

For Immediate Release**“No Way to Comply: An Investigation into the Enforcement Practices of Municipal Licensing & Standards”**

Toronto – September 20, 2011 The Ombudsman for the City of Toronto has determined that an Etobicoke homeowner was subjected to unfair and unreasonable treatment by staff at Municipal Licensing and Standards (MLS).

“This complaint is important,” says Ombudsman Fiona Crean, “because what happened to Ms. A could happen to any resident when dealing with this department”.

In a report released today, the Ombudsman called on the executive director of MLS to apologize to Ms. A, and refund most of the fees she had to pay, actions the City has already agreed to undertake.

The Etobicoke homeowner’s troubles began when a Municipal Standards Officer acted on a complaint and found that the railing on her back deck steps was too short, and without any guards in violation of Toronto’s Municipal Code.

Ms A called MLS numerous times, attempting to get more information on what changes were necessary. In her complaint, she says the Officer was “dismissive” and “belligerent”, telling her to hire a professional, because he was not going to provide her the assistance she was asking for.

“This was just the beginning of the problems for Ms. A”, says Crean. “Staff and management at MLS failed repeatedly to treat her properly and give her the information she deserved”.

- In issuing the order, the Officer relied on an out-of-date version of the Municipal Code.
- Rather than clearly communicate the needed changes in a timely and professional manner, MLS ordered four re-inspections, at a cost to Ms. A of \$60 each time.
- While policy emphasizes compliance rather than prosecution, the Officer decided Ms. A had been given enough time to comply and laid a charge under the *Building Code Act*.
- The charge was never reviewed by anyone at MLS to see whether it was justified.

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- It was only after filing a complaint with the Ombudsman that Ms A was given the drawings and assistance she needed.

“Exhausted and stressed out” by the lengthy 15 month process, Ms. A reluctantly pleaded guilty and was given a nominal fine.

During the investigation, the Ombudsman found that the former Executive Director of MLS had undermined the integrity of investigation by ordering staff to report on the investigator’s questions, as well as their responses. This placed employees in a difficult position, having to choose between breaching Ombudsman confidentiality or being insubordinate.

The Ombudsman also recommended systemic fixes for MLS:

- Ensure timely professional communications with all residents.
- Notify residents of non-compliance within two days of inspection.
- Ensure staff are well-trained and kept up-to-date on new legislation
- Keep accurate and complete records
- Hold employees accountable according to performance standards.
- Ensure managers abide by the City Manager's directive to cooperate with Ombudsman investigations.

A full list of the recommendations and a copy of the report is available at <http://www.ombudstoronto.ca>

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Toronto’s Ombudsman is an impartial and independent Officer of City Council, providing an appeal of last resort for people who feel they have been adversely affected by a decision, act or omission of city administration. The Ombudsman also undertakes investigations into systemic problems that cause equitable, substantial and procedural unfairness in city administration.