2014–2015
ANNUAL REPORT

The Office of the
Ombudsperson
B.C.'s Independent Voice For Fairness

1979-2014 **35** *Celebrating 35 Years of service to British Columbia*

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ਗੁਪਤ, ਪਰੋਫੈਸ਼ਨਲ ਦੁਭਾਸ਼ੀਆ ਸੇਵਾਵਾਂ 180 ਨਾਲੋ ਜ਼ਿਆਦਾ ਜ਼ਬਾਨਾਂ ਵਿਚ ਦਿਤੀਆਂ ਜਾਂਦੀਆਂ ਹਨ। ਕਿਰਪਾ ਕਰਕੇ ਅੰਗਰੇਜ਼ੀ ਵਿਚ ਉਸ ਜ਼ਬਾਨ ਦਾ ਨਾਂ ਕਹਿਣ ਲਈ ਤਿਆਰ ਰਹੋ ਜਿਹੜੀ ਤੁਸੀ ਬੋਲਦੇ ਹੋ।

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B.C.'s Independent Voice For Fairness

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The Honourable Linda Reid
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Madame Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2014/15 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2014 to March 31, 2015 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Kim S. Carter
Ombudsperson
Province of British Columbia

June 2015

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From the Ombudsperson

The role of the Ombudsperson has been described in various ways. Some see it as that of a watchdog who barks loudly to warn of danger. After nine years in the position of Ombudsperson for British Columbia, I have come to believe that while that is one responsibility, the role is really a broader one of caretaker or trustee of public confidence in fair and responsible administration, which is a fundamental pillar of democratic governance. Sometimes achieving fairness involves barking, sometimes consulting, and sometimes the hard work of careful investigation and persuasive and persistent identification of poor administrative practices and the unfairness that results, which is incompatible with a public agency's role and goals.

I see the Office of the Ombudsperson as an organization that has the responsibility to ensure that the machinery of government works as it should for everyone; that people are treated in a fair and reasonable manner by the public agencies they deal with and which exist for the common good; that government policies are followed; that government programs deliver the benefits and services as they were designed to; and that the rules that apply are not themselves unjust or improperly discriminatory.

The Office of the Ombudsperson has served the people and the province of British Columbia in that role for 35 years. It is part of a country-wide community of provincial ombuds offices and an international community of public, not-for-profit and private entity ombuds offices that have grown up over the past 50 years. I have been humbled to have the opportunity to be part of such a dynamic and positive group.

What has motivated me and what I know motivates the staff of our office is the knowledge that we have the opportunity to make things better – for complainants of course, but also for public authorities, and for all those who receive public services. As the case summaries in this 2014-2015 annual report show, these can range from students to seniors, dog lovers to drivers, homeowners to hydro users, and beachcombers to bus riders. There is often not only a fair resolution for the individual, but also a positive change that is made in a policy or process or regulation that helps many people, those receiving services and those administering a program, which is an outcome that leaves everyone satisfied.

The power of the office is one of persuasion – shining a light into an area and speaking out about what it finds – rather than the power of issuing orders and directions. This requires an impartial approach, careful and courteous listening, thorough investigation, thoughtful analysis, and well-substantiated conclusions leading to practical and productive resolutions. It requires independence to point out changes that need to be made and persistence to pursue these changes through to implementation.

While the world and the world of public administration has changed over the past 35 years, many challenges remain the same. Looking at both our individual investigations and our systemic investigations those recurring challenges lead to the kind of problems that bring people to our doors. Those challenges include programs whose design is not compatible with the goals they are meant to achieve; processes that are not accessible to the people the

program is supposed to benefit; resources that are not connected with the demands that exist; an absence of useful information on program availability and results; vague and unenforceable standards of care; and inadequate and inconsistent processes for effective monitoring and enforcement. Addressing those challenges on a more preventative and systemic basis is something that we all need to strive towards.

Over the past year our office has put a particular focus on reaching out to local governments in British Columbia to ensure they and the residents of their communities know about our office and the work we do. Since 1995 this office has had oversight of local governments in British Columbia, from the largest cities like Vancouver and Richmond to the smallest villages and unincorporated areas. I would like to close my last report to the Legislative Assembly and people of British Columbia with an extract (slightly adapted) from our office's brochure on fairness in local government that I believe captures the essence of what administrative fairness is:

> *"At its heart administrative fairness is the standard of conduct that all public authorities in a democratic society owe to the people they serve and on whose behalf they act. Public authorities must treat people fairly and reasonably. While they do not have to respond favourably to every request, they need to be consistent in their decision making, apply rules even-handedly, exercise discretion appropriately, and ensure their policies and practices are properly authorized and support their program goals."*

My thanks to the members of the Legislative Assembly who voted to appoint me and to reappoint me as Ombudsperson. As a result of their confidence I have had the honour and pleasure to have been your Ombudsperson for the past nine years. I have worked with and learned much from the incredibly talented and devoted staff of this office, which serves all British Columbians. I have been amazed and impressed by not only the resilience and determination of complainants but also the compassion and dedication of those who work in the public sector. My time as Ombudsperson leaves me with the knowledge that this office can make a significant positive difference in the lives of individuals and communities and the hope that its work and influence will embed administrative fairness as a critical component of all program development and operations in the public sector in British Columbia.

Kim Carter
Ombudsperson for British Columbia

The Year In Review

By the Numbers

- 7,818 inquiries and complaints
- 2,209 requests for information or assistance
- 3,402 matters dealt with by complaints analysts
- 1,535 investigative files completed
- 333 early resolution files completed
- 410 files awaiting assignment on March 31, 2015

> "I would like to thank the Office of the Ombudsperson for taking the time to investigate and respond to my concern. I am very appreciative that there is an impartial authority which acted to provide resolution."
>
> From a thank-you note received in 2014/2015

The percentage of files opened by major authority category remained similar to 2013/2014 numbers.

AUTHORITY CATEGORY	FILES OPENED 2014/15 (2013/14)	FILES CLOSED 2014/15 (2013/14)
Ministries	54% (55%)	54% (56%)
Crown Corporations	17% (14%)	17% (14%)
Commissions and Boards	10% (11%)	10% (11%)
Local Government	7% (8%)	8% (8%)
Health Authorities	7% (7%)	6% (7%)
Professional Associations	2% (2%)	2% (2%)
Schools and Boards of Education	2% (2%)	2% (1%)

Office of the Ombudsperson staff, the Ombudsperson and former Ombudsman – November 2014

2014/2015 in Review

In 2014/2015 the office reached out to British Columbians on multiple fronts – holding 18 community visits, publishing local government complaint resources and releasing our latest systemic investigation report.

On March 23, 2015 the office released *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions*, Public Report No. 51. This systemic investigation into the oversight and regulation of private career training institutions in British Columbia concluded that a lack of effective oversight mechanisms for this sector leaves students vulnerable. The report contains 31 findings and 36 recommendations directed to the Ministry of Advanced Education. *In the Public Interest* was provided to members of the Legislative Assembly, stakeholders and media and is available on our bcombudsperson.ca website alongside a two-page backgrounder. We continue to monitor the implementation of our recommendations and will publish and distribute regular status updates – as we do for all investigations featured in the Systemic Investigation section of this report.


Province of British Columbia
A Proclamation

2014 was the Office of the Ombudsperson's 35th anniversary of service to British Columbia. In recognition, B.C.'s second-ever *Fairness Week* was proclaimed in November and our office was honoured with a ceremony held at the legislative precinct by invitation of Speaker Linda Reid. The Honourable Lieutenant Governor Judith Guichon, Attorney General and Minister of Justice Suzanne Anton and Official Opposition Critic Bruce Ralston each spoke to our historic role while the Legislative Assembly recognized the three former B.C. Ombudsman in attendance: B.C.'s first Ombudsman, Karl Friedmann (1979 – 1985), as well as former Ombudsman Stephen Owen (1986 – 1992) and Dulcie McCallum (1992 – 1999). They also joined us for a staff educational session, providing valuable wisdom and insight for future generations of ombudship. Ombudsman Howard Kushner (1999 – 2006) was unfortunately unable to attend the events.

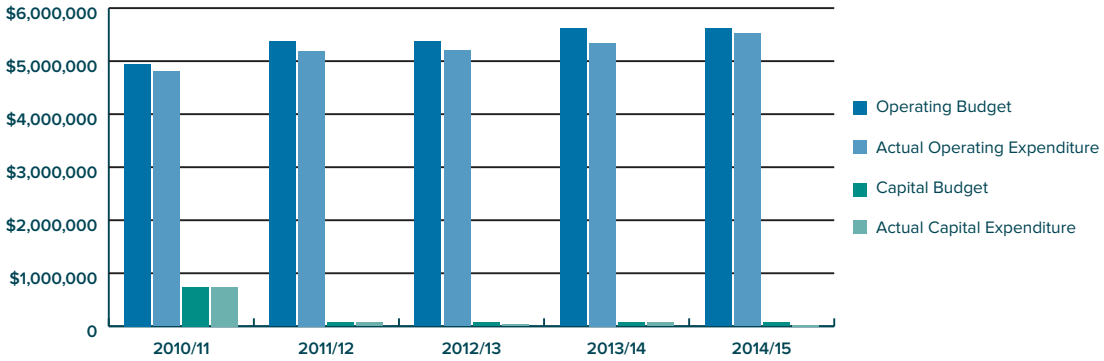
2015 marks 20 years of local government oversight by the Office of the Ombudsperson. In recognition of this milestone and November's municipal elections, the office published a new local government informational brochure – a free primer for officials who deal with complaints about administrative fairness and for residents who have concerns. In 2014/2015, seven per cent of our total files involved local government – B.C.'s municipalities, regional districts and the Islands Trust.


Hon. Lt. Gov. Judith Guichon recognizes the Office of the Ombudsperson's 35th anniversary

In 2014/2015, the Ombudsperson and staff travelled to two different regions of the province, meeting with both local governments and community organizations to speak about the role of the office and the service we provide both to complainants and public authorities.

Budget Summary

The 2014/2015 annual operating budget for the Office of the Ombudsperson was $5,615,000. Thirty-seven staff worked on Ombudsperson functions and 14 Corporate Shared Services Organization staff in the office provided finance, administration, facilities, HR and IT support to four Offices of the Legislature – the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson and the Office of the Police Complaint Commissioner.



	2010/11	2011/12	2012/13	2013/14	2014/15
Operating Budget	4,945,000	5,372,000	5,372,000	5,615,000	5,615,000
Actual Operating Expenditure	4,803,266	5,189,800	5,204,411	5,337,909	5,520,991
Capital Budget	741,000	75,000	75,000	75,000	75,000
Actual Capital Expenditure	737,709	70,237	36,381	70,718	23,067

Note: The Capital Budget and Actual Capital Expenditure for 2010/2011 included a one-time cost to undertake tenant improvements on a building for which the four offices identified above have a 15-year lease.

Corporate Shared Services Organization – March 2014

Outreach

Outreach activities support our mandate and reinforce our accountability to the people of British Columbia, the Legislative Assembly and the principles of fair public administration. Building awareness and understanding of those principles is an important first step to improving the delivery of programs and enhancing public confidence.

A number of outreach activities took place in 2014/2015, including:

- Ombudsperson tours to the North Island and Kootenays
- a local government informational brochure for officials and residents

2014/2015 Outreach Tours

Campbell River, Powell River, Port Hardy, Comox, Port McNeill, Castlegar, Trail, Nelson, Creston, Oliver, Osoyoos, Grand Forks

2014/2015 Outreach to Non-Profit Groups and Other Organizations

- 9th Annual Professional Biologists of B.C. Conference
- B.C. Legislative Internship Program
- B.C. CEO Network
- Boundary Family and Individual Services Society, Grand Forks
- Boundary Women's Transition House, Grand Forks
- Campbell River and Area Multicultural and Immigrant Services Association
- Castlegar Senior Citizens Association
- Continuing Legal Education Society of British Columbia
- Cowichan Intercultural Society, Duncan
- Desert Sun Counselling, Oliver
- Fair Haven United Church Homes
- Inclusion Powell River
- Katzie Seniors' Network
- National Patients Relations Conference
- Nelson and District Seniors Coordinating Society
- Newton Seniors' Centre
- North Island Crisis & Counselling Centre Society, Port Hardy
- Port Hardy Chamber of Commerce
- Simon Fraser University
- South Island Health Coalition
- System Change for Seniors Care Forum, Vancouver
- The Law Centre
- University of Victoria
- Vancouver Coastal Health Authority Administrators Council
- Vancouver Island Association of Family Councils

2014/2015 Outreach to Authorities

- Burnaby Youth Custody Services Centre
- City of Campbell River
- City of Castlegar
- City of Colwood
- City of Grand Forks
- City of Langley
- City of Pitt Meadows
- City of Port Moody
- City of Powell River
- City of Trail
- Community Living British Columbia
- District of North Saanich
- District of Port Hardy
- Ford Mountain Correctional Centre
- Insurance Corporation of British Columbia
- Kootenay Boundary Regional District
- Nanaimo Correctional Centre
- North Fraser Pretrial Centre
- North Island College
- Powell River Regional District
- Regional District of Mount Waddington
- School District 51 (Boundary)
- School District 53 (Okanagan Similkameen)
- School District 85 (Vancouver Island North)
- Town of Comox
- Town of Creston
- Town of Oliver
- Town of Osoyoos
- Town of Port McNeill
- Town of Sidney
- Vancouver Island Regional Correctional Centre

Professional Contact with Other Ombudsperson Organizations and Groups

- Forum of Canadian Ombudsman
- Hubei Provincial Letters and Calls Bureau, China
- NorthWest Ombuds Group
- Osgoode Hall Law School Professional Development Program

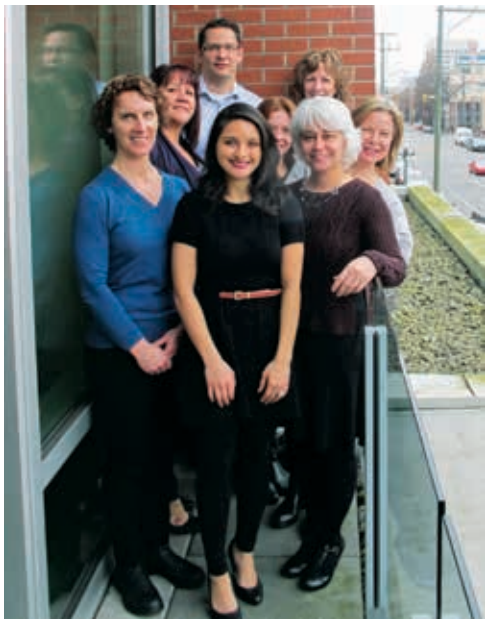
> "*The Best of Care II* and *No Longer Your Decision* – they have become my bible in searching out many of the shortcomings regarding seniors."
>
> From a thank-you note received in 2014/2015

> "We appreciated the visit and our staff's new understanding of the Office will ripple out to our clients."
>
> Lynn Weaver, Executive Director, Cowichan Intercultural Society

> "Thanks for taking the time and energy to meet with us in our Trail office and for introducing the work of the Ombudsperson's Office as it relates to local government.
>
> Theresa Lenardon, Manager of Corporate Administration, Regional District of Kootenay Boundary

Ombudsperson Kim Carter (second right) joined by former Ombudsman (L to R) Karl Friedmann, Dulcie McCallum and Stephen Owen

Ombudsperson Officers – Regulatory Programs Team



Intake Team

Presentation to Pitt Meadows Council

Meeting with the Cowichan Intercultural Society

> "To me you are not just an Early Resolution Officer, but someone special."
>
> From a thank-you note received in 2014/2015

The Office of the Ombudsperson

Our Vision

British Columbia's Independent Voice for Fairness

Our Mandate

- To ensure every person in British Columbia is treated fairly in the provision of public services
- To promote and foster fairness in public administration in British Columbia
- To uphold the democratic principles of openness, transparency and accountability

Who We Serve

- The people of British Columbia
- The Legislature
- The principles of administrative fairness

What We Do

- Respond to inquiries from the public
- Provide information, advice and assistance on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Look for fair resolutions and make recommendations to improve administrative practices
- Independently initiate investigations of apparent administrative unfairness
- Provide reports to the Legislative Assembly and the people of British Columbia about the work of the office and remedying unfair administrative practices
- Generally oversee the administrative actions of public agencies to enhance transparency and accountability

Our Guiding Principles

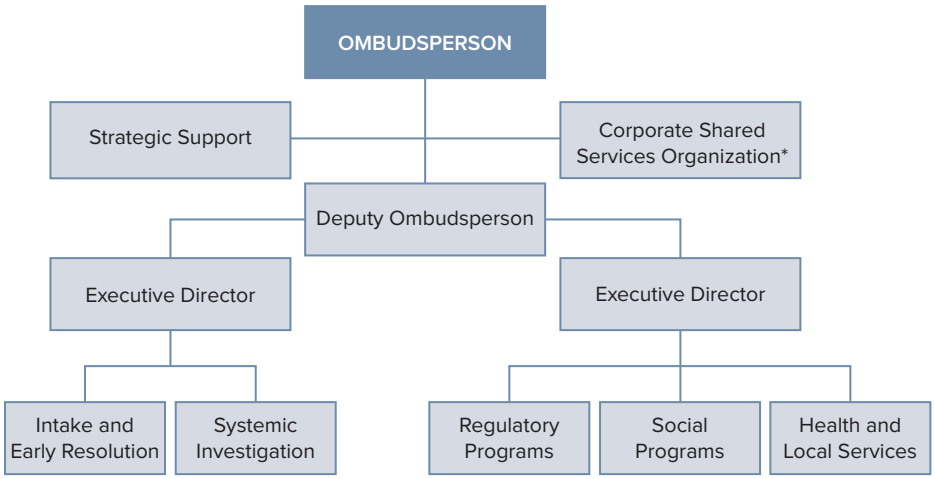
- Integrity, respect, leadership
- Continuous improvement
- High-quality service, trusting environment, equality, teamwork

Our Goals

- Ensure administrative fairness
- Provide quality service
- Enhance understanding of the principles of good governance
- Support a workplace of excellence

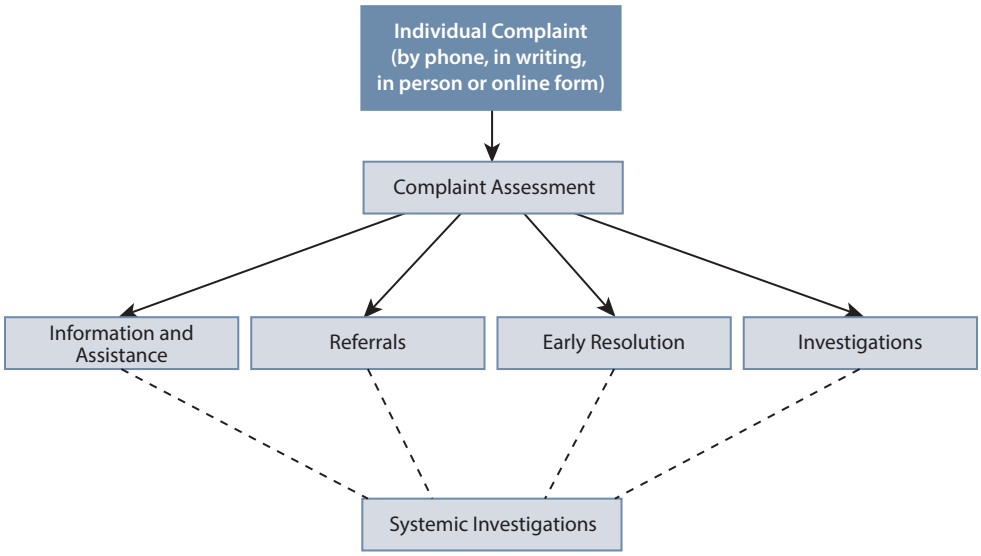
Organization Chart 2014/2015

The Ombudsperson is appointed for a six-year term by the Legislative Assembly. Ombudsperson officers who investigate complaints and conduct systemic investigations come from a wide variety of professional backgrounds including law, social work and public administration.



* The Corporate Shared Service Organization is a shared resource that provides support to four independent Officers of the Legislature: the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson and the Office of the Police Complaint Commissioner.

How We Assist – Our Process



What is Administrative Fairness?

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include adequate and appropriate legal authority, functional organization and management structure, necessary and useful policies and procedures, clear and accessible public information, timely access to programs, consistent standards of practice, adequate and appropriate monitoring and enforcement, and timely and appropriate complaint resolution and program evaluation.

What We Can Investigate

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial boards, commissions, Crown corporations
- Local governments
- Health authorities
- School boards, colleges, universities
- Self-regulating professions and pension boards of trustees

A full list of authorities can be found in the Schedule of the *Ombudsperson Act*.

What Findings We Can Make

An action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Otherwise wrong
- Negligent

What Recommendations We Can Make

- A matter be referred for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

Our Approach

- Independent
- Impartial
- Consultative
- Resolution oriented

All the inquiries and complaints we receive are tracked, are analyzed and contribute to our decisions on where we can most usefully conduct a systemic investigation.

Case Summaries

Overview

In the following pages, you will read about some of the administrative unfairness issues that people brought to us in 2014/2015 and how we dealt with them.

People often ask us what we do, who comes to us and what they complain to us about. Government touches all aspects of our lives. The jurisdiction of the Office of the Ombudsperson is wide ranging. Our investigations help people resolve administrative unfairness. This may involve issues ranging from income and community support, to those affecting homes, business, education and work. The complaints come to us from every region in British Columbia and from people of all ages and backgrounds. Investigations involve complaints about large, well-known authorities as well as more localized or less familiar commissions and boards.

The case summaries in the following pages illustrate a fraction of the early resolutions and investigations we completed last year and help tell a story of what was achieved for individuals. The first few pages are complaints that were resolved through our early resolution process. These complaints are ones that can be resolved more quickly.

In recognition of the 2014 local government elections, we have included an extended local government section detailing seven investigations concluded at that level of government. We heard from a woman in Prince George who believed the municipality should have done more to notify the community of potential changes to their Official Community Plan. We were able to help a dog owner receive an apology – and an improved dog regulation bylaw for his community – after investigating his pet's treatment at the local animal shelter. We also heard from a Vancouver senior who was struggling with fallout from a building inspection that occurred 36 years after her renovation. These examples are just a few of the investigations completed this year involving local government.

This year, our ombudsperson officers concluded 1,535 investigative files involving provincial ministries, Crown corporations, commissions and boards, health authorities, local government and the many other provincial public authorities under our jurisdiction. Persistence on the part of the investigators resulted in new hearings or re-assessments, access to benefits, apologies and reimbursement of expenses. The investigations have also resulted in improved policies or procedures or better explanation of decisions. Examples of these outcomes are found in the case summaries that follow. Public programs affect British Columbians in many ways. We have grouped these case summaries by themes and you will find examples that cover a wide spectrum of our work.

We have changed the names of the people in all our case summaries to protect their confidentiality. In most cases, we have identified the complaint as originating from one of four broad regions: the Lower Mainland, which includes Greater Vancouver, the Fraser Valley as far as Hope and the Squamish areas; Vancouver Island/Sunshine Coast, which includes the Gulf Islands; the North, which includes Prince George and everything north of it; and the Interior, which includes everything south of Prince George except the Lower Mainland.

Early Resolution

The Office of the Ombudsperson's early resolution process has been in operating for six years as of September 2014. It deals swiftly with complaints we believe can be resolved without a full, formal investigation. Complaints usually involve issues of delay, poor communication, lack of information or the lack of an explanation for a decision or action. These summaries demonstrate the effectiveness of our staff's communications and their ability to persuade public authorities to take appropriate remedial action. They also highlight the importance of an authority being willing to reconsider a matter.

Is anyone home?

RESIDENTIAL TENANCY BRANCH

THE NORTH

Debbie needed information that was not available on the Residential Tenancy Branch (RTB) website, so she tried calling. She kept trying. After trying for two weeks, Debbie called us and we answered.

We contacted the RTB. As a result of our work, the RTB called Debbie the same day. The next day, we followed up with Debbie who said the conversation provided her with all the information she needed.

Our year starts in February

BC BUS PASS PROGRAM

VANCOUVER ISLAND / SUNSHINE COAST

In December, Alana lost the annual bus pass she had received from the BC Bus Pass Program. At least it was December, Alana thought – next year's pass would come soon. Unfortunately, when Alana called the program, she learned that the annual pass was delayed. She wouldn't receive it until February and there were no replacements available for the current month. Disabled and with no other means to get to work, Alana called us.

We contacted the program the same day, which resulted in a conversation between Alana and a supervisor. We followed up with Alana who explained that the program had her replacement bus pass ready to be picked up so she could ride the bus in January. She thanked us for making her New Year.

> "I'm very grateful. I wanted to say thank you and that I couldn't have done it without you. I want you to know how much you have done for me. You have changed my life."
>
> From a thank-you note received in 2014/2015

A dangerous wait

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Erin discovered she had lost her PharmaCare coverage that, as a recipient of social assistance, allowed her to buy the prescriptions she needed. An advocate had helped her contact the ministry to get her coverage reinstated, but something went wrong. When Erin went to renew a prescription she found that she was still not covered. She called the ministry who promised to have a supervisor call her back. Left waiting days without her medication, Erin contacted us.

We contacted the ministry and arranged for the supervisor to call Erin right away. The outcome was that Erin had her PharmaCare coverage reinstated. Erin was able to get her medicine and called us back to say thank you.

Threading the needle

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Lisa had been waiting over two months hoping to receive a clothing allowance for herself and her son. When she finally got a call back from the ministry, Lisa was bedridden and unable to answer. When she recovered enough to talk, Lisa called and asked to speak to the supervisor, who was not available.

At a loss, Lisa came to us. After we spoke to the ministry, one of its staff made contact with Lisa that day – advising her that the clothing allowance for her and her son was approved and that she could pick up the cheque right away.

Don't cut power to my chicks!

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Having received an immediate disconnection notice, Alex contacted BC Hydro to arrange payment. Alex then called us, worried that the power would be cut off to her farm before she had a chance to arrange payment – her recently hatched chicks would die within four hours of a power cut.

We contacted BC Hydro right away. They promptly returned Alex's call and put a hold on the disconnection. Alex thanked us for our help.

Power for a new home

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Robert was concerned that BC Hydro had not yet connected power to the new house he and his wife built. Unable to get through to BC Hydro or leave a telephone message, Robert contacted us.

We contacted BC Hydro the same day and Robert was soon speaking with a BC Hydro customer advocacy representative. The representative arranged to turn Robert's power on. When we followed up with Robert, he said he and his wife were happy to have the power and hot water working in their new home.

No bridge too far

TRANSPORTATION INVESTMENT CORPORATION

THE INTERIOR

Jill and Merv were seniors who were designated Persons with Disabilities. Because of their disabilities, they successfully registered several years ago for a bridge toll fee exemption with the Transportation Investment Corporation (TReO).

Last winter, however, Jill received an unexpected $440 bill for unpaid toll fees from TReO. She was unable to renew their car insurance due to the outstanding debt. Understanding there were two years left on their toll fee exemption contract and the bill was sent in error, Jill wrote a letter to TReO hoping to resolve the matter. When she received no response, Jill contacted us.

We contacted TReO who admitted that an error had indeed been made and the exemption status had not been correctly applied. As a result, a supervisor made contact with Jill and Merv shortly after, advising them that the toll fees had been reversed and the hold on renewing their car insurance had been lifted.

We contacted TReO who admitted that an error had indeed been made and the exemption status had not been correctly applied.

Investigative Case Summaries – Children and Youth

Looking beyond the word

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Ingrid was in a crisis: She could not afford infant formula for her five-year-old son, Stephen, who had a serious medical condition and needed infant formula to survive. The formula, prescribed by Stephen's pediatrician, cost more than $600 per month. It was not covered by the Ministry of Health.

Ingrid received disability assistance. Because her fixed income did not give her enough money to cover the extra cost of the prescribed infant formula, Ingrid called the ministry's toll-free line and made a request for the infant formula. The ministry worker who answered Ingrid's call declined the request because she felt Stephen was too old for "infant" formula. Ingrid called us.

We investigated whether the ministry followed a reasonable procedure. First, we looked at the ministry's policy for health supplement requests. Ingrid's request fell under the provisions of the ministry's regulation, which meant that the ministry policy is to create a service request and follow certain steps to adjudicate the request. Staff should not have denied the request at intake.

The second issue we looked at was whether or not Stephen was eligible for infant formula. The ministry's regulation did not specify an age limit for infant formula, yet the ministry had created an age restriction in practice that was not supported by written policy or regulation.

Following our proposal, the ministry agreed to pay for Stephen's formula. The ministry followed up with Ingrid to inform her of its decision, and to expedite the process, they contacted Stephen's pediatrician directly – obtaining the information to justify Stephen's need for infant formula. Finally, the ministry agreed to take steps internally to improve its handling of future medical requests for infant formula.

In this case, a practice based on assumptions had developed into an informal policy that seemed arbitrary and unfair. Because of our investigation, the ministry was able to resolve the situation for Stephen and other B.C. children who may have similar needs.

Keeping a family together

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Trevor's former spouse Yvonne had been caring for their three children under an informal agreement. Yvonne needed to take a break due to some personal issues that were affecting her ability to care for their children. Trevor and Yvonne both agreed that Trevor would take over the full-time care of their children.

After his three children settled in, Trevor went to the ministry office hoping to add the children to his income assistance file.

The ministry told him he needed to provide additional documentation, including a letter from Yvonne attesting to his guardianship.

Trevor returned to the ministry with all the requested information including a signed and witnessed letter from Yvonne stating that Trevor was the legal guardian for the children. The ministry would not accept Yvonne's letter and instead demanded a sworn affidavit, signed by Trevor and Yvonne. By this time Yvonne was getting specialized care and was out of contact.

Trevor had been trying unsuccessfully to add his three children as dependents to his income assistance file for over a month when he came to us. He had been caring for them all in a one-bedroom apartment on $610, which is the monthly income assistance rate for a single person. Trevor had no money left for food and was concerned he wouldn't be able to care for his children for another month. He said that ministry supervisors at his local office had been unable to meet with him when he had requested it.

When we notified the ministry of our investigation, we confirmed that there was no court order regarding guardianship of the children. We discussed our view that a recent ministry policy change meant that the letter submitted by the children's mother was sufficient for Trevor to be considered the guardian of the children. The ministry confirmed that Trevor had submitted a letter from Yvonne two weeks previously and that her letter was in fact sufficient under the ministry's updated policy.

As a result of our investigation, the supervisor of Trevor's local office called him to apologize for how his request had been handled. An appointment was scheduled for the next business day to finalize the addition of Trevor's three children as dependents. The ministry agreed to backdate the increase to Trevor's income assistance to the date he submitted the letter from Yvonne. The ministry also committed to reconfirming its revised policy with staff.

All I want is a chance

VITAL STATISTICS AGENCY

OUT OF PROVINCE

Joyce and her son had recently moved to the United Kingdom. Seeking to change her son's surname to her new married name, she contacted the Vital Statistics Agency. Agency staff in B.C. informed her she could make a name change application – but only if she arrived in person. Incredulous, Joyce asked to speak to a supervisor, but was rebuffed and told that the supervisor would merely restate the fact: She must apply in person. Given that it was not practical to fly back to B.C. and make the application, Joyce contacted us.

The Vital Statistics Agency did not have any records of its discussions with Joyce, but it agreed that she should have been able to speak with a supervisor. During the course of our investigation we determined that there was a process through which Joyce did not have to meet the requirement that her application be submitted in person – she could request a waiver of the residency requirement. We wanted to ensure that the Vital Statistics Agency informed Joyce clearly about her options and the steps she needed to take, so we consulted with the Agency about communicating this information. The Vital Statistics Agency then wrote a detailed letter to Joyce, explaining how to apply for a waiver from the U.K.

Too late to collect

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

Fran was unhappy that the ministry was attempting to collect $3,000 from her. She thought she did not owe the debt, so she contacted the ministry to try to resolve the problem. The ministry told her she would have to prove that she did not owe the money. Fran didn't know what else to do, so she called us.

We investigated the fairness of the procedure followed by the ministry in this case. During the investigation, we found the ministry's record of Fran's debt dated back almost 15 years. During that time the ministry had not taken any steps to collect on the debt. Fran had also not paid any portion of the debt over the time period.

We questioned whether it was fair for the ministry to collect the debt from Fran after so many years had passed. Over a series of discussions we drew the ministry's attention to sections of the *Limitation Act* and other provincial statutes, explaining our understanding that, based on these laws, the debt was unenforceable. The ministry agreed and cancelled Fran's $3,000 debt. Fran was delighted when she received the statement of account that showed the debt was written off and that she no longer owed money to the ministry.

Fixing a mistake for a youth in transition

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Silva was upset with the length of time it was taking the ministry to process her son Carl's application for Persons with Disabilities (PWD) designation. Carl had a mental impairment that would qualify him for PWD designation when he turned 18. This designation would entitle him to disability assistance and health benefits.

Silva started the application process for Carl's PWD designation about six months prior to his 18th birthday. Having received no response for several months, she contacted the ministry and was told that Carl's application had been closed because it was incomplete. At Silva's request, the ministry reopened the application and, after receiving further documentation from her, it approved Carl's PWD designation. The process took almost a year to complete. Unhappy with the delay, Silva came to us.

We investigated what happened in the application process that led to the ministry not completing Carl's PWD application and instead closing his file. Our investigation determined that due to a series of mistakes, the proper policy was never followed. The ministry admitted its error and acknowledged that it should have provided better and timelier service to Silva and Carl. The ministry also agreed to backdate Carl's PWD status approval to his 18th birthday and issue retroactive disability assistance payments to him.

Investigative Case Summaries – Driving and Transportation

A long road to the bus

BC BUS PASS PROGRAM

THE LOWER MAINLAND

Rose relied on the bus to get groceries, so she applied for a discounted bus pass available to low-income seniors like her. In order to process her application, the program asked Rose to obtain a letter from a Service Canada office and provide it to them. Rose said she had requested this letter multiple times, without success. At a loss, Rose came to us.

We investigated, hoping to determine why Rose was experiencing so much difficulty. The program explained that, in the absence of other information, a Service Canada letter was required if Rose was to qualify for a discounted bus pass. Although the program had explained this to Rose several times over the telephone, we wondered whether the program had sufficiently helped Rose secure the letter and if the program had fully considered Rose's ability to do so.

The program agreed to set up a call with Service Canada staff and Rose. During this call, Service Canada noted that Rose had

become eligible to apply for Old Age Security. The program added that if Rose received OAS, along with the Guaranteed Income Supplement that she already had, she would qualify for the bus pass without a letter. They confirmed this new information with Rose.

Rose now knew what she had to do. She later told us that she had applied for Old Age Security and also benefited from the clear explanation of how to get a discounted bus pass.

You told me my claim would remain open!

INSURANCE CORPORATION OF BRITISH COLUMBIA

THE NORTH

Cara was injured in a car accident when she was a young child. The accident resulted in the amputation of one of her arms. She received an award for no-fault benefits.

Now an adult, Cara believed that her benefits claim would remain open until the award amount had been depleted. However, when she applied to ICBC for assistance with the cost of a new prosthetic arm, ICBC denied her claim because it had been inactive for more than two years. With the help of a lawyer, she had been trying to resolve this issue. After 13 months without resolution, Cara came to us.

Our investigation began with a review of the *Insurance (Vehicle) Act Regulations*.

Section 103 states that a claim for benefits under Part 7 can only be made within two years of the date of the last benefit payment made. However, we also reviewed the other documents that were available and identified one in particular that made a difference. Cara had a letter from ICBC written to her parents' lawyer in 2000 that said her claim would remain open indefinitely as part of the settlement reached on her behalf.

Given the assurance provided in the letter we questioned whether ICBC followed a reasonable procedure in closing Cara's claim and denying her application for Part 7 benefits.

ICBC was initially unable to locate any documents related to Cara's claim. In order to further the investigation we provided ICBC a copy of the letter they gave Cara's family in 2000 and discussed its consequence. After consulting with its legal department, ICBC agreed to reconsider its decision. Cara's file was reopened and ICBC assured her that, as promised, she could access the part 7 benefits until the award amount was depleted.

Cara had a letter from ICBC written to her parents' lawyer in 2000 that said her claim would remain open indefinitely as part of the settlement reached on her behalf.

Investigative Case Summaries – Education

Accommodating an appeal

NORTH ISLAND COLLEGE

VANCOUVER ISLAND / SUNSHINE COAST

Paul was a student with a disability who had been enrolled in college for several years.

To help accommodate Paul's disability and to assist him with his studies, the college had made a number of changes to the way certain courses were delivered. Over time, Paul became increasingly concerned that the college was no longer adequately accommodating his disability. In order to address his concerns, Paul submitted a human rights complaint to the college. In response, the college hired a third-party consultant who investigated Paul's complaint and prepared a report for the college. The investigation report, not provided to Paul, concluded that the college had taken reasonable steps to accommodate Paul's disability. The college then rejected Paul's complaint.

Undeterred, Paul sought to appeal and requested a copy of the consultant's report so he could understand the full basis of the college's decision. After he was refused a copy of the report, Paul called us and we began an investigation.

We spoke with the college about Paul's right to be treated fairly and its appeal policy. Our investigation noted that the college clearly explained to Paul the appeal process and,

in order to accommodate Paul, the college both expanded the timeframe to submit information and removed limitations on the issues Paul was allowed to raise.

Nonetheless, in order for the appeal process to be fair, Paul needed access to the information that was being considered and would have a bearing on his case. We asked the college to provide Paul a copy of their consultant's report, so Paul would have an opportunity to challenge or dispute any information that might be counter to his interest. The college agreed and gave Paul a copy of the report – along with some additional time for Paul to prepare for his appeal. Now, with the information and time he needed, Paul was able to make his case.

An education in fairness

SCHOOL DISTRICT 36 (SURREY)

THE LOWER MAINLAND

Serena, 16, was denied registration at her local high school. She had completed all the application documents but the principal would not register her without an authorization signature from her parent or legal guardian. Serena's mother was her legal guardian but the two had not had contact for months and, in fact, Serena had been living independently. Not willing to approach her mother due to safety concerns, Serena came to us.

We began to investigate, confirming first that the principal had told Serena that the school district required the signature of her legal guardian. We understood that the *School Act* did not provide the school with the legal authority to deny Serena an education simply because she could not provide a guardian's signature. Furthermore, a lack of schooling would only further isolate Serena, who was already in a highly vulnerable position.

When we contacted the superintendent about our investigation, he stated that the school district's priority was to ensure that youths received educational programs and the school district was committed to having a registration policy that was as inclusive as possible. The superintendent reviewed the concerns raised by our investigation with the school district's senior management, including all assistant superintendents and education directors. He then met with the district's principals to clarify that the school district sought first and foremost to register youths in school.

The superintendent agreed to change the wording on the school board's website to ensure that its inclusive message was clear. The superintendent further committed to ensuring that Serena was contacted directly to acknowledge that her registration request should have been handled differently.

Serena was able to register for school and her complaint resulted in the school district taking a number of positive steps to ensure that its communications were clear and that its staff knew that the priority was to ensure that all youths have the opportunity to receive an education.

We understood that the *School Act* did not provide the school with the legal authority to deny Serena an education simply because she could not provide a guardian's signature.

Making the grade

LANGARA COLLEGE

THE LOWER MAINLAND

Nasim received a failing final grade in a course she needed to graduate. Believing her instructor failed to apply the course evaluation criteria in a reasonable manner, Nasim went to the college's appeals committee. The committee upheld the grade. However, Nasim didn't understand the basis for the committee's decision and was left dissatisfied with the appeal process. She contacted us and we proceeded with an investigation.

We needed to know whether the college provided Nasim with adequate and appropriate reasons explaining the committee's decision. The college's appeal policy was straightforward; individual committee members independently write reports of their decision, explaining reasons for that decision along with a letter grade for the course. These documents are then provided to the division chair.

In Nasim's case, the committee members' written reports to the division chair were not provided to Nasim. We obtained copies of these reports: They detailed the facts and reasons for each committee member's decision to uphold Nasim's failing grade.

We asked the college to clarify why the committee's written reasons were not provided to the complainant directly, along with the decision. The college told us that when a decision was rendered, the committee was neither required to provide reasons for its decision nor share the members' reports with students. We disagreed.

While the college's practice did appear to be consistent with its own policy, it was problematic. Providing reasons for decisions is a basic element of good administration and is fundamental to administrative fairness. Reasons allow a person who may be adversely affected by a decision to determine whether there may be grounds to challenge the decision. But even if there is not a further right of review or appeal, being open and transparent about the bases for decisions increases the likelihood that the affected party will accept the decision and feel that they were treated fairly.

Had Nasim received the reasons contained within the committee reports along with the committee decision, she would have had a better understanding of the basis for the committee's decision to uphold the grade.

We consulted with the college and discussed its obligations with respect to administrative fairness. The college agreed to send Nasim the complete reasons for the committee's decision to uphold her grade. To prevent the problem from happening again, the college also agreed to review its policy to make its decision making more transparent.

Because the college agreed to take necessary steps to improve its appeal process, we determined that the complaint was settled and closed our file.

We consulted with the college and discussed its obligations with respect to administrative fairness.

Second chance

UNIVERSITY OF THE FRASER VALLEY

THE LOWER MAINLAND

Jenea had accepted a practicum at a local community agency that had an agreement with her university to provide placements to students. Jenea attended her practicum on the first day, but a family emergency caused her to miss the second. On day three, representatives of the agency and the university met with Jenea, informing her that her practicum was being terminated.

Jenea contacted us because she felt the process followed was unfair. In particular, she was concerned that she was not given an opportunity to address the agency's concerns before the decision was made to terminate her field placement. She was also concerned that she wasn't given adequate reasons for or the opportunity to appeal the decision.

We reviewed the university's policies, which provided guidelines practicum agencies should follow when a student experiences difficulty. The first step was for the practicum agency staff to meet with the student to discuss and address areas of concern. If that measure was not successful, the policy provided for a meeting between the student, the agency and the university followed by a written report summarizing the concerns and outlining an action plan to address them. If the problem persisted, the final step in the policy included a review and written recommendations to the departmental director. As Jenea was not given these opportunities and was still unclear about the concerns that led to the termination of her placement, we asked the university to provide Jenea a more detailed explanation and issue an apology. The university agreed and met with Jenea for this purpose.

In the course of our investigation we learned that field placement agencies sign a standard agreement with the university, setting out the terms and conditions, including circumstances under which a student may be removed from a placement. However, this agreement did not make reference to the university's policies, including steps that may have helped Jenea when she faced termination. Likewise, students also sign placement agreements with the university and with the agency that provide for the potential termination of the agreements – but again it did not refer to university policies or indicate that steps should be taken before ending a placement.

Although field placement agencies were expected to be familiar with university policies, we believed it would be helpful if the contract agreements specifically referenced the university policies. To aid in this, we asked the university to update its agreements to include termination notice periods and provide information about appeal options. The university agreed to amend the agreement form and take necessary steps to ensure that field placement agencies and students have better guidance when problems arise during student placements. After Jenea met with the university, she wrote and thanked us for the resolution we obtained.

Investigative Case Summaries – Environment and Natural Resources

Where's the beach?

DISTRICT OF SECHELT

VANCOUVER ISLAND / SUNSHINE COAST

Bob had trouble accessing the beach near where he lived. His complaints to the district cited a derelict vehicle and debris, a rock barrier and an unstable tree all located on the public right-of-way. When the district's bylaw enforcement department did not respond to Bob's concerns in what he considered to be a timely and satisfactory manner, he contacted us.

We investigated what enforcement action, if any, the district had taken in response to Bob's complaints, requesting copies of any correspondence sent to Bob. Although Bob had lengthy communication with the district, the district had not provided a detailed response to the three specific concerns Bob raised or explained its reasons for not taking action sooner.

As a result of our investigation, the district wrote a letter to Bob, explaining the reasons for the delay in taking enforcement action to remove the vehicle and debris from the beach access, clarifying its jurisdiction with regard to the rock barrier at the foreshore and providing a more detailed response to the complaint Bob raised about the tree located along the beach trail. Bob was happy to receive the information and even happier when the district followed up on his concerns by taking action to clean up the trail.

The beetle doesn't wait

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

THE NORTH

Paul was more than a little surprised when he learned that he would have to pay a $300,679 penalty for surpassing the annual allowable cut on his woodlot licence, which allowed him to harvest timber.

Several years ago, Paul was notified that he was in an overcut situation and that he might face a penalty. The ministry told him no further cutting permits would be issued until he submitted a rationale for requiring the increase in allowable cut. Consequently, Paul applied for an increase that would cover the existing overcut as well as a large volume of standing timber he intended to harvest. It was Paul's experience that these applications were often approved in a matter of weeks.

At the time, many loggers were harvesting trees that had been attacked by the mountain pine beetle while they still had commercial value and a reduced stumpage rate. Paul wanted to take advantage of this limited opportunity and was anxious for the ministry to approve his applications for the cut permit and increase in allowable cut. Paul believed that his cut permit application was consistent with his application for an increase in allowable cut and when the ministry issued the cut permit, Paul understood the ministry had also approved the increase in annual allowable cut at the same time.

However, it had not. Paul was hit with a large penalty and he came to us.

We looked at ministry records that showed ministry staff believed Paul's application was insufficient in some respects but did not inform him of the deficiencies. Those records also showed that the ministry was undecided about how best to deal with the deficiencies. As the ministry was continuing to deliberate, Paul was harvesting timber. Finally, several months after receiving his application, the ministry informed Paul's representative that they had some concerns about Paul's application to increase the allowable cut and would need to discuss it with him. Months went by, and then years, and Paul's application to increase the annual allowable cut was still not processed.

We looked at ministry practice in other similar cases and we questioned whether Paul could have mitigated his overcut had the application been processed in a more timely way.

In the course of our investigation, the ministry agreed to make a decision on Paul's application. The ministry decided to approve the application to the extent that was allowable and provided Paul with a detailed explanation of the decision and its implications for him. The ministry acknowledged the delay of almost four years was well in excess of the ministry's standard and reduced Paul's penalty by $255,755.

Paul understood the ministry had also approved the increase in annual allowable cut at the same time. However, it had not.

Investigative Case Summaries – Health

More help, please

INTERIOR HEALTH

THE INTERIOR

Dorothy had been discharged from hospital. Due to mobility restrictions, she now required more help at home: Dorothy needed two workers to assist her with her healthcare needs at all times.

The health authority agreed to send two workers, but it simultaneously cut Dorothy's direct service hours – advising Dorothy that she had reached the maximum number of monthly hours permitted under its policy for home visits with two workers attending. Because this situation did not meet her needs, Dorothy came to us.

We decided to investigate and requested a copy of the health authority's policy for home support assessments when two-person care is required. The policy stated home support hours are allocated based on clients' needs and not on a specific allotment of time. Service hours are determined through an assessment of need and should not be affected by the requirement for two-person care.

We believed the health authority had misinterpreted its policy and the health authority agreed. It restored Dorothy's direct home support hours to the previous level and made two support workers available at all times. Further, the health authority promised Dorothy that it would not reduce her service as long as she required this level of support.

Need rather than geography

VANCOUVER COASTAL HEALTH

LOWER MAINLAND

Annette needed to enrol her 15-year-old son Peter in a specialized mental health program. Peter was not attending school and was in-and-out of the BC Children's Hospital, where Annette learned about a specialized, Vancouver-based program. Annette had previously explored youth mental health services for Peter within her community, however, these services were not appropriate for her son.

When Annette contacted the health authority to discuss Peter's eligibility for the Vancouver-based program, the health authority told her that Peter was not eligible because he lived outside of Vancouver. Believing that it was unfair to limit access to a specialized service in this fashion, Annette contacted us.

We consulted with both the health authority and the Ministry of Children and Family Development, which also had a role in administering the program. The authorities told us that they had to limit access to the program. The program had limited resources and, in their opinion, it wasn't clear whether Peter was a good candidate for the specialized program.

Peter's assessment, however, had not been based on a formal evaluation process that would normally determine a youth's suitability for the program. We were concerned that Peter's exclusion from the program seemed largely, if not entirely, based on his place of residence rather than his individual need and suitability for the program.

We asked the health authority to properly evaluate Peter to determine whether he was a suitable candidate for the specialized program. After reviewing his medical and treatment records and a recommendation from a psychiatrist, the health authority assessed Peter's suitability and he was accepted into the program.

As a result of our investigation, the health authority provided Peter with the treatment he needed and also agreed to consider referrals to the specialized program for candidates living outside Vancouver.

You promised me a refund!

INTERIOR HEALTH

THE INTERIOR

Anita received invoices for her mother's home support services after the health authority told her there would be no fee for the services, due to her mother's income level. Anita made payments to Interior Health for a few months before contacting it for clarification about the fees. The health authority confirmed the service was free and promised to send Anita a refund for the amount she paid. After several more months of waiting, Anita contacted us for assistance.

Our investigation into the delay confirmed that the invoices had been issued in error. The health authority explained that it did not do a financial assessment when home support services started. As a result, the rate was not adjusted on the account and invoices for payment were automatically sent.

It appeared as though there was a straightforward solution and, after we investigated, the health authority took steps to address the problem. However, when the case manager completed the new

financial assessment, the rate was initially not backdated, leading to further delay in the health authority providing Anita with the refund as promised. This meant Anita was only issued a partial refund so we continued our investigation.

The health authority then agreed to backdate the necessary rate adjustment and to refund Anita the remainder of the fees. It also provided Anita with an apology and a written explanation of the reasons for the confusion and delay. Anita was pleased with the outcome and thanked us for our assistance.

Investigative Case Summaries – Home

Because they were brothers

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

When Chris moved into a new rental unit, he called BC Hydro to set up an account. BC Hydro said it would only open a new account if Chris paid the previous tenant's outstanding BC Hydro bill. The previous tenant was Chris' brother, but Chris thought this should have no bearing on his ability to open a new account because he had not benefited from his brother's service or played any role in incurring his brother's debt. Chris provided BC Hydro evidence that he wasn't living at the house while his brother wasn't paying the bills yet BC Hydro persisted: If Chris wanted power he had to pay. Chris came to us.

We investigated BC Hydro's handling of Chris' application for an account. We obtained BC Hydro's policy on opening accounts and it appeared that Chris indeed had provided all the information BC Hydro required to open a new account. In response to our questions, BC Hydro reviewed its call recording from when Chris made his application and noted that Chris' landlord had also confirmed Chris was a new tenant and was not living at the home with his brother. BC Hydro explained that the call centre agent appeared to have had some confusion over the rules and the policy and that BC Hydro would follow up with more training to prevent this from happening to someone else.

We followed up with Chris and confirmed that BC Hydro had set up his new account and informed him he did not have to pay his brother's outstanding debt.

Spring thaw, culvert woes

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE NORTH

Mary's husband retired from the logging industry after 43 years in the workforce. The couple purchased a trailer and lakefront property where they planned to enjoy their retirement years.

Mary's property was located on the downhill side of a road culvert that was placed by the ministry to handle seasonal streamflow by directing it away from private property and towards the lake through a provincial easement.

When the snowmelt began, Mary discovered something was wrong. Someone had connected buried pipes to the catchment of the culvert, diverting the overflowing water away from the easement and right onto Mary's property. As the streamflow increased, the regional district declared Mary's property a disaster zone and laid 1,000 sandbags to help divert the water away from the trailer. With no simple way to prevent the torrent from entering their property, Mary's dream home had become a nightmare. She asked the ministry to fix the culvert.

The ministry concluded that the culvert had been tampered with some time ago in order to prevent runoff water from entering other occupied neighbouring properties. The ministry contacted the neighbours, who

declined to voluntarily remove the pipes lest they face a flood of their own. The ministry would not simply remove the pipes either, telling Mary that doing so would knowingly cause damage to neighbouring property.

Frustrated, Mary brought her concerns to us, hoping that we could do something before next spring's deluge.

When we launched our investigation, we asked the ministry to explain its obligation to act when it received reports that the provincial culvert had been illegally tampered with. In response, the ministry confirmed it would act, disclosing plans to improve the provincial easement land between Mary and her neighbours in order to contain the spring runoff from both properties. We continued to monitor the situation until the ditch construction was completed in the fall, leaving Mary, her husband and their neighbours all safe from the flood.

From homeless to hopeful

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Sherry had been sleeping in her truck with two dogs and a cat. She had run out of gas and was finding it extremely cold with the temperature dropping below zero at night. With only enough food left for one more day, Sherry needed a place to go.

Sherry found accommodation in another community, so she asked the ministry to provide her with emergency funds so she could purchase gas for her truck and food for herself. When the ministry would not assess her application on an urgent basis, Sherry came to us.

Our investigation confirmed the ministry had a written policy outlining what constitutes an urgent need. We expected the ministry to quickly and fairly assess each application coming in to determine if it qualified as urgent. While Sherry clearly demonstrated an urgent need, it was not properly assessed. We contacted the ministry to explain Sherry's situation and as a result the ministry agreed that her case was, in fact, urgent. The ministry contacted Sherry that day to expedite her application process.

Sherry's application was accepted and the ministry issued the income assistance that enabled her to put gas in her vehicle, feed herself and secure housing.

Next time I'll know

COMPTROLLER OF WATER RIGHTS

THE INTERIOR

Zach's water supplier, a private utility, applied to the Comptroller of Water Rights, seeking to increase customer water rates. In the process of considering the request, the comptroller conducted a public hearing through a written hearing process that took place over several months.

Zach believed the comptroller allowed the utility to skirt questions raised by him and other homeowners. He also believed the hearing process favoured the utility by extending the period of time for the utility to respond to information requests and not automatically extending the same courtesy to the utility customers. Zach thought the hearing process lacked fairness and transparency, so he contacted us.

We requested and reviewed the comptroller's information about the written hearing process. The process gave the utility an opportunity to present its evidence in support of its application and gave water utility users the opportunity to express their views and question the utility before the decision was made. A right of review was also available to the utility and to the users through the comptroller's reconsideration process.

While we determined that the comptroller conducted a fair and reasonable hearing process to reach a decision on the rate increase application, our investigation determined there was no public information available about the hearing process. This meant there was no way for Zach and other affected homeowners to inform themselves about the process. Without this information they did not know what to expect or how to prepare.

As a result of this investigation and Zach's complaint, we suggested that the comptroller publish written information explaining the hearing process. The Public Water Utility Written Hearing Process Bulletin is now provided to utility users and can be found on the environment ministry's website: www.env.gov.bc.ca/wsd/water_rights/water_utilities/bulletins/

The Public Water Utility Written Hearing Process Bulletin is now provided to utility users and can be found on the environment ministry's website.

On again off again

REAL ESTATE COUNCIL OF BRITISH COLUMBIA

VANCOUVER

The Real Estate Council of B.C. (REC) was responsible for handling Jim's complaint about a strata corporation property manager he accused of mishandling funds and communicating inappropriately with unit owners.

The REC refused to investigate Jim's complaint because it claimed to need proof that Jim's allegations had the support of his strata council. Jim thought that he had given the REC sufficient evidence of his strata council's support, so he contacted us.

We began our investigation by reviewing the REC's enabling legislation. The REC can receive complaints about strata property managers and had the discretion to decide whether or not to investigate a complaint made by an individual. To make this decision, the REC has a policy that, in most cases, the REC will only investigate complaints by an owner that are shown to be supported by the owner's strata council. This policy was intended to ensure, in part, that strata owners do not file complaints with the REC that are better addressed by a strata council directly. The policy also reflected the fact that Jim's strata manager reported to the strata council and not the REC. The REC policy guidelines are consistent with the legislation. We also concluded that the policy was not applied unfairly or arbitrarily as the REC had explained its policy to Jim and the reasons for it, told Jim what he needed to do, and gave him several months to provide the authorization from his strata council.

Nonetheless, our investigation learned the REC had actually quietly investigated Jim's concerns about the alleged mishandling of strata funds. The REC never gave its conclusions to Jim, because the REC mistakenly believed that Jim had backed away from his complaint when he failed to provide the requested authorization from his strata council.

We suggested to the REC that Jim would likely benefit from knowing that one part of his complaint had been investigated. We asked the REC to consider writing Jim, explaining the steps it took and the conclusions it reached. The REC agreed and provided Jim with a letter outlining its investigation and conclusions.

The REC never gave its conclusions to Jim, because the REC mistakenly believed that Jim had backed away from his complaint when he failed to provide the requested authorization from his strata council.

Investigative Case Summaries – Income and Community Support

Computers can't replace human diligence

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

LOWER MAINLAND

Mabel called our office because she was worried that the ministry had lost her application for designation as a person with disabilities. She told us that she had dropped the application off in person about two and a half months prior and she still did not have a decision. She said that when she called the ministry she was told that there was no record of her application.

Our investigation questioned whether the ministry had indeed overlooked Mabel's application and therefore unreasonably delayed the adjudication. To respond to our investigation, the ministry searched through all the hard copy documents that it had received from clients. The search found Mabel's completed application package.

It turned out that after Mabel dropped off her application it was not attached to her electronic file as it should have been. Because Mabel's electronic file did not indicate her application was ready, it was not sent for adjudication.

Once the ministry found Mabel's completed application package, it promptly reviewed her application and made a decision to approve it. This decision meant that Mabel was eligible for disability assistance as well as various health supplements. Had the ministry adjudicated Mabel's application according to its regular processing times, it would have completed the adjudication one month earlier. The ministry backdated its approval to the date it should have adjudicated it and paid her the assistance she had missed receiving. [See Special Report No. 35, *Time Matters*.]

To ensure that similar problems did not occur in the future, the ministry instructed staff to take steps to ensure that each application is properly attached to the applicant's electronic file.

As a result of Mabel coming to us, we were able to both get her the assistance she was entitled to and help the ministry avoid such problems in the future.

A documentation discrepancy

HEALTH INSURANCE BC – MEDICAL SERVICE PLAN

VANCOUVER ISLAND / SUNSHINE COAST

Cory had recently separated from his spouse. Now a single father on a limited income, he was unable to pay for Medical Service Plan premiums. Cory applied for premium assistance, but his request was denied because his income was still deemed too high. Eligibility for premium assistance is based on the net family income from the previous year, as reported to Canada Revenue Agency.

Cory called us, explaining how he submitted documentation to the program that showed that he was separated and his income had decreased significantly as a result. The program responded, saying Cory's records were not sufficient to confirm eligibility for premium assistance. Cory was also reminded that he had a $798 outstanding balance of unpaid MSP premiums. The debt was sent to collection.

We investigated whether the program used a reasonable procedure to determine Cory's eligibility for premium assistance. We reviewed the legislation pertaining to retroactive premium assistance and contacted the program to discuss how the legislation applied to Cory's situation as we believed he was eligible based on the documentation he provided. The program agreed to review Cory's file again and this time determined that Cory's records did in fact make him eligible for premium assistance. In addition, the program eliminated Cory's outstanding balance.

This wasn't expected

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE NORTH

Gail was five months pregnant and cared for her seven-year-old child in a shared apartment. She had just received an eviction notice for failing to pay rent. The notice told her to move out within 24 hours. With nowhere to go, Gail contacted the ministry to request a crisis supplement. When the ministry refused to provide emergency assistance, Gail contacted us.

During our investigation, the ministry told us that Gail had previously asked that her shelter allowance be paid to her and not directly to her landlord. While the ministry agreed to send Gail the money, they did so

under one condition: No further assistance would be forthcoming if Gail failed to use her shelter allowance for its intended purpose – securing shelter. Wrongly assuming Gail failed to pay rent, the ministry determined that she wasn't eligible under the crisis supplement policy because her rent obligations, in the ministry's view, were not unexpected.

We pointed out that Gail had actually paid her portion of the rent. The eviction notice stated there was an outstanding amount of $450, which was the amount Gail's roommate was expected to pay.

Gail had been in hospital due to complications with her pregnancy. When she returned home she was surprised to discover her roommate had moved out. Because Gail did not expect her roommate to leave without paying any of the rent, Gail's need was unexpected.

After considering the information our investigation provided, the ministry agreed to send Gail a cheque for $450. Gail thanked us for helping her avoid eviction.

Single parent reimbursed

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

LOWER MAINLAND

Tom had been receiving disability assistance for many years. Following policy, the ministry had been deducting child support payments received by Tom from his disability assistance. When Tom's child turned 19 and the child support payments stopped, the ministry continued to subtract $50 per month from his cheques.

Tom said he had advised the ministry of his income change soon after the child support payments ended. The ministry disagreed, telling him that it could not provide a refund for past deductions because he had failed to report the change when it occurred. Standing by his word, Tom contacted us and we investigated.

The ministry confirmed that its policy does not allow refunds for underpayments that occurred before a change of income is reported. The ministry said there was not a record of Tom reporting the change, so they could only stop the deduction going forward and offer $50 for the current month.

We asked the ministry to provide us with copies of its records going back to the time Tom said he originally reported his income change. The ministry retrieved the records – a number of which were located off site. As it turned out, these records confirmed Tom's recollection that he had reported the income change soon after his child turned 19. As a result of our investigation, the ministry admitted its error and agreed to refund Tom for all the child support payments it unfairly deducted. Tom received a cheque for almost $2,000.

The ministry retrieved the records – a number of which were located off site. As it turned out, these records confirmed Tom's recollection that he had reported the income change soon after his child turned 19.

In keeping with the season

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

Erika called us the week before Christmas. She wasn't sure where to turn for help. Erika was living on her own with a five-month-old baby, no money, little food and only enough baby formula to last a week.

Erika had applied for income assistance early in November, but near the end of the month she let the ministry know that her need had become urgent because she did not have enough money for rent and was running low on food and formula. The ministry had scheduled an eligibility assessment for the first week of December, but that date came and went with no assessment. Erika still had not heard back about her income assistance application when she contacted us.

Erika explained that she had continued to contact the ministry but had not been able to pin down a date on which her application would finally be completed.

After talking with Erika we notified the ministry that we were investigating whether the ministry had unreasonably delayed completing Erika's application for income assistance. We also looked at whether the ministry's own service standards were being met: Erika was a young, single mother with a small baby and extremely limited resources. Her case should have been prioritized.

In response to our investigation, the ministry placed Erika on a priority list and promised she would be contacted within two business days to complete the application process. Additionally, given that it was Friday, the local ministry office issued Erika emergency funds to ensure she would be able to purchase food and necessities for herself and her baby until the application was completed the following week.

We contacted the ministry to follow up and ensure action had been taken. We learned that a staff member who had dropped into the local office on their day off agreed to hand-deliver the funds to Erika on their way home, since Erika had no transportation and lived far away from the office.

The following week, we talked to Erika again. She said that her income assistance application was approved and she received her first cheque.

We learned that a staff member who had dropped into the local office on their day off agreed to hand-deliver the funds to Erika on their way home, since Erika had no transportation and lived far away from the office.

Investigative Case Summaries – Local Government

You call that an ad?

CITY OF PRINCE GEORGE

THE NORTH

Margaret and her neighbours went to court, challenging a new zoning bylaw on the basis that it was inconsistent with the city's Official Community Plan (OCP). The court agreed and declared the zoning bylaw invalid. The city needed to follow proper process.

In order to proceed with its plan – permitting a women's recovery centre in Margaret's neighbourhood – the city had to first amend its OCP. Before an OCP can be amended, the *Local Government Act* requires consultation with individuals that will be affected. To meet this obligation and to provide residents with information and an opportunity to contribute to the decision-making process, the city announced a public meeting.

While the city advertised the public meeting in the local newspaper, the ads did not explain the scope of the proposed amendment. The ads simply stated that the proposed amendment would allow the new facility to be built at the given address. In actuality, the proposed OCP amendment provided the city the power to permit affordable housing and special needs housing, of any density, in all residential areas including rural zones.

Margaret's community group acted as soon as they saw the ad in the paper. They published another ad informing the public that the proposed changes would actually apply to residential areas all across the city. Margaret wanted to ensure the public understood this information so they could make an informed choice about whether to participate in the public meeting. Believing her community group had acted while the city failed to uphold its statutory obligations, Margaret contacted us.

We informed the city of its responsibility to provide reasonable notice to members of the public who might be affected by the subject matter of an upcoming public meeting. Given the nature of the city's ad, many people in the city would not have reasonably understood how the proposed OCP amendment would affect them had Margaret's ad not been published when it was.

Because responsibility for advertising the nature of the public meeting rested with the city, we asked the city to cover the advertising costs Margaret's community group incurred. The city agreed and issued them a $557 cheque.

Legislation for all sides

VILLAGE OF MIDWAY

THE INTERIOR

Ray's property was rezoned without his knowledge, so he wrote to the village, hoping to learn why he had not been notified by mail in advance of council's decision. The village told Ray it was not required to send a letter notifying him of the proposed bylaw amendment. Unsatisfied with that answer, Ray came to us.

We took Ray's complaint to the village, who explained that under Section 892 (7) of the *Local Government Act*, it is not specifically required to notify property owners by letter when zoning alterations affect ten or more parcels of land owned by ten or more persons. Such was the case here, so a letter may have not been necessary. To find out, we asked the village to send us records outlining the steps it took to adopt the zoning bylaw amendment, including any consultive measures it took prior to making its decision.

The zoning amendment process had involved a public hearing that Ray did not know about. Our investigation determined that the notice of the public hearing did not list the land affected by the bylaw, as required under section 892 (2) (d) of the *Local Government Act*. Consequently, we questioned whether residents like Ray would have been able to make an informed decision about whether or not to attend the hearing.

We asked the village to conduct a new public hearing on the zoning bylaw, ensuring that the public notice was consistent with the basic requirements of the *Local Government Act* and administrative fairness. The village agreed to repeal the zoning bylaw and start over with a new public hearing. Ray was welcome to attend.

If a tree falls in the forest…

CITY OF PRINCE GEORGE

THE NORTH

Kelly complained to the city about a neighbour who had begun cutting down trees on forested property, contravening a local bylaw. Eight weeks later the city responded, issuing a stop work order to the neighbour.

Unhappy with the eight-week delay, Kelly called us. She was now also concerned about large slash piles left on the neighbour's land, posing a fire hazard.

We began our investigation by reviewing the city's documents related to Kelly's complaint and contacting the Prince George Fire Service about the slash piles.

In consultation with the Ministry of Forests, Lands and Natural Resource Operations, the fire service ordered the neighbour to address the slash piles by a specific date.

When we followed up, we learned that the deadline to remove the slash piles had been extended because the ground in the area was too wet to bring in heavy equipment. A new deadline was set and before it expired we were told by city staff – and confirmed with Kelly – that the slash piles had been buried and no longer constituted a fire hazard.

The city also had hired a contractor who found that some trees were harvested

in violation of the city bylaws. The city required the neighbour to provide it with a replanting plan and security to ensure that it was followed.

It was unclear to us why it took so long for the city to respond to Kelly's initial complaint about the logging. The city admitted that the complaint had not been handled properly and the staff responsible for taking action were unaware of the complaint. As a result of our investigation the city provided training to its staff to ensure that complaints make it to the appropriate person in a timely fashion. Because the fire hazard had been addressed, action was taken to remedy the improper removal of the trees, and necessary training was being provided to staff, we concluded our investigation.

Paws for concern

REGIONAL DISTRICT OF KITIMAT-STIKINE

THE NORTH

Walter's dog, Siri, had been seized by an animal control officer in the regional district of Kitimat-Stikine. The regional district applied for a destruction order for the dog, which Walter contested. During the trial and shortly before the judge's decision was announced, a regional district animal shelter employee administered an injection of pre-euthanasia medication to Siri in anticipation of a destruction order being issued. The court, however, denied the dangerous dog designation and ordered the regional district to release Siri back to his owner immediately. When Walter arrived at the animal shelter to retrieve his dog, he found Siri to be heavily sedated. Walter was upset about the actions taken by the animal shelter and requested an investigation be conducted. The regional district administrator agreed he would conduct this investigation and provide Walter with a full report of his findings. After several months of waiting for the report, Walter contacted our office to report his concerns.

We investigated whether there had been an unreasonable delay on the part of the regional district in providing Walter with a report on the findings from its investigation into the incident. The administrator had met with Walter shortly after the incident occurred and provided a verbal report on his initial findings. After this, however, Walter had initiated legal proceedings by filing a notice of claim against the regional district. As a result, the administrator received legal advice to not proceed with sending a written report until that court process had concluded. Walter had since withdrawn his notice of claim and so we asked the administrator to provide Walter with the apology and written report as he had committed to doing several months earlier.

In response to our investigation, the regional district wrote an apology to Walter and provided details of the findings from the investigation into the actions taken by the animal shelter employee. It appeared it was an error in judgment that led to Siri receiving the injection of pre-euthanasia medication. Included in the regional district's response to Walter was an apology letter from both the animal shelter staff member and the animal control officer involved. Furthermore, as a result of this case, the regional district implemented changes to its bylaws, enacting a new dog regulation bylaw that better defines the differences between dangerous and aggressive dogs and offers intermediary measures to avoid the court process where appropriate. The regional district also developed a new policy and stricter procedures relating to animal shelter operations in an effort to prevent a similar occurrence from happening in the future. Walter received his apology and written

report. We determined that the steps taken by the regional district were adequate to resolve the issues identified in our investigation.

The lines are now open

VILLAGE OF WARFIELD

THE INTERIOR

Jacques didn't understand why a village council meeting was closed to the public. When he tried to get an explanation, he was told the meeting was conducted in accordance with the *Community Charter*.

Dissatisfied with the explanation, Jacques came to us and we investigated. The meeting in question was a special council meeting that had been held by telephone. Although the village maintained the meeting was open to the public, it wasn't clear that the village had taken the steps necessary to ensure people were aware of the meeting and could listen in.

The *Community Charter* requires that notice of a special council meeting must be given at least 24 hours in advance of the meeting. The notice must include the date, time and place of the meeting and must describe the purpose of the meeting. If the meeting is to be conducted by telephone, the notice must state this and must identify the place where the public may attend to hear the proceedings. The notice must be posted in several locations including the regular council meeting place and designated public notice posting sites. These notice requirements can only be waived by a unanimous vote of all council members.

In this case there was no vote to waive the notice requirements and no indication that the notice requirements were satisfied. While the minutes of the previous regular council meeting referred to a decision to hold the special meeting and provided some details of the meeting, this was not sufficient to satisfy the notice requirements.

There was a second problem with the meeting. The authority to hold council meetings by telephone or teleconference is subject to several limitations. The *Community Charter* requires that, except for any part of an electronic meeting that is closed to the public in accordance with statutory requirements, the facilities must enable the public to hear, or watch and hear, the meeting at the specified place and a designated municipal officer must be in attendance at the specified place. Our investigation determined that the village had not made provisions to ensure the public could attend and hear the special meeting.

We discussed our conclusions with the village and drew their attention to provisions of the *Community Charter* related to open meetings, notice of meetings and electronic meetings. The meeting in question was held to discuss the refund of recreation fees. Those fees had been refunded and the minutes of the meeting had already been released. In these circumstances, our focus was on preventing similar problems. We proposed the village comply with the open meeting requirements in the future, conduct training to educate staff and council members about the open meeting provisions of the *Community Charter* and develop guidelines and procedures for the conduct of electronic council meetings. The council agreed.

New building permits required?

CITY OF VANCOUVER

VANCOUVER

Janet, a senior, had lived in the same house for over three decades. Recently, after conducting a building inspection, the city wrote to Janet saying there were unapproved changes made to her property and that she would have to apply for a building permit.

Janet and her now-deceased husband had done their home renovation 36 years ago to accommodate a disabled child. Janet told us that building permits were obtained at that time and a building inspector approved the work. Janet also believed that the city's new property measurements were inaccurate. With the assistance of a building consultant, Janet tried to resolve her concerns with the city. After those efforts were unsuccessful, Janet came to us.

We reviewed Janet's records and the information the city considered when it wrote to her. Our investigation revealed that the city did not retain all the building permits that Janet and her husband had received back in 1979. We also found discrepancies between Janet's records and the city's regarding both property measurements and site plans.

We discussed our conclusions with the city and suggested options to fairly and efficiently resolve the matter. The city agreed to postpone enforcement action, review Janet's information and conduct new measurements of the property as needed. To resolve questions about the property's compliance with the city's zoning bylaw, we proposed the city meet with Janet in person so the city could clarify its position, respond to Janet's questions and discuss the options available to her.

Afterwards, we followed up: Janet said the meeting was helpful and she was pleased that the city had reconsidered some of its requirements as a result of our investigation.

Letting the public in

UNION BAY IMPROVEMENT DISTRICT

VANCOUVER ISLAND / SUNSHINE COAST

When the Union Bay Improvement District declared all regular meetings closed to the public until further notice, Greta had concerns. Believing that the municipal authority did not reach its decision properly, she contacted us.

We began our investigation by reviewing the district's *Meeting Procedures Bylaw*, which stated that all board meetings would be open to the public, except in cases where the board passed a resolution to go *in camera* and close the meeting. In general, meetings of this nature should be held in public unless doing so would be harmful to the public interest or someone's personal privacy. In this case, the board chair had explained publicly that the reason for closure was a "mob atmosphere" and "heckling from 50 or 60 attendees."

When we reviewed the meeting minutes we could not find a formal motion to close the meeting to the public, so we asked the district to provide us with all of its relevant decision-making records.

Initially the district said that a popular reference guide, Roberts Rules of Order, mentioned in the district's *Meeting Procedures Bylaw*, gave the chair authority to take meetings behind closed doors. In addition, it responded that in its view, "resolutions" to close meetings could proceed entirely via email exchanges which were themselves not accessible to the public.

Using our powers under the *Ombudsperson Act*, we obtained records including an audio recording of the alleged "mob atmosphere." The recording confirmed that interjections from the public occurred over a three-minute period, but they stopped when order was requested. The board conducted all its business and completed its scheduled agenda within the hour.

During the course of our investigation, the board passed an amendment to its *Meeting Procedures Bylaw*. This amendment granted new and unprecedented powers to the board chair, allowing him to close doors to the public by decree. Not only did this amendment fail to address our fairness concerns, it raised new ones. We proposed that the district reconsider its amended bylaw, conduct all future regular board meetings in public and publish minutes from the closed-door board meetings held that year.

At this point in our investigation, an election took place. The district, now with a new chair and board makeup, agreed to ensure all regular board meetings were open to the public and to make public the minutes of the previously closed meetings. The district also agreed to review the *Meeting Procedures Bylaw* as part of a broader bylaw review held by a newly established committee that invited participation from community residents.

In conjunction with the new meeting bylaw, the district consulted with us and then approved a policy to establish written criteria for appropriately closing meetings to the public. After monitoring subsequent board meetings, we confirmed that the district understood the new bylaw and policy, held board meetings that were open to the public and documented its actions in minutes published on the district website.

Using our powers under the *Ombudsperson Act*, we obtained records including an audio recording of the alleged "mob atmosphere."

Investigative Case Summaries – Seniors

Money matters

PUBLIC GUARDIAN AND TRUSTEE

LOWER MAINLAND

After many years of marriage, Victor had been involuntarily separated from his wife, Sandy, due to her placement into residential care.

Sandy had been issued with a Certificate of Incapability, and without a valid Power of Attorney in place, the Public Guardian and Trustee (PGT) took responsibility for her financial affairs.

Victor regularly sought cooperation from the PGT to pay for Sandy's medical equipment and medications. In addition, he had requested information from the PGT concerning the diversion of her pension, income tax filing and the PGT's decision to involve a property management company to oversee the maintenance and operation of the jointly owned family home that he continued to live in. Victor was troubled because the property management company had obtained additional home insurance on the residence and charged it to Sandy's account – a charge Victor felt was unnecessary. Victor had already purchased adequate home insurance for the property and provided proof of this to the PGT.

Victor was unhappy with several decisions made by the PGT while managing Sandy's estate and said they had resulted in financial hardship for both of them. After trying to raise his concerns directly with the PGT and receiving what he felt was an unsatisfactory response, Victor filed a complaint with us.

We began our investigation by reviewing records of correspondence between Victor and the PGT. We determined that Victor had received limited and sometimes conflicting information about Sandy's pension and income tax account. The PGT had made the decision to divert Sandy's pension and file her taxes without income splitting and without informing Victor, who was affected by the decisions and had a co-management role to play. It became evident that there had been a breakdown of communication.

We determined that the PGT did not have clear information publicly available on this topic and asked if they would consider enhancing publications to include more information for Victor and other clients dealing with co-management of assets. We also determined that in Victor and Sandy's case, the PGT did not clearly explain the roles and responsibilities of the property management company. Moreover, due to the communication difficulties that existed, the PGT did not receive confirmation of the home insurance coverage that Victor provided and as a result, the PGT property management company charged an unnecessary additional home insurance premium. As this expense could have been avoided, and because the PGT did not provide clear information or complete the letter of understanding as required by PGT policy, we asked the PGT to refund this amount to Victor and Sandy. We also asked the PGT to offer an apology for the unclear direction and misinformation provided.

The PGT apologized and provided a refund for the additional home insurance premium. Recognizing the need to address an underlying problem, the PGT is also working on enhancing its policies and publications to include more information for all clients and families about pensions, income tax preparation and the co-management of spousal and other joint assets. We believed these steps addressed the concerns raised by our investigation. Victor thanked us for the assistance we provided to him and his wife.

PharmaCare coverage confirmed

HEALTH INSURANCE BC – PHARMACARE

VANCOUVER ISLAND / SUNSHINE COAST

Burdened by several serious health issues, Alfred, a senior, was not able to afford his expensive prescription medications on his pension income.

Alfred had lived out of country for a few years, but had recently decided to return home to be closer to family. After registering with PharmaCare, Alfred received a letter from the program stating that his deductible would be changed because the Canada Revenue Agency (CRA) did not have a record of his 2012 tax return, which PharmaCare used to confirm his eligibility.

He then received another notice from the program, stating that his PharmaCare deductible was being set at $10,000 per year. Alfred did not think that decision was fair, so he came to us. We investigated whether a reasonable procedure was used to determine Alfred's eligibility for coverage.

The program uses information from the Canada Revenue Agency to determine an applicant's eligibility for PharmaCare coverage. Our investigation found the program had attempted to retrieve Alfred's 2012 CRA Notice of Assessment without success. Alfred had filed his taxes as a non-resident in 2012 and therefore the information that the program was seeking from CRA was not available. Alfred, however, provided the program the income verification documents he had received personally from CRA, but the program then demanded a notarized affadavit for additional confirmation at Alfred's expense.

We asked Alfred whether he had other additional official records available and found that he had pension records from his previous country of residence. We consulted with the program and discussed whether these additional official records could count as proof of income for the purpose of determining eligibility. The program agreed and subsequently wrote to Alfred confirming he had been assessed for full PharmaCare coverage with no deductible. Alfred thanked us for our help and was able to obtain the medication he required.

Investigative Case Summaries – Work and Business

Meter swap

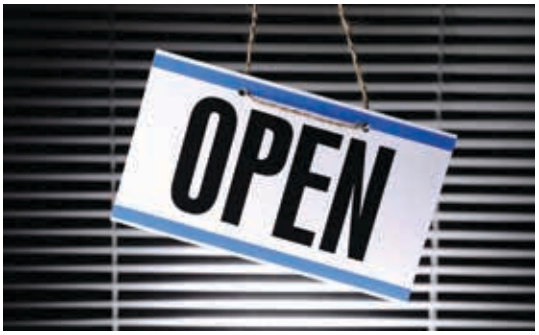
BC HYDRO AND POWER AUTHORITY

INTERIOR

When BC Hydro attempted to turn the power off at a neighbouring business, the power instead went off in Cam's business next door. It turned out the meters had been swapped. Assuming Cam's larger neighbour had used more power, BC Hydro informed Cam that he would receive a credit for the difference between what he should have paid and what he had paid during the time the meters were swapped. After several months without a refund, Cam called us.

We decided to investigate. BC Hydro explained its initial refund decision had been reviewed. The review concluded that the meter heads were in the right place after all. BC Hydro had sent two more technicians to Cam's business and each time they confirmed that the meters were connected properly. Explaining that this review confirmed the lines leading to the boxes were only briefly switched during an electrical upgrade, BC Hydro credited Cam with $152.08 – representing about a month's difference between Cam and his neighbour's bill.

We continued our investigation. Cam was certain that the meters had been swapped when they were both replaced in 2012. Comparing bills with his larger neighbour's,



Cam found that he had been billed for substantially more electricity since 2012, despite running a smaller establishment. Cam's inference was also supported by his building manager who observed the initial technician who had discovered the error and swapped the meter heads back to where they should have been.

We went back to BC Hydro and asked for the field reports from the technician that discovered the error. We also requested reports of work being done by BC Hydro near Cam's business around the time he believed the meters were switched back. Finally, we asked BC Hydro to explain why it believed an error occurred during the recent electrical upgrade and not when the meters were installed in 2012.

BC Hydro responded explaining that as a result of our investigation it had completed another review, determining Cam was correct after all. The meters had been switched when they were installed in 2012 and Cam was credited with an overpayment of $6,814.

Give me a chance!

CORONERS SERVICE

VANCOUVER ISLAND / SUNSHINE COAST

Raul had applied for the Community Coroner position multiple times. When Raul requested feedback on his most recent application, he was promised a call within five business days. Raul never received a response, so he contacted us.

Raul wanted to better understand how the hiring decision was made, so he could learn where to improve. We investigated whether the Coroners Service provided an adequate response to Raul's inquiries about the hiring process.

We contacted the Coroners Service, who told us that due to a high volume of applicants, it normally does not provide feedback to external applicants who do not proceed to the interview stage of the competition. Applicants are simply notified by the BC Public Service Agency (PSA) if they are not screened into the interview stage. The Coroners Service said it was not aware of Raul's request for a feedback call because his communication had gone through the PSA.

In addition to contacting Raul to provide him with feedback on his application, the Coroners Service agreed to improve its communication with the PSA, so it knows when applicants request feedback. In cooperation with the PSA, the Coroners Service also agreed to update its rejection letter to include contact information for those seeking feedback about the hiring process.

We later confirmed that Raul had received feedback from the Coroners Service. He was happy to hear that the hiring process had improved as a result of his complaint and our investigation.

Surprise visit, surprise charge

BC HYDRO AND POWER AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Jasmine agreed to have a new electrical meter installed at her home and asked BC Hydro to warn her of the installation time. Jasmine taught online courses from her home computer and needed to know if her power would be cut off, even for a short while. BC Hydro agreed to call her before an installer arrived.

Jasmine did not receive the call and was in the middle of teaching a class when the installer came. He had come a long way and had another installation to complete, so it was agreed installation would have to be rescheduled. The installer left with the new meter still in his truck.

A few weeks later, Jasmine was surprised to receive a $68 failed installation charge. She let BC Hydro know about the mistake. Citing policy, BC Hydro told Jasmine that the charge was correct and would not be reversed due to the expense of sending an installer to her house. Not wanting to risk losing power, Jasmine paid the fee. Then she contacted us.

We informed BC Hydro that we were investigating the circumstances that led to Jasmine being charged. In response to our questions, BC Hydro reviewed its records and confirmed that it had, in fact, promised to provide Jasmine with prior notification of its installation attempt and then failed to do so. BC Hydro admitted its error and agreed to refund the fee to Jasmine.

We called Jasmine after a few days. She confirmed that the reversal of the fee was reflected in her online account.

An explanation can help

FRASER HEALTH

LOWER MAINLAND

Jerry's interview for a healthcare position was cut short following a verbal disagreement over one of his answers. He did not get the job. Three months later, Jerry tried to apply for a different healthcare job and learned that, this time, his application was not even in contention. Worried, Jerry contacted us.

We decided to investigate, beginning with the first interview; a panel interview where Jerry was quizzed to determine his level of technical expertise – his answers discussed by the panel in real time. Jerry objected to the panel's analysis and a vocal disagreement ensued.

We reviewed the health authority's records from the interview, confirming that the health authority made the decision to end the interview due, in part, to Jerry's conduct.

We also reviewed a letter that Jerry received stating that his technical answers were subsequently given a secondary review. The second reviewer upheld the initial panel assessment that Jerry had not displayed the skills necessary for the position.

Satisfied, we moved on to Jerry's primary concern. A few months after the ill-fated interview, Jerry called the health authority to inquire about another healthcare position he had applied for. From a phone call with the health authority, Jerry learned that his application had been removed from consideration.

To understand why, we went back to the health authority. We determined Jerry's application had been rejected because he had applied for a higher-level position requiring additional technical expertise than the position he had interviewed unsuccessfully for three months prior. We also reviewed a written summary of phone calls between Jerry and the health authority which indicated that this information was conveyed to him.

We noticed, however, that the communication Jerry received may have unintentionally left him with concerns about his status as a future applicant. We asked the health authority to write to Jerry suggesting steps he might take to strengthen future applications and to confirm that he had not been blocked from further competitions. The health authority wrote Jerry an informative letter to help him apply for future openings.

Investigative Case Summaries – Other

Seeking answers

LAW SOCIETY OF BRITISH COLUMBIA

VANCOUVER ISLAND / SUNSHINE COAST

Joe believed that his lawyer had been negligent in her duties. Because this resulted in a significant financial loss to him, Joe contacted the Law Society to make a complaint about the lawyer and a claim for compensation. The Law Society informed Joe that in order to get compensation for his loss from the Lawyers Insurance Fund, a court finding of solicitor negligence was required.

Joe subsequently hired another lawyer who commenced legal proceedings – a process that Joe explained cost him his entire life savings. The court eventually made a finding of negligence and ordered the first lawyer to pay damages, costs and interest to Joe. Joe then submitted the order as a claim through the Lawyers Insurance Fund. When the Lawyers Insurance Fund paid out only a portion of the judgement with no explanation for a $36,000 shortfall, Joe contacted us.

When we inquired about the smaller than expected payout to Joe, the Law Society explained that it assessed the insurance claim filed by the negligent lawyer and was only prepared to cover the initial damages relating to the finding of negligence and not the rest of Joe's costs as set out in the court ruling. We reviewed the insurance policy and contacted the Lawyers Insurance Fund to ask for further explanation of the reasons for this decision. We questioned why the Law Society did not respond to Joe's enquiry about why the insurance claim was not paid in full and why the communication he received from the Law Society did not explain the reasoning that formed the basis for this decision.

In our consultation with the Law Society, we suggested it would be reasonable for the Law Society to respond to Joe's enquiry regarding the amount that was paid out to him by the Lawyers Insurance Fund and explain why this amount differed from the court judgement.

Following our consultation, the Law Society contacted Joe, offered to meet with him, and upon further reconsideration of the matter, offered to pay the remainder of the settlement in the amount of $36,773. By contacting our office and seeking answers for the insurance fund shortfall, Joe was offered the full amount of his claim.

When the Lawyers Insurance Fund paid out only a portion of the judgement with no explanation for a $36,000 shortfall, Joe contacted us.

A solution of choice

VANCOUVER ISLAND REGIONAL CORRECTIONAL CENTRE

VANCOUVER ISLAND / SUNSHINE COAST

At lunchtime, Nils was served a sandwich that he would not eat. He was certain that someone had tampered with his meal in a particularly disturbing manner. The next day, Nils filled out a complaint form about the meal and submitted it to the correctional centre. Unsatisfied with the centre's response, Nils made a complaint to our office.

We investigated whether the centre responded reasonably to Nils' complaint. Due to the nature of his complaint, we expected a thorough investigation of Nils' concern.

We obtained copies of Nils' complaint form and the centre's response to his concerns. The centre had made two entries. The first entry was from the unit officer who received Nils' complaint – he had not been working the day of the reported incident, so he could not confirm the account. The second entry was from a more senior officer, dismissing the complaint because it was submitted too late to investigate. The centre had refused to investigate Nils' complaint because he had waited one day to make it.

It was not clear why a one-day delay in reporting the incident meant that the centre could not investigate the complaint. Not having the physical evidence available to review would certainly make an investigation harder to conduct, however, some investigative steps could and should have been taken. The centre could have interviewed staff members who were working on the unit at the time and Nils could have been interviewed to provide his recollection of events. Video from the unit could have been viewed to see whether Nils ate the sandwich, or threw it out as he claimed. Video could also have been useful in tracking the sandwich through the centre from the kitchen to Nils to see if there was any possibility it could have been contaminated en route.

We discussed all this with the centre and noted its obligation under the *Correction Act Regulation* to conduct an investigation in these circumstances. As a result, the centre agreed to conduct as much of an investigation as was still possible. The centre was not able to confirm or deny Nils' allegations – much of the evidence that would have been available to them, including any video of the incident, had not been preserved. Consequently, the centre decided that in order to deal with Nils' ongoing concern about the safety of his food, they would allow him to pick his own meal from the meal cart. The centre then wrote to Nils to explain the outcome of their investigation and to apologize for the delay in investigating his concerns.

Not having the physical evidence available to review would certainly make an investigation harder to conduct, however some investigative steps could and should have been taken.

Lost possessions not a lost cause

PRINCE GEORGE REGIONAL CORRECTIONAL CENTRE

THE NORTH

James was an inmate in an adult correctional centre where he earned a small stipend working in the facility. The money allowed him to buy some basic items at the canteen, making cell life somewhat more comfortable. When James was transferred to another correctional centre his personal effects were put into a bag. James arrived at the other centre but the bag did not.

James told us that this was not the first time his items had gone astray so he was not particularly surprised when it had happened again. James submitted a request for compensation to the management of the centre from which he was transferred. His request was denied.

James then complained to the Investigation and Standards Office (ISO), a branch of the Ministry of Justice that investigates inmate complaints. The ISO confirmed with the centre that James' items were indeed lost and that the correctional centre from which he was transferred was responsible. The ISO informed James that he could make his request to the centre again and that he should receive compensation for a number of items that were confirmed to have been in his possession before he was transferred. While James made a new request, a month passed and he still had not received compensation. Unhappy with the delay, James came to us.

The centre told us that it intended to compensate James and shortly after we began our investigation they offered compensation to James. However, James did not accept the offer. When we asked why, James explained that the offer did not include compensation for books he had purchased while in custody. He believed that if he accepted the offer without compensation for the books, the centre would consider his complaint resolved and his opportunity to obtain adequate compensation would be lost.

We discussed the centre's reasons for not providing compensation for James' books – they explained that they were unable to confirm that James purchased them. When we asked about any evidence James might have, he provided us with a copy of a form the centre had given him. He explained he had requested the form when he purchased the books because he feared they may be lost during facility transfers and he wanted proof that he had them.

We provided a copy of the form to the centre and discussed its relevance. The centre reviewed its records further and determined that it had overlooked an entry in James' records which showed that the books had in fact been purchased by him at the centre. The centre apologized and compensated James for the books and the other items that were lost. This time James was happy to accept the offer.

Index of Authorities in Case Summaries

Systemic Investigations

Overview

In addition to investigating complaints, the Ombudsperson has the authority to initiate investigations on her own motion. The Ombudsperson uses this authority to consider issues from a broad systemic perspective. A systemic investigation is an investigation initiated by the Ombudsperson that is likely to result in findings and recommendations and a published Ombudsperson report.

Recommendations are aimed at improving administrative processes and ensuring that a broad range of people in British Columbia are treated fairly. Implementation of recommendations is monitored for a period of five years with status updates included in the Ombudsperson's annual report. Detailed tables are available on the office's website.

Members of the Systemic Investigation Team

Systemic Investigations Completed in 2014/2015

PUBLIC REPORT NO. 51: *IN THE PUBLIC INTEREST: PROTECTING STUDENTS THROUGH EFFECTIVE OVERSIGHT OF PRIVATE CAREER TRAINING INSTITUTIONS*

Public Report No. 51, *In the Public Interest: Protecting Students through Effective Oversight of Private Career Training Institutions* was released in March 2015. Its 31 findings and 36 recommendations result from an investigation into the oversight and regulation of private career training institutions by the Ministry of Advanced Education and the Private Career Training Institutions Agency (PCTIA), a Crown corporation. Soon after we started our investigation, the board of PCTIA was dissolved and a public administrator appointed. The ministry announced that it planned to develop a new legislative framework to regulate private career training in British Columbia. As a result, all of the report's 36 recommendations are directed to the Ministry of Advanced Education and are aimed at legislative, regulatory and policy changes to better protect students.

The recommendations in *In the Public Interest* include a governance structure that ensures input from all stakeholders; clear and accessible information for students; adequate monitoring that uses consistent and appropriate standards and regularly hears from students; a system of progressive enforcement that uses administrative penalties and publishes enforcement decisions; and an expanded and fairer complaints process for students, at the institution level and at the oversight level.

Shortly before the report was released, the legislature passed the *Private Training Act,* which will replace the current legislation. This Act and resulting regulations provide an opportunity to address many of the recommendations in our report. We will be monitoring progress on an ongoing basis. Detailed updates on the status of the recommendations will be available on our website.

Systemic Investigations Completed in 2013/2014

PUBLIC REPORT NO. 50: *STRIKING A BALANCE: THE CHALLENGES OF USING A PROFESSIONAL RELIANCE MODEL IN ENVIRONMENTAL PROTECTION – BRITISH COLUMBIA'S RIPARIAN AREAS REGULATION*

Public Report No. 50, *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia's Riparian Areas Regulation* examines the administration of the *Riparian Areas Regulation (RAR)* by the Ministry of Forests, Lands and Natural Resource Operations. The *RAR* is designed to ensure riparian areas – which are an essential part of fish habitat – are considered and protected in the development process. The investigation found that there were significant gaps between the process the ministry had established when the *RAR* was enacted and the level of oversight that was actually in place.

The investigation resulted in 21 findings and 25 recommendations directed to the Ministry of Forests, Lands and Natural Resource Operations. The recommendations include ensuring the ministry has the appropriate regulatory authority to carry out its oversight role, increasing the monitoring of qualified environmental professionals and project proponents by the ministry, improving public information and complaint processes and ensuring the ministry monitors the effectiveness of the *RAR* at meeting its goal of environmental protection. The Ministry of Forests, Lands and Natural Resource Operations has accepted and committed to implement 24 of the 25 recommendations made to it.

Since *Striking a Balance* was released in March 2014, we have completed a six-month update and a one-year update on the implementation of recommendations. These updates allow our office to determine that the ministry has, in this fiscal year, fully implemented three of the 25 recommendations. These include:

- ensuring that all development sites that have not yet been subject to a site visit remain eligible for selection for a site visit (R14)
- developing a system to track the results of compliance monitoring and record whether non-compliance is referred to another agency and how that agency responds (R15)
- updating the *Riparian Areas Regulation* website and brochure to reflect the Ministry of Forests, Lands and Natural Resource Operations' responsibility for the *RAR* (R17)

The ministry has also temporarily fully implemented Recommendation 4, which is aimed at ensuring that all qualified environmental professionals who are submitting a *RAR* report are registered and in good standing with their applicable professional association. Ministry staff are confirming this as part of their review of *RAR* reports. However, the ministry has not yet committed to reviewing these reports on an ongoing basis.

In light of the progress made to date and ongoing work being done by ministry staff, I am optimistic that the next update will allow us to conclude that further progress has been made towards implementation.

More detailed updates on the status of the recommendations are available on our website.

SPECIAL REPORT NO. 35: *TIME MATTERS: AN INVESTIGATION INTO THE BC EMPLOYMENT AND ASSISTANCE RECONSIDERATION PROCESS*

In January 2014 the Office of the Ombudsperson released Special Report No. 35, *Time Matters: An Investigation into the BC Employment and Assistance Reconsideration Process*. The investigation that led to this report focused on systemic delays in the Ministry of Social Development and Social Innovation's reconsideration process. Reconsideration is the first formal review process available to applicants who want to challenge a ministry decision to deny, reduce or discontinue assistance. The ministry's delays meant more than 900 ministry clients lost benefits that they were entitled to receive. The investigation resulted in three findings and four recommendations to the Ministry of Social Development and Social Innovation focused on improving practices and outcomes in the reconsideration process. The ministry accepted all four recommendations and in our 2013/14 annual report, we reported that the ministry had fully implemented two of them.

Since our 2013/14 annual report, the ministry has fully implemented Recommendation 1 by demonstrating that its systems are able to accurately track reconsideration requests and compliance with time limits based on the date a reconsideration request is submitted to the ministry. This leaves one recommendation outstanding that the ministry accepted but has not yet implemented. In response to Recommendation 2, the ministry committed to reviewing and making the necessary changes to its Persons with Disabilities (PWD) application process to ensure that the first level of decision making is accurate and that, as a result, there is not a disproportionate number of PWD applicants who must seek reconsideration. While the ministry has confirmed that a review of the PWD application process is underway, it has not yet made any changes.

More detailed updates on the status of the recommendations are available on our website.

Systemic Investigations Completed in 2012/2013

PUBLIC REPORT NO. 49: *NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS*

On February 6, 2013, the Office of the Ombudsperson released *No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults*. This report examined the process for issuing certificates of incapability that result in the Public Guardian and Trustee of British Columbia (PGT) assuming control over an adult's financial and legal decision making. The investigation conducted by our office found the system that was then in place under the *Patients Property Act* failed to meet the requirements of a fair and reasonable procedure in a number of respects.

The investigation resulted in 21 findings and 28 recommendations aimed at

improving the practices followed by the Public Guardian and Trustee and the six health authorities, establishing provincial training for staff and creating legally binding minimum requirements. The health authorities accepted all five of the recommendations made to them, the Public Guardian and Trustee accepted five of the seven recommendations in full and one in part, the Ministry of Health accepted both of the recommendations made to it and the Ministry of Justice accepted 12 of the 14 recommendations made to it, including recommendations for legislative change.

I am pleased to report that over the past year, all of the authorities have made significant progress toward implementing the recommendations made to them. On December 1, 2014, legislative amendments that created a new process for adult guardianship in British Columbia came into force. The process set out in this legislation and regulation contains procedural requirements that will help to ensure people are treated fairly before, during and after a certificate of incapability is issued. Through these legislative changes, the Ministry of Justice implemented a number of the recommendations made to it, including:

- requiring in regulation that all certificates of incapability are based on a medical assessment completed within six months of the assessment of capability (R4)
- requiring in regulation that all certificates of incapability are based on both a medical and a functional assessment (R8)
- requiring in regulation that adults are provided with timely notice of, and information about, functional assessments and offered a copy of the completed assessment report (R11, R14)
- establishing in regulation a definition of, and test for, incapability (R16)
- requiring in legislation that health authorities notify an adult and their family members of their intention to issue a certificate of incapability and establishing in regulation minimum time frames for the adult and their family to respond to the notice (R18)
- requiring in regulation that the person issuing a certificate of incapability provide an adult with written reasons for a decision to issue a certificate of incapability and to provide adults with a copy of the certificate (R20)
- requiring in legislation that a committee encourage an adult's involvement and participation in decision-making about their financial affairs (R28)

The Ministry of Health has also fully implemented the two recommendations made to it by developing and implementing a provincial training program for individuals conducting functional and medical assessments of incapability. In addition, five of the six health authorities have fully implemented the recommendations made to them, requiring staff to follow the processes and procedures set out in the *Guide to the Certificate of Incapability Process under the Adult Guardianship Act* when issuing a certificate of incapability. This guide was produced by the Ministry of Health and the Public Guardian and Trustee with the assistance of a working group that included members from the Ministries of Health and Justice, the PGT and the regional health authorities. Vancouver Island Health Authority has fully implemented all but one of the recommendations made to it.

The Public Guardian and Trustee has also made changes that implement some of the recommendations made to it in *No Longer Your Decision*. The PGT has changed its procedures to notify adults at the start of an investigation and provide information about the investigation process (R1) and to provide written notice to adults and their family members that it has been appointed as committee and what that means (R23). Along with the notice, PGT procedures are that it will provide a copy of its brochure "When the Public Guardian and Trustee is Committee" which explains the PGT's role and the adult's rights under a committee.

As I described in *No Longer Your Decision*, this important law reform initiative has been

decades in the making. While some of my recommendations remain outstanding – most importantly the creation of an appeal tribunal through which adults can challenge a finding of incapability (R26) rather than having to shoulder the burden of going to court – the new legislative framework is a substantial improvement on the antiquated process that was in place under the *Patients Property Act*.

More detailed updates on the status of our recommendations are available on our website.

Systemic Investigations Completed in 2011/2012

PUBLIC REPORT NO.47: *THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 2)*

On February 14, 2012, the Office of the Ombudsperson released Public Report No. 47, *The Best of Care: Getting It Right for Seniors in British Columbia (Part 2)*. This comprehensive and in-depth report makes 143 findings and 176 recommendations that were directed to the Ministry of Health and the five regional health authorities and were designed to improve home and community care, home support, assisted living and residential care services for seniors. I would like to acknowledge the ongoing contribution of seniors and health care advocacy groups in maintaining the impetus for implementation of the recommendations in this report.

The majority of the report's recommendations were aimed at the Ministry of Health.

Last year, the ministry responded for the first time to each of the recommendations made to it and the health authorities. The ministry continued that approach in its update to us this year. Since our 2013/14 annual report, the ministry has developed a four-year work plan to make progress towards implementing the 155 outstanding recommendations, which excludes the two recommendations it has not accepted (Recommendations 39 and 166). This year, the ministry provided specific updates on 30 recommendations, most of which are part of the first year of its work plan. This update reported on recommendations made only to the ministry, recommendations made to the ministry and health authorities and recommendations made to the health authorities generally.

This year's update allowed us to conclude that the ministry continues to make progress toward implementing the recommendations in *The Best of Care (Part 2)*, as follows:

- the ministry has updated its Home and Community Care policy to require health authority staff to offer seniors copies of their home and community care assessments (R10)
- the ministry has also revised the Home and Community Care policy to require health authorities to record and track all approvals and denials for temporary reductions in client rates and to report this data to the ministry (R12)
- the Patient Safety and Learning System used by Patient Care Quality Offices to document the steps taken in response to a complaint is consistent with the ministerial directive (R20)
- the BC Care Aide and Community Health Worker Registry now requires applicants to respond to a question asking whether they have ever been disciplined or terminated by a health care employer for abuse (R25)
- the ministry has reviewed the amount that individuals can claim for general

living expenses on applications for hardship waivers, updated these amounts to reflect 2011 dollars and committed to reviewing these amounts every three years (R128)

- the ministry's Home and Community Care website now provides information about the specific palliative and end-of-life care services available to individuals in residential care (R147)
- the ministry has added a new section to its Home and Community Care policy setting out processes for health authorities to follow to prevent seniors from being adversely affected by large-scale staff replacement. The ministry has communicated this policy change to the health authorities (R170)

We were not able to conclude that all of the recommendations in year one of the ministry's work plan have been implemented, however. In addition, some of the recommendations that the ministry initially identified as being in the first year of its work plan have now been moved to the second year.

The Office of the Ombudsperson will continue to report on all outstanding recommendations and it is my hope that the ministry will continue to move towards implementation of the recommendations in order to support seniors in our communities.

A number of the report's recommendations were made to specific health authorities.

More detailed updates on the status of our recommendations, including updates for the recommendations directed specifically to health authorities, are available on our website.

PUBLIC REPORT NO. 48: *ON SHORT NOTICE: AN INVESTIGATION OF VANCOUVER ISLAND HEALTH AUTHORITY'S PROCESS FOR CLOSING COWICHAN LODGE*

On February 14, 2012, the Office of the Ombudsperson released Public Report No. 48, *On Short Notice: An Investigation of Vancouver Island Health Authority's Process for Closing Cowichan Lodge*.

The investigation arose out of complaints from people in the Cowichan area who were concerned about and directly affected by Vancouver Island Health Authority's (VIHA; now known as Island Health Authority) announced closure of a long established seniors' residential care facility in Duncan.

The Ombudsperson found that VIHA acted unfairly by not following the appropriate process in seeking to close Cowichan Lodge with less than 12 months' notice. The investigation resulted in six findings and six recommendations.

VIHA accepted and agreed to implement five of the six recommendations. VIHA, however, has still not made the policy changes necessary to implement the recommendations. In addition, VIHA has advised that although it had been working on a policy to consider all relevant factors when determining a schedule to announce a facility closure, including employment opportunities and recruitment needs at other facilities where staff might wish to apply, it has now decided not to proceed with this policy change (R2). VIHA's policy on residential care facility closures can be found at http://www.viha.ca/hcc/residential.

Issues that were included in our recommendations that the policy does not address include:

- provisions for notifying residents and families in writing and with comprehensive information about a closure decision and maintaining records of who it has contacted (R1)
- procedures for scheduling meetings to discuss a decision to close a facility and recording what its representatives say at the meeting (R1)

- describing relevant information that operators must include for consideration and analysis in any application for an exemption from the 12-month statutory notice of closure requirement (R3(a))
- requiring the Chief Medical Health Officer to consider the views of affected residents and families in making their decision on an exemption (R3(b))
- requiring requests for and decisions about exemptions to be posted prominently at affected facilities along with information about how to appeal the decisions (R3(d))

Many of the concerns raised in our report on the closure of Cowichan Lodge remain unaddressed and, consequently, the administratively unfair actions that led to our recommendations may recur.

More detailed updates on the status of our recommendations are available on our website.

SPECIAL REPORT NO. 33: *HONOURING COMMITMENTS: AN INVESTIGATION OF FRASER HEALTH AUTHORITY'S TRANSFER OF SENIORS FROM TEMPORARILY FUNDED RESIDENTIAL CARE BEDS*

On February 14, 2012 the Office of the Ombudsperson released Special Report No. 33, *Honouring Commitments: An Investigation of Fraser Health Authority's Transfer of Seniors from Temporarily Funded Residential Care Beds*.

This investigation was the result of complaints received by the Office of the Ombudsperson after Fraser Health Authority reversed a written commitment that some seniors in temporarily funded beds at a residential care facility in Surrey would not have to move from the facility. After telling residents they would not have to move, Fraser Health later told seniors still living in the facility that the health authority could no longer fund the beds and that they would have to move within six weeks.

The Ombudsperson found that Fraser Health acted unfairly in deciding to move the residents out of temporarily funded beds in light of its prior written commitment. The investigation resulted in seven findings and nine recommendations.

Fraser Health Authority agreed to implement all of the recommendations in *Honouring Commitments*. Since our 2013/2014 annual report, Fraser Health has made further progress toward meeting the recommendations, as follows:

- Fraser Health provided us with a copy of a template letter that it sends to residents and families when individuals are required to move as a result of a funding decision. The letter explains that there may be flexibility around move dates and that Fraser Health will make every effort to accommodate requests within a specific time frame (R2.1).
- In March 2015, Fraser Health updated its Community Access Procedure Manual to state that if an individual declines a temporary bed because of concerns that the temporary status of the bed may result in extra risk, the individual will not lose his or her position on the waitlist for a permanent placement (R2.2).

More detailed updates on the status of our recommendations are available on our website.

Systemic Investigations Completed in 2009/2010

PUBLIC REPORT NO. 46: *THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 1)*

In December 2009, the Office of the Ombudsperson issued *The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)*, the first of two reports on the Ombudsperson's systemic investigation into the care of seniors in British Columbia. The first report included ten recommendations made to the then Ministry of Health Services and Ministry of Healthy Living and Sport in the following areas: rights for seniors in residential care; access to information about residential care; and the role of resident and family councils. The ministries fully accepted four of the recommendations and these have been implemented.

The ministries indicated their acceptance of the intent of the other six recommendations – 1(c), 1(d), 2(a), 3(a), 3(c) and 3(d). We invited the Ministry of Health to provide us with updates on any actions taken with the intent of implementing our recommendations. Since our 2013/2014 annual report, the Ministry of Health has made little additional progress toward implementing our recommendations. The ministry now requires Patient Care Quality Offices in the health authorities to track and report to it quarterly on complaints regarding the Bill of Rights (R1(c)). However, the ministry has not reported any information publicly about the information it receives from the health authorities or how it might have evaluated or responded to that information (R1(d)).

The ministry did not provide us with any update on Recommendations 2(a), 3(a), 3(c) or 3(d). These recommendations are that the ministry:

- develop a single provincial website for public reporting of useful information about residential care facilities (R2(a))
- strengthen and the role of resident and family councils by establishing requirements in legislation or regulation (R3(a)) establishing an ongoing position to promote and help develop resident and family councils (R3(c)) and supporting the establishment and development of regional family council organizations.

The ministry's lack of action in implementing these recommendations is disappointing. I made these recommendations in 2009 so that vulnerable seniors in residential care facilities and their families as well as seniors generally would benefit from reliable and accessible reporting of information about residential care facilities—and from the effective and timely advocacy and support that resident and family councils provide. Those goals are, I believe, still valid today.

More detailed updates on the status of recommendations are available on our website.

PUBLIC REPORT NO. 45: *LAST RESORT: IMPROVING FAIRNESS AND ACCOUNTABILITY IN BRITISH COLUMBIA'S INCOME ASSISTANCE PROGRAM*

In March 2009, the Office of the Ombudsperson issued *Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program*. This report included 28 recommendations to what was then the Ministry of Housing and Social Development. The ministry accepted and agreed to implement all the recommendations, except Recommendation 23.

Our recommendations addressed four areas: applying for income assistance, persons with persistent multiple barriers to employment (PPMB), medical and other documentation requirements and implementation of previous commitments.

As in previous years, I am reporting this year that the ministry still has not implemented

the six recommendations related to the PPMB program that it accepted and committed to implement over five years ago (Recommendations 12, 13, 14, 15, 16(A) and (B)). It is inexplicable that the ministry has not made progress on these recommendations when, as I noted last year, some of the recommendations are as straightforward as changing a form.

Even more concerning, the ministry has not conducted, and does not plan to conduct, any file reviews evaluating compliance with policy on immediate needs assessments, as set out in Recommendation 8 which the ministry accepted in 2009 and committed to implement. Similarly, the ministry does not have information to demonstrate its implementation of Recommendation 7.

This recommendation, which the ministry also accepted in 2009 and committed to implement, was that the ministry continuously improve its compliance in providing eligibility appointments within one business day to individuals with immediate needs. This is unfortunate, as people often contact the ministry in times of crisis, which are the exact circumstances that the immediate needs program is supposed to address. In the absence of regular file reviews and audits, the ministry does not have reliable information to determine that it is delivering its immediate needs program fairly and effectively.

More detailed updates on the status of recommendations are available on our website.

Systemic Investigations Completed in 2008/2009

SPECIAL REPORT NO. 32: *FIT TO DRINK: CHALLENGES IN PROVIDING SAFE DRINKING WATER IN BRITISH COLUMBIA*

We have continued to receive updates from the Ministry of Health on steps it has taken to implement recommendations in our 2008 report, *Fit to Drink: Challenges in Providing Safe Drinking Water in British Columbia*, Special Report No. 32. We met with staff from the ministry's Health Protection Branch in December 2014 to discuss progress to date as well as challenges in implementing the remaining recommendations made to the ministry in *Fit to Drink*. In October 2013, the ministry produced a *Small Water System Guidebook*, which it hopes will assist operators of small water systems in addressing water treatment challenges unique to small systems. Just prior to our meeting in December 2014, the ministry published on its website an updated version of its *Drinking Water Officers' Guide*. The ministry plans to make further updates to this guide on an ongoing basis.

The ministry identified two recommendations from *Fit to Drink* that still require work to implement, both of which highlight technological challenges:

- Recommendation 17 relates to the development of initiatives to increase the number of approved laboratories that can carry out bacteriological analysis. While background work on determining when water sampling will be most effective and beneficial has been done, coordinated implementation still has to occur.
- Recommendation 34 relates to the development of a comprehensive drinking water information system. Currently, health authorities continue to use their existing information systems – which are not integrated with each other or the provincial drinking water officer – for storing and accessing drinking water data. This inability to share data effectively between government systems is not limited to public health but is reflective of a broader challenge in prioritizing the replacement of so-called "legacy systems" for record-keeping.

I look forward to receiving further updates as the ministry continues to work toward ensuring that all drinking water in British Columbia is, in fact, fit to drink.

Statistics

Statistical Overview of Work and Performance

The following pages detail a statistical evaluation of our office's work and performance between April 1, 2014 and March 31, 2015.[1]

In fiscal 2014/2015, our office dealt with 7,818 inquiries, requests for information, assistance or complaints. The majority of contact with our office was by telephone (6,411), followed by online forms (872) and letters (376). There were 159 complaints and inquiries made in person.

Thirty-nine per cent of the files opened were from the City of Vancouver and the Lower Mainland, 26 per cent from Vancouver Island and the Sunshine Coast, 19 per cent from the interior and nine per cent from the northern part of the province. The remaining seven per cent were from out of province.

Fifty-four per cent of the files opened involved complaints about provincial government ministries; 27 per cent involved complaints about provincial commissions, boards and Crown corporations; seven per cent involved complaints about local government authorities; and seven per cent involved complaints about health authorities. The majority of the remaining five per cent involved complaints about self-regulating professions, schools and Boards of Education.

The Ministry of Social Development and Social Innovation, Ministry of Children and Family Development, Ministry of Justice, BC Hydro and Power Authority and Insurance Corporation of British Columbia were our five most significant authorities in 2014/2015.

Our early resolution program continues to be a successful initiative. It redirected 333 files that would have previously been sent to investigation into a process that addresses and resolves problems within ten working days. A total of 1,815 individual investigative files were assigned to ombudsperson officers and they closed 1,535 files.[2]

Files awaiting assignment continue to be reviewed regularly and assigned as quickly as possible to an ombudsperson officer for action. On March 31, 2015 there were 410 open files on the list awaiting assignment.

A summary of files opened and closed by authority categories is included at the end of this section. A detailed breakdown by individual authority can be found at www.bcombudsperson.ca.

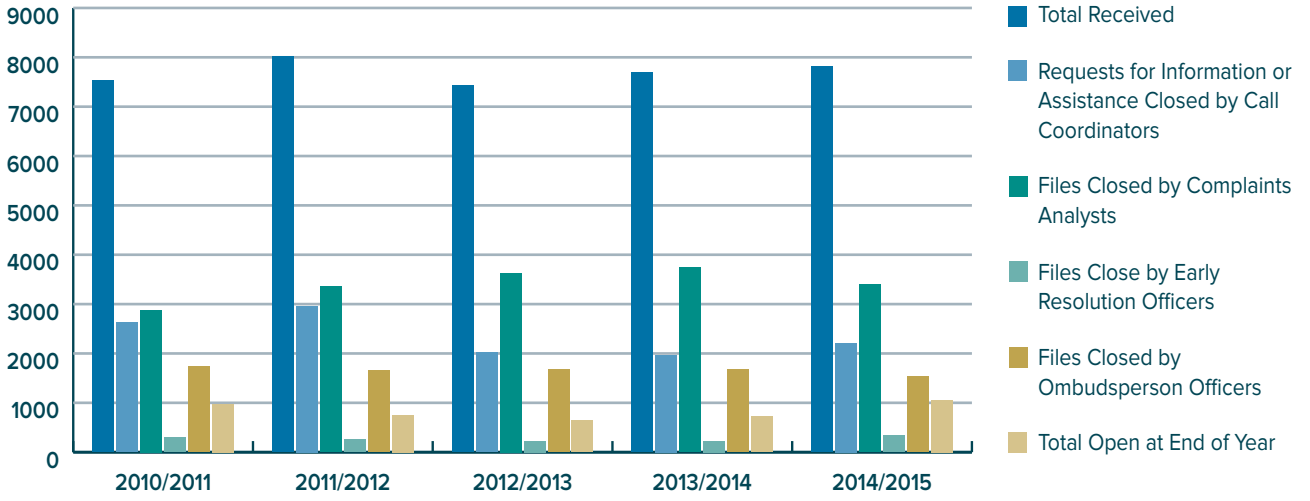
Our office dealt with 7,818 inquiries, requests for information, assistance or complaints in fiscal 2014/2015.

1 This information should be read in conjunction with our *Act*, strategic plan, budget and the rest of this annual report. Together these documents set out our office's mandate, plan resources and results. All of them are available on our website at www.bcombudsperson.ca.

2 Closed files include files from previous years.

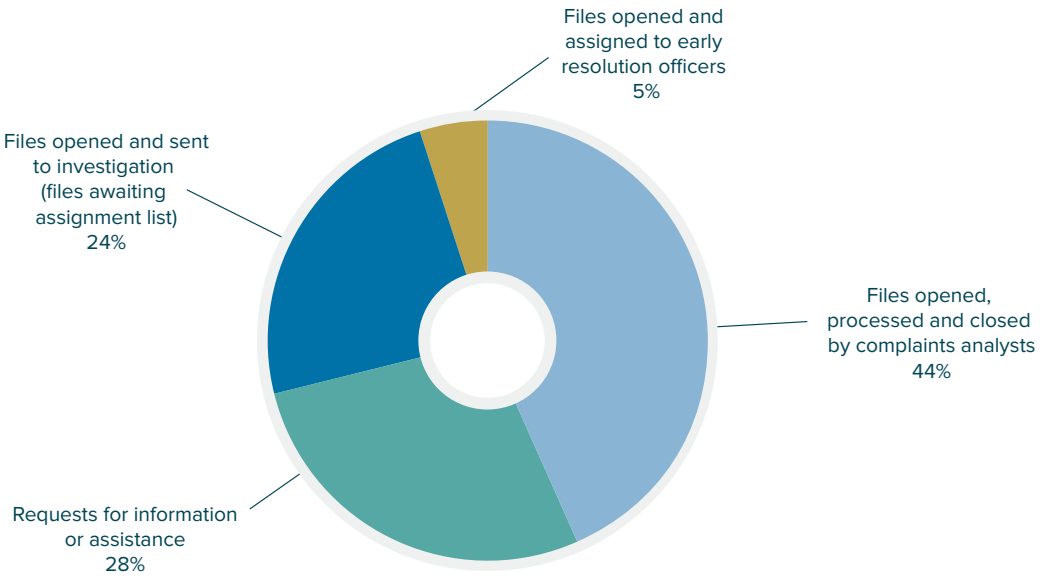
The data contained in the following tables and charts may occasionally vary slightly from previous reports. In such cases, the figures given in the most current report are the most accurate.

Work of the Office



	2010/2011	2011/2012	2012/2013	2013/2014	2014/2015
Open at the Beginning of the Year					
Open Files Assigned	819	751	609	565	473
Open Files Awaiting Assignment	176	228	147	75	246
	995	**979**	**756**	**640**	**719**
Complaints and Inquiries Received					
Requests for Information or Assistance	2,629	2,964	2,020	1,969	2,209
Files Opened	4,901	5,050	5,411	5,717	5,609
	7,530	**8,014**	**7,431**	**7,686**	**7,818**
How Complaints and Inquiries were Dealt With					
Requests for Information or Assistance Closed by Call Coordinators	2,629	2,964	2,020	1,969	2,209
Files Closed by Complaints Analysts	2,878	3,359	3,627	3,744	3,402
Files Closed by Early Resolution Officers	301	256	226	224	333
Files Closed by Ombudsperson Officers	1,739	1,658	1,676	1,671	1,535
	7,547	**8,237**	**7,549**	**7,608**	**7,479**
Open at the End of the Year					
Open Files Assigned	751	609	565	473	648
Open Files Awaiting Assignment	228	147	75	246	410
	979	**756**	**640**	**719**	**1,058**

How We Dealt with Inquiries and Complaints in 2014/2015



Complaints and Inquiries received

376 letters
872 online forms
159 in person

6,411 phone calls

Call Coordinators
Process phone calls

Further assistance required – pass contact information to a Complaints Analyst

Call Coordinators able to answer question or make referral

Call Coordinator deals with request for information or assistance

2,209 requests for information or assistance

Complaints Analysts
Collect information and open files
5,609 files opened by complaints analysts

File not closed at intake – assigned to an Early Resolution Officer

File not closed at intake – sent to Investigation

File closed at intake (referrals, non-jurisdictional, etc.)

Complaints Analyst closes file

3,402 files closed at intake

Early Resolution Officers
Investigate complaints suitable for the early resolution process

364 files assigned to Early Resolution Officers

333 files closed by Early Resolution Officers

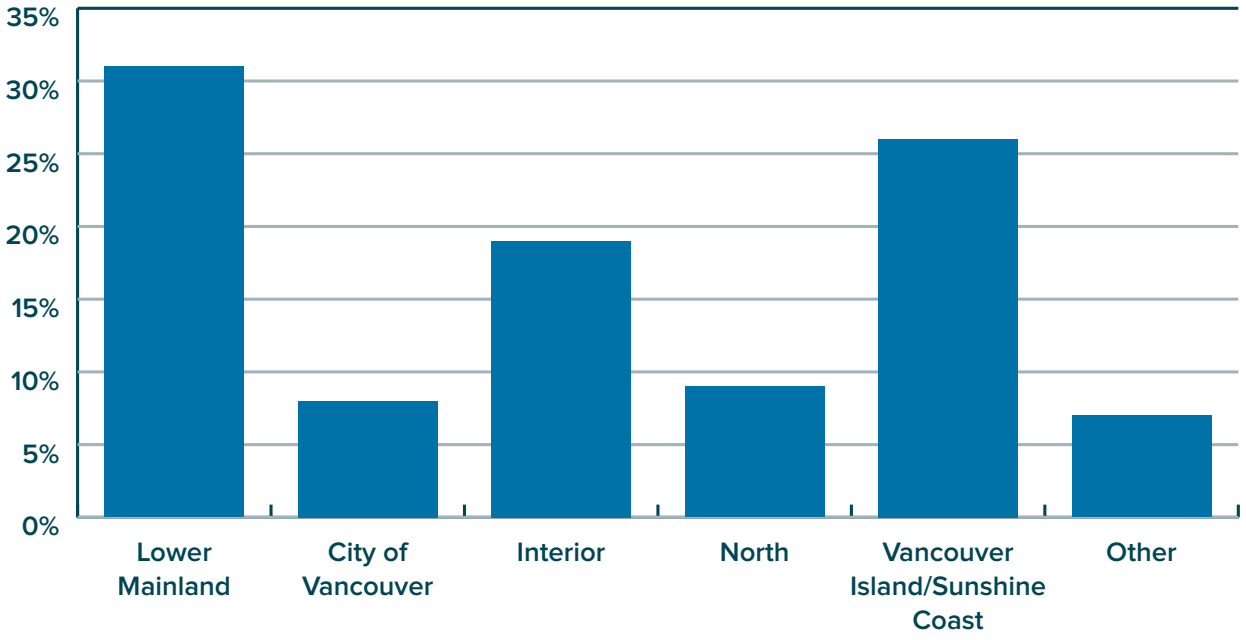
Files Awaiting Assignment (FAA) List

246 files were waiting on the FAA list as of April 1, 2014
1,990 files were sent to the FAA list in 2014/2015 (including **42** transferred early resolution files)
410 files remained on the FAA list as of March 31, 2015

Ombudsperson Officers
Investigate Complaints

1,815 files assigned to Ombudsperson Officers

Complaints and Inquiries Received – By Region



Note: The category "Other" includes complaints/inquiries from people outside BC (213) and from people within BC who did not provide a postal code or city (340).

Complaints and Inquiries Received – By Electoral District

#	ELECTORAL DISTRICT	RECEIVED
1	Abbotsford-Mission	79
2	Abbotsford South	73
3	Abbotsford West	55
4	Alberni-Pacific Rim	115
5	Boundary-Similkameen	131
6	Burnaby-Deer Lake	40
7	Burnaby-Edmonds	64
8	Burnaby-Lougheed	35
9	Burnaby North	32
10	Cariboo-Chilcotin	51
11	Cariboo North	71
12	Chilliwack	81
13	Chilliwack-Hope	95
14	Columbia River-Revelstoke	60
15	Comox Valley	164
16	Coquitlam-Burke Mountain	33
17	Coquitlam-Maillardville	47
18	Cowichan Valley	128
19	Delta North	44
20	Delta South	24
21	Esquimalt-Royal Roads	109
22	Fort Langley-Aldergrove	56
23	Fraser-Nicola	85
24	Juan de Fuca	84
25	Kamloops-North Thompson	131
26	Kamloops-South Thompson	95
27	Kelowna-Lake Country	83
28	Kelowna-Mission	67
29	Kootenay East	78
30	Kootenay West	131
31	Langley	66
32	Maple Ridge-Mission	72
33	Maple Ridge-Pitt Meadows	130
34	Nanaimo	149
35	Nanaimo-North Cowichan	124
36	Nechako Lakes	50
37	Nelson-Creston	130
38	New Westminster	108
39	North Coast	43
40	North Island	189
41	North Vancouver-Lonsdale	55
42	North Vancouver-Seymour	41
43	Oak Bay-Gordon Head	81
44	Parksville-Qualicum	82
45	Peace River North	84
46	Peace River South	82
47	Penticton	121
48	Port Coquitlam	120
49	Port Moody-Coquitlam	33
50	Powell River-Sunshine Coast	150
51	Prince George-Mackenzie	55
52	Prince George-Valemount	136
53	Richmond Centre	21
54	Richmond East	37
55	Richmond-Steveston	30
56	Saanich North and the Islands	98
57	Saanich South	72
58	Shuswap	110
59	Skeena	50
60	Stikine	55
61	Surrey-Cloverdale	41
62	Surrey-Fleetwood	39
63	Surrey-Green Timbers	74
64	Surrey-Newton	46
65	Surrey-Panorama	91
66	Surrey-Tynehead	65
67	Surrey-Whalley	115
68	Surrey-White Rock	70
69	Vancouver-Fairview	48
70	Vancouver-False Creek	75
71	Vancouver-Fraserview	43
72	Vancouver-Hastings	40
73	Vancouver-Kensington	21
74	Vancouver-Kingsway	37
75	Vancouver-Langara	28
76	Vancouver-Mount Pleasant	100
77	Vancouver-Point Grey	46
78	Vancouver-Quilchena	20
79	Vancouver-West End	53
80	Vernon-Monashee	105
81	Victoria-Beacon Hill	192
82	Victoria-Swan Lake	101
83	West Vancouver-Capilano	31
84	West Vancouver-Sea to Sky	74
85	Westside-Kelowna	119
	Total	**6,589**

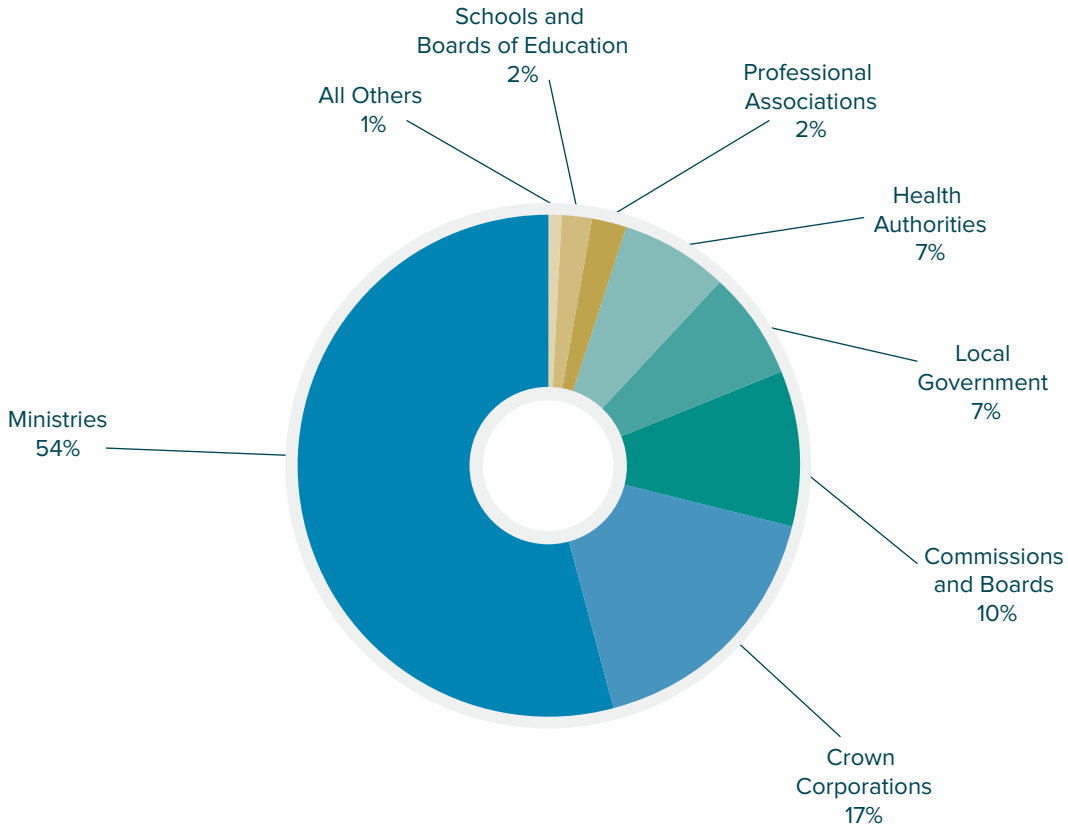
Note: These numbers do not include complaints/inquiries from outside BC (213) or from people who did not provide a postal code or city from which the electoral district could be determined (1,016).

Files Opened – Significant Authorities

		2013/2014	2014/2015
	AUTHORITY	% OF TOTAL JURISDICTIONAL FILES OPENED	% OF TOTAL JURISDICTIONAL FILES OPENED
1	Ministry of Social Development and Social Innovation	21.0%	21.0%
2	Ministry of Children and Family Development	13.2%	12.3%
3	Ministry of Justice	11.0%	10.3%
4	BC Hydro and Power Authority	5.7%	7.1%
5	Insurance Corporation of British Columbia	5.3%	6.6%
6	Workers' Compensation Board	5.5%	4.5%
7	Ministry of Health	2.9%	2.9%
8	Ministry of Finance	1.9%	2.0%
9	BC Housing	1.8%	1.8%
10	Fraser Health	1.4%	1.8%

Note: Ministry of Health file numbers do not include Health Authorities. Ministry of Health files combined with Health Authority files total 9.6% of jurisdictional files.

Files Opened – By Authority Category



MINISTRIES (54%)		
Social Development and Social Innovation	39%	1061
Children and Family Development	23%	620
Justice	19%	520
Health	5%	145
Finance	4%	103
Natural Gas Development (responsible for Housing)	3%	77
Forests, Lands and Natural Resource Operations	2%	44
Transportation and Infrastructure	1%	40
Education	1%	24
Jobs, Tourism and Skills Training	1%	23
Advanced Education	1%	20
Other Ministries	1%	41

CROWN CORPORATIONS (17%)		
BC Hydro and Power Authority	43%	360
Insurance Corporation of British Columbia	40%	333
BC Housing	11%	91
Community Living BC	3%	22
BC Assessment	1%	10
Other Crown Corporations	2%	27

COMMISSIONS AND BOARDS (10%)		
Workers' Compensation Board	44%	226
Public Guardian and Trustee	14%	71
Workers' Compensation Appeal Tribunal	7%	34
TransLink	6%	31
BC Utilities Commission	5%	26
Human Rights Tribunal	3%	16
Private Career Training Institutions Agency	3%	14
Other Commissions and Boards	18%	95

LOCAL GOVERNMENT (7%)		
City of Vancouver	7%	24
City of Grand Forks	5%	20
City of Nanaimo	3%	12
City of Surrey	3%	10
Regional District of Central Kootenay	3%	10
Regional District of Nanaimo	2%	9
District of North Vancouver	2%	8
District of Tumbler Ridge	2%	8
Cariboo Regional District	2%	8
Comox Valley Regional District	2%	8
Regional District of Kitimat-Stikine	2%	8
Other Local Government	66%	246

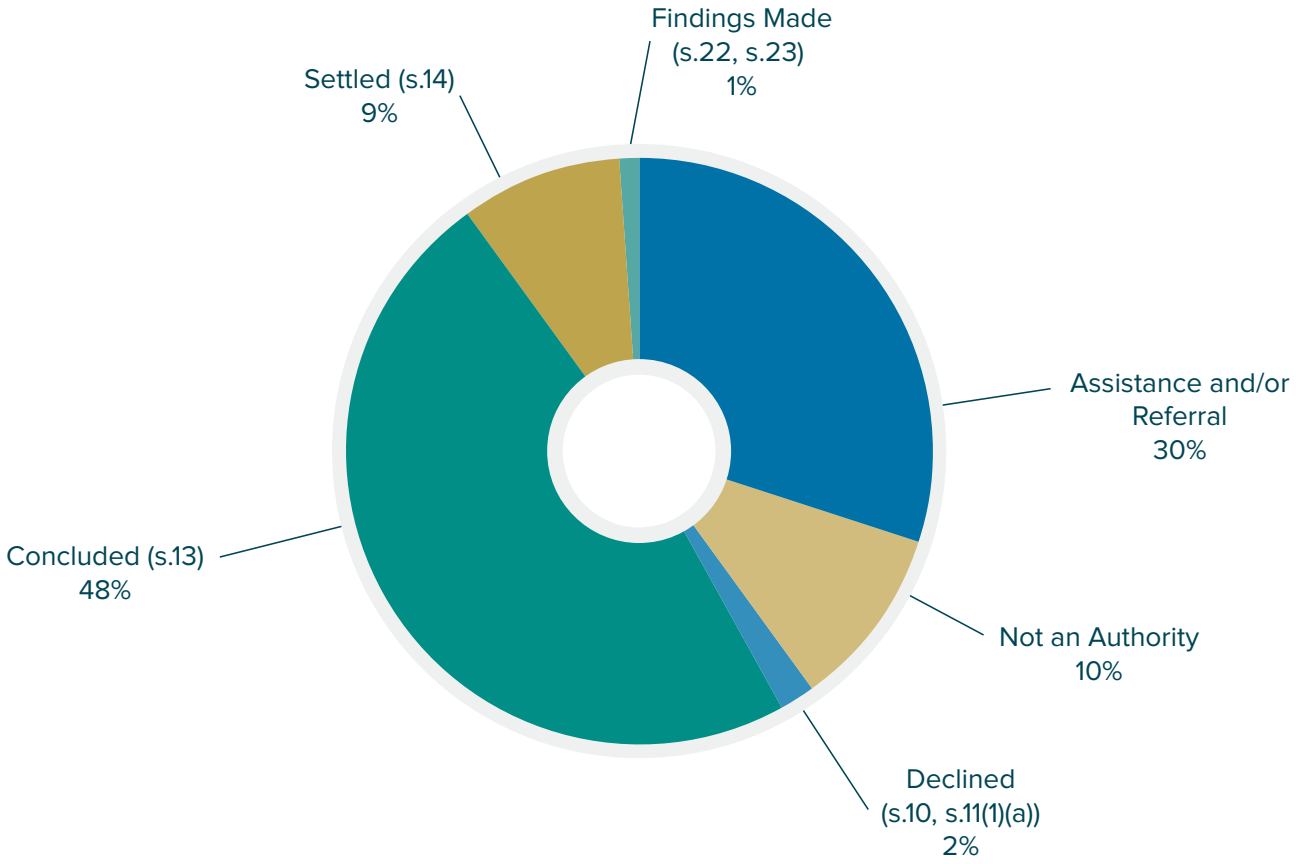
HEALTH AUTHORITIES (7%)		
Fraser Health	27%	90
Island Health	25%	86
Vancouver Coastal Health	18%	60
Interior Health	17%	59
Provincial Health Services Authority	8%	26
Northern Health	5%	17

PROFESSIONAL ASSOCIATIONS (2%)		
Law Society of British Columbia	40%	45
College of Physicians and Surgeons of BC	28%	31
College of Dental Surgeons of BC	4%	4
College of Pharmacists of BC	4%	4
Other Professional Associations	24%	27

SCHOOLS AND BOARDS OF EDUCATION (2%)		
School District 69 (Qualicum)	20%	17
School District 36 (Surrey)	8%	7
School District 39 (Vancouver)	8%	7
Other School Districts	64%	56

ALL OTHERS (1%)		
Universities	48%	34
Colleges	43%	30
Libraries	6%	4
Parks Boards	3%	2

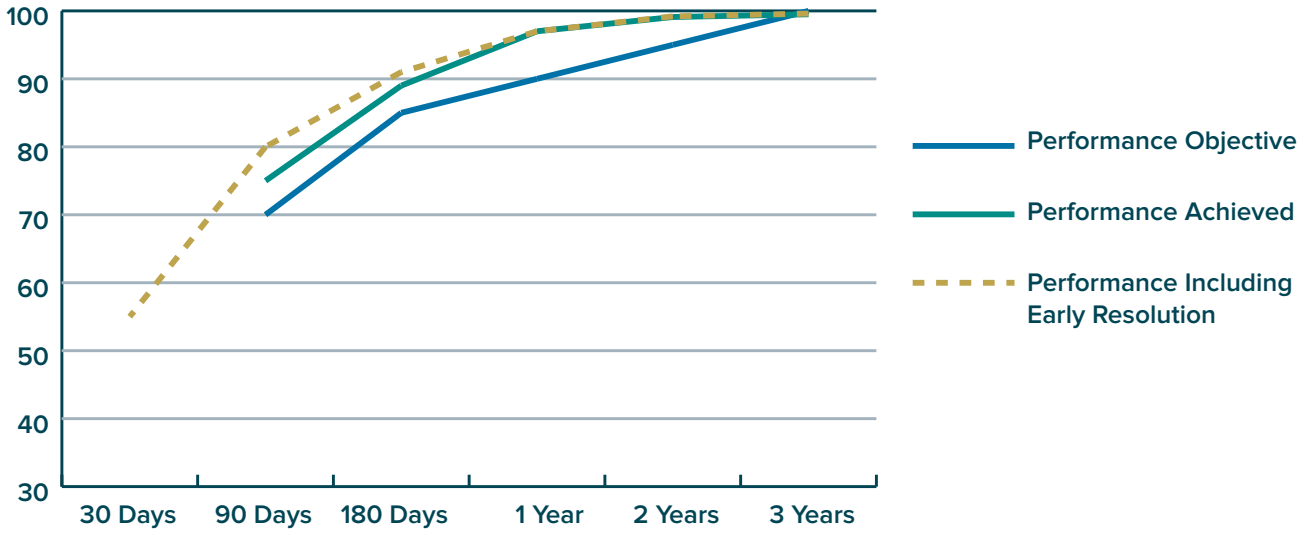
Files Closed – By Closing Status



CLOSING STATUS	MATTERS CLOSED
Assistance and/or Referral	1,578
Not an Authority	558
Declined (s.10, s.11(1)(a))	87
Concluded (s.13)	2,540
Settled (s.14)	494
Findings Made (s.22, s.23)	81
Total Matters Closed	**5,338**
Total Files Closed*	**5,270**

* Files closed may have one or more matters of administration identified and each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

Files Closed – Length of Time to Close



	2010/2011*		2011/2012*		2012/2013*		2013/2014*		2014/2015*	
Closed Within 30 Days	639	38%	517	35%	600	37%	589	36%	684	45%
Including early resolution files	926	47%	773	45%	826	45%	812	43%	1018	55%
Closed Within 90 Days	1118	66%	939	64%	1072	66%	1129	68%	1140	75%
Including early resolution files	1398	71%	1195	69%	1298	70%	1352	72%	1474	80%
Closed Within 180 Days	1411	83%	1232	83%	1343	83%	1425	86%	1349	89%
Including early resolution files	1694	86%	1488	86%	1569	85%	1649	88%	1683	91%
Closed Within 1 Year	1587	93%	1403	95%	1526	94%	1574	95%	1462	97%
Including early resolution files	1885	94%	1659	96%	1752	95%	1798	96%	1796	97%
Closed Within 2 Years	1683	98.9%	1463	99.1%	1605	99.3%	1631	98.4%	1500	99.1%
Including early resolution files	1984	99.1%	1719	99.2%	1831	99.3%	1855	98.6%	1834	99.2%
Closed Within 3 Years	1696	99.7%	1474	99.8%	1609	99.5%	1650	99.5%	1507	99.5%
Including early resolution files	1997	99.8%	1730	99.8%	1835	99.6%	1874	99.6%	1841	99.6%

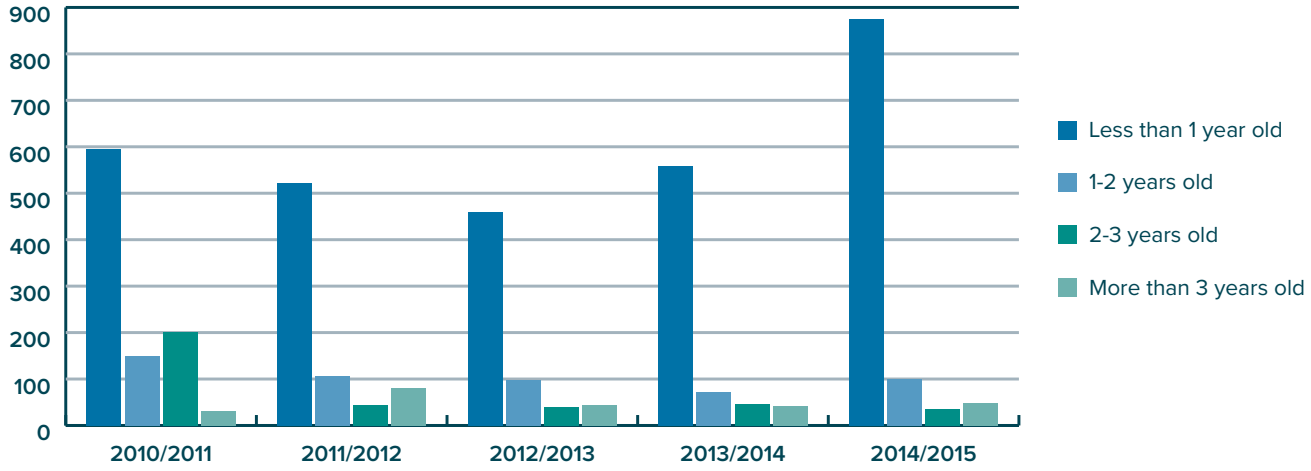
Performance Objectives**

70% closed within 90 days
85% closed within 180 days
90% closed within one year
95% closed within two years
100% closed within three years

* Elapsed time does not include time spent on the Files Awaiting Assignment list.

** These performance objectives apply to files closed by the investigative teams. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

Open Files – Age of Files at Year End



	2010/2011		2011/2012		2012/2013		2013/2014		2014/2015	
Less than 1 year old	595	61%	523	69%	459	71%	559	78%	875	82%
1-2 years old	150		107		98		72		100	
2-3 years old	202	39%	45	31%	39	29%	46	22%	35	18%
More than 3 years old	32		81		44		42		48	
Total Open Files at Year End	**979**		**756**		**640**		**719**		**1,058**	

Authority Categories – Summary

The Office of the Ombudsperson has jurisdictional authority over provincial public authorities as laid out in the Schedule to the *Ombudsperson Act*. These have been grouped below into categories. A complete detailed list of authorities and numbers of files opened and closed can be found at www.bcombudsperson.ca

AUTHORITY CATEGORIES BY SECTION OF THE SCHEDULE TO THE *OMBUDSPERSON ACT*	OPEN FILES AS OF APRIL 1, 2014	REQUESTS FOR INFORMATION OR ASSISTANCE	FILES OPENED	FILES CLOSED*								OPEN FILES AS OF MARCH 31, 2015**
				ASSISTANCE AND/ OR REFERRAL	DECLINED (S.10, 11)	CONCLUDED (S.13)	SETTLED (S.14)	FINDINGS NOT SUBSTANTIATED (S.22)	FINDINGS SUBSTANTIATED (S.23)	TOTAL MATTERS CLOSED	TOTAL FILES CLOSED	
Ministries	304	200	2718	806	50	1342	365	37	0	2600	2566	456
Commissions and Boards	84	130	513	233	36	157	31	9	0	466	461	136
Crown Corporations	105	32	843	155	1	580	39	16	0	791	788	160
Municipalities	94	9	266	56	0	183	19	13	0	271	259	101
Regional Districts	15	2	94	27		53	3	2	0	85	85	24
Islands Trust	0	0	3	1	0	1	0	0	0	2	2	1
Improvement Districts	7	0	8	1	0	13	5	0	0	19	10	5
Libraries	3	0	4	4	0	3	0	0	0	7	7	0
Parks Boards	5	0	2	1	0	2	0	0	0	3	3	4
Schools and School Boards	27	1	87	21	0	49	5	1	0	76	75	39
Universities	2	2	34	13	0	10	2	0	0	25	25	11
Colleges	3	0	30	14	0	7	2	0	0	23	22	11
Professional Associations	23	38	111	66	1	29	4	1	0	101	101	33
Health Authorities	43	45	338	178	0	110	19	2	0	309	306	75
Totals	715	459	5051	1576	88	2539	494	81	0	4778	4710	1056

* For investigation files, the number of files closed is not the same as the number of closings. Starting July 2003, we began closing each issue, or matter of administration identified on file, separately. Each investigation file has one or many matters of administration. Therefore the number of matters closed during a period may be greater than the number of files closed during that period. A file is considered closed when all of its matters of administration are closed.

** This number does not include two open files whose authority had not been determined as of March 31, 2015.

The Office of the Ombudsperson
B.C.'s Independent Voice For Fairness

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