



THE OFFICE OF LAST RESORT

TORONTO OMBUDSMAN
ANNUAL REPORT 2015

Office of the Toronto Ombudsman

March 2016

His Worship Mayor John Tory and Members of Toronto City Council

I am pleased to submit my 2015 Annual Report to City Council for the period January 1, 2015 to December 31, 2015, pursuant to section 173 (2) of the City of Toronto Act 2006 and the City of Toronto Municipal Code Chapter 3.

Yours sincerely,



KWAME ADDO
Interim Ombudsman
City of Toronto

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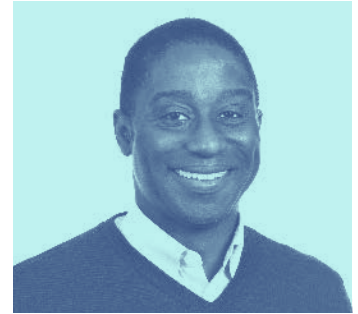
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Message from the Interim Ombudsman



November 16, 2015, marked the end of Fiona Crean's term as Toronto's Ombudsman.

Ms. Crean took office as the City's first Ombudsman in November 2008. Her leadership helped transform the Ombudsman's Office from a fledgling start-up into a respected investigative organization whose contributions have been recognized not only locally, but internationally as well.

Thank you, Fiona. The City is better for your efforts.

2015 was also a year of taking stock, with two separate reviews of the office's impact and operations. In January, we released a report produced by Ryerson University with the assistance of the International Ombudsman Institute that evaluated the impact of the Ombudsman's investigations on the operations of the Toronto Public Service. The study demonstrated that "the impact of the Ombudsman has spread beyond the divisions she investigated, and resulted in a more responsive customer service standard for Toronto residents."

As well, Council asked for an external review of the accountability officers to "explore options for delivering the functions in a combined or multiple role and in a way that would strengthen the functions and improve service to the public." The resulting report made several recommendations including:

- Identification of opportunities to improve coordination and collaboration among the officers;
- Amending the *City of Toronto Act, 2006* to explicitly allow the sharing of information between Accountability Officers and
- Further exploration of the idea of using a centralized hotline for reporting all forms of wrong doing.

The year was also marked by legislative change. The Ontario Legislature passed Bill 8, which reaffirmed the jurisdiction of the Toronto Ombudsman and significantly reduced any overlap with the Ontario Ombudsman. The move was a recognition of the success the Toronto Ombudsman has had in bringing oversight and accountability to the administration of the City of Toronto.

The Toronto Public Service By-law also came into force at the end of the year, a move first recommended in our 2011 Annual Report. The Toronto Public Service By-law will "strengthen the separation between the administrative and political components of Toronto's government and advance accountability and transparency."

The Ombudsman completed seven investigations during 2015, six of which were systemic in nature. As a result of those investigations, the Ombudsman made 48 recommendations to improve the city's policies and procedures, directly affecting the way the city goes about its business.

The issues and problems we investigate are becoming more complex, as shown by our review of Toronto Hydro and by our recent investigation into how the Toronto Paramedic Services (TPS) addresses operational stress injuries. The recommendations that flowed from the TPS investigation are a good example of how the work of an Ombudsman can make a difference in people's lives.

As the office prepares to begin a new era under a yet-to-be named successor, Toronto residents can rest assured we will continue to work to ensure fairness in all their interactions with the City government.

I want to thank all the individuals who have taken the time and the effort to complain to our office. I also wish to acknowledge the many public servants who work tirelessly on behalf of the residents of Toronto. And finally, I want to thank my wonderful team, without whom the Toronto Ombudsman would be an office in name only.

KWAME ADDO
Interim Ombudsman
City of Toronto

Improving Our City

To date, **more than 350** Ombudsman recommendations have been issued to the City resulting in policy and procedure changes



FIGHTING PARKING TICKETS

Revenue Services and Court Services are launching the Administrative Monetary Penalty System (AMPS), a new way to resolve parking fines outside of court using screening officers who have the authority to uphold, reduce or cancel parking penalties.



NO MORE DOG BITES

Municipal Licensing & Standards (MLS) and Toronto Animal Services now respond to dog bite incidents promptly and public information has been improved. MLS is in the process of changing City by-laws and policies to ensure responsible dog ownership and enforcement.



HIGH WATER BILLS

After an investigation into complaints about sudden and inexplicable high water bills, Toronto Water and Revenue Services amended a by-law to give the City Treasurer the ability to adjust water bills on compassionate grounds in exceptional cases.



PREVENTING EVICTIONS

Coming out of a Councillor motion, Toronto Community Housing (TCH) and Toronto Employment and Social Services are working together to better serve Ontario Works recipients who are TCH tenants by helping to prevent evictions due to arrears.



GUIDE TO GOOD PRACTICE

Equity, Diversity & Human Rights developed a corporate-wide framework for serving residents with diminished capacity.



40 In-depth investigations conducted to date including:

Water Billing and Metering

City Insurance Claims

Public Appointments Process

TCH Human Resource Policies

TCH Eviction Of Seniors

Toronto Water Sewage Problems

Subsidized Daycare

City Hall Security

Arena Board Governance

Below Market Rent Program

Subway Second Exit Projects

Red Tape

Fighting Parking Tickets

Toronto Paramedic Services

MLS Enforcement Practices

Wheel-Trans Video Surveillance

200 Wellesley Street Fire

Urban Forestry Tree Protection
& Plan Review

Business Improvement Areas

Toronto Animal Services and Dog Bites

Toronto Hydro Emergencies

Street Food Vendors

Taxi Licensing

“Through the process of implementing the Ombudsman’s recommendations from the Housing at Risk investigation, there has been a significant increase in interdivisional collaboration at TCH. The company has re-engineered its communication channels and, as a result, staff from across the organization are now more accustomed to collaborative work.”

– TCH Staff



Investigations

The Ombudsman launches an investigation when a complaint involves complex or conflicting information, multiple issues, or in cases where there are systemic or public interest implications. Investigations are comprehensive fact-finding examinations that can take several months to complete. They may be comprised of exhaustive, detailed document and policy reviews, legal review, witness interviews, cross-jurisdictional research, best practice research and external expert consultations. Investigations usually result in a report and recommendations.



(IN)SECURITY AT CITY HALL

In the report, *An Investigation into City Hall Security*, the Ombudsman examined the response of City Hall Security to incidents that occurred during the tenure of the former Mayor. The investigation began in the spring of 2014 after many members of the public complained that the conduct of Security had jeopardized their personal safety.

In the investigation, the Ombudsman found that Security did not respond appropriately to the unprecedented media and public attention that became the norm at City Hall. Security often failed to anticipate problems and incidents and did not always follow policies and procedures. She also concluded that Security failed to adequately respond to complaints.

Contrary to practice, Security allowed the Mayor's office to choose a guard as an escort, leading to the mistaken impression that the Mayor had his own personal security.

On a number of occasions, guards allowed the Mayor to avoid media by using an entrance to leave the underground parking lot. On one

occasion, a guard covered a security camera to prevent it from recording the Mayor's departure.

In one instance, the Mayor's Office asked Security to screen media before a news conference, even though this did not follow City policy or fall within the guard's duties. As a result, a guard denied entrance to a photographer from a major newspaper because he did not have his City Hall ID.

On another occasion, Security failed to intervene in the Council Chamber during a shouting match between elected representatives and members of the public. In the ensuing ruckus, a Councillor was knocked off her feet.

Security did not thoroughly investigate complaints about some of these incidents. On two occasions, they did not interview key people involved.

Following her investigation, the Ombudsman concluded that Security did not keep pace with the new reality at City Hall and failed to fulfil its mandate to provide equitable protection to all individuals. Guards only got additional training a year after the increased media and public attention developed, and there was an 18-month delay in establishing a new protocol for briefing senior staff on serious incidents.

The Ombudsman made a number of recommendations to the Chief Corporate Officer to ensure the safety and security of City staff and the visiting public. These included affirming that guards take direction from management and not elected officials, that policies and practices are followed, and that Security staff have the appropriate skills and resources. The City accepted all of the Ombudsman's recommendations.



MAKING THE STRONG STRONGER

Paramedics and dispatchers with the Toronto Paramedic Services (TPS) complained to the Ombudsman about how TPS handled the psychological injuries that arose from their work. These injuries, also referred to as Operational Stress Injuries (OSIs), include anxiety, depression, alcohol and drug dependency, and post-traumatic stress disorder (PTSD).

The Ombudsman announced the investigation publicly in order to encourage TPS employees to share their experiences, and to assure them of the confidentiality of the investigation process. The office received 123 complaints from

“We look forward to the Ombudsman’s input. We welcome it. We act on it.”

– Division Head, City of Toronto

paramedics and dispatchers and interviewed 139 witnesses, a record number of interviews completed as part of a single investigation.

Interviewees reported a “suck it up” attitude among some staff, a belief that traumatic calls were just part of the job, and that medics and dispatchers should have known what this career entailed. Many paramedics and dispatchers expressed reluctance to ask for help because of the stigma around mental health and the expectation that first responders should be “strong.”

Investigators were told there is a cumulative impact in the stress faced by medics and dispatchers and that many try to carry on without asking for help. Then, when they reach a tipping point, they can no longer cope. Dispatchers themselves reported a stigma unique to their role, as they are not physically present at the incident and therefore are expected to be unaffected by stressful calls.

The investigation found that TPS offers a variety of services that employees can use to address their mental health issues and had the elements of a psychological support program in place, but that they were not adequately coordinated. The most important of these are an in-house staff psychologist and a Peer Resource Team (PRT). Employees can also take up to two days off work after a “bad call” and access counselling on a wide variety of topics through Employee Assistance Programs. TPS employees receive a maximum of \$300 annually for psychological services, but this is significantly less than the amount given to other Toronto first responders.

The investigation found that the role and responsibilities of the staff psychologist and the PRT were not clear and not adequately documented. There was no protocol setting out when either should be contacted to provide support to staff. Members of the PRT were not trained in suicide prevention and TPS did not have a suicide prevention and intervention strategy.

The Ombudsman made 26 recommendations about the organizational structure for psychological services, education and training, pre-employment screening, policy development and the need for confidentiality.

All recommendations were accepted by the City Manager and the TPS. The City Manager commented that the investigation was “comprehensive and helpful.”



CUTTING THE CITY’S RED TAPE

The Ombudsman began an investigation on her own initiative into “red tape” – the barriers that prevent residents and businesses from easily accessing City of Toronto services or from complying with City requirements.

The investigation focussed on the Parks, Forestry & Recreation (PFR) division and its delivery of park services, and the Business Licensing and Regulatory Services unit of the Municipal Licensing & Standards (MLS) division.

The Ombudsman received many complaints about the process for applying for a permit to use a park—that the process was confusing, lengthy, not user-friendly and often required in-person attendance at inconvenient civic centres. Numerous individuals and community groups said the application process was unnecessarily complicated.

The Ombudsman’s Office was also inundated with complaints about MLS’s application process for a business licence. Entrepreneurs and small business owners said the process was onerous, cumbersome, confusing and time-consuming. Information crucial to the application procedure was not available online and individuals were not able to phone staff due to heavy call volume. Applicants could only find the information about applying for a business licence and the requirements that must be met by going in person to the East York

Civic Centre and dealing with excruciating wait times. Complainants also found the rules and by-laws complex and confusing. Multiple visits to the eastern part of the City were required to successfully obtain a business licence, resulting in time lost from work, business and family.

The Ombudsman found the complaints to be valid.

The investigation was extensive. Ombudsman investigators looked at bankers’ boxes of material and interviewed front-line staff and management in charge of administering and developing policies for applications for park permits and business licences. Investigators also talked to stakeholders such as community groups, business improvement areas, resident associations, and industry advocates. They toured the East York Civic Centre as well as the Licence and Permit Issuing Office.

During the course of the investigation, both of the divisions were being reorganized in order to improve service delivery to the public. It became apparent that some of the measures, as well as initiatives planned for future implementation, could go a long way towards addressing the issues identified during the investigation.

PFR conducted a large-scale consultation and review of the park permitting system, and has committed to developing an online system that gives the availability of parks and facilities, and allows the public to apply for permits and make payments and other purchases electronically.

As for MLS, it has embarked on a multi-year Business Transformation initiative. The funding for the initiative was approved in 2015 and some improvements to the licensing process have already been implemented, including the online posting of application forms for licences and permits, detailed explanations of licensing fees and requirements, as well as an increase in the number of transactions available online.

Future work at MLS includes a comprehensive review and update to make the rules and by-laws more relevant; user-friendly interpretations of

“I think the creation of the Ombudsman’s office has forced the City as a whole to take a look at our various practices, procedures, and policies to make sure that they’re reasonable and transparent... You can get into a rut and sometimes you need to be challenged to look at things from a different perspective.”

– Director, City of Toronto

the by-laws and notices; making the current programs, services and procedures simpler and more efficient; providing businesses with multi-year licences; providing customers with different ways to contact the division; and bringing in new technology to increase online functionality and ensure information is accessible and available to the public.

Given the recent reorganizations at both MLS and PFR, the Ombudsman decided to end the investigations and monitor the implementation of the changes at both divisions. Beginning in March 2016, PFR and MLS will provide the Ombudsman with bi-annual updates on their ongoing progress towards improving service to the public.



SHAKEUP AT SHELTER, SUPPORT AND HOUSING

In response to a recommendation, a new application procedure was developed to enable funds from the City’s Homeless Initiatives Fund to be awarded to new agencies and projects.

The new process for seeking non-profit community agencies to deliver services was used in a Request for Proposal (RFP) issued in the fall of 2013. The Ombudsman received complaints about the fairness of the process and whether the eventual funding decisions followed existing policies and procedures. As a result, the Ombudsman began an investigation into the grant administration practices of the Shelter, Support, and Housing Administration (SSHA) division.

Investigators reviewed a considerable number of documents and carried out interviews with SSHA staff, representatives from community agencies, and relevant stakeholders. Following an extensive examination, the Ombudsman concluded that although there were a number of significant changes as a result of the new RFP process, she was unable to support the complaints.

While the Ombudsman did not support the complaints, she noted the division had made a number of changes following the RFP, to improve its business processes. They included:

- A change in clients for its Agency Review Officers, in order to develop new relationships and to ensure greater accountability and oversight;
- Enhanced training for staff on contract management, purchasing processes, expectations and roles;
- Improvements to its RFP processes, including revised application forms and scoring tools, and;
- Enhanced tools for contract management, including supervisory review checklists, more vigorous financial budget and expenditure checklists, and implementation of performance benchmarks.



NO REPRISAL FOUND, BUT MISTREATMENT NOT TOLERATED

Mr. C complained to the Ombudsman about eight months of retaliation from his employer after having been a witness in a previous ombudsman investigation.

He believed that various managers in his division harassed him and treated him unfairly after the investigation’s report was made public. Eight months later, his employment was terminated.

The Ombudsman considers a complaint of reprisal against a witness to an investigation to be a very serious matter. It is an affront to fairness, equity and the Ombudsman’s ability to act as an accountability officer.

Due to the seriousness of the allegation, the Ombudsman notified the division that she would be investigating this complaint.

In the end, the evidence did not support the complaint of reprisal. The Ombudsman did, however, find that Mr. C’s managers engaged in intimidation and coercion during the period under review. Their actions ranged from the mishandling of an accommodation request, poor performance management, and improperly conducting a job competition involving Mr. C.

Mr. C bore the brunt of the impact of events that took place during a time of turnover and chaos in the division.

The sustained mistreatment exacerbated Mr. C’s feelings that he had been ostracized and isolated within the division.

The Ombudsman made nine recommendations to strengthen human resource practices, which the organization accepted.



EMERGENCY MANAGEMENT GETS AN UPGRADE

After receiving a number of complaints about Toronto Hydro, the Ombudsman began an investigation to examine Toronto Hydro’s response to emergencies and whether its responses were consistent with the company’s emergency policies and procedures. The office looked into emergencies declared by Toronto Hydro between January 30, 2014 and April 15, 2015.

During the course of the investigation, Toronto Hydro was re-organizing its emergency management practices and performance to bring them in line with leading practices and industry norms. This was the result of an independent review of its response to the ice storm in 2013, as well as recommendations and directions from Toronto City Council.

Given the evolving nature of Toronto Hydro's emergency protocols and procedures for its distribution network or grid, the investigation was extensive and complicated. Investigators reviewed over 17 binders of material and interviewed the senior management and staff responsible for emergency planning, preparedness, response, and restoration. They also interviewed complainants and stakeholders such as utility regulators and union and industry representatives.

During the investigation, it became apparent that some of the changes Toronto Hydro had recently made, along with modifications planned for the future, would address the issues identified by the Ombudsman.

Specifically, Toronto Hydro made improvements to give staff greater ability to perform damage assessment and respond to customer concerns. A new damage assessment process will be created, along with the training of additional dispatchers and damage assessors. Emergency response roles will also be created for all employees. Toronto Hydro said this will increase its ability to handle a much larger number of calls.

Toronto Hydro also set up a Grid Emergency Management Team to help bring in the changes. Given these developments, the Ombudsman decided to discontinue the investigation and monitor Toronto Hydro's actions instead. In 2016, Toronto Hydro began providing the Ombudsman's Office with quarterly updates on its ongoing progress.



CITY IMPROVES TREE PROTECTION

After receiving complaints about the Tree Protection and Plan Review unit (TPPR) of the City's Urban Forestry branch, the Ombudsman began an investigation into how the unit was administering the City's tree by-law. Under the by-law, residents are required to get permission from the City before damaging or removing trees on City streets and trees on private property that are big enough to qualify for protection.

Residents had a number of complaints, including:

- The requirement they provide large sums of money to the City as a "tree protection guarantee", without sufficient explanation as to when and how they would get the money back;
- being compelled to unreasonably redesign their construction projects in order to protect trees;
- inadequate communication with TPPR staff during this process.

One problem was that staff had no clearly-defined process for dealing with by-law violations. When by-law inspectors came across an infraction (such as cutting down a tree illegally), they would only order the resident to apply to remove the tree after the fact.

Other aspects of the by-law were not applied equally across the City. There were differences in: the number of trees a resident had to replant if they were given permission to cut down a tree; the information that TPPR provided to residents about the tree protection guarantee; and the language staff were using to describe the condition of trees.

Shortly after the Ombudsman launched her investigation, the manager of the TPPR unit shared a copy of a comprehensive written review of its practices that identified a number of shortcomings, including: inadequate policies or processes; inconsistent application of the by-law; and staff exceeding their authority.

The review was part of TPPR's plan to improve their operations and make them more consistent and more transparent. For example, it has created a new procedure for dealing with by-law violations that emphasizes the need to give clear information to residents about the nature of the infraction, and clear direction on what they need to do to come into compliance. They have issued written instructions to staff about the procedure, and template documents for staff to use. All staff will be trained on the new procedure in 2016, to ensure they are all doing the same thing.

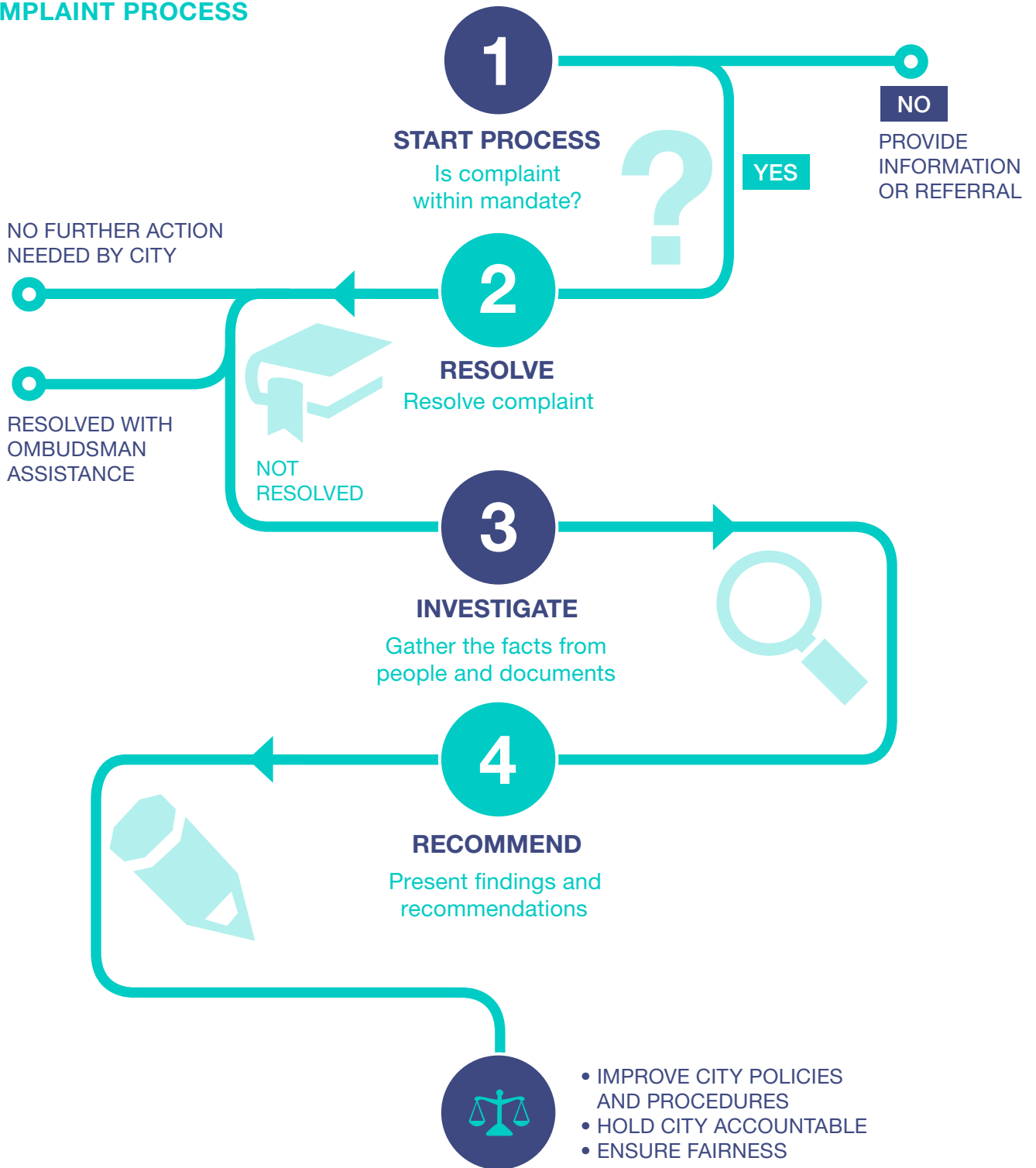
TPPR has also changed its process at the Committee of Adjustment to give residents a better idea of what they need to do to protect trees on their property when they receive minor variances for their construction projects.

The Ombudsman supported the initiatives already undertaken by the unit and made additional recommendations including defining the procedure that staff will use when deciding whether to lay charges for by-law infractions, and creating a process for residents to appeal the fee that is charged when a violation is identified.

All of the recommendations were accepted by the division, with implementation to be completed in 2016.

When Things Go Wrong

COMPLAINT PROCESS



Bill 8 – A Win for the Toronto Ombudsman

The Government of Ontario has reaffirmed the sole authority of the Toronto Ombudsman to investigate complaints about Toronto government services.

Beginning January 1st, 2016, Bill 8 gives the Ontario Ombudsman the ability to review complaints about municipalities across Ontario, **except** complaints about the City of Toronto that fall within the Toronto Ombudsman's jurisdiction.

The new legislation, formally known as the *Public Sector and MPP Accountability and Transparency Act, 2014* also clarifies that the Ontario Ombudsman cannot review decisions made by the Toronto Ombudsman.

2.8
Million People

160+
Languages

140
Neighbourhoods

170+
City Organizations

Within our Scope

- BUILDING PERMITS
- BY-LAW ENFORCEMENT
- CHILD CARE
- CITY INSURANCE CLAIMS
- ELECTRICITY
- ENVIRONMENT
- HOUSING
- LICENSING AND STANDARDS
- LONG-TERM CARE
- PARKING
- PARKS, FORESTRY AND RECREATION
- PERMITS
- PUBLIC HEALTH
- SOCIAL SERVICES
- TAXATION
- TRANSPORTATION
- WATER

PEOPLE'S STORIES

Intake staff are the first point of contact for most people who come to the Ombudsman. They often resolve complaints on the same day or several days after making inquiries with City staff and reviewing documents. Investigators handle more complex complaints that may involve research into City policies and procedures, witness interviews, in-depth document reviews, and meetings. These cases take longer.

1. Finding Shelter for our City's Most Vulnerable

Ms. E was very anxious when she came to the Ombudsman. The elderly homeless woman had been staying at a Salvation Army shelter for six months, ever since she had been released from the Centre for Addiction and Mental Health. On the day she came to see the Ombudsman, Ms. E had been told by the shelter that she had to leave by the end of the day, because she had reached the 6-month limit on a stay. Ms. E said she had nowhere to go and that her sole income was a disability pension of \$600 a month. Ms. E also said that she was unhappy with the Guidance Counsellor who had been assigned to her.

We contacted the City's Shelter, Support & Housing Administration (SSHA) division for advice on how Ms. E could obtain emergency shelter. SSHA staff said that Ms. E would need to work with her Guidance Counsellor to get a referral for a shelter bed from the Salvation Army. SSHA staff also stated that due to cold weather, there was a limited availability of beds.

At Ms. E's request, we acted as a liaison between herself and the shelter. We learned from shelter staff that Ms. E was refusing to provide the personal information that was necessary to apply for a shelter bed. We spoke with Ms. E and explained to her that she would have to cooperate with staff at the Salvation Army shelter, or wait hours before securing a new place to stay. Ms. E asked that the shelter promise they would not sell her personal information to anyone. The Guidance Counsellor assured Ms. E that all her personal information would be kept confidential.

Through the Ombudsman's intervention, Ms. E was given a bed at another Toronto shelter. In addition, Ms. E was put on a waiting list at the City's Housing Connections agency, in order to get permanent housing. Ms. E was thankful for our help.

2. Waiting for Bills

Ms. O called the Ombudsman on behalf of her elderly parents, upset that they had not received a Toronto Hydro bill for almost six months. Ms. O's mother said she could not get a straight answer when she called about why they had suddenly stopped receiving their bills. Ms. O's parents live on a fixed income and were worried about the financial hardship they would face in having to pay a large lump sum bill.

Ms. O also said that her mother recently noticed a person in an orange suit near their electricity meter. She claimed that the person did not identify himself or advise them of the meter-related work he was doing on their property.

We contacted Toronto Hydro, which arranged for an Energy Service Advisor (ESA) to contact Ms. O's parents, explain the reason for the change in electricity meters, and apologize that the installer had not talked with them in person. The ESA also told Ms. O the estimated billing for the 6-month period would be reviewed and that her parents would be notified what they owed.

After the review, the ESA advised Ms. O's parents that their estimated bill for the 6-month period was calculated fairly, as it was based on the home's previous usage. However, in recognition of its poor customer service, Toronto Hydro offered to give the parents a 3-month credit, cutting their bill in half. Ms. O and her elderly parents were grateful and happy with the outcome.

“We all thank you a million times from the bottom of our hearts for all your kind efforts to assist us.”

– Resident

3.

New Owner Tackles Old Permit Problems

Ms. D recently bought a restaurant in Toronto. Shortly after applying for a liquor licence, she was surprised to find there was an open building permit on record with Toronto Building, the division in charge of building safety. A liquor licence cannot be issued until all existing permits are closed with an inspection.

Determined to get a liquor licence, Ms. D went ahead and did significant renovations the building permit required for the restaurant. During the work, several inspections were done by Toronto Building. This exasperated Ms. D, because as

violations. For example, a Toronto Building inspector said a smoke bomb test had to be done on the fume hood. But when Ms. D hired contractors to complete the test, they told her the risk of fire from years of neglect made the test too dangerous to perform.

Ms. D felt financially and mentally drained. She believed inspectors were giving her the run around and that the open building permit would never get closed.

Angry and frustrated, Ms. D came to the Ombudsman, who addressed the issues with Toronto Building. Toronto Building

4.

One Sign is Better Than None

Mr. B hired a sign company to add a new business sign to the front of his building. The sign company got approval for the new sign from the Sign By-law Unit of Toronto Building. But during the inspection, City staff noticed there were three other large signs on another wall of the building that did not have permits. Mr. B did not realize permits were required for these large photographic signs, which he had hung himself.

Because their size and scale did not meet existing guidelines, the signs required variances to the Sign By-law if they were to stay. In order



soon as one problem was addressed, inspectors told her there were other outstanding issues.

Even though the previous owners had received a food-handling licence, Ms. D said the kitchen had never been inspected by Toronto Public Health. As the current owner, Ms. D was now responsible for addressing the pre-existing

acknowledged the urgency of the situation and the owner's concerns. A Director with Toronto Building confirmed that inspections for the outstanding deficiencies were scheduled and promised to update the office, along with a commitment to work with the owner to ensure that the remaining work was completed to plan.

Ten days after contacting our office Ms. D called to say that the outstanding permits had been cleared and she had applied for her liquor licence.

to get a variance, certain criteria had to be met, including that the sign not affect public safety, and that it was aligned with the objectives of the Official Plan.

Mr. B submitted an application for the sign variance, but it was denied. Mr. B appealed the decision to the Sign Variance Committee, but was directed to remove the three signs in the meantime.

“I think this whole business of having a place where people feel they can go if their issues have not been resolved is a really positive thing.”

– Senior Executive, City of Toronto

Mr. B turned to his City Councillor, and then to the Ombudsman for assistance. Mr. B raised several issues with the Ombudsman. He stated the application and appeal processes were unfair, noting he had paid over \$1600 in application and appeal fees. Mr. B said the process was very difficult to navigate and worried he had done a poor job of representing himself at the appeal hearing. He also said there were many large signs near his business that did not comply with the by-law and noted that he had the support of his neighbours and other business owners in the area.

We brought these issues to the attention of the Sign By-law Unit. After a series of meetings, document reviews and discussions, the Ombudsman made several proposals to improve the application process for sign variances.

The Sign By-law Unit agreed to act on all of the Ombudsman’s suggestions. They included improvements to the language in the application and decision notices. This allowed applicants to better understand the criteria and facts used by the Chief Building Official when considering a variance proposal.

As for Mr. B, the Sign By-law Unit agreed to consider a request to keep one sign and worked with him to submit an application. In the end, Mr. B said, “One sign is better than none!”

5. School Demolition Leads to Permit Homework

Ms. F complained to the Ombudsman that Toronto Building had issued a demolition permit without applying a beautification by-law from the former City of York. Under this by-law, which only applies to construction projects in the former City of York, the Toronto and East York Community Council can consider whether to require a developer to beautify the lands before a demolition permit is issued. The demolished property in this case, was a local school in Ms. F’s neighbourhood.

The resident argued that if the by-law had been applied properly, citizens could have commented on the application at the Community Council and the building might still be standing. The resident also noted that an application for heritage designation for the school was filed days after the demolition permit was issued.

After receiving the complaint, the Ombudsman requested information from Toronto Building and the Heritage Preservation unit of City Planning.

Toronto Building provided a detailed explanation of why it failed to apply the by-law, and the steps it was taking to avoid a similar event in the future. Acting on the Ombudsman’s suggestions, Toronto Building instituted additional management supervision of demolition permits and improved the City’s database so that any property covered by the by-law is flagged early in the permit process.

“The value of the Ombudsman and the other accountability officers is that they’re independent.”

– Division Head, City of Toronto

Toronto Building wrote to Ms. F and explained even if the by-law had been applied, demolition could not have been prevented because the by-law applied only to beautification and not heritage preservation. In the letter, management apologized for the impact their mistake had on the community and offered to answer any further questions.

The Heritage Preservation unit said when the demolition permit was issued, the property was not thought to have any heritage value. However, as part of the development application following the demolition, the developer was required to undertake an archaeological evaluation of an older school house that once stood on the site.

Heritage said it would work with Toronto Building to improve the protection of archaeological sites and areas having archaeological potential. This includes adding information to the database and notifying applicants when they apply for demolition permits that the land is designated as an archaeologically sensitive area.

Heritage also welcomed advice from the Ombudsman that it make more information available on its website, so the public can understand the heritage designation process and how Toronto’s history is protected.

A few weeks later, Ms. W received a call from a 311 Supervisor who told her that following an investigation, 311 was going to recommend that the Solid Waste Management division give her a rebate for the overpayment she made between 2011 and 2015.

A week later, a Supervisor from Solid Waste Management phoned Ms. W to let her know the rebate period would only cover the period between September 2015 when Ms. W called 311 and October 2015. The Supervisor explained that the homeowner is responsible for reviewing the charges on the utility bill, which are issued every four months. Ms. W was not pleased with the decision but was told it was final. She was referred to the Ombudsman.

After hearing from Ms. W, the Ombudsman discussed the complaint with the Program Manager of Solid Waste. The Program Manager reviewed the complaint and talked to Ms. W in person.

The Program Manager emphasized that it is a homeowner’s responsibility to review their utility bill and immediately alert the division of any discrepancies. Even so, the Program Manager acknowledged Ms. W’s reasonable approach in making the complaint and the division’s commitment to continuous service improvement. In the end, the division gave Ms. W a credit of about \$400 to compensate for her overpayment.



6. Large Garbage Charge

Ms. W called the City’s 311 information line to get her family’s medium-sized garbage and recycling bins upgraded to the large size. Much to her surprise, 311 staff told her that City records showed she was already paying for large bins. That meant Ms. W had been paying an annual fee of \$247 for the medium-sized bins she was using instead of the correct fee of \$88. Staff at 311 sent the issue to supervisors for further investigation.

7. Water Bill Blues

Mr. G contacted the Ombudsman’s Office, after he received a \$7,500 water bill. Mr. G said he received the higher than normal bill after the City installed a new automated water meter on his property in 2014. The installation, mandatory for all properties in Toronto, is part of a six-year program to install new water meters across the city.

After he received the bill, Mr. G complained to the Revenue Services division, who determined that his invoice represented a “catch up” bill for the period 2009 to 2014, the date the new water meter was installed.

According to the division, the “catch up” was necessary because it had not received any meter readings for the previous five years, despite leaving numerous meter cards for the resident to submit to the City. As well, there had been no response to 15 warning letters sent to the owner requesting a reading. When the new meter was installed, the City was able to calculate the complainant’s actual water consumption, which was significantly higher than his estimated bills.

The homeowner was asked to check for any leaks that might be causing the increased consumption, and he reported that none were found. However, a City inspection found evidence of a prior leak and the complainant acknowledged there had been problems with a second floor toilet, which he was in the process of replacing.

The division reduced the bill, by spreading the increased consumption over all five years and by lowering rates where applicable. This resulted in a significant reduction in Mr. G’s bill, but that did not satisfy him. The division insisted it did not have the authority to make a further adjustment on his bill, as his case did not meet any of the criteria for an additional adjustment.

The Ombudsman reviewed the available information, including the documents from Revenue Services, and conducted several interviews with Mr. G and division staff. Based on our review, we advised Mr. G that the division had acted appropriately and no further reduction was possible.

Mr. G was still not satisfied, so a meeting was organized with Mr. G, his City Councillor, Revenue Services, and our office to try to mediate a solution. The meeting was successful and Mr. G and the division agreed to a repayment schedule that was acceptable to both parties.

8. Seniors’ Money Matters

Mr. N wrote to the Ombudsman on behalf of a volunteer organization that provides services for seniors at a City community centre. The volunteers, who host lunches, sell TTC tokens and organize day trips, rely heavily on support from two Parks, Forestry & Recreation (PFR) staff who work at the community centre.

Mr. N complained that PFR had decided staff would no longer be able to handle money on behalf of his organization. For example, the group currently collects books that they sell at the community centre to raise funds for their activities. Mr. N was concerned that staff would no longer be able to collect the money from the book sales, nor purchase items like food for lunches hosted by the group. Mr. N said these changes would seriously hurt his group’s programming. He expressed his concerns in a letter to a PFR supervisor, but did not like the reply.

The Ombudsman made inquiries. Staff at PFR confirmed the division was reviewing the roles that staff play with seniors’ organizations throughout the city. The division’s goal was to standardize how money is handled with all seniors’ groups. In some cases, staff are handling substantial amounts of money.

PFR’s concern is financial accountability – they felt PFR staff should not be responsible for cash that belongs to Mr. N’s organization.

The division said it is committed to working with Mr. N’s group to develop procedures that will allow the group to continue their programming, and allow volunteers and PFR staff to keep better track of the group’s money. For example, PFR recently purchased a “drop safe” for the group that will allow volunteers and PFR staff to deposit money in sealed envelopes into the safe, which can only be opened by the group itself.

Mr. N later confirmed that his group was working with PFR to implement procedures which he said were not “ideal”, but allowed his organization to continue offering their programs to seniors.

9. Questionable Campaigning Causes By-Election

Mr. H ran for the position of Tenant Representative for the Toronto Community Housing (TCH) building where he lives. Tenant Representatives work with TCH management staff, advocating for the interests of tenants in TCH buildings.

Mr. H lost the election, but claimed that supporters of another candidate had been campaigning on the day of the vote, which is not allowed under the election rules. He claimed that they had held up posters of their candidate, and led residents to the ballot box, encouraging them to vote for their candidate.

Mr. H complained to a number of people at TCH about this, providing them with information on the people whom he said were campaigning. He also requested that TCH review security footage from the election. Mr. H was not satisfied with the responses he received, and sent his complaint to senior management.

After he made several follow-up inquiries, Mr. H was eventually told by TCH that “there has been a full and thorough investigation of your complaint...and there were no irregularities or violations found.” Mr. H was not satisfied with either TCH’s response or its refusal to give him details of how it carried out the investigation.

He called the Ombudsman. We requested additional information from TCH on the scope of its investigation.

The corporation decided to re-investigate Mr. H’s allegations and interview staff and residents. Following its investigation, TCH concluded that, even though it couldn’t prove the allegations of unauthorized campaigning, there were sufficient grounds on which to justify a by-election, which was carried out.



10.

Scarborough Subway Planning Left Too Late

Mr. A approached the Ombudsman in 2015 with a number of concerns about the planning process for the Scarborough subway. Mr. A claimed that public servants failed to provide good advice to Council and could not substantiate the revised ridership estimates that were presented to the July 2013 meeting of Toronto City Council.

City staff agreed the process leading up to the approval of the Scarborough subway was less than ideal. City Council endorsed the Scarborough subway without first asking the City Planning division to study the issue. As a result, staff were asked to rationalize a decision that had already been made. They rushed to produce a report to Council in July with a revised estimate of the line's ridership.

Staff maintained they had estimated the ridership to the best of their ability. Staff also stressed that ridership estimates are just one of many factors used to evaluate whether a subway is warranted. Had more time been available, they said they would have carried out other analyses, such as strategic fit, an employment growth analysis, and a public consultation.

At the time of the July report, there was some confusion over the roles and responsibilities of City Planning and the Toronto Transit Commission. Following the Scarborough subway decision, City Planning agreed to take responsibility for transit planning, project assessment and engagement, while the TTC would handle infrastructure design, engineering, costing, and construction planning and management.

The Ombudsman concluded that staff were placed in a difficult position when the Scarborough subway was approved and that may have affected the ability of the public service to do their job. But she agreed with the staff that the nature of the request and the short timeframe allotted made this a unique situation.

Based on her review of the available information, the Ombudsman decided that further investigation was not necessary.

11.

Confusion in the Courier Zone

Mr. S is a courier driver in Toronto. He came to the Ombudsman after getting a \$60 parking ticket, even though he parked his courier-marked van in a courier safe zone in the downtown financial district.

We contacted the Manager of Parking Tags in the City's Revenue Services division, who suggested that Mr. S's van may have been mistakenly ticketed because it was a private vehicle with a small courier sign, as opposed to a commercial delivery truck. The Manager suggested the courier take the problem to Parking Enforcement at Toronto Police Services.

When we explained this situation to the Manager of the Parking Enforcement Unit, she agreed to investigate. The Manager confirmed Mr. S's van was marked as a courier and parked between two signs that indicated a courier safe zone.

However, she explained the City had also placed a "No Stopping" sign within the courier safe zone. Everyone agreed the signs were in conflict.

The Manager of Parking Enforcement sent the issue to her Supervisor, who requested the City's Parking Tags unit cancel Mr. S's ticket. The Manager of Parking Enforcement also planned to ask Transportation Services to correct the signage, so that the problem does not occur again.

12.

Radio Worries Unwarranted

A group of residents raised concerns with the Ombudsman about the installation of new water meters by the City.

They complained there were potential health hazards from exposure to the radiofrequencies by the new meters used to send readings to Toronto Water. They were also unhappy that Toronto Water would not halt the meters' installation.

The Ombudsman reviewed the City's Water Meter Program approved by City Council. Toronto Water explained that Council had directed it to install new automated meters in every home and business in Toronto to make the water system more fair and equitable for all Toronto Water customers. They said there were homes and businesses that did not have a water meter or had old meters that were more than 50 years old. The new meters provide

“First off, I’m grateful to @TO_Ombuds for looking into this matter. Change has to start somewhere.”

– Tweet

more accurate readings of water use. They also eliminated the need to phone in water meter readings or have city staff enter homes to obtain a reading.

The Ombudsman reviewed the Toronto Board of Health’s policy for the location of new telecommunications towers and antennas within the City of Toronto. This policy recommends the general public’s exposure to radiofrequencies be kept to 100 times below the Radiofrequency Exposure Guidelines from Health Canada. These guidelines set safety limits for human exposure to radiofrequency energy.

Toronto Water explained that it asked Toronto Public Health to review the radiofrequency levels from the new water meters and to respond to health-related inquiries from the public.

Based on its review, Toronto Public Health concluded that the radiofrequency levels from the water meters were unlikely to pose a health hazard to individuals living in the neighbourhoods or homes where they are installed.

Despite these findings, Toronto Water offered a number of alternatives to those individuals concerned about the health consequences of the meters. Customers can have the transmitter unit installed on the outside of the home, or on another structure away from the home, such as a garage.

The Ombudsman concluded that Toronto Water had addressed the risk of radiofrequency exposure and she encouraged complainants to explore the installation alternatives offered by the Water Meter Program.

13. Rules and Rigidity at Toronto Community Housing

A lawyer sent a complaint to the Ombudsman on behalf of Mr. L, a tenant facing eviction from his Toronto Community Housing (TCH) apartment.

According to his lawyer, Mr. L had lived in the apartment since 2009 with Mr. X, the tenant of record. The lease holder and the complainant had met when they were both homeless and developed a grandfather/grandson relationship. The lawyer claimed that TCH had been aware of the living arrangement.

Mr. X died in 2014 and TCH determined that even though he had been living in the unit for five years, Mr. L had to move out for two reasons:

- Mr. L was not named on the lease
- The apartment was in a senior’s building and as Mr. L was younger than 59, he did not meet the minimum age requirement for tenancy.

Mr. L’s lawyer claimed that on at least two occasions prior to his death, Mr. X tried to add Mr. L to the lease. According to the lawyer, the requests were arbitrarily denied by the Tenant Service Coordinator (TSC), who neither told Mr. X of his right to a written decision or his right to appeal the decision to a TCH manager, rights which are set out in TCH’s Addition to Household Composition Policy.

Ultimately, TCH received an eviction order through the Landlord and Tenant Board. Mr. L did not object to the order, because it meant he could remain in the apartment for another two months. Had the case gone to a hearing, and

Mr. L lost, his lawyer said his client would have had to move out of the apartment immediately.

We were unsuccessful in our initial attempt to resolve the issue. TCH stressed that Mr. L consented to the eviction, that he was living in a senior’s building while not a senior, and that he lived in the unit illegally after Mr. X died. After further discussion, TCH agreed to postpone the eviction until we had an opportunity to complete our review.

The Ombudsman was concerned that no arrangements had been made to help Mr. L find new accommodations if he was evicted. The office contacted Shelter, Support and Housing Administration (SSHA), who agreed to try to find a solution with TCH.

After some back and forth negotiations between the divisions and the office, Mr. L avoided eviction and was re-housed in another TCH building.

Engaging Communities

2015 was another year full of outreach activities ranging from invited speeches at venues such as the Society of Ontario Adjudicators and Regulators, to attendance at community events such as the Women’s Legal Education and Action Fund Person’s Day Breakfast.

“In so many cases we’ve approached [the Ombudsman] for advice about stuff before it becomes a complaint.”

– Division Head, City of Toronto

Among others, the Ombudsman was an invited speaker at events sponsored by Women in Toronto Politics, York Region’s Taxpayers Coalition, Queen’s University School of Policy Studies, The 519 Annual General Meeting, York Collegium for Practical Ethics, Scarborough Village seniors, the Ontario Bar Association, and the Society of Trust and Estate Practitioners.

The Ombudsman was an invited plenary speaker and workshop leader at the annual conference of the United States Ombudsman Association in Arizona and the biennial conference of the Forum of Canadian Ombudsman in British Columbia. The Ombudsman also participated in the 11th Annual National Forum on Administrative Law and Practice at which she spoke about municipal accountability and independent oversight.

Additionally, the Ombudsman was a panel speaker for the Women in Leadership Seminar Series organized by Ellevest, a global professional women’s network.

For the third year in a row, the Director and Ombudsman were part of the teaching faculty at the Osgoode/Forum of Canadian Ombudsman certificate course offered by York University Osgoode Hall Law School Professional Development.

2015 was a busy year for providing training and professional development to the Toronto Public Service. The Ombudsman engaged in extensive training and advice about professional development. She, along with the City of Toronto’s Integrity Commissioner, held two workshops

for political staff at City Hall on managing unreasonable conduct. The Ombudsman partnered with The 519 staff to provide two training opportunities on serving residents with mental health challenges and mental illness. That training was also provided to Legal, Labour Relations and Human Resources staff at the City.

The Ombudsman ran a workshop on equity and good governance for a community centre board of directors. She also provided advice to the Toronto Transit Commission on pursuing training for their fare inspectors in dealing with vulnerable members of the public.

Financials

2015 Budget

In 2015, the Office of the Ombudsman budget allocation approved by City Council was \$1.755 million for the operating year ending December 31, 2015.

2014 External Audit

Robert Gore & Associates, an external audit firm, performed a successful compliance audit for the fiscal year ending December 31, 2014, a full copy of which is available on the website at ombudstoronto.ca.

Ombudsman Awards



The Ombudsman Awards are given annually to public servants who are exceptionally responsive in resolving residents' complaints made to the Ombudsman. They are also awarded to staff who advance good public administration by improving systems that result in better service and governance.

The winners of the City of Toronto 2015 Ombudsman Awards were:

- Dennis Brenyah, Counsellor, Shelter, Support and Housing Administration
- Debbie Higgins, Deputy Fire Chief, Toronto Fire Services
- Faye Jose, Director, Children's Services Division

The jury for the 2015 awards was chaired by the Ombudsman and consisted of community and business leaders: Sabina Ali, Thorncliffe Park Women's Committee; Rahul Bhardwaj, Toronto Foundation; Angela Coke, Ministry of Government and Consumer Services; Sheldon Levy, Ryerson University; and Susan McIsaac, United Way Toronto & York Region.

The Story in Numbers 2015

The Ombudsman has handled over 11,300 complaints since the office opened in 2009

The Toronto Ombudsman's office handled 1,802 complaints in 2015. Forty-one complaints were in-progress at the end of the year and carried into 2016 for completion.

Seven investigations were completed, six of which were systemic reviews, meaning the Ombudsman investigated the impact of a policy or procedure on an affected group, or groups of people. As a result of the 7 investigations in 2015, the Ombudsman issued 48 recommendations to improve the city's policies and procedures.

The key complaint trends remained similar to those of previous years: poor communication; poor service; unpredictable enforcement; wrong or unfair decisions; and unreasonable delay.

Forty-five per cent (45%) of complaints handled in 2015 had an element of poor communication. For example, many members of the public complained that despite their best efforts to resolve a matter with the City, staff were not responding to emails or telephone messages.

Overall, the top 10 City organizations most complained about in 2015 were similar to previous years. The Ombudsman received the most complaints about Toronto Community Housing (TCH), followed by Toronto Paramedic Services (TPS), Municipal Licensing & Standards (MLS), and Revenue Services.

The high number of complaints about TPS in 2015 was directly attributed to the Ombudsman's investigation into operational stress injuries, which was launched in July.

In 2015, common complaint issues about TCH included: delays in maintenance repairs resulting in unsafe and unhealthy living conditions; pest control issues such as bed bugs and rodents; security issues such as

unlocked doors and physical assaults; disputes over rent calculations, arrears and lease agreements; and delays associated with priority transfer requests.

The top complaint issues about MLS were also familiar: inconsistent by-law enforcement; poor handling of property standards disputes; noise complaints; and poor, unprofessional MLS staff conduct towards members of the public.

Complaints about Revenue Services were mostly about high water bills, parking ticket disputes, property tax bills, and staff conduct and customer service.

According to our ward data for the last 5 years, Toronto & East York has consistently been the source of the most complaints, followed by Etobicoke York, North York and Scarborough.

The office received 10 complaints from individuals complaining about how their concern was dealt with. Seven of the complaints were related to a decision to investigate the actions of Corporate Security during the previous Mayor's administration. Two complainants were dissatisfied with the Ombudsman's decision not to investigate their issues. The remaining complaint was concerned with procedural fairness. The complainant believed that he had not been given the same opportunity as the division to understand the basis on which the Ombudsman had decided not to support his complaint.

In all of the above cases, a review by the office confirmed that the Ombudsman exercised her discretion appropriately.



Complaint Summary

CLOSED IN 2015

Complaints	1,754
Investigations	7
	1,761

CARRIED INTO 2016

Complaints	41
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Top 10 (in alphabetical order)

Employment
& Social Services

Municipal Licensing
& Standards

Parks, Forestry
& Recreation

Revenue Services

Toronto Community
Housing Corporation

Toronto Hydro

Toronto Paramedic Services

Toronto Transit Commission

Toronto Water

Transportation Services

Key Trends

UNFAIR DECISIONS

- Wrong, unreasonable or unfair decisions

INCONSISTENT ENFORCEMENT

- Enforcement unfair
- Failure to enforce

POOR OR INADEQUATE SERVICE

- Unfair policies
- Unfair treatment
- Inadequate level of service

POOR COMMUNICATION

- Staff not responding to calls or emails
- Unreasonably long response times
- Information lacking or wrong

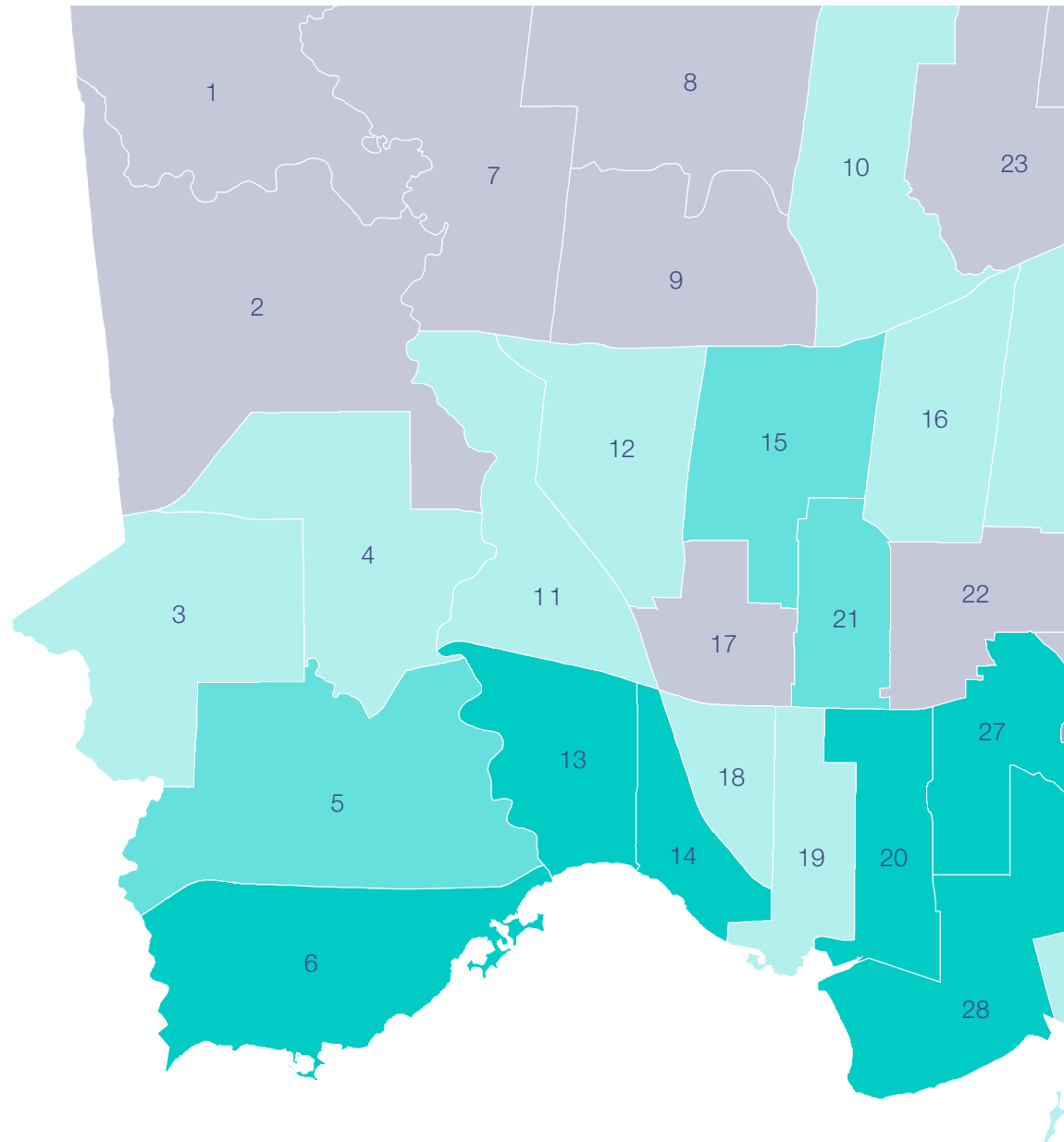
UNREASONABLE DELAY

- Responding to calls or emails
- Handling complaints
- Processing complaint appeals

2015

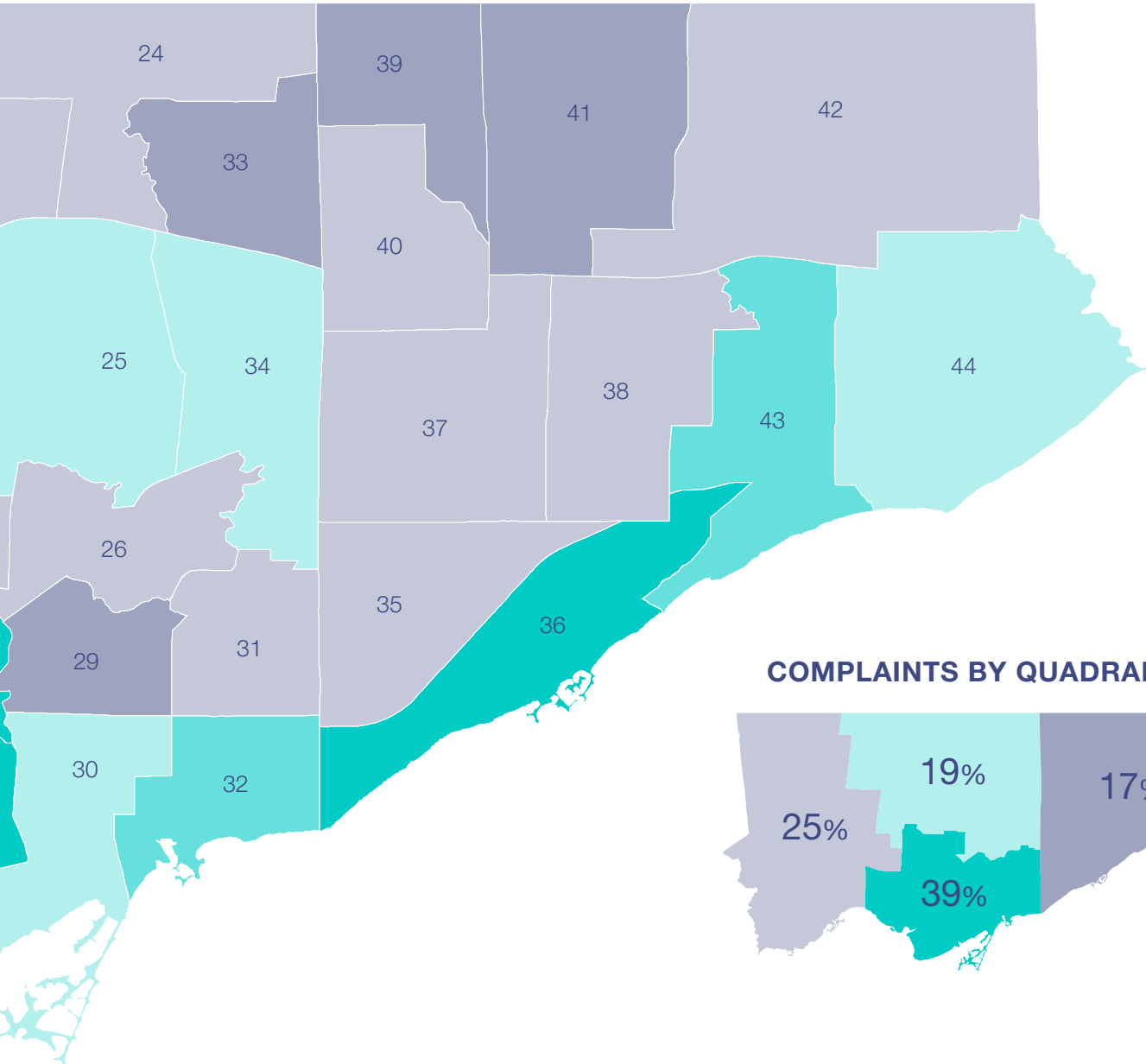
City Wards

COMPLAINTS BY WARD



WARD LISTING

- | | | |
|------------------------|------------------------|---------------------|
| 1. Etobicoke North | 9. York Centre | 17. Davenport |
| 2. Etobicoke North | 10. York Centre | 18. Davenport |
| 3. Etobicoke Centre | 11. York South-Weston | 19. Trinity-Spadina |
| 4. Etobicoke Centre | 12. York South-Weston | 20. Trinity-Spadina |
| 5. Etobicoke-Lakeshore | 13. Parkdale-High Park | 21. St. Paul's |
| 6. Etobicoke-Lakeshore | 14. Parkdale-High Park | 22. St. Paul's |
| 7. York West | 15. Eglinton-Lawrence | 23. Willowdale |
| 8. York West | 16. Eglinton-Lawrence | 24. Willowdale |



- 25. Don Valley West
- 26. Don Valley West
- 27. Toronto Centre-Rosedale
- 28. Toronto Centre-Rosedale
- 29. Toronto-Danforth
- 30. Toronto-Danforth
- 31. Beaches-East York
- 32. Beaches-East York

- 33. Don Valley East
- 34. Don Valley East
- 35. Scarborough Southwest
- 36. Scarborough Southwest
- 37. Scarborough Centre
- 38. Scarborough Centre
- 39. Scarborough-Agincourt
- 40. Scarborough-Agincourt

- 41. Scarborough-Rouge River
- 42. Scarborough-Rouge River
- 43. Scarborough East
- 44. Scarborough East

Ombudsman & Staff



KWAME ADDO
Interim Ombudsman



ADAM ORFANAKOS
Ombudsman Investigator



KATE ZAVITZ
Ombudsman Investigator

ZALINA DEODAT
Ombudsman Representative



JACKIE CORREIA
Ombudsman Representative

LUKE BROWN
Ombudsman Investigator



REEMA PATEL
Ombudsman Investigator

LAUREN HOLLYWOOD
Administrative Assistant



APRIL LIM
Research & Policy Consultant

AMANJIT BRAR
Acting Director of Investigations

Testimonials

“We used the Ombudsman a lot as an advisor on customer service and principles of procedural fairness, equity, access, those sorts of things. I would say more of our encounters with the Ombudsman’s Office are in that kind of preventive, proactive context, seeking advice... It’s better to catch something before it becomes a problem. Once it becomes a problem it’s too late... And [the Ombudsman] has been very receptive and co-operative.”

– Division Head, City of Toronto

“You were like an angel in disguise and we will never ever forget in our whole lives how patient and genuine you were, even offering to sit down in your office and listening to us and trying to see how you could find relief and take care of us.”

– Complainant

“I would like to personally thank your team for all the help wading through the challenges we have faced.”

– Complainant

“We would not have resolved various issues or been able to coordinate all the requirements and sort out the cross-communications of the various departments, without the valuable help and guidance provided to us by the Ombudsman’s Office.”

– Complainant

“We spent all morning going from one government office to another, four in total and the only office that treated us as humans is the Ombudsman’s Office.”

– Complainant

**The fact that there is an
Ombudsman's office is
quite a powerful incentive
to do the right thing...**

– Senior Executive, City of Toronto

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