



# Annual Report

Region of Waterloo



Waterloo Area  
Municipal Ombuds Office

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## THE OMBUDSMAN'S MESSAGE

This Report is the first of its kind 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 September 1, 2016 to May 31, 2017, a period of nine (9) months. Future reports will cover twelve months running from June 1<sup>st</sup> – May 31<sup>st</sup>.

I visited each of the six (6) municipalities that our office serves and met with the Region's Corporate Leadership Team on October 12, 2016. These meetings were to help to develop the working relationships the Ombuds Office needs to be effective in resolving issues as well as to make senior leadership aware of the Waterloo Area Municipal Ombuds Office's complaint resolution process and mandate. I noted good acceptance and understanding of the mandate for the Office and genuine interest, based on the questions that were asked.

The office received eight (8) inquiries over the course of nine months. Rose Bowden, the Early Resolution Consultant and I were surprised by the scant number of inquiries, which was reflective of what other municipal organizations were receiving, one of which received none at all.

Six (6) of those inquiries were subject to referral while the 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 largely resolved through opening or reopening lines of communication (when people grow frustrated many stop talking), challenging both citizens and Regional decision makers to listen to what the other person was saying and to give the matter a careful second look. In some instances we were able to facilitate agreement, in others we provided an Initial View letter which set out how I saw the matter based on the facts as I had learned them and this formed the basis of resolution.

Looking forward for the upcoming year, I will be meeting with the Ombuds Advisory Committee (the municipal Clerks) about how we might reach out to citizens to ensure that they are aware of the Waterloo Area Municipal Ombuds Office and how to go about approaching the Office. I will also be soliciting input about how the Office is perceived within their municipalities and how we can provide educational opportunities to municipal administrators, including those at the Region.

Rose Bowden and I look forward to evolving the services of the Office to meet the needs of the vital and growing Region of Waterloo we serve.

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

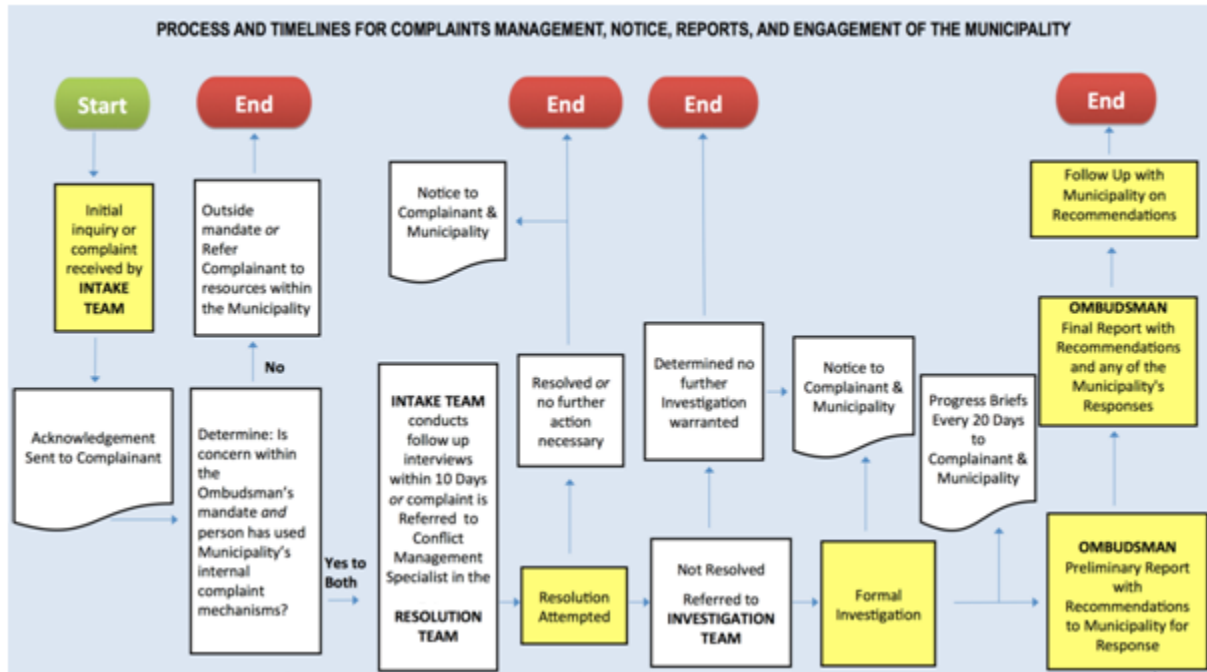
For inquiries that proceed, the Investigator will review all of the documentation that was provided by both the inquirer and the Region/City or Township. If the Investigator believes that the issue(s) may be able to be resolved consensually, the matter may be referred for early resolution through a Conflict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

**6**

Inquiries – resolved at Early Resolution

**2** General in nature

**2** Pertaining to Housing

**1** Pertaining to Ontario Works

**1** Public Health

**2**

Complaints – went to Ombudsman

**1** Pertaining to Regional Housing

↳ Resolved through initial review

**1** Pertaining to Light Pollution

↳ Complaint withdrawn

## Region of Waterloo:

### Inquiries: 6

*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. This inquiry was brought by a citizen who was concerned that their neighbours were sending a daughter back to their country of origin to get married at the age of 16. There was an expressed concern for their neighbours' other daughter, who is 13 years old that the parents may do the same thing and that the girls bring husbands back as immigrants. We explained that our jurisdiction extends only the Region and its administrators. Issues touching on immigration are federal in nature and it was suggested that they pursue this with the Immigration Department if they wished.
2. This inquirer brought a complaint of a very general nature, asking that the Region fix the economy, address the low minimum wage and the cost of rent (too high). They were barely making ends meet and they were looking to bring their concerns forward to someone in authority.
3. This inquiry pertained to Ontario Works, a programme that is funded by the province and the Region and administered by the Region. The inquirer was a tenant who was evicted immediately due to living conditions. The landlord, it was alleged, was behaving illegally and the citizen had nowhere to live. They had been temporarily put up in hotel. Their ODSP cheque had been withheld because of having no fixed address, and Ontario Works had been cut off. The Office made some contacts with Ontario Works and referred them to their case worker, who was going to work with them.
4. This inquiry was on a housing problem. The Complainant had received a letter with a deadline to provide medical information from his Doctor in order to maintain his rent geared to income. They felt they were not being treated fairly and with dignity. The Region was requesting medical information, but the citizen could not get to their doctor quickly enough to meet the deadline. The Inquirer alleged that the Region stated that was not their problem. The Inquirer then contacted the Manager of the Housing Department and left a message for assistance and to complain about the treatment they had received, but they did not get a response from the Manager's office. Our office assisted the Inquirer by obtaining contact information for a Manager at the Region who was able to grant him an extension to provide the medical verification needed by the Region.

5. Our office received a call about the Public Health Department at the Region of Waterloo. The Inquirer was distraught that the Public Health Department took over a month to send the required forms to an animal hospital for an investigation related to a death of their pet. The paperwork needed to be sent in order for the animal hospital to release the animal for cremation. The Inquirer had taken the steps through the Region's complaint department and they were not satisfied with the Region's process or their explanation for the delay. The Inquirer was provided with a complaint, consent and confidentiality form from our office. No complaint was filed.
6. An Inquirer contacted our office about a housing crisis. They were being evicted in 15 days. Ontario Works referred them to a non-profit agency to assist them with obtaining rent money for a permanent residence that they had secured. The non-profit agency referred them back to Ontario Works, who again sent them back to the non-profit agency. They contacted our office for assistance in getting them out of the same loop. Our office provided information to help the Inquirer go through the appeal process with Ontario Works.

## Complaints: 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 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. This was a lengthy complaint, issued by a Tenant in a Regional Housing apartment about various quality of service issues and the activities of other tenants. The Citizen had five main concerns; sanitation, noise, smoking, security and vandalism. Our office inquired with the Regional Housing Department and reviewed the action taken with respect to the Inquirer's complaints.

Our initial review of the general complaints filed was that the Waterloo Region Housing has taken prompt action and worked within their Directive to deal with concerns brought to their attention. We advised the Inquirer that they would have an opportunity to file an appeal, should they remain unsatisfied with the Region's process in handling of their complaints. The Tenant replied to advise that they noticed considerable improvement in the maintenance of the building and were pleased with the assistance provided by both the Region and the Ombuds Office.

2. A detailed complaint outlining concerns over light pollution and the impact on the environment was submitted. Many of the Complainant's concerns touched upon the installation of new, efficient but powerful LED overhead lighting on municipal streets and subdivisions. The light sources are allegedly more intense and dispersed than traditional incandescent or fluorescent lighting.

We corresponded and requested further details from the citizen. Once it was explained that the Ombuds Office would not review the technical advisability of the decision to proceed with LED lighting the complainant decided to withdraw their complaint.



Waterloo Area  
Municipal Ombuds

## Contact Information

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