



Annual Report

Region of Waterloo — June 1, 2017 – May 31, 2018



Waterloo Area
Municipal Ombuds Office

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THE OMBUDSMAN'S MESSAGE

This Report is the second 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, Woolwich and Wellesley. This reporting period runs from June 1, 2017 to May 31, 2018, 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 eight (8) inquiries between June 1, 2017 and May 31, 2018. This is fairly consistent with last year's usage when eight (8) inquirers sought out the office in nine (9) months. We were surprised to observe that there was no increase in the usage of the office this year over last. Typically as people use the office word gets out and we see volume build over time.

Five (5) of those inquiries were subject to referral, or decided not to pursue a formal complaint while three (3) others were formalized by filing a Complaint, Consent and Confidentiality Form, and either resolved through shuttle diplomacy (which is what we call informal mediation over the phone or electronically) or through mediation. None of the matters gave rise to a formal investigation.

The cases we intervened in were often 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 our office saw the matter based on the facts as we had learned them. This provided the parties with an impartial frame of reference and assisted in resolving some matters.

Because the Office is accessible and easily discovered using an internet search we do tend to receive complaints of a general nature which are completely outside our jurisdiction. It is difficult to discern a pattern with some being related to Children's Aid, others insurance related, and one was related to their condo board.

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 make various municipalities aware of complaint resolution skills and strategies that can assist managers and front line employees to resolve issues at their level.

We will continue to find ways to keep the office relevant and useful to citizens of this rapidly growing Regional Municipality.

A handwritten signature in cursive script that reads "Richard A. Russell". The signature is written in black ink on a light-colored 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. 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.
8. Issues related to labour and employment matters.

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

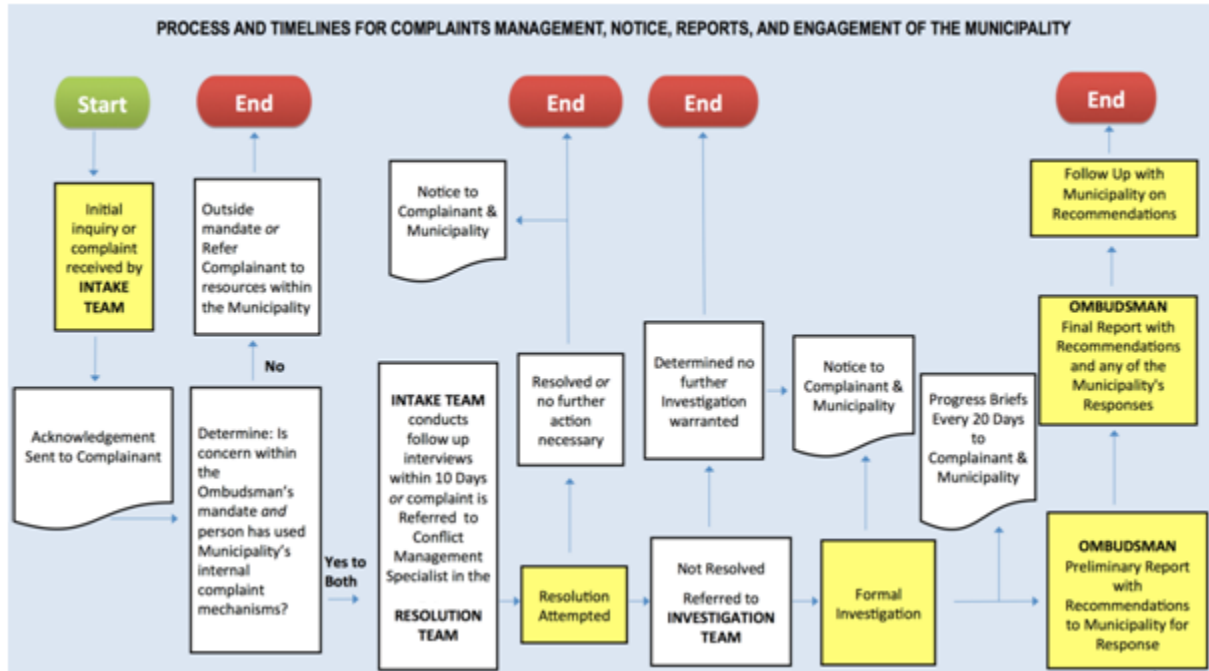
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict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

8

Messages – split into...

5

Inquiries – resolved at Early Resolution

- 1** Waterloo Region District School Board
- 1** Pertaining to Ontario Renovates Program
- 1** Pertaining to Labour and employment
- 2** Pertaining to Regional Housing

3

Complaints – Received completed form


- 1** Pertaining to lack of response
Resolved through initial review
- 1** Pertaining to Grand River Transit
Resolved through initial review
- 1** Pertaining to Regional Housing
Resolved through initial review

Region of Waterloo:

Inquiries: Five (5)

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 after contacting the Waterloo Region District School Board, about a teacher's treatment of their special needs daughter. The School Board recommended they take their concerns to the Ombudsman's office. Our office provided them with the contact information for the Special Education Advisory Committee to obtain support. We also advised them that the Waterloo Region District School Board was not within our jurisdiction and referred them to the Ontario Ombudsman.
2. A Resident who applied for the Ontario renovates program for low income housing contacted our office to assist her. She had her property tested for mold by the Region's contractor and was approved for the program based on the report. She obtained the required quotes to remove the mold. When she provided the quotes to her contact at the Region, she was advised that they had retired. She was referred to someone else, who advised her that the Region had a new contractor for testing mold and they would have to re-test her property and that they were waiting for approval to have the re-test done. She was concerned that the mold was affecting her health and that several months had passed since the first testing. Our office provided her with a Complaint, Consent and Confidentiality form to authorize our office to review the matter with the Region. A completed form was not received.
3. We received a telephone call from an Employee with the Region. We advised them that it is not within our mandate to look into issues related to labour and employment matters. We suggested that they contact their Union.
4. A Resident living in Ontario Housing contacted our office requesting our assistance in dealing with the Region's Housing Office. They had submitted a complaint to the Housing office with respect to concerns over a neighbour's behaviour. We provided them with a Complaint, Consent and Confidentiality form. The completed form was not received.

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5. Our office received several calls from a Resident who was assisting a young woman and her children in obtaining affordable housing. They were temporarily put in a hotel room and given a deadline of when they had to be out of the hotel. Our office assisted them by getting them in touch with the appropriate office at the Region.

Complaints: Three (3)

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 usually 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 through our website. The Complainant claimed that the Region of Waterloo was not responding to their emails and telephone calls over a one year period. Our office contacted The Region of Waterloo and with permission from the Complainant, provided the Region the Citizen's contact information so they could respond to the inquiry. The Resident confirmed that they did receive a telephone call and an email response from The Region of Waterloo. The response from The Region included an apology, along with an explanation.
2. Our office received a completed Complaint, Consent and Confidentiality form about concerns with a Grand River Rapid Transit bus stop and accessibility for people with mobility issues and safety concerns around the lack of signage due to the incomplete construction.

Our office contacted the Assistant Director of Transit Services and with the Complainant's permission, had the Assistant Director contact the Complaint to have a fulsome discussion around his concerns. The Assistant Director worked with the Complaint's concerns and suggestions to address the issue. The Complainant was impressed with the actions taken by the Assistant Director and thankful for the assistance provided by our office.

3. A Complaint, Consent and Confidentiality form was mailed into our office outlining concerns with the Region of Waterloo Housing not addressing safety concerns in the Resident's housing complex. Our office contacted Regional Housing and was advised that they had been working with the Complainant to transfer them to another property and that the individual had withdrawn their request for a transfer. A review of the steps taken by Waterloo Housing to address the safety concerns brought forward by the Complainant, confirmed that the appropriate action was taken in dealing with the safety concerns. Our office worked with the Resident and the Region of Waterloo Housing to assist the Resident in obtaining new housing. The Resident moved in June and was very appreciative of the assistance from our office and the support provided by Region of Waterloo Housing.

City of Kitchener

Inquiries: Four (4)

1. Received a telephone call from a distraught gentleman whose lawyer suggested he call the Ombudsman's office regarding an on-going court matter. After describing his concerns with the Court System and his circumstances, we determined that as a Resident of Kitchener, our office was not able to assist him and we referred him to the Ontario Ombudsman for assistance.
2. A call came in from a Resident of Kitchener asking if we handle complaints for their area. Provided them with contact information for the Ontario Ombudsman.
3. A Citizen called in upset that a house was built next to them, which they felt did not go through the proper channels with the City. They live in Kitchener so they were referred to the Ontario Ombudsman.
4. A Tenant in a private rental called our office to explain her issues with her Landlord not respecting her need for accommodation for her disability. The property was in the City of Kitchener and was referred to the Ontario Ombudsman for further assistance.

General Inquires: Six (6)

1. We received a voicemail message asking to set up an appointment with someone from our office. No name was left, so we called back to the number that was provided and left a voicemail message advising we were returning their call.
2. A call was received from a Complainant about the Children's Aid Society not allowing his daughter to see her baby. We explained that this is outside of our office's jurisdiction and that the Ontario Ombudsman's office is excluded by legislation. As recommended to us by the Ontario Ombudsman's Office, we advised them to contact the Child and Family Services Review Board or the Office of the Provincial Advocate for Children and Youth.
3. A complainant called the office looking for assistance in filing a complaint against his condominium board. Explained this was not within our office's jurisdiction and provided suggestions on who to contact to address his concerns.
4. We received a call about a car insurance matter. We advised them to contact their Insurance Company's Ombuds office.
5. Our office received an email with concerns about a restoration company that their Insurance Company recommended. We explained this was not our jurisdiction and referred them to their Insurance Company's Ombudsman.
6. We received a voice mail about Ontario Works payments not being received. Our office returned the call and left a message to obtain further information. We did not receive a return call.



Waterloo Area
Municipal Ombuds

Contact Information

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