



Annual Report

Region of Waterloo – June 1, 2021 – May 31, 2022



Waterloo Area
Municipal Ombuds Office

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THE OMBUDSMAN'S MESSAGE

This Report is the sixth to the Region of Waterloo. The Waterloo Area Municipal Ombuds Office began operation on September 1, 2016, and provides service to the Region, the City of Waterloo and the Townships of Wilmot and Woolwich. This reporting period runs from June 1, 2021, to May 31, 2022, 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 eighteen (18) inquiries and two (2) complaints between June 1, 2021, and May 31, 2022. An inquiry is where the office determines either that it lacks jurisdiction or refers a matter back to the City because it is premature.

A complaint is where the initial consideration of the matter indicates it is within jurisdiction and the Complainant has exhausted all available administrative appeals or reviews and files a Complaint, Consent and Confidentiality Form, allowing us to take the matter up with a municipal official. This is a significant increase compared to usage in 2019/2021 in twenty-four (24) months.

The two (2) complaints were varied. One pertained to noise and air pollution of a regional roadway and the other pertained to a GRT transit stop in front of a residence.

The incumbent Ombudsman provided notice that he would be retiring in May 2023 and did not intend to renew Agree Incorporated's contract for ombuds services. The Region decided, as an interim measure, to default to the Ombudsman of Ontario for service after May 2022.

Both the Ombudsman, Rick Russell and the Early Resolution Officer, Kelly Brown would like to thank the City of Waterloo, Region of Waterloo and Townships of Wilmot and Woolwich for their confidence in us as well as the citizens of each of these communities for bringing their concerns forward.



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 City or Region for consideration.

The ombudsman has the authority to consider complaints that administrators are misusing their power, failing to use their discretion properly 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 the service orientation that we have followed. We view Complaints as a Resource that municipalities can learn and grow from. We are remedial and not punitive in our orientation toward the institutional clients.

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

Inquirers must provide (within one year as above) a completed and signed Complaint Form with consent to disclose such evidence and information as is necessary to conduct a full, fair and impartial inquiry or investigation. Complaints and Inquiries **must** originate with the affected party; the Ombuds does not accept complaints from interested, but unaffected third parties.

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

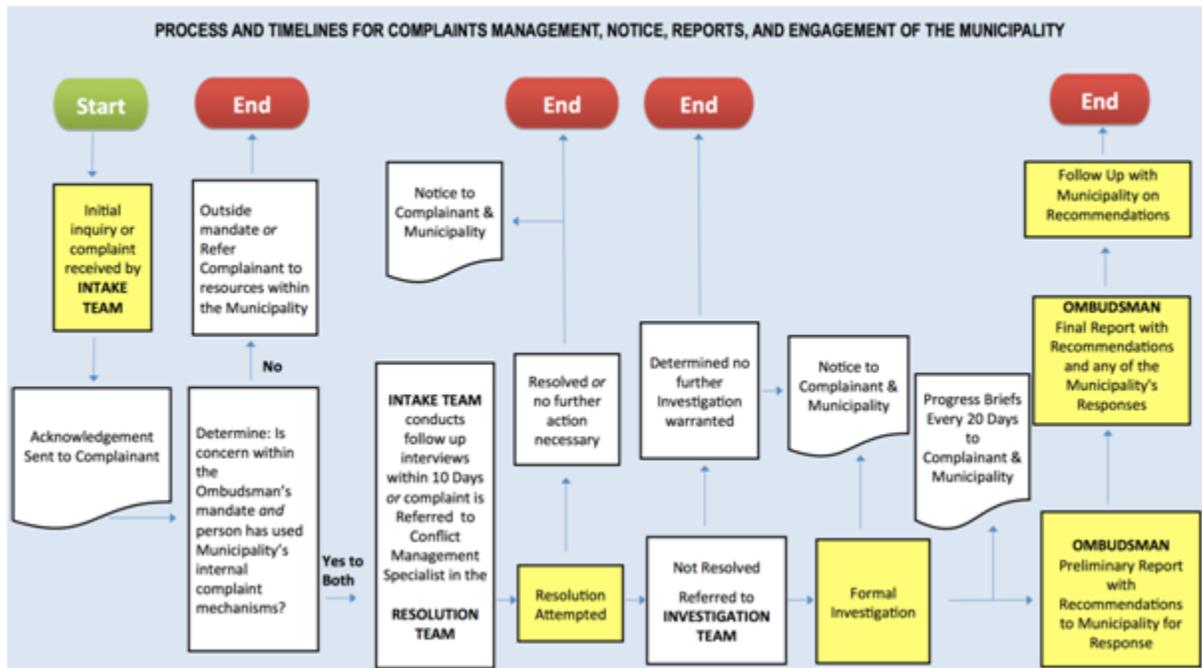
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict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

Waterloo Summary – June 1, 2021 – May 31, 2022

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Messages – split into...

18

Inquiries – resolved at Early Resolution

- A variety of complaints for the Region of Waterloo, City of Waterloo, Township of Wilmot, and Woolwich Township

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Complaints – Completed Form Received

- Complaint regarding noise and air pollution made by McQueen Shaver Boulevard in Cambridge
- Complaint regarding GRT bus stop making layover stops in front of resident's home

Region of Waterloo – June 1, 2021 – May 31, 2022:

Inquiries: Eighteen (18)

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) Call complaint regarding a court hearing resulting an unfair judgment which is not within ombuds jurisdiction.
- 2) Complaint regarding matter involving private condo fees and questions about who regulates them. Directed complainant to contact the Condominium Authority of Ontario.
- 3) Question regarding appeal process for CPP and a disability claim that has been denied. Referred to the Canadian Pension Appeal and Review Process.
- 4) PSW and palliative care scheduling concern with no shows from Waterloo Wellington Local Health. Was not in contact with the region yet provided information regarding patient ombuds and patient relations office to follow up with if care-coordinator was not of assistance.
- 5) Call regarding light at King and Victoria St., complainant was told in 2019 that the lines would be removed as they create a safety issue. Followed up directly with the city transit issues office, complainant directed to the region again. If no success from this, the complainant is to file a CCC form. No further action taken from complainant with our office.
- 6) Frequent complaints from one citizen regarding living conditions, and general dislike of the region. Complainant directed to fill out a CCC form to get more clarity on the complaint. Did not receive a CCC form.
- 7) Complaint regarding bike chained at the Waterloo Regional Airport that was then removed but could not get a return from the security regarding the whereabouts of the bike. Followed up with the City of Waterloo and connected the complainant with the airport operations manager.

- 8) Call regarding concern for Mother's care provided by the family doctor.
- 9) Complaint regarding group home they are currently staying at, which is privately run and not regionally run. Call was disconnected by the complainant while recommending where they direct their complaint.
- 10) Email complaint referring the accessible parking available in their private condo building, made suggestions to contact the building manager directly.
- 11) Email from someone who wished to submit an anonymous complaint, however, our forms do not allow for anonymity. They did not wish to proceed.
- 12) CCC complaint form submitted regarding the Prime Ministers Path project in the Township of Wilmot and the solicitation of input on the project. Upon investigation into this matter, it was reported in the Initial View letter to the complainant that the Waterloo Area Municipal Ombuds Office lacks the jurisdiction to investigate this matter.
- 13) Phone call complaint regarding reallocation of funds for a non-profit housing, directed to submit a CCC form, did not receive a complaint form.
- 14) Phone call regarding a scooter for a person with a disability in the Mississippi Golf Coast, notified the caller that they were calling the Waterloo Area Municipal Ombuds Office. Complainant acknowledged they dialed the wrong number.
- 15) CCC complaint form submitted to review the zoning and construction of apartments in Laurelwood. Initial View letter submitted back to the complainant regarding how the zoning was designated for medium density construction and proper public consultation was undertaken by the City of Waterloo.
- 16) Email regarding high water bill from the City of Waterloo. Complainant completed a CCC form, after which we discussed the matter with the City of Waterloo, Water Management department.
- 17) Call regarding snow removal charges from property, submitted a CCC form escalated to ombudsman.
- 18) Complaint regarding snow removal charges from the City of Waterloo. CCC form completed.

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. A Complaint, Consent and Confidentiality form was received outlining a property owner's concerns regarding McQueen Shaver Boulevard in Cambridge, regarding noise and air pollution for the residents. Ombudsman reviewed this complaint, investigated these concerns, and provided an Initial View letter to the complainant.

The Region of Waterloo relies on an Environmental Assessment of the area and the allegations are that the McQueen Shaver Boulevard has ignored or changed these requirements. The complaint outlines concern for one's health by being in proximity to this roadway.

The Waterloo Area Municipal Ombuds Office does not have jurisdiction over assessing the roadway, however, we can assess whether or not the Region followed its own laws and procedures. After careful review of the Environmental Assessment, Alternative Routes Screening, and Noise impact guides, our office was able to satisfy itself that the Region followed its procedural obligations.

The Waterloo Area Municipal Ombuds Office strongly urges the Planning Department to continue to work with the Complainant and other residents to ameliorate the air and noise pollution. This is identified as continuing consideration under the ESR.

2. We received a referred complaint from the Ontario Ombuds Office and subsequent CCC form regarding a GRT transit stop that has buses doing layovers in front of the complainant's house and subsequently blocking their driveway.

Our office reviewed the complaint and contacted the Region of Waterloo, Transit Services to gather more information as to the review of alternative locations the

region did and what the findings were. Transit Services provided further information regarding the stops positioning and public input.

This file is still open and will be transferred to the Ontario Ombuds Office.



Contact Information

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Fax: 905-627-5362