



Waterloo Area  
Municipal Ombuds Office

# TABLE OF CONTENTS

<b>Ombudsman’s Message</b> .....	<b>1</b>
<b>About Our Office</b> .....	<b>3</b>
Scope of Services.....	4
Process.....	5
Process Flowchart .....	6
Privacy.....	7
<b>Region Summary</b> .....	<b>9</b>
<b>Region Details of Inquiries</b> .....	<b>10</b>
<b>Region Details of Complaints</b> .....	<b>12</b>
<b>City of Kitchener Inquiries</b> .....	<b>13</b>
<b>General Inquiries</b> .....	<b>14</b>
<b>Contact Information</b> .....	<b>15</b>

# THE OMBUDSMAN'S MESSAGE

This Report is the third to the Region of Waterloo. The Waterloo Area Municipal Ombuds Office began operation on September 1, 2016 and provides service to the Region, the Cities of Cambridge and Waterloo and the Townships of Wilmot, and Woolwich . This reporting period runs from June 1, 2018 to May 31, 2019, a period of twelve (12) months.

The Ombuds Advisory Committee meets periodically when there are business issues to discuss or to receive the Annual Report.

The office received nine (9) inquiries between June 1, 2018 and May 31, 2019. This is consistent with last year's usage when eight (8) inquirers sought out the office in twelve (12) months. We were mildly surprised to observe that there was only a slight increase in the usage of the office this year over last. We find that typically, as people use the office word gets out and the volume builds over time. Several of the larger municipalities, including Cambridge and Waterloo experienced a drop in usage last year.

Seven (7) of those inquiries did not provide us with a completed Complaint, Consent and Confidentiality form. One matter pertained to a labour relations matter within the Region, but the Waterloo Area Municipal Ombuds Office Policy specifically exempts employee and labour relations matters from our mandate. While many of these were subject to referral, our office made considerable efforts to help the inquirer find their way to the appropriate decision maker. This was greatly appreciated.

Two (2) cases became formal complaints, formalized by filing a Complaint, Consent and Confidentiality Form. Some were resolved after informal investigation concluded that the Regional agency involved had followed a fair process in arriving at its decision or resolved through establishing lines of communication. In some instances, Rose Bowden, the Early Resolution Consultant, or I were able to facilitate agreement. In others, we provided an Initial View letter which set out how the Ombudsman saw the matter, based on the facts as we had learned them. This provided the parties with an impartial frame of reference and on some occasions assisted in resolving some matters.

Because the Office is accessible and easily discovered using an internet search we do still tend to receive complaints of a general nature which are completely outside our jurisdiction.

Less surprising to us are the inquiries we receive concerning services or decisions of the City of Kitchener. As the largest city in the Region it's not surprising that a Kitchener resident would expect that a Municipal Ombuds Office for the Waterloo Area would assist with difficulties in dealing with the municipal government there. We feel that a brief description of some of these inquiries might be of interest and they are included in this report.

Looking forward for the upcoming year, I will be meeting with the Ombuds Advisory Committee (the municipal Clerks) about how we can increase awareness of the Office. We will also offer subscribing municipalities with conflict resolution workshops that can build the knowledge, skills and attitudes that can assist employees to resolve issues.

We will continue to look for ways to keep this service useful to citizens of the Regional Municipality of Waterloo.

A handwritten signature in cursive script that reads "Richard A. Russell". The signature is written in black ink on a white background.

Richard A. Russell B.A., LL.B., C. Med. C. Arb.  
Ombudsman, Waterloo Area Municipal Ombuds Office

# ABOUT OUR OFFICE

## Waterloo Area Municipal Ombuds Office

### What is an Ombudsman?

An ombudsman is an Officer of Council responsible for looking into whether administrators are properly applying the by-laws and policies of the municipal corporation. While the ombudsman has no power to overturn decisions, they do make recommendations and can bring matters to the highest levels of the Region for consideration.

The ombudsman has the authority to consider complaints that administrators are misusing their power, failing to use their discretion or acting unfairly. They will conduct a thorough and fair investigation and make findings based on evidence.

An ombudsman will also provide information and guidance to citizens and work between Regional administration and individuals to solve problems informally when possible.

An ombudsman provides an Annual Report to Council with recommendations for any changes to policies or practices that he or she feels are needed.

### Jurisdiction

The Waterloo Area Municipal Ombuds Office derives its legal authority from the Ombudsman Act of Ontario, which under section 14 (4.3) sets out the jurisdiction of the municipal Ombudsman. In effect the Municipal Ombudsman has all of the same rights to investigate as would the Provincial Ombudsman.

### Our Philosophy

“Partnering With”, rather than “Oversight Of” is our approach to the work. We view Complaints as a Resource that municipalities can learn and grow from. We are remedial and not punitive in our orientation toward both complainants and institutional respondents.

# Scope of Services

Matters that ARE within the Ombuds' Mandate to Investigate are:

1. Where the Region/City or Township has not followed appropriate procedures in arriving at a decision;
2. Where the Region/City or Township has acted in a way that is contrary to its own rules, procedures or By-laws;
3. Where the Region/City or Township has made a decision that is outside of its powers to make;
4. Where the Region/City or Township has failed to take a specific action that it is required to under its rules, procedures or By-laws;
5. Any decision or recommendation made, act done or omitted to be done in the course of the administration of the Region/City or Township, so long as it does not fall under the list of matters that are *not within our mandate to investigate (see below)*.

Matters that are NOT within the Ombuds' Mandate are:

1. Any Region/City or Township decision, recommendation, act or omission in respect of which there is a right of appeal, review or objection to any court or tribunal, until that right of appeal, review or objection has been exercised, or the time for the exercise of that right has expired;
2. Cases where the inquirer has not taken their complaint to the Region/City or Township first;
3. Decisions, recommendations, acts or omissions of a legal advisor or counsel to the Region/City or Township;
4. Complaints regarding closed meetings of Council;
5. Complaints that are within the mandate of the Integrity Commissioner;
6. Complaints where the subject matter is deemed to be trivial, frivolous, vexatious or an abuse of the Ombuds Office process or which are not made in good faith, in the opinion of the Ombuds Office;
7. Issues related to labour and employment matters;
8. Cases *where more than one (1) year has passed* since the inquirer learned of the facts on which the complaint or inquiry is based, unless special circumstances exist.

# Process

## Initial Review

An Initial Review is conducted to decide whether a file may be investigated. During the Review, the following questions are considered:

- Did the inquirer already go through the Region/City or Township's internal complaint process? If not, the inquirer will be referred to the appropriate Region/City or Township office;
- Is the complaint or concern within the Ombuds Office's mandate?

Inquirers and the respondent, where appropriate, are advised of the outcome of the Initial Review.

An Initial Review may result in the inquirer and the Region/City or Township being advised that the issue may be investigated. It may also result in an Initial Review Letter advising the Inquirer (and respondent if appropriate) that the file is being closed because the inquiry is not within the Ombuds Office mandate, together with a referral to the appropriate body to lodge a complaint, wherever possible.

## Early Resolution

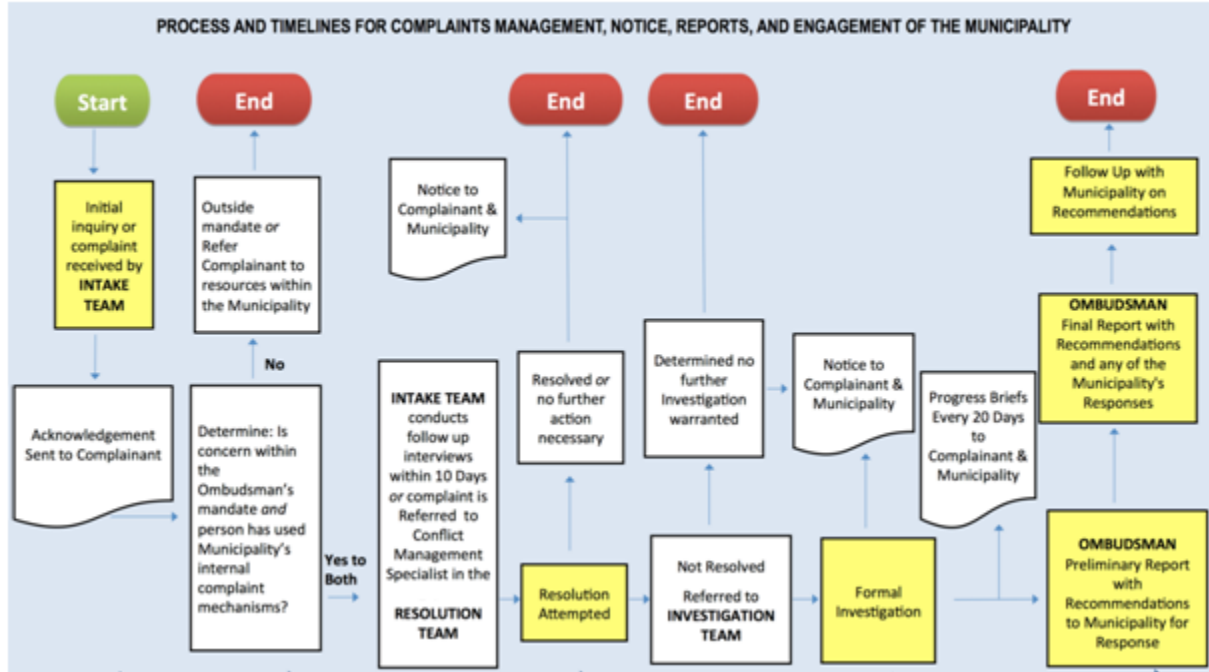
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict Management Professional.

## Investigation

If a resolution is not possible, the matter will be referred back to the Investigator who will continue investigating the complaint and who may contact the inquirer and the Region/City or Township to schedule interviews and gather information.

The Report will contain the Investigator's findings, either *recommending a remedy* for the concern to the Region/City or Township or rejecting the complaint. In either case, the Report will contain reasons for the decision. Ombuds Offices *cannot order* a municipality or an inquirer to take any steps, but may make recommendations with persuasive reasons. Such recommendations are often followed.

# Process Flowchart





## Privacy at Waterloo Area Municipal Ombuds Office

Waterloo Area Municipal Ombuds Office collects personal information from Inquirers and Member Regions, Cities or Towns for the purpose of resolving disputes. Waterloo Area Municipal Ombuds Office ensures that the personal information of our clients remains confidential and secure. This Privacy Policy (“Policy”) describes the ways Waterloo Area Municipal Ombuds Office is committed to ensuring that all private and confidential information is protected for the Inquirer and the Member Region, City or Town. This Policy is intended to ensure that the privacy of individuals is protected in the use, collection, disclosure, and storage of personal and/or confidential information by Waterloo Area Municipal Ombuds Office. This Policy complies with and supplements the guidelines and mandates of Canada’s federal private sector privacy law, the Personal Information Protection and Electronic Documents Act.

Waterloo Area Municipal Ombuds Office will manage personal information in an open and transparent way. This Policy is available to anyone free of charge.

### **Waterloo Area Municipal Ombuds Office Commitment**

Waterloo Area Municipal Ombuds Office is committed to keeping all personal information private and confidential. With written consent, we will collect personal information from the Member Region, City or Town and the Inquirer in order to investigate the complaint. Any and all information collected from the Member Region, City or Town and the Inquirer will only be used for the purpose of determining the proper resolution and/or recommendations. Waterloo Area Municipal Ombuds Office is committed to protecting the security of the files it maintains and there are security measures implemented in order to maintain the security.

### **Information Collected**

While the personal information that Waterloo Area Municipal Ombuds Office collects depends on the nature of the complaint, the personal information may include your home address and telephone number, and any and all personal and identifiable information that is obtained by the region, city or town about the Inquirer. We collect personal information from the Inquirer, the Member Region, City or Town, and others as necessary, to facilitate the investigation and resolution of a complaint. We will limit the amount and type of personal information we collect by ensuring we only collect such information that is reasonably necessary and directly related with the complaint in dispute. All personal information will be collected by lawful and fair means.

### **Accountability**

Waterloo Area Municipal Ombuds Office is accountable for all personal information in its possession or control. Policies and procedures have been established to comply with this Policy.

## Consent Required

We will not collect, use, or disclose any personal information without first obtaining consent, except where required or permitted by law. Consent may be withdrawn at any time. Further assistance in resolving the complaint may not be available if consent is withdrawn.

## Use of Personal Information

Waterloo Area Municipal Ombuds Office will only use or disclose your personal information for the intended and identified purposes and reasons for which the information was collected, except where required and permitted by law. Waterloo Area Municipal Ombuds Office will take such reasonable steps as necessary to ensure that the personal information collected is accurate, complete, relevant, and up to date. We will inform individuals of the purpose for which personal information will be used before or when they consent to its collection.

## Access to Personal Information

A person may access their personal information held by Waterloo Area Municipal Ombuds Office that has been provided to us and is in our possession. Parties should contact their region, city or town directly to access their personal information provided to us by that Member Region, City or Town in the course of our dispute resolution process.

## Website

Our online website [www.civicombuds.ca](http://www.civicombuds.ca) is hosted on servers that are owned and managed by a third party.

## Security

Waterloo Area Municipal Ombuds Office has taken the proper and necessary steps to ensure all information pertaining to our clients' files is secured and protected against theft, unauthorized use, modification, and loss. Security-protected databases are used to store online files, and specific security measures are used to ensure the files are monitored through multiple security scans of the online content as well as numerous checks to prevent common website hacks like cross-site scripting, SQL injection, brute-force password attacks, etc.

## Breach of Privacy

A complaint about a breach of privacy must be in writing, and directed to Waterloo Area Municipal Ombuds Office. The individual making the privacy complaint must give Waterloo Area Municipal Ombuds Office sixty (60) days to respond.

# Region Summary



## Region of Waterloo:

### Inquiries: Seven (7)

*The Ombuds Office defines an inquiry as a contact with a person about an issue which may or may not fall within the Office's jurisdiction. These are often in the nature of "touches" where we act as a conduit from the Inquirer to the appropriate resource to resolve their issue(s). The threshold is that with inquiries the individual is not asked to provide a Complaint, Consent and Confidentiality Submission Form which permits us to talk with persons on the other side of a complaint. Typically, these are dealt with by our Intake & Early Resolution Consultant with little input from the Ombudsperson.*

1. A Citizen called our office requesting assistance to transfer them out of their current Regional Housing Unit. They had concerns with how neighbours were treating their daughter, who has disabilities. Our office contacted Regional Housing and was able to provide the Inquirer with the name and contact information of someone within Regional Housing who could assist them.
2. Our office was first contacted by the Windsor Legal Assistance Office to inquire on behalf of one of their clients to see if our office could assist them with transferring a person from social housing in Windsor to the Region of Waterloo. We then received an email from the person looking for assistance. They had applied for housing in the Region of Waterloo two years prior and felt that they had been unfairly removed from the Region of Waterloo's wait list. In order to assist the Complainant and open a file, we provided our Complainant, Consent and Confidentiality form for their completion. A completed form was not returned to us, so we could take no further action.
3. We received a call from a Resident in Windsor, who was very distraught. They had an appointment to speak with someone in Waterloo Regional Housing that morning and they could not reach the party they were scheduled to speak with. They had applied for housing with the Region of Waterloo several years ago and claimed that the Region kept making excuses for the delays in providing them with a transfer. Our office offered to contact the person at the Region who was scheduled to speak with them. They felt that our office was providing further excuses for the Region and hung up. We then sent an email to this person, to provide them with further details of how our office could assist and to provide a Complainant, Consent and Confidentiality form. We also reached out to the Region, without disclosing who contacted our office. The Region advised that they had since been in touch with a Resident in Windsor, who was likely the person who had contacted our office. The person at the Region had attempted several times earlier that morning to call this person and they were immediately

put through to their voicemail. The Region of Housing employee left messages for the individual and eventually they connected.

4. An email was received outlining an informal complaint with respect to the on-line application process for applying for jobs at the Region of Waterloo. We made inquiries with the Region to assist the individual in contacting the appropriate department to address their concerns and provided them with our Complainant, Consent and Confidentiality form. A completed form was never received.
5. A Resident in the Township of Wellesley had concerns with their waste collection. When they contacted the Region of Waterloo to address the issues, they were advised that the Region “did not deal with it”. The Resident called our office to advise they contacted the Region, as it is outlined on the Township of Wellesley’s website that “Garbage and recycling in the Township of Wellesley is a service provided by the Region of Waterloo.” And the website provided a link to the Region of Waterloo’s Waste Management page on their website. Our office contacted the Region to obtain a telephone number and person at that Region who would be able to assist the Resident. We in turn provided the contact information to the Resident of Wellesley. The Resident advised us later that they were pleased with the assistance and steps taken by the Region to address their concerns.
6. We received a call from a Resident in the City of Kitchener, who has a sister living in a facility in the Region of Waterloo, for adults with developmental disabilities. They expressed concerns that the facility was taking things from the sister and covering up theft. He stated that they were not allowing him in to visit his sister or allowing him to take her out to visit their parent’s grave. Our office provided him with contact information for “ReportON”, a service set up by the Ministry of Community and Social Services to improve the safety of adults with developmental disabilities.
7. Our office was mailed an anonymous letter asking us to file a formal complaint against a Region of Waterloo employee for breach of privacy. As this matter related to labour and employment, it did not fall under our mandate. We referred the letter to the Commissioner, Human Resources and Citizen Service at the Region of Waterloo.

## **Complaints: Two (2)**

*A Complaint is defined by the Ombuds Office as an allegation that may or may not be within the jurisdiction of the Waterloo Area Municipal Ombuds Office, but which requires further fact finding to determine in what way the Office may assist. It involves the completion of the Complaint, Consent and Confidentiality Submission Form outlining in writing the nature of the complaint, and giving the Office permission to begin to gather information, disclose information to civic officials, facilitate discussions, make suggestions and recommendations, as well as to investigate as required.*

1. We received a completed Complaint, Consent and Confidentiality form on-line after we received a call from a distressed resident who was seeking assistance to obtain their regular Ontario Workers payment. In order to contact their caseworker at the Region, we requested a completed Complaint, Consent and Confidentiality. The completed form was received explaining that they were moving outside of the Region of Waterloo on December 1st. Initially, they were informed their regular month end payment from Ontario Works would be issued to them from the Region. By November 27<sup>th</sup> they were advised that their November 30<sup>th</sup> cheque was being “held”. This meant they would not be able to pay their first month’s rent on December 1<sup>st</sup> in their new location, outside the Region of Waterloo. We contacted the case worker and provided shuttle diplomacy to assist the parties in resolving the issue. The Complainant’s cheque was going to be issued on November 30<sup>th</sup> and they were able to transfer to their new residence outside the Region of Waterloo. They were very appreciative with the assistance our Office was able to provide and of their caseworker, who helped them make their way through the bureaucracy in the community where they would be residing.
2. Our office received an on-line complaint form regarding damage done to a personal vehicle due to construction on a roadway within the Region of Waterloo. The Citizen had completed a claim through the Waterloo Region Municipalities Insurance Pool and after their review was denied a claim for damages. Our office reviewed the information provided by the Waterloo Region Municipalities Insurance Pool, concluded that the Insurance Pool had followed a fair process and recommended that the Complainant file a claim through their personal Insurance Company.

# City of Kitchener

## Inquiries: Five (5)

1. We received a telephone call from a Resident in the City of Kitchener who had a concern with the property By-law change. We advised them that our office does not handle inquires for the City of Kitchener and provided them with the Ontario Ombudsman contact information.
2. A call from a City of Kitchener resident was received in our office to complain that the City was going to be changing their gas meter and they did not want it changed. We recommended they speak with someone at the City of Kitchener and to contact the Ontario Ombudsman as an office of last resort.
3. A Resident from the City of Kitchener called to complain that they had not received their on-line order from the Ontario Cannabis Store. We provided them with the telephone number for the Ontario Ombudsman's office.
4. Our office received an email from a City of Kitchener resident who had their gas disconnected. We called to speak with the Complainant and then contacted the City of Kitchener Utilities department to seek guidance from them, without disclosing the name of the individual as we did not have their consent. We then relayed the information obtained from the City to the Complainant in order to provide them with contact information for the correct organization to assist them with obtaining funds to pay their arrears to have their gas turned back on. We advised them that the City of Kitchener was not within our jurisdiction and provided them with contact information for the Ontario Ombudsman as an office of last resort.
5. A previous Resident of Cambridge, now living in the City of Kitchener, contacted our office as we had assisted them in the past with concerns about the Region of Housing in Waterloo. They had a complaint about a neighbour who was smoking in their unit. As the Complainant had also reached out to the property Manager of the building, we advised that our office was an office of last resort and encouraged them to continue to work through the Region's complaint process.

## General Inquires: Seven (7)

1. Several emails were received regarding complaints with the Ontario Student Assistance Program (OSAP) and the National Student Loans Service Centre (NSLSC). Our office provided the Inquirer with contact information for the Ontario Ombudsman, explaining that they oversee OSAP, which is linked with NSLSC.
2. A voicemail message was left about an issue with Employment Insurance (EI). After several attempts to call this individual back, our office was able to connect with them and provided them with information on the EI complaint process. In addition, we advised that if their issues were not resolved, they could contact the Ontario Ombudsman as an office of last resort, as our office does not have jurisdiction over Employment Insurance.
3. A telephone call came into our office from someone who had a complaint with a College. We advised that this was not within our office's jurisdiction and provided them with information on who to contact to address their concerns.
4. We received a call from someone who wanted to file a formal complaint against the Canadian Mental Health Association. When we advised that our office does not have jurisdiction over CMHA and trying to provide them with contact information they hung up.
5. The Office of the Ombudsman of Ontario contacted our office to confirm if we had jurisdiction over complaints pertaining to local electricity distribution providers. We advised that the General Terms and Conditions of our contract with the municipalities contains the following definition:

“Ombudsman” means AGREE appointed by Council, whose function, as a last resort, is to investigate in an independent manner any decision or recommendation made or act done or omitted in the course of the administration of the Region, its boards and such arms' length corporations as the Council may specify and as set out in this Agreement;

We interpret this to mean that corporations are not within the mandate unless the individual Council in question has specifically included them in the Agreement or in writing subsequently. None of the Councils have done so to date.

Each municipality had decided to limit the role of the Waterloo Area Municipal Ombudsman's Office to “strictly municipal matters” and not to include the various electricity distributors in the mandate.





Waterloo Area  
Municipal Ombuds

## Contact Information

<http://www.civcombuds.ca>

36 Dundas Street, Dundas, ON L9H 1A2

Local: 905-627-2033 | Toll Free: 1-888-224-2488

Fax: 905-627-5362

Email: [ombuds@civcombuds.ca](mailto:ombuds@civcombuds.ca)