

The Record

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Inside

just want to say

toronto's ombudsman
talks about the year

reporting out

investigations into

- the public appointments policy
 - TTC second exit projects
- bringing fairness to parking ticket disputes

what's new

out and about

ombudsman's award

recognizing outstanding public service



I just want to say



As this year comes to a close, we are finalizing our 2012 annual report, which will be tabled at City Council in the New Year. It has a sampling of case stories that illustrate the range of residents' complaints and concerns that we dealt with. We also completed a number of larger, systemic investigations, ranging from the sudden spikes in homeowners' water bills to the emergency aftercare of residents following a fire at 200 Wellesley Street.

The results of these systemic investigations will benefit many Torontonians, even if they did not come to the office with a problem. Our inquiries have been directly responsible for systemic improvements to the City's processes and services for everyone. There are many individual fixes but it's the systemic remedies that bring justice, efficiencies and a reduction in costs for the entire city administration.

Behind the scenes, we spend a lot of time quietly solving problems with City organizations, trying to get the best fix for a resident in a manner that is collaborative and respectful. It is our experience that we are most successful when public servants understand our mandate. But we have also seen a growing number of instances where staff have misunderstood our mandate and resisted fixing problems or told residents they could not help because our office is involved. We are working with senior managers to address this emerging challenge.

We also had a busy fall at City Council. There were questions and criticism about the findings of some of our investigation reports, particularly the one that looked into the Administration of the Public Appointments Policy. Councillors debated whether to reappoint me for a second five-year term, in the end agreeing to a two-year extension of my current contract. At Budget Committee, where I asked for one additional investigator, Councillors approved half the necessary funds with the other half going to the Auditor General. The final budget decisions will be made by City Council in January 2013.

While we weathered these debates, the events raised concerns about the value of having a properly resourced office to assist Council and citizens in keeping their city government accountable. Any move to do away with the office or diminish our resources would be a signal to the public and staff that the City of Toronto is taking a step backwards, away from accountable government.

In the Supreme Court's 1981 Friedman decision, Justice Brian Dickson said an ombudsman is an essential part of a democracy:

"The vital necessity is the impartial investigation of complaints... What every form of government needs is some regular and smooth-running mechanism for feeding back the reactions of its disgruntled customers, after impartial assessment, and for correcting whatever may have gone wrong. [The Ombudsman] can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds."

Finally, as you will see at page 5, we have been relentless in taking our message to almost every part of the city, with a special focus on some neighbourhoods in Scarborough where we listened to the residents' issues, and told them of our services to see if we can be of assistance.

Wishing everyone a safe holiday season and happy 2013.

Fiona Crean
Ombudsman

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Reporting out

the administration of the public appointments policy

Hundreds of residents serve on governing boards of the City's 120 agencies such as the Police Services Board, the Toronto Public Library Board, Property Standards Committee, and local arena boards.

City policy has been that public servants recruit a broad range of qualified applicants for these positions, pre-screen applicants, and present candidate lists to the Civic Appointments Committee made up of City Councillors. The Committee then shortlists and interviews candidates and makes recommendations to Council about who should be appointed.

After the initial round of appointments in 2011, the Ombudsman received many complaints about the process not being followed, problems with conflicts of interest, lack of diversity among those appointed and interference from the Mayor's office. We investigated and found that while the appointments policy was itself exemplary, the process and some of the policy's provisions were not followed.

The evidence from our investigation found:

- that there was confusion about board composition due to recent changes made by City Council
- that instructions were provided to staff from the Mayor's office including direction about advertising and scheduling which impacted the implementation of the policy
- there was a lack of clarity about roles that the City Manager's Office and the City Clerk's Office play in the implementation of Public Appointments Policy

The Ombudsman recommended that the City give responsibility for public appointments, and adequate resources, to one unit; that it develop provisions to make sure that known conflicts of interest are properly reported; and that the City develop community engagement strategies to recruit from diverse communities.



Tunnel Vision: An Investigation into the TTC Second Exit Project at Donlands and Greenwood Stations

In June 2010, the TTC delivered an unaddressed flyer to residents near Donlands and Greenwood stations. The flyer said two homes in each neighbourhood would be torn down to build a second exit and gave the date of a public meeting, scheduled less than two weeks later. A group of residents complained to the Ombudsman.

The investigation found that the TTC began evaluating options for the second exit in early 2004 and chose their locations in December 2009, but only notified local residents in 2010, a few months before construction was to begin. The TTC provided no time for a meaningful public consultation.

The TTC communicated poorly with residents whose homes were directly affected by the new exits. They failed to notify two of the four owners whose homes it planned to acquire before delivering the flyer. The TTC did not meet with any of the four property owners and provided one property owner with an hour's notice to prepare a statement to present before the Toronto Transit Commission.

The public consultation lacked credibility. The TTC's initial option for Donlands remained its preferred option. The TTC continued to make decisions without communicating with the public. The TTC failed to tell homeowners if their homes were still required and cancelled a public meeting without communicating the status of the project to area residents.

The TTC and the City agreed to the Ombudsman's recommendations, including setting up procedures to notify Councillors, property owners, and the public about new construction projects; training TTC staff; communicating the current status of the project; and, laying out the responsibilities of the TTC and the City's Real Estate.



Bringing Fairness to Parking Disputes

After receiving many complaints from parking ticket recipients, we investigated the fairness and accessibility of the City's process for responding to parking disputes.

People complained that the parking infraction notice did not give enough information about avenues of recourse, that the City unfairly required them to attend in person if they wished to request a trial, and that service at the City's Parking Tag Offices was inadequate and slow.

The Ombudsman concluded that the current dispute process provided reasonable service to recipients, given demand and available resources. But she also found that there were ways in which service could be improved. The Ombudsman made 11 recommendations for improvements, all of which the City accepted.

For full reports please visit www.ombudstoronto.ca/investigations.

What's New

out and about



The focus of our community outreach over recent months has been in the Scarborough neighbourhoods of L'Amoreaux, Woburn, Malvern and Rouge.

We are trying to meet the needs of people that show up as a statistical gap representing particular groups that do not access the Ombudsman's office. We want to give residents information about and easy access to our services.

To that end, the office has done information sessions at a number of AGMs and a Malvern town hall. The Ombudsman has met with several seniors' groups, including seniors in both the Tamil and Chinese communities. We also attended the East Scarborough Community Forum, a joint event with the Scarborough hospital.

The Ombudsman spoke at the Overland Learning Centre's celebration of human rights week. She was a keynote speaker at the Durham Elder Abuse Network Conference and attended Councillor Doucette's town hall meeting at Humberside Collegiate

On the public service front, the Ombudsman met with the leadership of the Toronto Public Libraries, and a number of City divisions. She also spoke at the University of Western Ontario's Local Government Program.

Looking ahead, the Ombudsman has been asked to speak in January at the Ted Rogers Leadership Centre at Ryerson University on the topic of accountability in public institutions. She will also be addressing the Ontario Bar Association's municipal law conference in early February.



In January, Lindsay Cheong will be joining as an ombudsman investigator. She brings varied experience to the job. A lawyer by training, Lindsay has worked as a complaints officer for the Centre for Research-Action on Race Relations in Quebec, as a researcher at the McGill Faculty of Law and until recently, she was a part-time faculty at George Brown College. Lindsay has been a constituency assistant for two members of parliament and speaks both English and French.

In her spare time, Lindsay volunteers for the Federation of Asian Canadian Lawyers and the Women's Legal Education Action Fund. Welcome Lindsay!



Ombudsman's Award

recognizing outstanding public service



The establishment of this award recognizes outstanding public service in resolving claims of unfairness in the delivery of service by the City of Toronto. Nominations reflect service provided in one or more of the following activities and may be awarded to an individual or group:

1. demonstrating leadership in problem solving and good customer service
2. initiating innovative approaches to dispute resolution
3. encouraging the application of problem solving at a systems level
4. providing exceptional responsiveness and cooperative service during a complaint inquiry or investigation.

The jury for 2012 award was chaired by the Ombudsman and consisted of community and business leaders:

- Sabina Ali, Project Coordinator, Thorncliffe Park Neighbourhood Women's Group
- Rahul Bhardwaj, President & CEO, Toronto Community Foundation
- Angela Coke, Associate Deputy Minister of Ontario Shared Services, Ministry of Government Services
- Winnie Ng, CAW-Sam Gindin Chair in Social Justice and Democracy, Ryerson
- Gord Nixon, President & CEO, Royal Bank of Canada
- John Tory, Radio Host, Newstalk 1010
- Carol Wilding, CEO, Toronto Board of Trade

There were 16 nominations from Ombudsman staff, residents and other stakeholders. The jury selected five public servants to receive the award at a ceremony in September. The recipients were **Heather MacVicar**, General Manager of Toronto Employment and Social Services; **Wendy Quaintance-Collier**, Manager, Revenue Services; **Atul Medhekar**, IT Coordinator, Shelter Support & Housing Administration; **Ismail Ibrahim**, Counsel, Toronto Community Housing Corporation; and **Lou Di Gironimo**, General Manager, Toronto Water.



Overland Learning Centre Human Rights Day Celebration- December 5, 2012.

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about Toronto's Ombudsman

1. We are impartial investigators.
2. We are independent from the Toronto Public Service.
3. We advocate for fairness.
4. We are an office of "last resort."
5. We offer information sessions.
6. Our services are confidential and at no cost.