

2018 Annual Report



Ombudsman
Toronto

Listening. Investigating. Improving City Services.

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Ombudsman's Message



This is Ombudsman Toronto's 10th Annual Report. It celebrates a decade of working for fairness in City services and administration.

At its core, government is about people. In the words of Toronto's City Manager, private companies are in business to earn profit but the business of governments is to earn people's trust and confidence. There are few quicker ways to lose someone's trust and confidence than to treat them unfairly.

Every day, City staff engage in thousands of interactions with members of the public. We see countless examples of them doing so fairly and equitably, showing empathy and humanity. But sometimes, people feel unheard, disrespected or dismissed. City staff need to put themselves in the shoes of the people they are serving and try to imagine how they would feel in their place. This means listening, trying to help and providing information in a way that someone can understand.

Besides our work investigating and resolving the public's complaints and concerns, we continue to consult with City staff to teach them what fair service requires. The response at all levels has been enthusiastic and positive. Senior City staff have said that when designing a new process or responding to a complaint, they ask themselves, "What would the Ombudsman say?" This is a sign that the work of the Ombudsman Toronto team over the past decade is making a difference, resulting in fairer service to people.

We continued to innovate in 2018, introducing a new digital case management system to better support our case work. We also refined the Ombudsman Toronto Enquiry, our nimble and flexible tool for handling cases to optimize our use of limited office resources.

A word about resources: after a decade, it is clear that the City's budget process has not served Ombudsman Toronto's needs. Over the years, the

Ombudsman's call for resources necessary to fulfill the office's mandate has repeatedly gone unheeded. The time for funding reform is overdue.

I want to acknowledge the energy, creativity and dedication of the Ombudsman Toronto team over the years and recognize several current employees — fully one third of our staff complement — who joined the office when it opened 10 years ago, or soon after. It is because of Ombudsman Toronto's exceptional people that we have been able to accomplish so much.

I thank the many people who have entrusted their complaints and concerns to us and the many public servants who have worked with us in a respectful, open minded and constructive way to find solutions and make things work better.

Toronto has seen many changes over the last decade. No doubt the next decade will bring many more. With rapid growth, staff being asked to find efficiencies and make taxpayer dollars go ever farther, increasing use of technology in how the City delivers services and a growing proportion of marginalized residents, the challenge will be to ensure that the City runs in a way that is fair to all, not just those who are able to advocate for themselves.

Regardless of how big and complex the City of Toronto's government becomes, at its core it will still be about people. Ombudsman Toronto will keep working to ensure that it treats all those people fairly and equitably, befitting Toronto's proud reputation as a diverse, caring city.

A handwritten signature in black ink, reading "Susan E. Opler".

Susan E. Opler, Ombudsman

Vision

A City of Toronto government that treats all people fairly.

Mission

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

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

Values

Independence and Impartiality

Fairness and Equity

Accessibility

Respect and Empathy

Willingness to Help

Professionalism



Our Team

We work to build a culture of fairness at the City of Toronto with every case we handle.



Your staff are exceptional and their input continues to be deeply valuable.

– Senior City Staff

Congratulations on the amazing work that you are doing. You are really adding value to the City of Toronto and conducting your work in an incredibly admirable and non-partisan way. I know that this is your mandate but it is easier said than done.

– Member of the public

What is Administrative Fairness?

The City of Toronto government has a duty of administrative fairness: the law requires it to treat all members of the public fairly and equitably.

We think of this as a triangle.

Whenever the City delivers a service – and whenever we consider a complaint – all three parts of the triangle apply. While the context will dictate what each case requires, every interaction between City staff and members of the public demands a Fair Process, a Fair Outcome and Fair Treatment.

FAIR PROCESS GIVES PEOPLE

- an opportunity to be heard on decisions or services that affect them
- reasons for decisions
- service in a reasonable time

FAIR OUTCOME REQUIRES THAT STAFF

- act within legal authority
- make decisions without bias and based only on relevant considerations
- apply rules, policies and procedures with reasonable consistency

FAIR TREATMENT MEANS EVERY PERSON INTERACTING WITH THE CITY OF TORONTO GOVERNMENT HAS THE RIGHT TO

- be treated with dignity, respect and care
- clear and understandable communication
- accessible services that meet their needs
- be listened to and to receive an apology when necessary



What We Oversee

City services in our scope include

- animal services
- building permits
- by-law enforcement
- child care
- electricity
- fire safety
- garbage and recycling
- insurance claims
- long-term care
- parking disputes
- parks, forestry and recreation
- property standards
- property tax
- public health
- roads / sidewalks / bike lanes
- shelters
- social housing
- social services
- transit
- water bills
- winter maintenance

We oversee all City divisions and most City agencies, corporations and adjudicative bodies. For a full list, visit ombudsmantoronto.ca



What We Do

Ombudsman Toronto is an independent and effective voice for fairness. We identify problems, find practical solutions and make recommendations for the City to improve how it serves people.

Our services are fully accessible, free, confidential and for everyone. When someone gets in touch with us, we listen to them and determine whether and how we can help.

Our Process: Enquiries and Investigations

ENQUIRY

What is it? The Ombudsman Toronto Enquiry is an informal, flexible and nimble tool we use to consider an issue, gather information and look for a resolution as quickly as possible. An Enquiry may take from a couple of days to several months to complete, depending on its complexity.

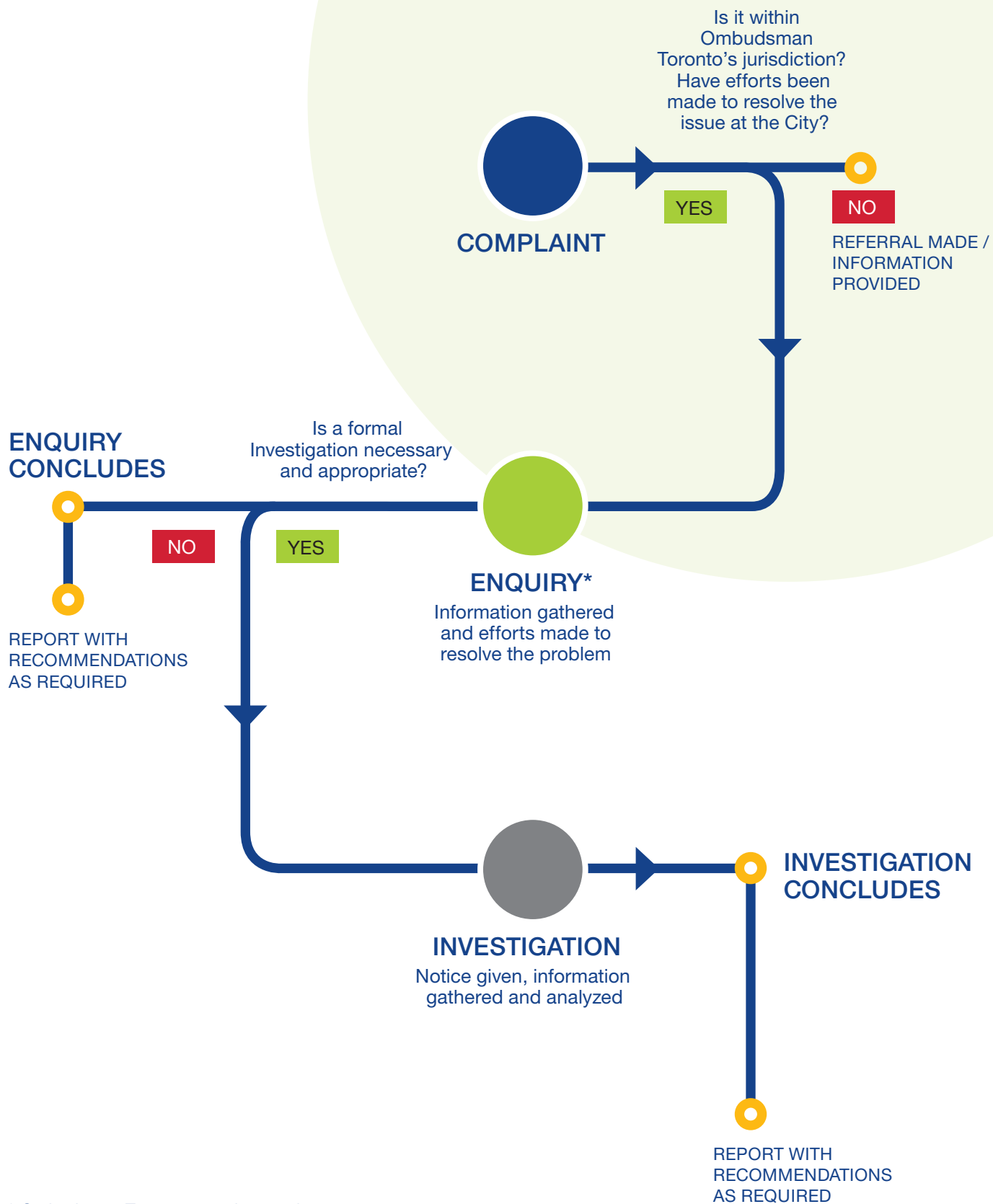
What is the result? Most Enquiries conclude informally with a call or letter to the complainant and to the City explaining the outcome of our work. Occasionally, for example when an Enquiry results in systemic recommendations to improve the fairness of City services, we publish an Enquiry Report on our website.

INVESTIGATION

What is it? We may launch an Investigation when an Enquiry reveals complex systemic issues that require further, in depth exploration. This is a more formal and involved process than an Enquiry – and it takes longer. During an Investigation, we gather and analyze information, delve deeply into the issues we identify and make formal recommendations for improvement.

What is the result? Most Investigations conclude with a public Investigation Report that we table with City Council and post on our website.





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



Public Reports in 2018: Enquiries and Investigations

Investigation into Toronto Community Housing Corporation's Medical and Safety at Risk Priority Transfer Process For Tenants

ISSUE: Toronto Community Housing Corporation's (TCHC) Medical and Safety at Risk transfer process was meant to help tenants transfer to a different unit when their current unit was putting their safety or health at risk. Two tenant households complained to Ombudsman Toronto that their applications for Medical and Safety at Risk priority transfers had been unfairly denied. In one case, a young mother asked that her family be moved after she witnessed a violent crime outside her building. Soon after, an intruder entered her unit and left a gun in her child's drawer. A different family requested a transfer after someone fired gunshots into their living room and their children were assaulted coming home from school.

INVESTIGATION: After helping to resolve both complaints through the Enquiry process, we remained concerned about whether the procedures for priority transfer were fair and responsive to the needs of TCHC tenants. We launched an Investigation, examining 606 applications for priority transfer, reviewing relevant policy documents and legislation, interviewing TCHC staff and speaking to tenants.

FINDINGS: The priority transfer process was unfair. We identified administrative problems at every stage of the process and two pressing issues of equitable fairness:

1) The Medical and Safety at Risk priority transfer process gave tenants false hope – very few households on the waiting list had any prospect of a timely transfer to another unit. This was because tenants TCHC classified as “Overhoused”, having more space than they needed, had a higher priority for transfer.

2) The Medical and Safety at Risk priority transfer process did not attempt to identify and serve the most urgent cases first. Tenants in crisis waited on a bloated and stale waiting list behind tenants whose medical and/or safety needs were much less serious and immediate.

RECOMMENDATIONS: We made 21 recommendations, including that TCHC and the City work together to create a new “Crisis” priority transfer category for the most urgent health and safety cases, to rank higher in priority than the “Overhoused” category.

TCHC accepted all of the Ombudsman's recommendations and promptly implemented a new Crisis priority transfer process. TCHC reports that the new process has enabled it to identify and meet the needs of tenants with the most serious health or safety concerns related to their units.

Enquiry into City of Toronto Winter Respite Services, 2017-18 Winter Season

ISSUE: Ombudsman Toronto responded to public concern about how people experiencing homelessness could find and access the City's Winter Respite sites. We launched an Enquiry to review how the City communicated information about Winter Respite sites as well as conditions at the sites.

ENQUIRY: We visited the Respite sites and spoke to City staff and people using these services. We also spoke with other community stakeholders, including people who had called the City and received inaccurate information about the availability of spaces. We spoke to 311, Central Intake and the Shelter Support and Housing Administration division (SSHA) to understand how they worked together and shared information.

WE IDENTIFIED TWO BROAD AREAS OF UNFAIRNESS:

Communication: The information the City provided to the public was overwhelmingly outdated, inaccurate and inconsistent. For example, the City created confusion by using at least 12 different terms for the same service.

Conditions: The conditions at Winter Respite sites were inconsistent and sometimes inadequate. There was unacceptable disparity in the services offered at different locations.

RECOMMENDATIONS: We made 18 recommendations to improve the communication of information about Winter Respite sites and their conditions. Given the urgency of the situation, we made nine immediate recommendations while the Enquiry was still underway, including that the City immediately implement regular temperature and maintenance checks at all sites.

WE MADE NINE MORE RECOMMENDATIONS AT THE CLOSE OF OUR ENQUIRY, INCLUDING THAT THE CITY:

- develop standards for the Winter Respite sites
- require all staff to use the same terminology and streamline information for the public
- develop a system for sharing up-to-date Winter Respite occupancy information
- clarify the roles of 311, Central Intake and the Streets to Homes Assessment and Referral Centre (SHARC)
- consult with people using the services, agencies, stakeholders and professionals working on behalf of people experiencing homelessness on how to improve Winter Respite services

IMPACT: Our recommendations improved how the City delivers this critical service for vulnerable people. For the 2018-2019 winter season, SSHA clarified its messaging, streamlined its admission process, put standards for Respite sites in place, added new sites and started public consultations.



The Ombudsman and her team have helped energize and support our team as we work to bring about positive changes in the way services are delivered to residents of Toronto. The leadership and openness of the Ombudsman's office has truly made an impact on the quality of service. The value of the Ombudsman's office – both to City staff and to residents of Toronto – cannot be overstated. Our thanks to Susan and her excellent team!

– Senior City Staff

I would like to [extend] my gratitude to the Ombudsman and her dedicated team of investigators for compiling this report, going out in the middle of winter – in the middle of this communications storm – to try to find clarity.

– City Councillor

Enquiry into the City of Toronto's Handling of a Building Permit for Construction of a House

COMPLAINT: The City gave Mr. L building permits to demolish his corner-lot house and build a new one. It then revoked the permit when the house was almost finished, because the driveway was on the wrong side of the lot. Mr. L had to apply for a minor variance from the Committee of Adjustment to fix this issue, which the City appealed to the Ontario Municipal Board (OMB). Then the City withdrew its appeal before the OMB hearing took place. Mr. L complained to us that he had been unable to occupy his new house because of what he considered a series of mistakes by the City.

ENQUIRY: We gathered information, reviewed the relevant legislation and spoke with City staff and Mr. L. We found fairness problems in two key areas:

Documentation: The City had no record of staff informing Mr. L that it had issued his building permit in error before they revoked it, and there was no clear process for how and when to notify permit holders about such problems.

Communication: Although the Committee of Adjustment had complied with the Planning Act by providing written notice to Mr. L when the City withdrew its appeal to the OMB, we learned that they had since stopped doing this for other cases.

RECOMMENDATIONS: We made three recommendations. First, Toronto Building should create a process outlining the steps for staff to follow when the City issues a permit in error. Second, staff should document the steps they take in the process. Third, the Committee of Adjustment should let people know when the City withdraws an appeal of their case.

Enquiry into the City's Delay of Almost Nine Years Collecting a Provincial Offences Act Fine

COMPLAINT: Mr. D contacted us after receiving a letter from a collections agency informing him that he owed the City money resulting from a Highway Traffic Act (HTA) conviction more than nine years earlier.

ENQUIRY: We gathered information, spoke with City staff and Mr. D, and reviewed the relevant legislation. We found that Mr. D's case was extremely unusual – his was one of 0.001% of all cases where the computer system did not automatically generate a Notice of Fine and Due Date. We found fairness problems with how the City handles cases like Mr. D's:

Gaps in the System: There was no process in place to tell people with cases like Mr. D's that they had a fine owing.

Communication: Because of this system gap, some people did not know that they had been ordered to pay a fine, for how much, when it was due or how they could pay. This was unfair.

RECOMMENDATIONS: We made two recommendations, including the creation of a Notice of Fine and Due Date for cases like Mr. D's.



Enquiry into How the City Handled the Sale of a Tenant's Business at St. Lawrence Market

COMPLAINT: The City owns the St. Lawrence Market and rents out space to businesses. Mr. Q wanted to sell his business and needed City approval to transfer his lease. He had paid the City rental arrears that had accrued from time to time over the years. Although the lease said that the City would charge interest on rental arrears, it did not bill him for the interest until shortly before the sale. Mr. Q contacted Ombudsman Toronto, complaining that the City had unfairly delayed the sale of his business.

ENQUIRY: After gathering information and speaking with Mr. Q and City staff, we identified one principal issue:

Communication: The City did not tell tenants clearly or in a timely way that it was charging interest on rental arrears.

RECOMMENDATIONS: We made three recommendations to improve how the City communicates with tenants about interest on rental arrears and how it documents interactions with tenants.

Enquiry into the Section 37 Agreement for the Historic Mimico Train Station

ISSUE: Ombudsman Toronto heard that the City was not adequately enforcing a Section 37 Agreement under the Planning Act that required a developer to restore a historic train station. A community volunteer group, originally formed to restore the station, believed the developer and the City had not followed their original plans for the station, which was now sitting empty and unused.

ENQUIRY: After speaking to City staff and the Mimico Station Community Organization and reviewing relevant policies, procedures and legislation, we identified fairness problems in two areas:

Communication: The City did not keep the community group adequately involved or informed and even internal staff communications were unclear and confused.

Enforcement and Implementation: The City did not adequately monitor and enforce the terms of the Section 37 Agreement, leading to confusion and misunderstanding about what needed to be done, when, and by whom.

RECOMMENDATIONS: We made nine recommendations to strengthen City monitoring and enforcement of Section 37 Agreements and ensure that community benefits are realized. We also recommended that the City make a plan for the future of the station.



A Decade of Listening, City Services

Ombudsman Toronto's Impact

15,000+ complaints

950+ Investigations and Enquiries

450+ published recommendations to
improve how the City serves people

**26 FORMAL INVESTIGATIONS OVER 10 YEARS
COVERING A RANGE OF IMPORTANT ISSUES
FOR PEOPLE IN TORONTO, INCLUDING:**

HOUSING: We conducted 6 Investigations into different fairness concerns in City-run housing programs, addressing issues from eviction over rental arrears to human resource policies to priority tenant transfers.

EMERGENCY SERVICES: We looked into serious health and safety issues, including the City's response to major fires and neighbourhood-level emergencies. We also reviewed how the City addresses psychological injuries arising from the work of paramedics and emergency medical dispatchers.

TRANSIT: We published three Investigation reports focused on fairness issues in our transit system, from infrastructure to customer surveillance and safety.

SERVICE CHARGES, PERMITS AND FEES: We investigated how the City can deal more fairly with parking tickets, water bills, park permits, potholes, floods and broken branches: all services with a daily impact on people's lives.

In my view, Ombudsman Toronto has delivered and exceeded on all the goals that were envisioned when the function was first created. I think one of the most important successes of Ombudsman Toronto is the broad organizational changes that have been realized through the systemic investigations that the office has undertaken over the last ten years. Happy 10th anniversary! Well done.

– Senior City Staff

Investigating, Improving

Efficient and Effective

We continuously improve our own policies and practices to serve the public and City of Toronto staff at a high standard. Notable accomplishments include:

- Robust service standards
- A modern, efficient and effective digital Case Management System
- The innovative Ombudsman Toronto Enquiry, a nimble and flexible tool for fairness
- Equitable access to our services, thanks to a comprehensive complaint management approach

Thanks for being so accessible to the public and the citizens of the City of Toronto.

– Complainant

What's Ahead

In our second decade, we will focus on:

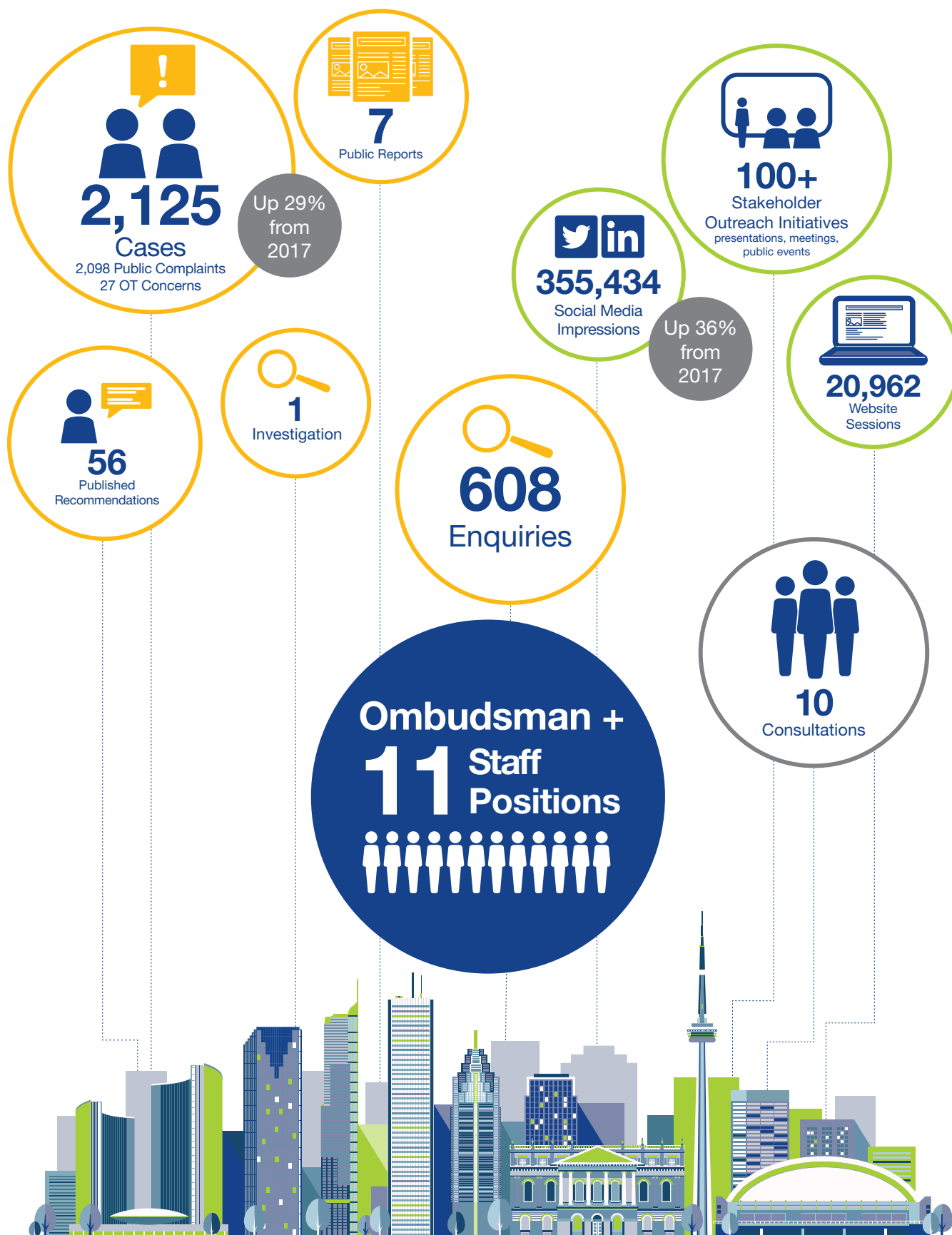
- Ensuring the City of Toronto serves people fairly in the face of many challenges including a growing, diverse and aging population, increasing social inequality, the quick pace of land development and a resulting strain on infrastructure
- Striking a balance between working reactively (receiving complaints, analyzing what went wrong, making recommendations) and proactively (helping the City design fair services and complaints processes), with limited office resources
- Reaching Torontonians in their neighbourhoods and communities
- Overseeing a growing and increasingly interconnected and complex City of Toronto government

By building on our resilient, responsive and innovative approach, Ombudsman Toronto will continue to serve Torontonians, ensuring we fulfill our mandate and meet our mission: to be an independent and effective voice for fairness at the City of Toronto.

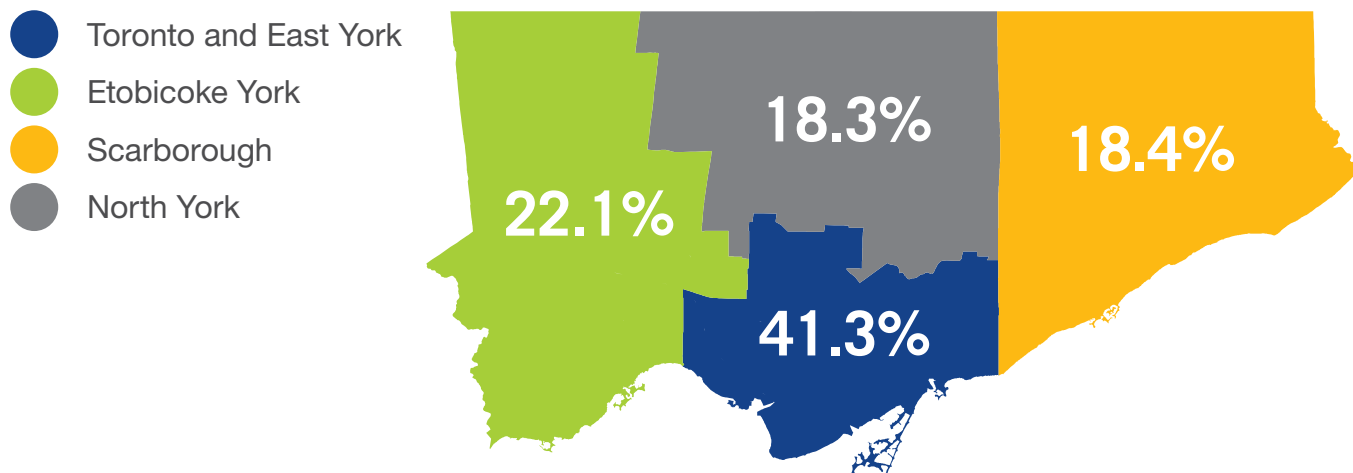
As a senior public servant, I particularly appreciate the office's efforts to proactively resolve problems and to provide leadership in promoting accountability in the public service. Ten years in, I cannot imagine a City of Toronto without an Ombudsman's office.

– Senior City Staff

2018 At A Glance



Who We Heard From



Who We Heard About Most Often

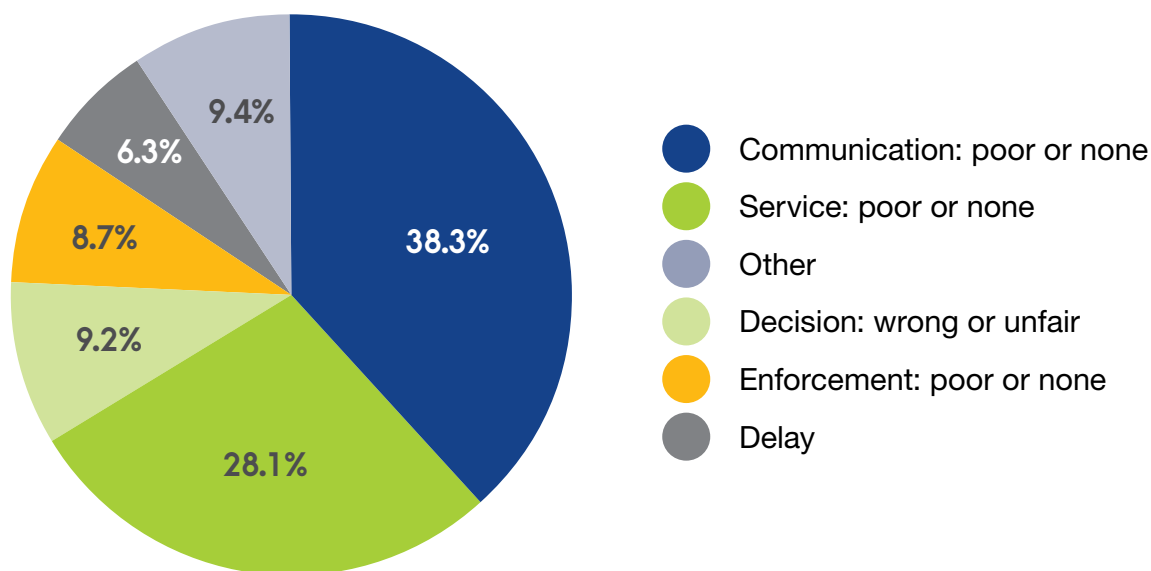
in alphabetical order

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

What We Found: Fairness Problems

IN 2018, WE IDENTIFIED FAIRNESS PROBLEMS IN 63% OF OUR ENQUIRIES AND INVESTIGATIONS.

The breakdown of problems we found:





I want to thank the
Ombudsman for
her report because
frankly I learned a
lot [...] her report is
going to be required
reading in my office.

– City Councillor

Sincerely, we think very
highly of you, personally,
and the work your office
does, every day, to make
this City better. It is
genuinely inspiring.

– Senior City Staff

A photograph of a city rooftop with a large yellow circle overlay. The circle contains text. The background shows a dense urban landscape with various buildings, including a prominent brick building with a fire escape and a building with a green-tiled roof. A large white air conditioning unit is visible on the left side of the rooftop. The sky is overcast.

Not only was our client
incredibly grateful, we
were very impressed
with how seriously and
expeditiously the office
handled the situation.

– Legal clinic representing a complainant

Case Stories

Ombudsman Toronto's Work Helping to Solve Problems Behind the Scenes

IN 2018, WE HANDLED 2125 CASES OF ALL SHAPES AND SIZES. WHAT FOLLOWS IS A VERY SMALL SAMPLE OF WHAT WE DID AND HOW WE HELPED:

1. STRAIGHTENING OUT AN ONTARIO WORKS MIX-UP

Ms. A, a client of Toronto Employment & Social Services (TESS), called Ombudsman Toronto because her Ontario Works (OW) benefits were late and she believed a new caseworker had wrongly reduced her payment. Enrolled in an OW program for working single mothers, Ms. A was receiving monthly funds to help her provide for her family's needs. She found herself unable to pay her rent or other pre-authorized payments and was charged extra fees.

We contacted TESS, who reviewed the matter and confirmed the error. We also found that they did not keep clear records of claims and complaints, making it difficult to determine what had happened.

To fairly resolve the problem, TESS agreed to reimburse Ms. A for costs she had incurred by writing cheques without sufficient funds and it transferred her file to her original case worker. Staff acknowledged their mistakes in Ms. A's case and agreed to learn from them.

2. HARMONIZING THE RULES FOR FRONT YARD PARKING

While reviewing a complaint about a front yard parking pad, we found two problems with the City's front yard parking By-law (Chapter 918). First, although the By-law required applicants to maintain a certain portion of their lawn as grass or other absorbent material, the landscaping requirements were unclear. Second, there was a possible conflict between the landscaping requirements in the front yard parking By-law and in the City-wide zoning By-law, which also has landscaping requirements for the private portion of front yards. It was unclear how staff should process applications for front yard parking permits and apply the correct landscaping requirements.



We spoke with management in the Transportation Services division about our concerns, and requested that they clarify the landscaping requirements then seek amendments to the front yard parking By-law. As a result, they submitted a report to the Public Works and Infrastructure Committee and then to City Council, recommending amendments to the By-law to clarify the landscaping requirements for front yard parking pads. City Council adopted the staff recommendations and amended both the front yard parking By-law and the City's zoning By-law to make the rules clear and consistent.

3. GETTING AN APOLOGY FOR A MISDIRECTED ACCUSATION

Ms. K, a Toronto Community Housing Corporation (TCHC) tenant, received a warning letter accusing her of triggering the fire alarm in her building. She tried to contact her tenant coordinator and building manager but they did not respond. She called Ombudsman Toronto because she did not believe she was responsible and thought the warning was therefore unfair.

We spoke to the Building Manager, who confirmed that the letter had identified the wrong unit. TCHC issued a letter of apology to Ms. K and removed the warning letter from her file.

4. CONFIRMING RESPONSIBILITY FOR AN UNPAID UTILITY BILL AND SECURING PAYMENT

Ms. G was unaware that she had not been paying her water bill, mistakenly believing that her mortgage company was paying for her utilities along with her property tax. She contacted us when staff from the City's Revenue Services division informed her that she owed over \$10,000 for unpaid water bills dating back to 2011. They planned to send her file to the bailiff for collection because she had not responded to their notices. Ms. G claimed she never received them.

We asked the City to delay involving the bailiff until we could investigate. We gathered information and found that Revenue Services had in fact consistently sent the appropriate notices to the complainant's correct address. We met with Ms. G and her Councillor to provide them with the evidence we had gathered and explained that she had the responsibility to pay the debt. Ms. G acknowledged her responsibility and committed to repay the funds by a specific date.

We helped Revenue Services and Ms. G negotiate a date by which she would repay her debt before the City would send her account to the bailiff. Ms. G complied by paying her debt in full, including interest, by the set date.

5. CLARIFYING AND COMMUNICATING SUSPENSION AND BAN POLICIES

Mr. B complained that Parks, Forestry and Recreation (PF&R) unfairly suspended him from all of its programs and facilities for one year.

We reviewed the process by which PF&R made the decision to suspend Mr. B after it found that he had made inappropriate and harassing comments to an employee. The City had offered Mr. B an opportunity to discuss the incident that led to his suspension and to explain his point of view. We found that the City considered the information he presented before reaching its decision and that there was no basis to recommend any changes to Mr. B's suspension. We encouraged PF&R to make more information about its suspension and ban policies available to the public.

6. REFERRING SOMEONE TO THE RIGHT PLACE

Mr. H came to Ombudsman Toronto after seeking help at Legal Aid and the courts. A driver had struck and injured his partner. Their insurance company was not returning calls, then sent him a notice to attend court on a date when his partner was out of the country.

We explained to Mr. H that his problem was outside the scope of Ombudsman Toronto, but committed to finding him the best referral. Our first step was to try to determine whether his insurance company had an institutional ombudsman. It did! No one had told him that this was an option, even though he asked to speak to a compliance officer. We also referred him to the General Insurance Ombudservice, after confirming that his insurance company was a member company.

Mr. H told us he was grateful for the information, as nobody else had cared enough to take the time to help him find the right referral.

7. CLEARING UP CONFUSION: A NATURAL GARDEN EXEMPTION

Ms. T's front yard garden contained native plants and wildflowers to attract pollinators. This type of garden landscaping, known as a "Natural Garden", has environmental benefits and creates a habitat for birds, butterflies and other wildlife. The City's Municipal Licensing & Standards Division (MLS) grants "Natural Garden Exemptions" for such spaces and had issued Ms. T an exemption for her garden for over ten years.

However, every year a neighbour complained about long grass and weeds in Ms. T's garden and MLS always responded by sending Ms. T a warning letter, giving her the option of either trimming the grasses and plants or applying for a "Natural Garden Exemption". Every year, Ms. T had to remind MLS about her exemption and ask them to send an expert to assess her natural garden.



Ms. T eventually wrote to MLS, asking why she had to go through this process every year and refusing to comply with the most recent warning letter. When she did not receive a response from MLS, she came to Ombudsman Toronto for help.

When we spoke with MLS, it agreed its system for handling complaints about Natural Gardens was flawed. MLS committed to revising staff procedures on Natural Garden exemptions and told us its new computer system will allow staff to better record and flag exemptions.

MLS also wrote to Ms. T to apologize and explain the steps it is taking to improve the process.

I would like to thank you very much for taking on my problem with the City, and for its prompt and efficient resolution.

– Complainant

8. SECURING SPACE IN A SHELTER

Mr. C was staying in a downtown City-run shelter. He got a 2-night pass to visit his family in Quebec over the holidays. On the way back, he was caught in a storm and his travels were delayed – he would not be able to arrive at the shelter until several hours after the pass deadline. He called the shelter to explain his situation. They told him that if he could not arrive on time, they would give his spot to someone else and remove his belongings. Although this followed the City's policy, we were concerned that this was unfair to Mr. C. We called the City's Shelter, Support & Housing Administration division (SSHA), and asked that they extend the deadline by 6 hours to allow Mr. C to return. They did, and Mr. C was able to make his way back to Toronto by that evening to reclaim his spot in the shelter and his belongings.

9. ENSURING THE CITY PROPERLY SUPPORTS AND OVERSEES BIA BOARDS

Mr. F, a board member of a Business Improvement Area (BIA), contacted us to complain about the behaviour of staff working for the City's Economic Development and Culture division (EDC), claiming that they had bullied and harassed him, and that staff did not help him to correctly understand and fulfill his duties as a board member.

We reviewed his claims and determined that EDC staff had not bullied or harassed him.

However, we found that EDC's communication with BIA board members was inadequate. EDC is responsible for effectively communicating with all BIA Boards of Management and providing information about the Boards' roles and responsibilities. We reminded EDC of their obligations, to ensure it will provide better assistance, support and oversight to BIAs and their Boards of Management in the future.

If other offices cared
as much as yours
does, there would be
fewer problems!

– Complainant

10. RESOLVING A DISPUTED CLAIM AGAINST THE CITY

A contractor doing work on the City's sewer system on behalf of the Toronto Water division damaged Ms. X's property. She had gladly agreed to let them conduct the necessary work on her property but noticed significant damage to the foundation and masonry of her home after it was complete.

She called the City, who directed her to the contractor, who in turn told her to contact its insurance company. The insurance adjuster examined the house five times over the course of two years, finally concluding that the contractor had caused no damage. By this time, the two-year limitation period for Ms. X to file a civil claim against the City had expired.

Ms. X raised this with Toronto Water and the City's Insurance and Risk Management department. They said that it was City policy not to enter into settlements after a limitation period had passed. When Ms. X contacted us, we asked the City to consider whether it was fair to deny Ms. X's claim, in light of the unfair behaviour of its contractor's adjusters. The City agreed to settle the case. As a direct result of our intervention, Ms. X received adequate compensation and was able to make the necessary repairs to her home.

11. TRACKING DOWN RESPONSIBILITY FOR CLEANING UP A LANEWAY

A laneway in Ms. E's neighbourhood had become a dumping ground – garbage, branches and long grass had accumulated. She came to Ombudsman Toronto when she could not figure out which City of Toronto division was responsible for cleaning it up. She had contacted three different City divisions: Parks, Forestry & Recreation (PFR), Municipal Licensing & Standards (MLS), and Transportation Services, but none considered the laneway to be under their mandate. Each had told her it was “not their department”. She was understandably frustrated.

We contacted MLS, who asked Real Estate Services to confirm whether the laneway was City property. They confirmed it was, and that Transportation Services was responsible for the upkeep. Transportation Services then referred the issue to Solid Waste Management Services, who cleared the laneway. We empathized with Ms. E's frustration in navigating the City's complex administration to find a solution to this simple problem and were glad to help sort it out.

If you want fairness,
accountability,
confidentiality, you go
to the Ombudsman's
office and that's what
they're there for.

– City Councillor

12. BUILDING IN FAIRNESS TO A TRESPASS POLICY

In 2012, Toronto Employment & Social Services (TESS) issued a trespass notice against Mr. W, requiring him to make an appointment in advance to visit a TESS office. He stopped receiving Ontario Works (OW) benefits in late 2012 but when he returned to the TESS office five years later in 2017, he found that the trespass notice was still on his file. He wanted TESS to cancel the trespass notice after so much time had passed, but TESS said that they had not had enough interaction with him to decide whether it should.

We requested a copy of TESS' trespass policy and the documents related to Mr. W's trespass notice. We also spoke with TESS staff about Mr. W's complaint. We found that the notice TESS gave Mr. W in 2012 did not explain why it was issuing the notice, how long it would be in force, or what, if any, review process exists. It also did not specify that he could continue to access all OW services. Fairness required that all this information be included.

We spoke to TESS, who told us they were working to revise their trespass policy. They were confident the new policy would address our concerns. To help guide this new policy, we provided them with a copy of our 2010 Investigation report, "Banned Indefinitely: Safety or Punishment? An Investigation into a Parks, Forestry and Recreation Decision to Ban an Individual" and followed up with them on the development of their new protocol. In the meantime, TESS agreed to remove Mr. W's trespass notice.



Consultations— Building in Fairness

Our proactive approach increases our impact. We work constructively with the City by consulting with any City division, agency, corporation or adjudicative body within our scope about how to improve systems by making them fair and equitable. Increasing demand for this service shows that Ombudsman Toronto's work is helping a culture of fairness take hold at the City of Toronto.

In 2018, we conducted 10 consultations, on topics including:

- providing fair service in the face of unreasonable client conduct
- planning ahead for how to handle possible complaints when introducing a new tool to the public



City divisions now seek out Ombudsman Toronto for advice and information when addressing difficult complaints or when reviewing and improving public services. The Toronto Public Service sees the function as a resource both for the public to access as a last resort for complaint resolution but also as a source of expertise that City staff can tap into when designing or reviewing public services to ensure that fairness is built-in from the outset.

– Senior City Staff

Outreach

We strive to ensure that people in Toronto know about our services when they need them. Every year, Ombudsman Toronto makes public presentations and attends community meetings, fairs, classrooms and cultural events to help the public better understand what we do and how we can help.

In 2018, we reached out to 21 different groups, including adult ESL (English as a second language) learners at the Toronto Catholic District School Board, the Street Nurses Network, Humber Bay Public Library users and the Council of Agencies Serving South Asians. We also had a busy booth at City Hall's Toronto Newcomers Day.

We are active in the Canadian and International Ombudsman networks, where we share best practices for fulfilling our role and maximizing positive impact. In 2018, we hosted two international delegations – the Seoul Metropolitan Citizen's Ombudsman and the National Human Rights Commission of Korea – for informative and positive professional exchanges on the nature of Ombudsman work in Canada and in Korea.

We make many presentations to groups of City staff at all levels. In 2018, we spoke to 25 groups from departments including Municipal Licensing & Standards, Revenue Services, Solid Waste Management Services and the TTC. We also hold regular meetings with some of the City divisions and bodies we oversee to discuss complaint trends and best practices for fair service.

In every forum, we listen, inform and build awareness of how Ombudsman Toronto is the bridge to fairness between people and their City of Toronto government.



Toronto's Accountability Framework

Helping to ensure the City of Toronto's Government is Fair, Open and Transparent



Despite their different legal mandates, the Accountability Officers work in a co-ordinated way to ensure that City staff and elected and appointed officials serve the public ethically, fairly and effectively.

The work of these offices helps the public have trust and confidence in Toronto's government.

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

- The **Ombudsman** promotes administrative fairness.
- The **Lobbyist Registrar** regulates lobbying of public office holders.
- The **Integrity Commissioner** oversees the conduct of elected officials and most appointed officials.
- The **Auditor General** deals with fraud and waste and ensures public funds are used cost-effectively.

Since 2015, Toronto's four Accountability Officers operate under a four-way Memorandum of Understanding, allowing us to co-operate and co-ordinate our work while we independently fulfill our respective mandates. This unique collaborative model has generated great interest and admiration from other accountability offices, across Ontario and nationally.

Budget

Ombudsman Toronto's operating budget allocation approved by City Council was \$1.91 million for the year ending December 31, 2018.

Robert Gore & Associates, an external audit firm, audits all four Accountability Offices. It completed a successful compliance audit for Ombudsman Toronto for the fiscal year ending December 31, 2018. A full copy is available at ombudsmantoronto.ca.

10 YEARS

OF LISTENING, INVESTIGATING,
AND IMPROVING CITY SERVICES



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