

# No Time to Waste: Investigation into Toronto Water and Technical Services Handling of a Resident's Sewage Problems

## The Complaint

The Ombudsman investigated a complaint about Toronto Water and Technical Services Divisions' handling of a resident's sewage problems.

The Ombudsman concluded that the City's actions and omissions were unreasonable and unjust pursuant to the Toronto Municipal Code Chapter 3, § 3-36.

## Context

In the eight years since moving into her "dream home," Ms Q experienced no fewer than 17 sewage backups into the basement of her home. In addition to significantly affecting her quality of life, she and her family had to move out of their home on numerous occasions, she incurred considerable costs and her home insurance skyrocketed.

In 2007, after Ms Q hired a lawyer, Toronto Water, within short order, developed a temporary solution – the installation of a holding tank. The City also committed to developing a permanent solution.

Ms Q had multiple contacts with City staff, which are detailed in the Facts Section of the report.

Ms Q filed a civil action in 2009 against the City for negligence. The Ombudsman investigated the fairness of the City's administrative actions and did not deal with the civil case.

*This investigation focused on events post-November 2007 when the City assumed responsibility for finding a permanent solution.*

*However, this investigation considers facts prior to November 2007, as they provide a necessary and crucial context for the Ombudsman's review of the issues.*

## City Delays

The period under investigation could be considered a 'comedy of errors,' were the effects on the complainant not so severe.

In January 2008, a Toronto Water employee asked the manager of another division, Technical Services, to move "urgently."

The assigned Technical Services employee considered the request "a favour."

Management did not follow up and failed to identify who was in charge of the overall project, and who had decision-making authority. In most instances, record keeping was non-existent.

The City did not set time lines for the project.

There was poor communication with the resident. Communications within and between divisions were also problematic.

For example, the Toronto Water employee tasked with developing a solution had no idea that sewage backups were ongoing, even though colleagues in another part of the same division were aware.

Further, the temporary solution requires Toronto Water to 'vacuum' out the holding tank on average, one to two times per week, a significant commitment of City resources.

***Effectively nothing was done between the end of 2007 and mid-2009.***

It appears that the Ombudsman's intent to investigate Ms Q's complaint in June 2009 galvanized the City into finding a permanent solution. By this time, the delay had reached 18 months.

Management’s mindset demonstrated a resistance towards the City’s responsibility to deal with Ms Q’s problem. Senior management continues to dispute responsibility, saying they should not have installed the holding tank in the first place. At no time in the preceding years did senior management involve themselves in the resolution of this issue, notwithstanding the repeated complaints to the councillor, legal counsel and eventually, the Ombudsman.

- This complaint represents a fundamental failure of good administration on the part of the Toronto Public Service. It demonstrates poor communications, an absence of process, a lack of leadership, and bureaucratic malaise.
- Some thirty months have now elapsed since the installation of the temporary holding tank and the City’s commitment to find a permanent solution. This delay is beyond any reasonable concept of timeliness.
- The Ombudsman’s investigation revealed inertia, incompetence and a complete failure on the part of many public servants to take responsibility for their work.
- The Ombudsman found unreasonable delay, institutional silos, and a failure to keep proper record keeping.

## Recommendations

Taking into account all the evidence, the Ombudsman delivered two specific sets of recommendations.

**The first set is specific to the resident, the second set covers systemic changes, designed to avoid a similar occurrence in future.**

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That by July 16<sup>th</sup>, Ms Q is provided with a written apology from the City Manager, as the chief executive officer, for the actions and omissions noted in the investigation findings.

That the Toronto Public Services forthwith find and implement a permanent solution, in consultation with Ms Q.

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by Oct. 2010

That a directive and procedures be established by Toronto Water and Technical Services to ensure managerial responsibility and accountability. This must include clear lines of accountability; a process, time lines, milestones and deliverables. The directive is to include responsibilities for handling non-capital works projects and issues similar to that raised by this matter.

That a tracking system be put in place by for non-capital works projects, to ensure proper monitoring and timely implementation.

That regular and appropriate reporting relationships be required, established and maintained on all issues/projects; and that standard templates be developed to capture and track information.

That proper record keeping is established and maintained on all complaints, projects and issues raised by the public, and that a central file regarding these records is maintained.

That written instructions on record keeping be sent to the field.

That regular and clear communications, both written and oral, as appropriate, occur with members of the public dealing with the City on complaints or projects.