do so in a clear or consistent way. The child’s family complained several times to Animal Services about its handling of their case, and eventually came to Ombudsman Toronto.

ENQUIRY: We conducted an extensive Enquiry into Animal Services’ response to and investigation of the incident, and the appeal process that followed. We reviewed Animal Services’ response to the family’s complaints, the applicable law and Animal Services’ records, procedures and guidance materials. We also spoke to the parents of the child involved and to representatives of Animal Services management.

FINDINGS: Our Enquiry found that many things went wrong in the investigation by Animal Services, the subsequent appeal, and the follow up to the family’s complaints.

- Staff did not notice that the victim and dog owner disagreed about which dog bit the victim. They initially issued the dangerous dog order – which requires a dog to be

muzzled for the rest of the dog’s life when off the owner’s property – against what the family said was the wrong dog.

- The family was never told the dog’s owner was appealing the revised muzzle order, or that they could provide information to the tribunal deciding the appeal.
- The dog owner wanted to know how staff assess the severity of a dog bite or decide to issue an order. He did not get a clear response from Animal Services. This was information he needed to make his case at the appeal.
- Animal Services did not effectively present the case for the dangerous dog order at the appeal.
- No one alerted the family when the tribunal reversed all restrictions on the dog.
- The tribunal did not initially give any reasons for its decision and when it did, the reasons showed that the tribunal had considered irrelevant factors.
- The family had to file a Freedom of Information request to get documents relating to the case.

RECOMMENDATIONS: We made eight recommendations to improve the fairness of how the City handles complaints about dangerous dogs, including:

- a new, independent and open tribunal to hear appeals of dangerous dog orders (which has been operating since May 2019)
- sharing information with the public on how staff assess the severity of a dog attack
- assigning specific staff to be responsible for communicating crucial information to victims, including the issuing and appeal of any dangerous dog order and the outcome of any appeal
- a full apology to the family

IMPACT: As a result of the actions of a single family, and the City of Toronto’s response to our Enquiry, the way in which the City of Toronto handles reports of dangerous dogs is now fairer for everyone involved.

Enquiry into the Water Connection at a Scarborough Heritage Property

ISSUE: In Ms. Y’s house on St. Andrews Road in Scarborough, a pipe ran through the basement and across her property to the neighbouring house. This is how the neighbouring house got its water. After a leak developed (not for the first time), she no longer wanted the pipe to run through her house and across her property. The City had refused to pay to connect the neighbouring house directly to the City’s water supply. With her City Councillor’s help, she brought the issue to Ombudsman Toronto.

The water pipe had a complicated history. The neighbouring house is a heritage property, built in 1883, and was originally the cemetery caretaker’s house (called “the Sexton’s House”) for St. Andrew’s Presbyterian Church.

ENQUIRY: We spoke with Ms. Y, a member of the Scarborough Historical Society, a representative of the church, the current tenant living at the Sexton’s House and staff at Toronto Water. We received and reviewed letters from several people familiar with the situation, including the local City Councillor. We also reviewed Toronto Water’s Laser Fiche archive, relevant bylaws and policy documents, and visited Ms. Y’s home and the Sexton’s House.

FINDINGS: We found that it was unfair for Ms. Y to continue to be responsible for providing water to the neighbouring house through her own property. We found that although it was more likely than not that the City’s plan had been to eventually connect the property to a City water main, this never happened.

RECOMMENDATIONS: Given the unique history and context of the Sexton’s House, we called on the City to find a creative, practical and fair solution.

IMPACT: Toronto Water staff visited the houses and found a new technical solution to connect the Sexton’s House directly to the City’s water supply. Toronto Water agreed to share the expense with the church (who would pay for expenses incurred on their private property).

The Sexton’s House now has its own direct water supply. It is also paying the City for the water it consumes, thanks to the new water meter.

“I would like to recognize that the work that [the Ombudsman] has done for this Council is not necessarily easy. I believe this Council owes the Ombudsman a word of thanks and gratitude for her work.”

– City Councillor



Case Stories

Beyond the cases that we report on publicly, we work day in and day out to listen, investigate and improve City services in ways big and small. Here are just a few examples of the impact of our work in 2019.

“I think that the work done by The Ombudsman’s Office is important because if an ordinary person encounters a glitch in City processes, they can contact your office with confidence.”

– Member of the public

Ending an Unfair (and Unlawful) Practice in City Long-Term Care Homes

Concerned that City of Toronto Long-Term Care Homes were requiring some residents who had Substitute Decision Makers to sign an agreement to act as a guarantor for the resident's fees, we started an Enquiry. Such agreements are prohibited by law and the provincial Ministry of Health and Long-Term Care had ordered all City of Toronto homes to stop using them effective January 1, 2019.

We contacted the City's Long Term Care Homes division to ask that they confirm that the City would comply with the Order, and to find out what steps they would be taking to inform all residents and Substitute Decision Makers who had signed the "old" form of admission agreement that those agreements were unlawful and therefore null and void.

The City confirmed that it would be using a new standard form of admission agreement. This form would not include any reference whatsoever to a "guarantor" for payment. They also prepared a letter to send to all impacted residents and "guarantors", advising them of the Ministry's order and the City's response. We reviewed the proposed letter and were satisfied that it provided the necessary information in a clear and understandable way.

Following Up on a TTC Wheel Trans Drop-Off Error

TTC's Wheel-Trans service dropped off a non-verbal young woman with special needs at the wrong location. She was supposed to meet her parents at a dental office for an appointment. When she did not show up, they were extremely worried. They found out that the driver had dropped her and another passenger off at a nearby bank. The doors to the building of the dentist's office were closed, and the driver decided that the bank was the safest and closest location to drop off the passengers. It was only with the help of a bank employee that the young woman was reunited with her parents. The young woman's family called Wheel-Trans several times after the incident to find out how this could have happened. When they did not hear back, they contacted Ombudsman Toronto.

We contacted Wheel-Trans to find out what had happened. They responded quickly, noting that although the young woman's file had no information indicating she should not be left alone, they were indeed concerned about this incident. They pledged to do better. They apologized to the family, added additional information to the young woman's file about her needs, and reminded their operators and dispatchers of safe operational procedures.





“I have just learned that the Clerk’s Office now has an excellent tool for transparency: [a] tracker of report requests of staff and when they are due. Journalists/citizens [are] lucky [to have] a public service like this.”

– Journalist

Ensuring Transparency in Staff Reports to City Council

City Council and its committees often ask staff to prepare reports on a wide range of topics, and to bring those reports back to them for consideration. We had noticed that often, those reports were late. Some of them seemed to never appear.

We were surprised to learn that there was no central tracking system for the reports that City Council and committees requested – City divisions were expected to track them independently. No one in the City administration was monitoring staff or holding them accountable for delivering staff reports on time, or at all. Staff told us that sometimes, Council or committees set unrealistic deadlines, so staff could not be expected to complete all requested reports on time. And sometimes, events made reports unnecessary, they said.

We found that fairness required transparency: the public should know what reports Council had requested from City staff, when they were due, and whether they had been completed on time. We brought this issue to the City Manager’s Office and to the City Clerk’s office. As a result, City Clerk staff developed a log to track requested, completed, and outstanding reports to City committees and Council. They regularly update the log and it is publicly posted on the City’s website.

We understand that the City Manager’s office is also working on a system to better keep track of staff reports and we look forward to the result.

Helping a Refugee Family with Immunization Records

A refugee family settled in Toronto and registered their children at the local school. On the first day, they learned that they had been suspended because they had no proof of immunization. This was traumatic for them: it reminded them of not being able to attend school in Syria. We helped the family and Toronto Public Health sort out the records so the children could return to school. We also showed Toronto Public Health the emotional and psychological effect such suspensions can have, and the need to handle them in a sensitive and supportive way.

“Thankfully, the Ombudsman’s office stepped in and connected us to someone at Public Health who helped us resolve the issue. It was a learning process for all of us and would not have been so easily resolved if the Ombudsman’s office had not helped out.”

– Member of the public

Reviewing a Parking Ticket Dispute

Ms. W got a parking ticket, which she challenged at a screening meeting and then at a hearing at the Administrative Penalty Tribunal, without success. She was unsatisfied with the process and with responses she got from the Tribunal and their lawyers to her complaints. She contacted Ombudsman Toronto.

We reviewed the case and found no evidence of unfairness in how the screening and hearing officers had handled her parking ticket dispute. We closed our case.

Improving the Municipal Code for Fair Access to Rebate Programs

The City of Toronto offers a Water Rebate Program to low-income seniors and low-income persons with a disability who consume only a small amount of water each year.

Ms. J contacted our office after she was deemed ineligible for the program, even though she received the Federal Disability Tax Credit, indicating that she was a person with a disability. When we asked the City's Revenue Services division, they explained that although the program recognized several different income sources (including the Ontario Disability Program, the Canada Pension Disability Plan, the Workers Safety Insurance Act, and others), the Federal Disability Tax Credit was not on their list.

When we asked the City to review its eligibility criteria, they noted that any change to the existing program would require an amendment to the Municipal Code. We considered this to be a matter of fairness. We recommended that the City change the Municipal Code to give the City Controller discretion to accept other evidence of disability, in addition to the existing eligibility criteria.

In response to our recommendation, City Council amended the Municipal Code to give staff more discretion in assessing whether someone qualifies for the rebate program (as well as other relief programs for property tax and solid waste charges). This change allows staff to give rebates to deserving applicants even where they don't fit neatly into one of the boxes that they previously had to fit into.

Ensuring the Safety of TCHC Tenants

Mr. J, a tenant in a high-rise Toronto Community Housing Corporation (TCHC) building, called us on a Wednesday in July. He saw that a notice had been posted in the lobby of his building that morning, stating that the building's electricity would be turned off for the next two days to allow for major hydro vault work.

It was a very hot time of year, and Mr. J told us the tenants had trouble staying cool even with the power on. The building was not providing a cooling station. He also feared the elevators would not operate and that people with disabilities would be stuck in sweltering apartments. He was concerned that vulnerable tenants in the building would not have enough notice to make plans to order Wheel-Trans or stay with family and friends.

We were concerned. We first contacted Toronto Hydro and found that this was not their project, but a planned service interruption scheduled at the landlord's request. When we contacted senior executives at TCHC, they explained that because of a staffing change, they had not posted information with the minimum 48 hours' notice required. They told us that usually, they try to provide at least one week's notice. TCHC also confirmed that a power generator would allow one elevator to continue functioning.

TCHC management and the contractors found a way to do as much work as possible while the hydro was still on, and only had to turn it off for a few hours the next day. We followed up throughout the day during the hydro interruption to make sure tenants were safe.

Afterwards, we asked what TCHC would do to ensure this did not happen again. TCHC agreed to change the protocol so that all planned service interruptions would require the General Manager's prior approval.





Addressing Fears of Reprisal in City Long-Term Care Homes

We were concerned that fear of reprisal is known to be a systemic issue across long-term care generally, not just within the City of Toronto. We started an Enquiry to explore this issue. We met with the management team at the City's new Senior Services & Long-Term Care division to discuss the information it provides to the public about how to make complaints. Specifically, we wanted to find out how it could be improved to address fear of reprisal and also confusion about who can review complaints about long-term care.

The City responded very positively. They promptly agreed to update the poster it places in all long-term care homes. The poster now clearly states "No resident of a City of Toronto long-term care home will ever experience any adverse consequence because they—or someone acting on their behalf—raised a question, concern or complaint." It also clearly refers to both the Ministry of Long-Term Care and Ombudsman Toronto and explains how and when to make a complaint to each. The City also pledged to train all staff on the fear of reprisal and how to address it.

Helping Someone Find the Right Place to Complain

Mr. U was concerned about three trees that the City planted on the boulevard next to his home. He worried that they had been planted too close to a gate on his property and to another tree. He was also upset that he had not received notice that the City would be planting the trees in the first place. He first tried to resolve this issue by contacting 311 and his City Councillor's office but was not satisfied with the response he got and was unsure of what to do next. He called us to find out.

We contacted the supervisor at Urban Forestry responsible for tree planting. We explained that Mr. U was looking to escalate his complaint at the City and asked who he should contact. The supervisor gave us the contact information of the person responsible for this file and encouraged Mr. U to contact them to discuss his concerns. We sent this information to Mr. U reminding him that if he did not receive a reply or was not satisfied with the reply, he could get back in touch with us.

While Mr. U was frustrated that he would have to contact another person, he was impressed that we were able to quickly find him the appropriate person to speak to at the City and expressed appreciation for our help.

Explaining Waste Removal Service Charges to Property Owners

Mr. P owned a mixed commercial-residential property which he rented out. The City's Solid Waste Management division had charged him for removing garbage from in front of his property. He called us, upset that warning notices had not been sent to him directly, even though he was responsible for the property. He was also adamant that the garbage the City removed had not belonged to his tenants, since he paid for private waste collection.

We reviewed documents sent by the City and spoke to Solid Waste Management staff. We identified several fairness problems, including the fact that the letter they had sent did not clearly explain the specific garbage disposal issue or the service charge. It did not clearly inform property owners of their responsibility to keep the area in front of their property clear of waste, regardless of whether they used a private collection service. It did not explain that the City's policy is to remove improperly disposed garbage at the property owner's expense, regardless of whose garbage it may be. It also did not inform property owners that they could contact 311 to report illegal dumping.

Fairness required that Solid Waste Management Services give property owners clear and easy to understand information about their responsibilities and the consequences of not meeting them. That did not happen in Mr. P's case.

At our recommendation, Solid Waste Management reimbursed Mr. P. for the service charge. They also improved their communications to property owners.

Getting Someone the Help They Need

After being hospitalized, Ms. D had been without stable Personal Support Worker (PSW) assistance for over two months, despite requiring care. The City's Seniors and Long-Term Care division's (formerly Long Term Care Homes and Services division) Homemakers & Nurses Services department (HMNS) had contracted an agency to provide help to Ms. D. The agency had several staffing, scheduling and communication issues, and was not providing adequate service. Despite the agency's assurances that they would send a PSW to help Ms. D, on the day of a scheduled appointment, the PSW would not show up. This became a pattern: Ms. D would call, make an appointment, and wait for her PSW to arrive. When they did not, she would call again to complain and be assured they would send someone else.

Ms. D complained to Ombudsman Toronto; we contacted HMNS to find out what was going on. They confirmed that they had been having similar issues with the agency in other cases and committed to finding a resolution for Ms. D. HMNS then told us they had set up an action plan with the agency to resolve the complaints. This included a review of their current processes for entering client information into their system, staffing and scheduling of homemakers, and better communication of cancelled visits with HMNS and its clients. In addition, the agency committed to making up the missed appointments with Ms. D.

Ms. D agreed to stay with the agency for a further trial period of two weeks. If she remained unsatisfied, HMNS assured us she would be offered a new agency. Ms. D was satisfied with this arrangement.





Improving Communication to TCHC Tenants

In July 2018, Toronto Community Housing Corporation (TCHC) changed its policy and procedures for unit transfer applications by tenants in crisis situations. As part of that change, it offered tenants who had been on the waitlist under the previous policy (the Medical and Safety At Risk priority categories) a one-time opportunity to move to an available TCHC unit, before TCHC discontinued the old waitlist entirely. If legacy waitlisted tenants did not accept the unit they were offered, they would have to re-apply under the new crisis transfer policy, for which it is much more difficult to qualify.

As part of this one-time program, TCHC gave Ms. B three choices of buildings to move to (even though the program only required it to offer a unit in one building from the tenant's approved list). Ms. B asked for more information about the matching process and asked if she could view all three offered units to compare. No one responded to her requests.

When she was then offered one unit and told she had 24 hours to decide (instead of the 2 business days required), she quickly visited the building and unit, only to find that it was not a good fit for her. She turned down the unit and was then told by automated letter she would not receive any further offers. She hadn't understood the consequences of her refusal.

After Ms. B contacted us to complain, we spoke to senior management at TCHC and asked them to review her unanswered correspondence, in which she had asked for clarification about the transfer process.

TCHC acknowledged that they had failed to respond to her questions. Because of this, they could not be confident that she understood the consequence of having declined the unit it offered her. TCHC apologized to Ms. B and told her she would have another opportunity to consider an offer from the remaining available units.

Looking into Enforcement of a Speeding Fine

A court convicted Mr. H of speeding and fined him. Although he had asked about how to appeal his conviction, he did not start the appeal process. After the due date for the payment of the fine had passed, the City's Court Services division promptly took steps to enforce payment, by asking the Ministry of Transportation to suspend his licence. Mr. H temporarily lost the privilege to drive, incurred additional licence reinstatement fees and insurance costs and was unable to use car sharing apps.

He contacted us to complain that he did not receive the required notice from the City about his fine, including information on how much he owed, the due date for payment and possible consequences of non-payment. We spoke to Court Services and reviewed the available evidence. Their records showed that they had sent Mr. H notice of the fine. Furthermore, information about how to pay and the consequences of non-payment is readily available: it is printed on the back of every speeding ticket, including the one Mr. H received.

We closed the case, having found no maladministration or unfairness in how the City had enforced this fine.

"Thank you to the
Ombudsman's Office for
your very important role
in our City."

– Member of the public

“I would also like to take this opportunity to personally thank you for promptly looking into my matter and remaining supportive, courteous and professional at all times. Your determination, empathy, fairness, and integrity do not go unnoticed.”

– Member of the public

Referring a Driver to the Right Place to Complain

Mr. G called us to complain about an issue with his car insurance. His car was damaged by a large pothole on the 401. When his insurance company partially denied his claim, he wanted to know where to complain, and someone told him to call us.

Because private car insurance issues do not fall within our scope, we directed Mr. G to the General Insurance OmbudService. Mr. G thanked us for our referral – he said he had not been able to get a response or help anywhere else, until he contacted us.

Checking on Garbage Pick-Up for a New Area

Ms. W called us, frustrated that the garbage on her street had not been picked up in over a month. She lived in a new housing development, where the City had not yet delivered garbage, recycling and organic bins. She had contacted the City to ask about the delay and had not received an answer. We called Solid Waste Management, who confirmed the delay and assured us that they would deliver the bins as soon as possible. Within two days, Ms. W’s garbage had been picked up and new bins delivered, ensuring that regular pick-up could begin.

Getting a Refund of a TCHC Parking Charge for a Tenant with No Car

Ms. Y noticed that Toronto Community Housing Corporation (TCHC) was charging her for parking on top of her monthly rent, but couldn’t understand why, since she did not own a car. When she asked about this charge, she was told that the money was going to parking enforcement. Unsatisfied with the answer, she first went to a community legal aid clinic. They tried to speak to TCHC without success – TCHC would not return their calls. As a next step, Ms. Y contacted us.

After speaking with TCHC and reviewing the relevant documents, we found that TCHC had inadequately handled Ms. Y’s complaint and had poorly investigated it. In fact, Ms. Y’s previous TCHC apartment building had applied a driveway charge to all tenants, regardless of whether they owned a car. When she had moved to a new building nearly 2 years ago, this charge had followed on her file. After we brought our findings to TCHC’s attention, they agreed to refund this charge and returned over \$1000 to Ms. Y.





“Your assistance over the past year is very much appreciated by us and our neighbours.”

– Member of the public

Sorting Out a Dispute About the Cost of a Fence

Mr. K contacted us after asking the City for approval and partial reimbursement for the cost of a wooden fence on the property line between his property and the City’s. He planned to build the fence himself, but he was not a registered contractor. The City denied Mr. K’s request. Although it had a policy for installing and sharing the cost of fencing on shared property lines, they said the policy only applied to fences built by a registered contractor.

We reviewed the City’s decision and found that the City’s response was consistent with the provisions of the City’s Fair Wage Policy and the purchasing rules set out in Chapter 195 of the Municipal Code. However, we recommended that to avoid similar confusion or disputes in the future, Parks Forestry and Recreation should revise its policy to clearly state that it would only reimburse the costs of fencing installed by a registered contractor, which it agreed to do.

Stopping a Mysterious Noise

Mr. G contacted us, upset that his Toronto Community Housing Corporation (TCHC) apartment was shaking and vibrating violently. He told us that it was extremely noisy and, on most days, went on for long periods of time without a break. He was unable to sleep. Mr. G had repeatedly called the TCHC call centre and reported the issue to the superintendent, but the problem continued.

We called TCHC to find out what was going on. They issued a work order to investigate the noise. After quickly discovering the cause of the disruption (an issue with the engine of the bathroom ventilation system) TCHC fixed the problem. Mr. G thanked us for our help – he was very pleased with the outcome.

Resolving a Longstanding Parking Ticket Dispute

After receiving a parking ticket, Ms. O disputed it online. She waited for a decision – it never came. Instead, a few months later, when she tried to renew her license plate sticker, she was told she couldn’t do so without paying a hefty fine.

Ms. O contacted the City to find out what was going on. Staff told her that the fine was for her outstanding parking ticket, which the City had confirmed without telling her. Because the City had not sent her the results of its decision, it agreed to refund the ticket and fees. The refund never came.

We looked into the situation and learned that the City had not processed the refund they promised Ms. O. Once we got involved, they sent her the refund right away.

Improving Information on Collecting Unpaid Fines

Ombudsman Toronto received several complaints about the City’s enforcement of unpaid Provincial Offences Act fines. A number of people owed money because a court had convicted them of violating a provincial law (often this involved speeding or another driving offence). Some of these fines had remained unpaid for many years. People were surprised when the City used its enforcement powers to collect the fines (including hiring external collection agencies and suspending licenses and license plate renewals). They came to us to complain.

We reviewed the details of each case and gathered information from the City’s Court Services division. Because this was a widespread issue, we identified an opportunity to make systemic improvements. We wanted the public to be aware of the consequences of not paying fines and to help avoid anyone else being surprised by enforcement actions in future. We therefore recommended that Court Services put more information to the public on its website and simplify the language to make it clearer and easier to understand. Court Services accepted our recommendation and updated its website accordingly.

Because of Ombudsman Toronto

- The TTC is improving its training and resources for special constables on how to respond to mental health concerns and their authority under the Mental Health Act to take someone to hospital for assessment.
- The City Manager's Office is reviewing City complaints processes to make them more effective.
- TCHC revised its tenant complaint process and made information about it available to tenants on its website, including a helpful "Complaints?" button at the bottom of each webpage.
- Respite services for people experiencing homelessness now have service standards and are better coordinated and communicated.
- City Planning is working to improve how the City interacts with third party organizations directly impacted by Section 37 agreements, and how it enforces developers' Section 37 obligations.
- City arenas are developing better ways to prioritize requests for ice time.
- The TTC is working on a system-wide anti-racism strategy.
- TCHC Board and Committee meetings are more transparent, thanks to a YouTube archive of all meetings.
- The City is developing an organization-wide approach to fair outcomes for difficult to manage public interactions and complaints.
- The TTC is completely redesigning its oversight of Transit Fare Inspectors, which will include improved public complaints and investigations processes.



"The Ombudsman is an amazing leader at the City who with her team has brought about many improvements in how we do things."

– City Councillor

"Thank you to you and your team for driving this forward. It could not have been done without you."

–Member of the public

"Ombudsman Improves the Lives of Everyone. Ms. Opler's report is red tape that improves people's lives."

– Letter to the Editor, Toronto Star

Consultations

Consulting with City staff is a key part of our proactive approach to Ombudsman work. We help the City improve systems and service to the public before there is a problem. We provide objective recommendations and advice on designing fair policies and services and hold the City accountable.

IN 2019, WE CONDUCTED 14 CONSULTATIONS WITH STAFF OF THE CITY AND ITS AGENCIES, BOARDS AND CORPORATIONS. SOME EXAMPLES:

- We continued to press the City to streamline and improve communication and accountability of its public complaints processes.
- We provided input on Municipal Licensing & Standards' new Standard Operating Procedure for handling cases involving vulnerable people.
- Social Development, Finance & Administration was reviewing and re-designing its funding process. We gave them advice on how to design a fair way for unsuccessful applicants to raise concerns.
- We consulted with Fire Services and encouraged them to improve the public information on the High-Rise Residential Fire Inspection Results portal. The result is clearer and more timely fire safety information for tenants.
- We provided materials and feedback for Toronto Employment & Social Services to consider as they updated their trespass notice procedure.
- We provided information and ongoing consultation on how the City can ensure that it treats people fairly when staff finds their behaviour difficult to manage. A City-wide approach to this is essential, to ensure consistent fairness and accountability in the delivery of public services.

“It was a pleasure working with the Ombudsman and her team. We worked closely with them to update our complaint process, which resulted in a more thorough and enhanced program for our residents, families and staff. In working with them, we quickly learned that everyone had the same desired goal which was to provide quality and transparent services.”

– Senior City staff

“We very much appreciate the perspective that Ombudsman Toronto brings to the table. The discussions and input were valuable and productive, and helped our Division find a workable solution.”

– Senior City staff

Outreach

In 2019 we:

- Met with 34 community groups across the city in all 4 Community Council areas: Scarborough, North York, Toronto-East York and Etobicoke.
- Met with Toronto residents at a variety of community events including the Applegrove Older Adults Active Living Fair, Parkway Forest Winterfest, the Central Etobicoke Community Hub, and through town hall meetings with Councillors Thompson and Bradford.
- Spoke with newcomers to Toronto about our services through City Hall's Newcomer Day and adult ELL (English Language Learners) classes at the Working Women Community Centre and the Toronto Catholic District School Board.



We are proud and active contributors to the Canadian and International Ombudsman communities, as well as in the field of Administrative Law. In 2019, the Ombudsman and members of our team presented at conferences and meetings of several groups including the Society of Ontario Adjudicators & Regulators (SOAR), the Forum of Canadian Ombudsman, University of Toronto's Faculty of Law Women's Network and Osgoode Hall Law School.

YOU CAN ALSO FIND US ONLINE:

On Twitter:  @ombudsmanTO

463,000 Social Media impressions (a 22% increase from 2018).

Our website: www.ombudsmantoronto.ca

Teaching and Learning

We teach City staff what fairness requires when serving the public, how to handle complaints, and how we can work together to make the City work better for people.

In 2019, we spoke to 15 different groups at the City of Toronto through the New Employee Onboarding program, the Executive and Management Onboarding program, and at meetings with groups of staff at Senior Services and Long-Term Care, the City Manager's Office, and Toronto Building.

WE ARE ALSO ACTIVE LEARNERS. OUR TEAM STRIVES TO CONTINUOUSLY IMPROVE, LISTEN, AND LEARN. IN 2019, WE RECEIVED EDUCATION ON:

- Indigenous cultural competency
- Equity and anti-oppression
- Administrative law
- Investigative techniques
- Decision writing
- Effective use of technology
- Case management

Also, the Ombudsman and every member of her team earned the Mental Health Commission of Canada's Mental Health First Aid certification.

Recognition

In 2019, Ombudsman Susan E. Opler was proud to receive the 2019 SOAR (Society of Ontario Adjudicators & Regulators) Medal, SOAR's top honour, recognizing her significant contributions and demonstrated commitment to the field of administrative justice. She was honoured for her commitment to justice, fairness and equity in her varied and successful career as litigator, adjudicator, mediator, educator and Ombudsman.

Susan also gave the keynote address at the 2019 Forum of Canadian Ombudsman Conference, where she spoke to members of the Canadian and International Ombudsman communities about Ombudsman Toronto's Enquiry, a new tool offering flexibility and fairness.



Ombudsman Toronto's Budget

Ombudsman Toronto's operating budget allocation approved by City Council was \$1.99 million for the year ending December 31, 2019.

Robert Gore & Associates, an external audit firm, annually audits all four Accountability Offices. It completed a successful compliance audit for Ombudsman Toronto for the fiscal year ending December 31, 2019.

A full copy is available at ombudsmantoronto.ca.

All unused funds are returned to the City Treasury.

Listening.
Investigating.
Improving City Services.



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