

For Immediate Release**Toronto's Duty to Care:***An Investigation into Municipal Licensing and Standards' Treatment of a Resident with Dementia***Toronto – December 2, 2010**

The Ombudsman for the City of Toronto says the City has provided unfair and improperly discriminatory service to a resident with dementia. In an investigative report released today called, *A Duty to Care*, Fiona Crean also reports she could find no policies at the City of Toronto that ensure people with diminished capacity can understand notices and orders that are issued from City Hall.

As the city's population ages, Toronto faces a growing wave of people with dementia. "It is the most significant cause of disability for people over 65," says Crean, "More than 38 thousand people currently live with the disease in Toronto. That's expected to increase by another 10 per cent just four years from now."

"People often need to be treated differently in order to provide access to the same outcome," says Crean. "Treating people identically is not good enough." The Ombudsman insists, "City staff must take into account the needs of vulnerable residents who may not understand the impact of City policies."

The City of Toronto's Ombudsman began her investigation after a complaint from the son of an elderly Toronto resident. The woman, who suffers from dementia, lives at home with the assistance of two visiting caregivers.

After a neighbour complained that a tree on her property was unsafe, an inspector from Municipal Licensing and Standards (MLS) served the woman with a notice ordering its destruction. The Ombudsman has determined the inspector should have known the resident was suffering from dementia, and should have contacted the woman's son once the caregiver offered the information. Instead, the MLS employee denies ever talking to the woman or her son.

Crean says officials at MLS acted unreasonably, improperly, and were mistaken in both law and fact.

- Staff incorrectly applied a by law to order the removal of the tree.
- City staff cut down the tree without legal authority, and then charged the resident \$4,820 for the cost of its destruction.
- MLS officials never told the son there was a safe, less expensive alternative to the removal of the tree.

- City staff were unresponsive, cavalier and dismissive.
- Staff relied on an erroneous arborist's report. The report was supplied by the neighbour who made the original complaint.

The Ombudsman has made 17 different recommendations as a result of her investigation, four involving this specific case, and 13 involving systemic problems in the delivery of City services. Included in the recommendations:

- MLS apologize to the resident and her son, reimburse her for the cost of removing the tree, and plant an adequate replacement.
- MLS, in consultation with experts, develop a policy addressing the needs of residents with dementia or diminished capacity.
- MLS adopt standards for recognizing a person with dementia, and where possible, contact the person responsible for that person's affairs.
- Where there is no representative, staff must alert a superior.

The City's Ombudsman is pleased the City Manager has accepted all of her recommendations, and agreed to provide more equitable services throughout the City administration for people with dementia and diminished capacity. The City has also agreed to apologize, pay restitution for the removal of the tree, and plant a replacement.

"MLS has until next March to provide me with their new policies and standards," says Crean, "I will be following the process closely and will report back on whether the new policies meet the standards of substantive, equitable, and procedural fairness."

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For media questions and further enquiries, contact:

Deb Wharton
Office of the Ombudsman
City of Toronto
Office: 416-392-7094
Mobile: 416-896-2261
dwharto@toronto.ca

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 the delivery of City services.