



## **Ombudsman Toronto Report**

Enquiry into Toronto Hydro's "Project Carlaw":  
Pole Replacement in the former Ward 30

February 13, 2019

Susan E. Opler, Ombudsman

Kwame Addo, Director of Investigations & Conflict Resolution

Kate Zavitz, Ombudsman Investigator

|   |           |
|---|-----------|
| <b>EXECUTIVE SUMMARY .....</b>  | <b>4</b>  |
| <b>THE COMPLAINTS .....</b>   | <b>6</b>  |
| <b>ADMINISTRATIVE FAIRNESS ISSUES.....</b>  | <b>6</b>  |
| <b>THE ENQUIRY .....</b>  | <b>6</b>  |
| <b>CONTEXT.....</b>   | <b>7</b>  |
| Toronto Hydro .....   | 7         |
| Toronto Hydro's Modernization Capital Project and Project Carlaw .....                                | 7         |
| The City Right-of-Way: Rights and Responsibilities .....  | 8         |
| Legislation, Regulatory Code and Municipal Construction Standards .....                               | 9         |
| Relevant Policy, Practice and Guideline Documents .....   | 10        |
| <b>HISTORY OF THE COMPLAINTS.....</b>   | <b>12</b> |
| <b>THE COMPLAINTS AT A GLANCE .....</b>   | <b>12</b> |
| <b>ISSUE 1: DID TORONTO HYDRO PROVIDE ADEQUATE NOTICE TO RESIDENTS? .....</b>                         | <b>13</b> |
| Did Toronto Hydro adhere to its communication protocol and meet its customer service standards? ..... | 13        |
| Notices Toronto Hydro Provided for Project Carlaw.....  | 14        |
| Findings on Issue 1 .....   | 18        |
| Recommendations on Issue 1 .....  | 20        |
| <b>ISSUE 2: DID TORONTO HYDRO RESPOND ADEQUATELY TO COMPLAINTS AND QUESTIONS?.....</b>                | <b>20</b> |
| Completeness and Timeliness of Responses .....  | 20        |
| Toronto Hydro Complaint Escalation Process.....   | 21        |
| Toronto Hydro Staff Interactions with Residents .....   | 21        |
| Findings on Issue 2 .....   | 22        |
| Recommendations on Issue 2 .....  | 23        |
| <b>ISSUE 3: WAS TORONTO HYDRO REASONABLY CONSISTENT IN ADDRESSING COMPLAINTS? .....</b>               | <b>24</b> |
| Requests to Change Pole Locations.....  | 25        |
| Toronto Hydro's Response to an Angry and Unsatisfied Resident.....                                    | 25        |
| Findings on Issue 3 .....   | 26        |
| <b>CONCLUSION.....</b>  | <b>27</b> |
| <b>OMBUDSMAN RECOMMENDATIONS.....</b>   | <b>27</b> |
| <b>TORONTO HYDRO'S RESPONSE TO THE FINDINGS AND RECOMMENDATIONS .....</b>                             | <b>28</b> |
| <b>FOLLOW UP .....</b>  | <b>28</b> |
| <b>Appendix A.....</b>  | <b>29</b> |

## **EXECUTIVE SUMMARY**

Toronto Hydro is undertaking "rebuild" projects across Toronto, to address the City's aging overhead electrical system. With the stated goal of improving service to residents and ensuring fewer outages, it plans to install new hydro poles and upgraded electrical cables and to remove the old poles and cables. Toronto Hydro is planning to replace equipment that is nearing the end of its life expectancy before there is widespread failure. In 2018, Toronto Hydro reported completing 35 such overhead renewal projects.

Ombudsman Toronto received six complaints from Toronto residents about "Project Carlaw," Toronto Hydro's capital project to replace old hydro poles in Toronto Danforth (the former Ward 30).

All six people complained that Toronto Hydro was installing new hydro poles in front of their homes without notice. Some complainants also reported poor customer service, including delayed, incomplete or rude responses to their questions or complaints.

Ombudsman Toronto interviewed the complainants, Toronto Hydro staff and the local Councillor and constituency staff, conducted site visits and reviewed extensive documents, governing legislation, policy and protocol documents.

## **Findings**

Our Enquiry revealed that Toronto Hydro's service to residents affected by Project Carlaw fell short of what fairness requires and what the public would reasonably expect.

Toronto Hydro did not follow its own communication plan. Some residents who should have gotten notice did not. Available information about the project was incomplete, outdated and confusing.

Toronto Hydro did not keep adequate records of its interactions with residents. It did not respond promptly to questions and complaints or inform residents how its complaints process works. In some cases, there was no response or the response was inadequate. Staff over-reacted to an angry resident's question about what would happen if she planted a tree where the pole was proposed to go, by having the police go to her house.

## **Recommendations**

We made 13 recommendations to improve the fairness of Toronto Hydro's service to residents. These included that Toronto Hydro:

- Review, revise and follow its own communication plan for projects affecting large numbers of residents and consider the use of public meetings and signage
- Consider using methods of delivery that ensure notice reaches all affected residents and is verifiable

- Improve the content of its notice letters and website information so that it describes in plainer language the key details of the project
- Develop a consistent process for responding to requests to change design plans and to challenging complaints
- Provide training and templates to ensure that correspondence is helpful, respectful and sincere in tone and in content, showing that Toronto Hydro understands residents' legitimate concerns and takes them seriously
- Designate a single contact "expert" with project information immediately available to promptly respond to all questions and complaints

### **Follow Up**

Toronto Hydro accepted the findings resulting from Ombudsman Toronto's Enquiry. It accepted all the recommendations and has undertaken to implement them by September, 2019.

Ombudsman Toronto will follow up quarterly with Toronto Hydro on its implementation of our recommendations until it is complete.

## **THE COMPLAINTS**

1. Six households complained to Ombudsman Toronto about "Project Carlaw," Toronto Hydro's capital project to replace old hydro poles in Toronto Danforth (the former Ward 30).
2. All six complaints were similar. The complainants alleged that Toronto Hydro was installing new hydro poles in front of their homes without notice. Some of the complainants initially believed the poles were being installed on their own property, not on the City right-of-way.
3. Some complainants were able to get Toronto Hydro to agree to move the new pole to a location preferable to them, but in apparently similar cases, other complainants said this was not the case.
4. In several cases, complainants reported poor customer service from Toronto Hydro. They said that Toronto Hydro's responses to their questions and complaints were delayed, incomplete and/or rude. Sometimes, complainants said, Toronto Hydro did not respond at all.

## **ADMINISTRATIVE FAIRNESS ISSUES**

5. The complaints highlighted three central fairness questions:
  - 1) Did Toronto Hydro provide adequate notice of the project to residents?
  - 2) Did Toronto Hydro respond adequately to complaints and information requests?
  - 3) Was Toronto Hydro reasonably consistent in how it addressed residents' concerns?
6. In each of these areas, our Enquiry revealed that Toronto Hydro fell short of what fairness requires and what the public would reasonably expect. For each, we made recommendations to improve Toronto Hydro's service to the public in the future.

## **THE ENQUIRY**

7. The Ombudsman Toronto team:
  - interviewed the complainants
  - interviewed Toronto Hydro staff
  - interviewed the local Councillor and constituency staff
  - conducted site visits to the (former) Ward 30 neighbourhood to observe Project Carlaw in progress
  - photographed and examined issues reported by complainants
  - reviewed extensive documents including correspondence
  - reviewed governing legislation, policy and protocol documents.
8. Toronto Hydro, in particular the Office of the President, was cooperative with this Enquiry and facilitated contact with staff and contractors.

## CONTEXT

### Toronto Hydro

9. Toronto Hydro is a corporation wholly owned by the City of Toronto. At the relevant time, the Board of Directors was comprised of eight members of the public and three City Councillors, all appointed by Toronto City Council. The Board is responsible for supervising the management and affairs of the corporation. Since Toronto Hydro is a City Corporation, Ombudsman Toronto has jurisdiction to receive complaints about and investigate public service issues there.
10. The primary Toronto Hydro departments relevant to this Enquiry were:
  - the Customer Operations Communications Office<sup>1</sup> ("COCO"), which communicates proactively and reactively with residents and Councillors' offices regarding construction projects<sup>2</sup>
  - the East Design and Construction team,
  - the Office of the President (OOTP), which at the relevant time<sup>3</sup> was the highest internal point of complaint escalation.

### Toronto Hydro's Modernization Capital Project and Project Carlaw

11. Due to the aging overhead electrical system across the City, Toronto Hydro is rolling out "rebuild" projects across Toronto. With the goal of improving service (fewer outages, etc.), Toronto Hydro plans to install new hydro poles and upgraded electrical cables and to remove the old poles and cables throughout the City.
12. There are a total of 178,800 hydro poles in the City of Toronto and 15,540 km of overhead electrical wire.<sup>4</sup>
13. Each piece of equipment<sup>5</sup> has a life expectancy, with maintenance programs to help keep the equipment in working order. When there is an unfixable issue, the equipment is replaced. Some proactive projects like Project Carlaw aim to replace a set of equipment that is nearing the end of its life expectancy before there is widespread equipment failure.

---

<sup>1</sup> COCO is known as "PowerUP" in public-facing communication.

<sup>2</sup> COCO liaises with 10 internal Toronto Hydro departments and reports through the Program Delivery Group. It engages both external stakeholders (residents, contractors and municipal politicians) and internal Toronto Hydro departments. Its staff communicates electronically, in person, by phone, in the media, through paid advertising and through community meetings.

<sup>3</sup> After beginning this Enquiry, Toronto Hydro created an additional internal complaint escalation level, the "Office of the Customer Advocate." That office now provides a third level of complaint review within the corporation.

<sup>4</sup> <http://www.torontohydro.com/sites/corporate/AboutUs/Pages/FactsataGlance.aspx>

<sup>5</sup> Hydro poles, transformers, tap boxes.

14. Toronto Hydro's Planning group told us that 35 overhead renewal projects – like Project Carlaw – were completed in 2018.<sup>6</sup> Projects of this kind are always ongoing somewhere in the City, they said.
15. Project Carlaw involved replacing old hydro poles and related equipment in one downtown neighbourhood. In areas of high density single-family homes, particularly in the old City of Toronto, Toronto Hydro has limited options for new pole locations because the properties are so close together.
16. Toronto Hydro's project list website for Project Carlaw contained "information briefs" on two phases. Phase 1 and 2 differed only by geographic area; they were not sequentially related.
17. For each phase, work would start with the "civil" stage where new poles were installed, to be followed by the "electrical" stage where workers would transfer wire connections to the new pole. In the final stage, the old poles would be removed.
18. Toronto Hydro's website (on a webpage dedicated to Project Carlaw) reported that Phase 1 was scheduled to run from May to December 2017 and Phase 2 from May to August 2017. In other words, both phases of the project would begin at the same time and overlap temporally for the first three months.
19. As recently as November 2018, there was confusing information on Toronto Hydro's website about the status of Project Carlaw.

### **The City Right-of-Way: Rights and Responsibilities**

20. City-owned land extending from the roadway to the private property line is called the "right-of-way," or sometimes, the "road allowance." Chapter 743 of the Toronto *Municipal Code* allows the abutting property owner to occupy, use and maintain that land, within prescribed limits. For example, a property owner may place landscaping, masonry and other materials on the right-of-way.
21. The City also confers some responsibilities on occupiers of the right-of-way. It requires residents to maintain driveways, lawns and landscaping and to ensure they do not block sight lines for traffic. The *Snow and Ice Removal Bylaw*<sup>7</sup> requires the abutting property owner to keep sidewalks clear in most cases.
22. By provincial statute, Toronto Hydro may conduct work on the right-of-way. The City requires Toronto Hydro to apply for permits and obtain municipal consent for doing such work, except in an emergency, when it can retroactively notify the City.

---

<sup>6</sup> For comparison, Toronto Hydro completed 38 overhead renewal projects in 2017. Toronto Hydro explained that a group of projects sometimes are publicly identified as a single, larger project ("Project Carlaw"), to be more customer-friendly. They are typically given a public project name based on geography. The online map of projects identifies each individual project and the code assigned to it.

<sup>7</sup> Toronto Municipal Code Chapter 719, see for example 719-2 (A) providing a 12 hour timeframe for owners to clear sidewalks and laneways of snow or ice.



23. When a utility company does work in the right-of-way, The City permitting process asks utility companies to provide written notice to the owner of the property abutting that land.

### **Public Confusion about the Right-of-Way**

24. While some residential property owners understand the concept of the City right-of-way, some do not appreciate how far it extends. Often, this realization occurs only when a utility company performs work for the City on land that the property owner had understood was their private property.
25. Toronto Hydro staff told us that they believe it would help property owners if the City of Toronto would clearly describe the right-of-way and provide some public education on this commonly misunderstood concept. They said that they routinely encounter situations where residents are upset upon learning the extent of the right-of-way for the first time when workers are on site.
26. Toronto Hydro website information and notice letters for Project Carlaw stated that the project would involve work "within the City of Toronto's public property allowance in front of or adjacent to the lots." When we asked for any public information Toronto Hydro provided on the right-of-way, staff provided a short animated video from their YouTube channel, posted September 7, 2017, in which the only reference to the right-of-way was one statement that new poles were being placed on the right-of-way. There was no further explanation.
27. The City right-of-way ends and private property begins at the property line. Property purchasers must obtain a land survey, which provides the most accurate record of the property lines. The City water shut-off valve in front of a property can also serve as a useful guide, as it is always on City property, usually beside the property line. The City of Toronto website also has an interactive map<sup>8</sup> in which the user can search a property to determine approximately how far from the road the right-of-way extends.

### **Legislation, Regulatory Code and Municipal Construction Standards**

28. The Ontario *Electricity Act*<sup>9</sup> (the "Act") governs how electricity is delivered across the province, and is concerned with safety, reliability and conservation of energy. Section 40 of the Act establishes powers of entry for electricity distributors to inspect, maintain, repair, alter, remove, replace or disconnect" equipment.<sup>10</sup> It requires distributors to "provide reasonable notice of the entry to the occupier of the property<sup>11</sup>" and to restore a property to its original condition or provide compensation.
29. Section 41 of the Act allows distributors such as Toronto Hydro to install equipment as necessary to transmit energy<sup>12</sup> and to do so without the consent of the "owner

---

<sup>8</sup> <https://www.toronto.ca/city-government/data-research-maps/maps/interactive-toronto-map/>

<sup>9</sup> S.O. 1998, c. 15, Sched. A

<sup>10</sup> 40(1)(a)

<sup>11</sup> 40(7)

<sup>12</sup> 41(1)

of or any other person having an interest in the street or highway.<sup>13</sup> The location of structures shall be agreed upon by Toronto Hydro and the owner of the street.<sup>14</sup>

30. Section 4.4.7 of the Ontario Energy Board's "*Distribution System Code*"<sup>15</sup> sets out the minimum standards required for an electricity distributor in carrying out its work. It requires notice to residents in cases in which there will be a planned electricity outage: "A distributor shall notify consumers regarding the expected duration and frequency of planned outages and provide as much advance notice as possible." When attachments are moved from old to new hydro poles, a disruption will occur.
31. The City of Toronto *Municipal Code*, Chapter 743, *Use of Streets and Sidewalks* deals with permitted uses of the City right-of-way, specific to street work. It requires notice to neighbouring properties:

A permit issued under this Section shall not authorize street work beyond the limits of the subject property's street frontage unless the applicant provides written notice to the adjoining property owners advising them of the dates and times when the street work will occur<sup>16</sup>...
32. As part of the City of Toronto's Standards for Designing and Constructing City Infrastructure, the City created a document called: "Municipal Consent Requirements for the installation of Plant"<sup>17</sup> within City of Toronto Streets." Any party applying for a permit must notify adjacent properties, and any properties with sight lines affected. The notice must provide contact information and describe the work, along with the size and location of equipment.<sup>18</sup>
33. The document also states that utility companies should apply to the General Manager of Transportation Services before replacing a pole and include a schedule for installation, attachment and removal such that the work is complete in no more than 12 months.

## Relevant Policy, Practice and Guideline Documents

### ***Toronto Hydro's Standard Design Practices***<sup>19</sup>

34. The Standard Design Practices establish Pole Location Guidelines (the "Guidelines") to help designers decide where to best place poles. While always considering Toronto Hydro's primary concerns, namely safety and reliability, the Guidelines instruct designers to consider ease of accessibility for attaching service connections and allowing maintenance work, the chance of damage from vehicle

---

<sup>13</sup> 41(5)

<sup>14</sup> 41(9)

<sup>15</sup> Last revision date, March 15, 2018:

[https://www.oeb.ca/oeb/Documents/Regulatory/Distribution\\_System\\_Code.pdf](https://www.oeb.ca/oeb/Documents/Regulatory/Distribution_System_Code.pdf) (last access date October 30, 2018)

<sup>16</sup> S.743-22 III (G).

<sup>17</sup> The term "plant" is used to refer to any structure that is part of a larger system providing electricity. Such structures may also be called "connection assets" or "distribution assets."

<sup>18</sup> p.28 (April, 2018), [https://www.toronto.ca/wp-content/uploads/2018/05/980f-ecs-specs-mcr-MCR\\_April\\_2018.pdf](https://www.toronto.ca/wp-content/uploads/2018/05/980f-ecs-specs-mcr-MCR_April_2018.pdf) (last access date October 30, 2018)

<sup>19</sup> SDP Rev. 2, Revised date: June 17, 2015

traffic, and, in cases where street lights will be attached to the pole, spacing from other lights. The Guidelines state that preferred locations are within the right-of-way and on the lot line between two lots.

35. The Guidelines also establish clearance requirements, specifying minimum distances from hydro poles to curbs and driveways in residential areas, and to fire hydrants, catch basins, buildings and private fences.
36. In cases where poles cannot be placed on a lot line, the Guidelines state that the location "shall be the least intrusive to the customer." They provide no direction however about which guideline takes precedence in case of conflict, for example when a pole will either be too close to a driveway or in front of a home's window.
37. The Guidelines note that in some cases the replacement pole "may be installed in the location of the original pole." The Guidelines do not specify situations in which this should occur.
38. Toronto Hydro designers told us that while it is possible to replace an old pole with a new one in the same location, this is labour-intensive, costly and only done when absolutely necessary. The process requires all connections to be held in suspension while the old pole is removed, and then safely reattached to the new pole. In Project Carlaw, only 3 (of 315) poles were replaced in-place, in cases with restrictions imposed by retaining walls, trees, walkways and alleys.
39. The Guidelines address resident complaints about proposed pole locations. They state that a member of the Toronto Hydro communications team will acknowledge a complaint and that a representative will contact the resident to "explain the reasoning behind deciding on the proposed pole location." If there is a change to a marked pole location or to a location a resident had agreed to, the Guidelines stated that the resident will be informed of the change and the reason for it.

### ***Customer Operations Communications Office (COCO) Planned Communications Process***<sup>20</sup>

40. Toronto Hydro's COCO Planned Communications Process is a 123-page document designed to establish a communication baseline for all capital projects, with step-by-step instructions setting out roles and responsibilities. It includes process maps and templates for letters, emails, permission forms, contractor check-lists and more. A COCO supervisor may adapt the process if necessary.
41. The internal COCO Planned Communications Process document cites the statutory requirement to provide reasonable notice of entry and notes that proactive communication leads to mitigation of resident issues, enhanced negotiation with residents, increased stakeholder awareness and "promotion of the Toronto Hydro brand."

---

<sup>20</sup> Toronto Hydro Program Delivery Group: Customer Operations Communications Office, August 21, 2014

## HISTORY OF THE COMPLAINTS

42. Each of the six complainants complained initially to Toronto Hydro. When they were not satisfied with the response, some escalated their complaint to the Office of the President, where a staff member collected information to respond to their complaint and then relayed it to them.
43. Four of six complainants also contacted the office of their local Councillor, who then advocated with Toronto Hydro on their behalf. The Councillor provided significant advocacy on some files.
44. Ombudsman Toronto reviewed the issues raised by these six complaints. In two cases, although the complainants were unsatisfied with the notice and proposed placement of the poles, they were ultimately satisfied when Toronto Hydro's changed the proposed pole location.

## THE COMPLAINTS AT A GLANCE

| Complainant                 | Complainant's Allegation  |
|-----------------------------|---|
| Mr. A<br>(new pole)         | <ul style="list-style-type: none"> <li>• Written notice was inadequate –there should have been outreach</li> <li>• Proposed location would block view and decrease property value</li> </ul>                                      |
| Ms. B<br>(new pole)         | <ul style="list-style-type: none"> <li>• Pole installed without notice</li> <li>• Unfair to leave pole in place given the error of Toronto Hydro</li> <li>• Responses to questions were late and incomplete</li> </ul>            |
| Ms. C<br>(new pole)         | <ul style="list-style-type: none"> <li>• Received no notice of pole installation</li> <li>• Pole to be installed up through mature tree canopy</li> </ul>   |
| Mr. D<br>(replacement pole) | <ul style="list-style-type: none"> <li>• Received no notice of pole installation</li> <li>• Unsatisfied with communication throughout project</li> </ul>  |
| Ms. E<br>(new pole)         | <ul style="list-style-type: none"> <li>• Received no notice of pole installation</li> <li>• Toronto Hydro response to complaint was late and incomplete</li> <li>• Toronto Hydro involved police without justification</li> </ul> |
| Mr. F<br>(new pole)         | <ul style="list-style-type: none"> <li>• Received no notice of pole installation</li> <li>• All updates in happenstance meetings with contractor</li> </ul>   |

## ISSUE 1: DID TORONTO HYDRO PROVIDE ADEQUATE NOTICE TO RESIDENTS?

### Did Toronto Hydro adhere to its communication protocol and meet its customer service standards?

#### Case Study: Mr. F

On July 18, 2017, a contractor approached Mr. F working in his garden, and suggested he move some of the landscaping because they would be placing a new hydro pole in the middle.

Mr. F was confused: he had heard nothing about receiving a hydro pole in front of his home. He told us he is meticulous about reading mail, and had carefully read the General Notice of hydro pole upgrades. All the other hydro poles were on the opposite side of the street. A contractor told him that not only would there be a pole, it would be an anchor pole, requiring two additional ground contact points for guide-wires with yellow covers.

After raising and escalating his concerns with Toronto Hydro, Ombudsman Toronto and his Councillor over the next weeks, Mr. F saw the Toronto Hydro contractor again on August 8, 2017. The contractor told him that the new pole would now be placed on the property line, rather than in front of his house in his garden. The contractor marked where the pole would stand. Mr. F told OT that he was still worried, as he had heard nothing from the COCO manager who had promised an answer by the previous week. She had not replied to voicemail or email. Nonetheless, Mr. F emailed a thank-you to all Toronto Hydro staff involved.

Three days later, Mr. F. saw the contractor for the third time. The contractor told him there had been a further design change and now no pole would be required in front of Mr. F's home, or anywhere on his side of the street. Instead, Toronto Hydro installed the anchor pole on the other side of the street, a few houses down.

Mr. F said that although he was pleased with the outcome, he was shocked by the poor communication, even on good news. No one from Toronto Hydro ever contacted him, and he believed that he learned of their plans only by chance.

45. Toronto Hydro's Pole Location Guidelines<sup>21</sup> state that "customers will be notified by a letter when a new pole is installed", whenever the proposed location is more than a metre away from an existing pole.<sup>22</sup>
46. The COCO Planned Communications Process<sup>23</sup> sets out the required notification steps in more depth. It states that:
  - COCO must send a general letter (the General Notice) to all properties in the construction area by a direct mail delivery service, advising residents of the scope and timing of the construction.
  - In addition, COCO must send a letter to residents receiving a pole in front of their property if the new pole replaces one more than one metre away. This

<sup>21</sup> S. 4, approval date 2015-10-01.

<sup>22</sup> Toronto Hydro told us that they will be piloting a new protocol in which they will provide broader notice: this would cover the installation of any pole in the right of way in front of a property that had previously not had a pole.

<sup>23</sup> October 24, 2014, first issuance, no further revisions noted, although the document says there should be annual review of the document, with revisions noted.

letter (the Equipment Letter) goes by regular post and provides additional information about the equipment to be installed. In cases where a property is getting a pole in front of it for the first time but that pole is less than one metre away from the old one in front of the neighbouring property, no Equipment Letter is required.

- One week before installation, the contractor installing the new poles must prepare and deliver a third letter to all homes in the area (the Contractor Letter), with specific details of the work. They must provide COCO with a copy to confirm completion.
  - COCO must send the ward Councillor an email attaching a personalized letter, a copy of the General Notice and a map of the work area, including project name, area, and project start date.
  - COCO staff are also to contact the Councillor by phone.
47. For Project Carlaw, COCO drafted a specific communication protocol consistent with its general protocol as set out above.
48. Neither the Guidelines nor the Planned Communications Process require public meetings or the posting of signs in affected neighbourhoods. Toronto Hydro did not use either one in project Carlaw.

## **Notices Toronto Hydro Provided for Project Carlaw**

### ***General Notices***

49. Toronto Hydro told us that it arranged for delivery of 455 General Notices for Project Carlaw. Toronto Hydro provided us with a June 9, 2017 letter from its direct mail provider stating that it "hand delivered Toronto Hydro's Project notification for Carlaw" on April 27, 2017.
50. The direct delivery company told us it cannot guarantee every letter is delivered, as it does not require a signature. The only confirmation available is that the delivery driver notifies their manager when they have completed the assigned route.
51. Toronto Hydro later discovered that it had failed to include sixteen houses that should have received the General Notice on the delivery list.
52. In the case of Mr. D, Toronto Hydro assured him that it had properly notified all area residents about Project Carlaw. He told us he remained doubtful of this, however:

*It's funny that when we canvassed many of our neighbours on [our street] no one knew anything about [Project Carlaw]. Therefore, I can only draw two conclusions. Everyone got it and no one bothered to read it or it wasn't delivered. If it wasn't delivered you might want to reconsider who and how you deliver notices in future. For some reason, everyone seems to get the notices for local zoning adjustments.*

53. When Mr. D told Toronto Hydro that he had not received a General Notice, it simply told him that the notices had been delivered. Toronto Hydro did not provide him with an additional copy when he complained. Similarly, Toronto Hydro did not provide replacement copies to the other complainants<sup>24</sup> who told Toronto Hydro they did not receive correspondence it claimed it had sent.
54. Toronto Hydro told us that when residents reported they had not received the General Notice, staff would orally explain its contents and might provide even more detail than what was included in the notice. They did not believe it was necessary to provide the General Notice after the fact.

### ***Equipment Letters***

55. Toronto Hydro sent 28 Project Carlaw Equipment Letters by regular mail to homes receiving a new pole more than a metre from an old pole.
56. After receiving a complaint from one resident about a pole installed in front of her property without notice (see Ms. B, story below), Toronto Hydro reviewed its resident mailing list for all properties in the area. As noted above, Toronto Hydro had left 16 homes off the resident list, due to human error at the design stage.
57. Of the 16 homes Toronto Hydro missed, eight should have received the General Notice only, and eight should have received both the General Notice and an Equipment Letter.
58. Of the eight homes that should have received an Equipment Letter but did not, there were five<sup>25</sup> for which the pole was installed before Toronto Hydro discovered the error. Ms. B's was one of those five homes.
59. Toronto Hydro acknowledged that there were errors in the Equipment Letter delivery process due to a "gap in communication ... caused by administrative error" and said that it had identified and corrected the problem. It stated that once it discovered the problem, it addressed it by having a contractor hand deliver Equipment Letters to the homes that had not received them.

### ***Contractor Letters***

60. The third and final required written notice was the Contractor Letter, to be sent to all homes in the work area one week before construction. While reviewing its communication process in Project Carlaw, Toronto Hydro discovered that its contractor did not deliver any contractor letters whatsoever for this project.
61. Toronto Hydro told us that it sent a deficiency notice to the contractor. It reported it is reviewing ways to improve oversight of that step, including bringing that final written notice obligation in-house.

---

<sup>24</sup> Ms. B, Ms. E and Mr. F.

<sup>25</sup> Note that only three poles were installed without notice, but those affected 5 homes due to their placement on or near property lines. In those cases, two homes would require notice of one new pole.

### ***Councillor Notification***

62. Toronto Hydro notified the local Councillor of Project Carlaw by email on April 21, 2017. The email was sent from a general email account, Customer Operations Projects <customeroperationsprojects@torontohydro.com> with the subject heading, "Toronto Hydro Reliability Improvement; Project Carlaw B1E & B13E Phase 2 (X13158): Ward 30, Toronto – Danforth."
63. The local Councillor told us she believes that the email about the project was not adequately flagged. She said that an important notice about a major project should be highlighted to set it apart from the many emails Toronto Hydro sends to Councillors about work ongoing in their ward.
64. Similarly, the Councillor said that given that Councillors receive so many invitations, Toronto Hydro should flag invitations to meetings concerning a major project for the neighbourhood. She said that other City bodies do this efficiently.
65. Neither Toronto Hydro nor the Councillor could confirm whether COCO staff followed up with a phone call, as set out in the communications protocol.
66. Toronto Hydro told us that it sends each Councillor an annual one page report summarizing capital projects for their ward, including text and graphics, and offers annual meetings with Councillors. It had sent one to this Councillor by email in July, 2016.
67. Toronto Hydro staff told us that in their view, the Councillor or her staff should have identified this as a significant local issue and requested an in person meeting.
68. The local Councillor told us that one issue Councillors can help with is to flag pockets of the ward where English is likely not people's first language, and to recommend notice be posted or sent in another language. For Project Carlaw, she said she would have suggested that notice be provided in Cantonese.

### ***Content of notice letters and the Toronto Hydro website***

69. The General Notice and Equipment Letters for Project Carlaw were sent three days apart. They looked identical. Their content was the same except that the Equipment letter included the recipient's address and had one additional line, highlighted below.
70. The many similarities in the two letters raise a concern that people receiving an Equipment Letter, which contained important and specific information relevant to their property, could easily have mistaken it for a duplicate of the General Notice they had just received about construction in the neighbourhood.



## General Notice

### IMPORTANT NOTICE INVESTING IN YOUR NEIGHBOURHOOD



|  |   |  |
|--|---|--|
| <b>PROJECT:</b> Carlaw B1E & B13E Phase 2    | <b>PROJECT INFORMATION #:</b> X 1 3 1 5 8       |  |
| <b>WARD:</b><br>Toronto – Danforth (Ward 30) | <b>ACTIVITY:</b><br>Overhead Civil & Electrical | <b>TIMELINE:</b><br>May 2017 – July 2017 |

April 21, 2017

Dear Valued Customer:

**Re: IMPORTANT NOTICE: Overhead Construction  
Project Carlaw B1E & B13E Phase 2 (X13158)**

Toronto Hydro is planning to rebuild the aging overhead electrical system in your community to help improve service reliability. The rebuild includes upgrading overhead electrical cables and replacing hydro poles within the City of Toronto's public property allowance in front of or adjacent to your lot.

The civil portion of this project is expected to begin by **early May 2017** with an approximate completion date of **late July 2017**. The electrical portion of this project is tentatively scheduled for **late 2017**. The approximate boundaries include **Galt Avenue** (North), **Leslie Street** (East), **Dagmar Avenue** (South) and **Marjory Avenue** (West) and a small area southeast of **Gerrard Street East** and **Carlaw Avenue**. Throughout this project, planned outages may be necessary to switch from the old to the new electrical system and we intend to provide you with advance notice.

Toronto Hydro crews and contractors will take extra care and precautions around your property. Please be advised that as a result of the project, our contractor may be trimming a number of the overgrown trees on the public road allowance in order to accommodate new hydro infrastructure. Upon project completion, affected areas will be restored.

We appreciate your cooperation and ask that you exercise caution around construction areas. We look forward to working with you.

For further information on **Project Carlaw B1E & B13E Phase 2**, please reference the contact information below.

Sincerely,

Customer Operations Representative

For further information on this project, please visit: [torontohydro.com](http://torontohydro.com) or call 416-542-3366.

\*A registered trademark of Toronto Hydro Corporation used under licence. "Toronto Hydro" means Toronto Hydro-Electric System Limited

## Equipment Letter

### IMPORTANT NOTICE INVESTING IN YOUR NEIGHBOURHOOD



|  |   |  |
|--|---|--|
| <b>PROJECT:</b> Carlaw B1E & B13E Phase 2    | <b>PROJECT INFORMATION #:</b> X 1 3 1 5 8       |  |
| <b>WARD:</b><br>Toronto – Danforth (Ward 30) | <b>ACTIVITY:</b><br>Overhead Civil & Electrical | <b>TIMELINE:</b><br>May 2017 – July 2017 |

April 24, 2017

Dear Valued Customer:

**Re: IMPORTANT CONSTRUCTION NOTICE: Pole Relocation  
Equipment Installation - Project Carlaw B1E & B13E Phase 2 (X13158)**

Toronto Hydro is planning to rebuild the aging overhead electrical system in your community to help improve service reliability. The rebuild includes the replacement of the existing electrical cables and transformers. **The existing hydro pole will be relocation approximately 1 metre or more from the current location within the City of Toronto's public property allowance in front of or adjacent to your lot.**

The civil portion of this project is expected to begin by **early May 2017** with an approximate completion date of **late July 2017**. The electrical portion of this project is tentatively scheduled for **late 2017**. The approximate boundaries include **Galt Avenue** (North), **Leslie Street** (East), **Dagmar Avenue** (South) and **Marjory Avenue** (West) and a small area southeast of **Gerrard Street East** and **Carlaw Avenue**. Throughout this project, planned outages may be necessary to switch from the old to the new electrical system and we intend to provide you with advance notice.

Toronto Hydro crews and contractors will take extra care and precautions around your property. Please be advised that as a result of the project, our contractor may be trimming a number of the overgrown trees on the public road allowance in order to accommodate new hydro infrastructure. Upon project completion, affected areas will be restored.

We appreciate your cooperation and ask that you exercise caution around construction areas. We look forward to working with you.

For further information on **Project Carlaw B1E & B13E Phase 2**, please reference the contact information below.

Sincerely,

Customer Operations Representative

For further information on this project, please visit: [torontohydro.com](http://torontohydro.com) or call 416-542-3366.

\*A registered trademark of Toronto Hydro Corporation used under licence. "Toronto Hydro" means Toronto Hydro-Electric System Limited

71. Complainants who read the notice letters, or sought out information on the Toronto Hydro website, said those sources did not provide answers to questions such as:
- Why the poles were being replaced
  - Why the new poles were wider and taller than the old ones and made of wood instead of cement
  - How the pole locations were chosen
  - When the old poles would be removed
  - Why a new pole is not generally placed in the same spot as the old one
  - Why there might be both an old and a new pole in front of their property for some period of time
  - Whether the poles would carry more voltage, and if this would carry a risk
  - What attachments would be installed on the new poles
  - If street lights would be attached, whether they would be on 24 hours a day
  - If the new light was too bright, what mitigation was available

## **Findings on Issue 1**

### ***Toronto Hydro Did Not Follow its Own Communication Plan***

72. Toronto Hydro had an extremely detailed communication plan, which it adopted and edited into a plan specific to Project Carlaw. Unfortunately, Toronto Hydro did not follow this plan.

### ***Toronto Hydro Provided Inadequate Notice***

#### ***It Could Not Verify Notice Delivery***

73. Toronto Hydro assured the public, elected officials and Ombudsman Toronto that it had delivered the required notice to residents about Project Carlaw. In fact, however, it had no means to verify whether any particular home received the notice.
74. Providing notice of a major project like Project Carlaw is a basic requirement of fair and effective service to the public. It is therefore essential that Toronto Hydro be able to satisfy itself, and others, that notice has in fact been provided. This requires delivering notices in a way that can be verified.

#### ***Equipment Letters Should Have Been Required in More Cases***

75. Toronto Hydro's protocol required it to provide an Equipment Letter in every case where a pole was being installed more than one metre from an old pole. It did not, however, require an Equipment Letter for any property receiving a pole in front of it for the first time, if it was less than one metre from an old pole (in front of a neighbouring property.)
76. In a dense urban area, a replacement pole placed less than one metre from an old pole will sometimes mean placement in front of a property for the first time. Equipment Letters should be required in both scenarios. The criteria Toronto Hydro used to determine who received an Equipment Letter was unduly restrictive and failed to include all affected residents.

### *Some Residents Directly Affected by the New Poles Did Not Receive Required Notice*

77. Toronto Hydro acknowledged that there were errors in the Equipment Letter delivery process. Twenty-nine percent (8/28) of the homes that should have received an Equipment Notice did not.
78. Toronto Hydro did not provide any notice whatsoever to some residents whose homes would be directly affected. While some might not have been concerned about a pole in the right-of-way, others worried about a loss of property value and a loss of enjoyment from having their only street-facing window's view blocked. Some residents who took pride in their care and occupation of the right-of-way feared having a front garden or landscaping disrupted, and others were concerned about light pollution from lights to be added to the pole.

### *Effective Engagement of the Local Councillor is Essential*

79. The local Councillor and Toronto Hydro disagree about whether Toronto Hydro's communication to the Councillor about this project was sufficient.
80. What is clear is that Councillors can and should play an important role in helping residents understand the scope and impact of projects in their neighbourhood like Project Carlaw. Councillors have direct knowledge of the local community, and can be a valuable resource to Toronto Hydro by helping to facilitate its communication with local residents. In this case the local Councillor became very involved on behalf of her constituents, but not until problems began to surface.
81. Given the volume of correspondence that local Councillors receive, which can only be expected to increase with the recently reduced number of Councillors, it is important that Toronto Hydro design, communicate and implement an effective way to bring projects of this type to Councillors' attention.

### *Notice and Project Information Provided was Inadequate and Unhelpful*

82. The content of all the notice letters (both General Notices and Equipment Letters) was dense and technical. Although intended for the general public, the letters were not written in plain enough language. Further, they did not contain much of the information that residents wanted to know about the projects. The content of Toronto Hydro's communication in both notice letters and on its website fell short of what the public would reasonably expect.
83. Similarly, the project information on Toronto Hydro's website was not helpful and was not kept up to date. The original estimated dates for completion passed, but the website was not updated until Ombudsman Toronto pointed this out.
84. Calling two different geographic areas "phases" was confusing. Phases one and two occurred simultaneously.

## Recommendations on Issue 1

85. To address our findings on this issue, we made the following recommendations:

- Toronto Hydro should review, revise and follow its own communication plan for projects affecting large numbers of residents and consider the use of public meetings and signage. (Recommendation 1)
- Notice must reach all affected residents and Toronto Hydro should consider using delivery methods that are verifiable. (Recommendation 2)
- Toronto Hydro's revised communication plan should require meaningful engagement with the local Councillor. Toronto Hydro should consult with Councillors in developing this. (Recommendation 3)
- Toronto Hydro should improve the content of its notice letters and website information to describe in plainer language the key details of the project including up-to-date timelines and a specific contact person. (Recommendation 4)

## ISSUE 2: DID TORONTO HYDRO RESPOND ADEQUATELY TO COMPLAINTS AND QUESTIONS?

### Completeness and Timeliness of Responses

#### Case Study: Ms. B

In June 2017, Toronto Hydro installed a new pole in front of Ms. B's home. She had received no notice whatsoever.

After Ms. B complained to Toronto Hydro and informed it that she had not been notified, Toronto Hydro admitted they had not notified her but decided to keep the pole in place. Ms. B's local Councillor wrote to Toronto Hydro about Ms. B's case. Toronto Hydro responded to the Councillor, but did not provide a copy of the response to Ms. B. Ms. B, who had received a copy of the Councillor's letter, was disappointed that Toronto Hydro did not include her in its response.

In November, five months after the pole was installed, Ms. B phoned and emailed COCO and asked several questions about what signage and lights would be attached to the pole. COCO staff promised to look into her questions.

Nearly four months later, on March 19, 2018, Ms. B saw workers placing road signs on the pole. She asked them to hold off on installing the signs but they refused. Ms. B called 311, who told her the signs were Toronto Hydro's responsibility. She contacted COCO staff who said the signs were not in Toronto Hydro's purview and told Ms. B that they did not know when further attachments would be installed.

COCO staff told Ms. B they would get back to her to respond to her questions of four months earlier about the wires and lighting. Three months after that email (and seven months after she had first asked the questions), Ms. B had no further information.

Toronto Hydro did not provide Ms. B with information about its internal complaints escalation process. She only found out that she could escalate her complaint beyond COCO when Ombudsman Toronto told her about the Office of the President and the next complaint level, the Office of the Customer Advocate.

86. Four of the six complainants reported that Toronto Hydro provided incomplete responses to their questions, or that responses arrived only after unacceptable delay. In the cases of Ms. B and Ms. E, Toronto Hydro sent responses only after follow-up from the complainant or from us.
87. Mr. F told us that COCO promised him a response to his complaint within a specific timeframe but did not provide that response. As noted above, he got the answer only by asking contractors on site for information.
88. Mr. D wrote to Toronto Hydro to complain about its lack of outreach and proactive communication before starting work on his street and to ask some specific questions. After not receiving a response in the timeline given, Mr. D followed up. Toronto Hydro then responded, but Mr. D told us that the response did not address all of his questions. Outstanding were whether there would be increased streetlights and when the new lines would be strung to the house. He was also disappointed that Toronto Hydro said it was not able to give any estimate of when the old poles would be removed.
89. After Toronto Hydro installed a new pole in front of her house to replace an old one on the property line, Ms. E asked when the old pole would be removed. She also complained to Toronto Hydro about its decision to send police to her home to warn her not to interfere with the pole installation (see below).
90. Toronto Hydro responded to the first question three weeks later, after Ombudsman Toronto followed up on Ms. E's behalf. Ms. E wrote back the same day, pointing out that she had received no response on a number of the issues she raised, including why Toronto Hydro found it necessary to call the police. One week later, Toronto Hydro responded on all remaining issues.
91. As of the date of this report, well over one year later, two poles remain in front of Ms. E's semi-detached home. This is contrary to the City's guideline that old pole removal occur within 12 months of a new pole being installed.<sup>26</sup>

### **Toronto Hydro Complaint Escalation Process**

92. Residents reported that they asked about how to further appeal or escalate their complaints when they remained unsatisfied. In two cases, Toronto Hydro staff did not provide information on the complaints escalation process.

### **Toronto Hydro Staff Interactions with Residents**

93. Complainants – even those who were ultimately satisfied with where Toronto Hydro placed the poles -- reported rudeness on the part of COCO staff, both at head office and on site. They reported staff:
  - "shushing" other staff proposing alternative solutions at on-site meetings
  - yelling at a resident who took out their camera to photograph a document Toronto Hydro was using to explain the selected pole location

---

<sup>26</sup> Municipal Consent Requirements for the Installation of Plant within City of Toronto Streets, Chapter 5 – Above-Ground Plant.

- hanging up on a complainant who was requesting information on how to further appeal or escalate her complaint
  - not providing them with information on how to escalate their complaint.
94. Residents consistently reported rude customer service by some COCO staff both in person and over the phone.
  95. Toronto Hydro staff did not generally keep records of meetings or telephone conversations with residents. In most cases, they provided us with only with staff's recollection of meetings or events. E-mail correspondence was Toronto Hydro's most reliable record of interactions with the public. Some complainants kept notes of interactions with Hydro, and these were sometimes the only contemporaneous documentation of a conversation.
  96. In contrast to the complaints about COCO staff's behaviour, we heard consistent praise for the front-line construction staff installing the poles. Residents reported that the contractors responded to their complaints and questions respectfully and provided helpful contact information to lodge a complaint with Toronto Hydro. In cases where the property owner had a question or concern and the contractor had not yet installed the pole, workers would halt the process and wait for further instructions on placement of the pole in question.
  97. Ombudsman Toronto reviewed Toronto Hydro's correspondence with residents about Project Carlaw. It used some phrases frequently; generic phrases that appeared to be designed to be used in response to complaints about the placement of hydro poles.
  98. In three separate pieces of correspondence (not templated letters), Toronto Hydro used the phrase "*we know that change is never easy*" in response to complaints.
  99. Similarly, it repeatedly used variations on the phrase, "*We recognize that our customers / residents want to know what is happening in their neighbourhoods / community...*" In each of these cases, however, the complaints were from residents concerned about work happening directly in front of their homes.
  100. In written correspondence to residents, Toronto Hydro repeatedly emphasized that the work it was doing was not on private property and that Toronto Hydro was therefore providing notice as a courtesy.

## **Findings on Issue 2**

### ***Toronto Hydro's Records Were Inadequate***

101. In examining high-conflict situations like many of the ones described in this report, we look to the public service's records. In this case, the best records were the complainants'.
102. Records of interactions with residents, whether by phone or in person, are basic business records which Toronto Hydro should create and maintain. It did not to do so with respect to Project Carlaw. In cases where Toronto Hydro claimed the

complainant's behavior was threatening or otherwise unacceptable, the absence of records was particularly surprising.

### ***Toronto Hydro Did Not Properly Inform Residents about its Complaints Process***

103. In two cases, complainants expressed dissatisfaction to Toronto Hydro about how it had handled their complaint. They specifically inquired about appeal or further escalation options, but staff did not inform them of the complaint escalation process. Fairness requires that Toronto Hydro provide complainants with this information.

### ***Some Toronto Hydro Staff were Disrespectful in their Interactions with Residents***

104. Communication was at the core of the problems in this case. The repeated evidence of witnesses led us to find that some staff may have been rude or condescending in their dealings with residents.

105. Toronto Hydro's written correspondence, where one would expect words to be most carefully chosen, showed that Toronto Hydro treated complaining residents in a condescending way. Toronto Hydro did not apologize in writing even when it had made serious errors.

106. Written correspondence with the public used condescending stock phrases. When Toronto Hydro responded to a resident with a valid complaint by saying "change is hard," it was not addressing valid concerns, instead re-framing the problem as being about the resident's emotions. That was not helpful or fair public service.

107. In light of the legislative requirements, the City Guidelines, Toronto Hydro's own communication protocol, and the understandable concern of residents about poles installed near their properties – a concern of which Toronto Hydro is well aware – we find that to call notifying residents a "courtesy" was unfair and unhelpful.

### ***Toronto Hydro Did Not Adequately Respond to Complaints***

108. In the majority of the cases we reviewed, there was an unacceptable delay by Toronto Hydro in responding to questions and complaints. In some, it provided only partial answers. In others, it never responded.

109. Some of the delay may have occurred because it took staff time to marshal information from different corners of the organization. There was no central contact for this major capital project and no one staff member who had all relevant information easily accessible.

### **Recommendations on Issue 2**

110. To address our findings on this issue, Ombudsman Toronto made the following recommendations:

- Toronto Hydro should develop and implement a record-keeping protocol for recording oral interactions with residents. (Recommendation 5)

- Toronto Hydro should incorporate into its customer service standards the requirement for staff to inform unsatisfied residents about their complaint escalation options. (Recommendation 6)
- Toronto Hydro should review its training to ensure that it emphasizes that staff must treat all members of the public with respect. (Recommendation 7)
- Toronto Hydro should provide training and templates to ensure that correspondence is helpful, respectful and sincere in tone and in content. Correspondence should demonstrate that Toronto Hydro understands residents' legitimate concerns and takes them seriously. (Recommendation 8)
- When Toronto Hydro makes an error, it should apologize. This is necessary in the cases of Ms. B and Ms. E and should be done immediately. Toronto Hydro should consider whether to provide enhanced service to these customers for the duration of the project. (Recommendation 9)
- For projects that affect a large number of residents, Toronto Hydro should consider a process that designates a single contact "expert" responsible for promptly responding to all questions and complaints. That staff member should have project information readily available. (Recommendation 10)

### **ISSUE 3: WAS TORONTO HYDRO REASONABLY CONSISTENT IN ADDRESSING COMPLAINTS?**

#### **Case Study: Ms. E**

Ms. E found out from a contractor spray-painting pole locations right in front of her home that there would be a pole installed there. The old pole it would replace had been on the property line between her house and her neighbour's.

She complained to Toronto Hydro that she had received no notice of the new pole and asked them to change its proposed location - directly in front of her semi-detached home's only street facing windows. She escalated her complaint over the next two weeks until she was able to speak with the COCO manager.

According to Ms. E, the manager said she could arrange a site visit, but that it would be only to explain why the pole needed to be located in that spot, not to discuss alternate pole locations. Ms. E declined the meeting because she understood it would be useless.

As of the date of this report, Ms. E had had two large poles in front of her home for over one year, with no progress to making attachments to the new pole or removal of the old one and no information from Toronto Hydro as to when she might expect that to occur.



## **Requests to Change Pole Locations**

111. In three of the five cases we reviewed, where complainants requested alternate pole locations, Toronto Hydro ultimately accommodated them. Toronto Hydro offered most complainants site meetings where they could discuss alternate pole locations. At these meetings, the design team undertook to take the request back and determine whether a change was possible.
112. In Ms. E's case, however, the COCO manager told her that even if staff came to her home for a site meeting about the new pole to be installed, it would not result in any change to the pole location. Toronto Hydro later told us that was because the designers had already conducted a design review for that location.

## **Toronto Hydro's Response to an Angry and Unsatisfied Resident**

113. After Ms. E further escalated her complaint and 20 days after her initial emailed complaint, the OOTP sent her a substantive response by email. The COCO manager then called Ms. E immediately to inform her that the pole would be installed the next day (in the location that Ms. E found undesirable). Both the manager and Ms. E told us that when she spoke the manager, Ms. E asked what would happen if she planted a tree where Toronto Hydro was planning to install the pole.
114. Ms. E wrote back to the OOTP that same day, stating: "We respectfully ask that you suspend the installation of the new pole until we have had the opportunity to address our concerns through an appeals process." The OOTP referred Ms. E to the Ontario Energy Board, but told her there was no means of appeal. Ms. E responded stating her family did not consent to the installation and wanted further discussion.
115. The next day at 7am, two police officers knocked on Ms. E's front door. They instructed the household not to interfere with the pole installation. Ms. E told us that this incident scared her two children.
116. We asked Toronto Hydro about this incident. It told us that the plan had been for the COCO manager to visit Ms. E's home with the police to warn her not to interfere with the installation. The police had arrived too early, it said, preventing the manager from delivering the warning herself with the police beside her.
117. When we asked why Toronto Hydro had involved the police, Toronto Hydro staff said it was because Ms. E had threatened to plant a tree where the pole was to be installed.
118. The evidence about who made the decision to call the police (the contractor on site or COCO) was inconsistent. Regardless, what was clear was that Toronto Hydro had no policy on handling difficult customer behaviour or corresponding procedures outlining when and how staff should engage the assistance of law enforcement.

### **Findings on Issue 3**

#### ***Process to Determine Whether a Pole Location Could be Changed and How to Deal with Angry Residents was Unclear***

119. Some residents made successful pleas to Toronto Hydro for a change a pole location. Others had no such opportunity because staff told them there was no possibility of changing plans due to safety and engineering standards.
120. When COCO asked them to do so, Toronto Hydro designers and engineers used their skills to attempt to accommodate pole location change requests from residents. However, COCO did not ask design and engineering staff to do this in every case. While engineers have set standards for pole location, they also have skills to creatively come up with feasible alternative locations in some cases.
121. The problem was not with these staff, but in the fact that Toronto Hydro did not provide the public with a clear process for making a request for an alternate pole location and information about what factors it would consider in responding to such requests.
122. This procedural unfairness gave the appearance of arbitrary and inconsistent decision making, even if behind the scenes, designers were using similar considerations.
123. Toronto Hydro's approach to customers' complaints about pole locations resulted in some cases in raised emotions and raised voices. The decision to call the police in Ms. E's case was an over-reaction to her frustrated question about what would happen if she planted a tree where Toronto Hydro proposed to put the new pole. It was unfair to characterize her question as a threat.
124. Significantly, there was no policy to guide Toronto Hydro staff in handling the situation effectively and fairly.

### **Recommendations on Issue 3**

125. Toronto Hydro should develop a communication protocol for responding to customers asking it to change design plans. (Recommendation 11)
126. It should also develop a policy for when and how staff should respond to challenging customer behaviour, including when and how to engage law enforcement. Such a policy should address questions like what level of staff can make that determination, on what basis, whether less intimidating options need to be considered and exhausted first and what documentation is required (Recommendation 12).

## **CONCLUSION**

127. As explained above, we found that Toronto Hydro fell short in its level of public service in implementing Project Carlaw. It did not provide adequate notice, did not adequately respond to residents' complaints and questions and lacked a clearly communicated process for consistently and effectively addressing residents' concerns. We therefore made recommendations to improve service to residents in the future.

## **OMBUDSMAN RECOMMENDATIONS**

128. In consideration of the information gathered through this Enquiry and our findings, Ombudsman Toronto made the following recommendations:

- 1) Toronto Hydro should review, revise and follow its own communication plan for projects affecting large numbers of residents and consider the use of public meetings and signage.
- 2) Notice must reach all affected residents and Toronto Hydro should consider using delivery methods that are verifiable.
- 3) Toronto Hydro's revised communication plan should require meaningful engagement with the local Councillor. Toronto Hydro should consult with Councillors in developing this.
- 4) Toronto Hydro should improve the content of its notice letters and website information to describe in plainer language the key details of the project including up-to-date timelines and a specific contact person.
- 5) Toronto Hydro should develop and implement a record-keeping protocol for recording oral interactions with residents.
- 6) Toronto Hydro should incorporate into its customer service standards the requirement for staff to inform unsatisfied residents about their complaint escalation options.
- 7) Toronto Hydro should review its training to ensure that it emphasizes that staff must treat all members of the public with respect.
- 8) Toronto Hydro should provide training and templates to ensure that correspondence is helpful, respectful and sincere in tone and in content. Correspondence should demonstrate that Toronto Hydro understands residents' legitimate concerns and takes them seriously.
- 9) When Toronto Hydro makes an error, it should apologize. This is necessary in the cases of Ms. B and Ms. E and should be done immediately. Toronto Hydro should consider whether to provide enhanced service to these customers for the duration of the project.

- 10) For projects that affect a large number of residents, Toronto Hydro should consider a process that designates a single contact "expert" responsible for promptly responding to all questions and complaints. That staff member should have project information readily available.
- 11) Toronto Hydro should develop a communication protocol for responding to customers asking it to change design plans.
- 12) It should also develop a policy for when and how staff should respond to challenging customer behaviour, including when and how to engage law enforcement. Such a policy should address questions like what level of staff can make that determination, on what basis, whether less intimidating options need to be considered and exhausted first and what documentation is required.
- 13) Toronto Hydro told us that it was already working on a number of these issues. It should move as quickly as possible to implement these recommendations. In any event, implementation should be complete by the end of Q3 of 2019.

### **TORONTO HYDRO'S RESPONSE TO THE FINDINGS AND RECOMMENDATIONS**

129. To ensure procedural fairness, we shared a draft of this report with Toronto Hydro's leadership and gave them an opportunity to make representations on it.
130. Toronto Hydro accepts the findings of this Enquiry. It agrees with the recommendations and has committed to implementing them by September, 2019. See Appendix "A".

### **FOLLOW UP**

131. Ombudsman Toronto will follow up quarterly with Toronto Hydro until its implementation of our recommendations is complete.

(Original Signed)

---

Susan E. Opler  
Ombudsman

## Appendix A

**Amanda Klein**  
Executive Vice-President, Public & Regulatory  
Affairs, and Chief Legal Officer  
Toronto Hydro Corporation  
14 Carlton Street  
Toronto, ON M5B 1K5

Telephone: 416.542.2729  
Facsimile: 416.542.2602  
aklein@torontohydro.com  
www.torontohydro.com



February 8, 2019

*via e-mail*

Susan E. Opler  
Ombudsman, City of Toronto  
325 University Ave., Suite 203  
Toronto, ON M5G 2J5

Dear Ms. Opler,

**Re: Ombudsman Toronto Report: Enquiry into Toronto Hydro's "Project Carlaw" Pole Replacement in the former Ward 30**

---

Toronto Hydro has had an opportunity to review your report regarding this matter. We appreciate your efforts, accept your findings, and agree with your recommendations.

Toronto Hydro staff engage hundreds of thousands of customers each year in a manner that is courteous, respectful, professional and helpful. While we install many thousands of poles a year, we regret the customer service experience of these six customers. Our customer communications process was lacking, and the results that you have reported reflect this. Toronto Hydro sets, and our customers expect, a higher standard for engagement with residents and your report makes clear we must be diligent in ensuring we meet these expectations.

Practically speaking, we have minimal choice in the location of our poles and equipment. However, while it is not always possible for us to accommodate specific preferences about the placement or design of our equipment, we are unequivocal in our expectation as to how we communicate with our customers.

We accept the need for some improvement in customer communications during our capital work. Toronto Hydro has initiated a process of revising, revising and restructuring this area of operations, and expects to have its renewed approach to customer communications implemented by September 30, 2019. We will be monitoring and reviewing our implementation, to ensure the changes we've made are effective. We will report to you on a quarterly basis regarding our implementation.

Toronto Hydro is confident that its renewed approach will address your recommendations, respond to the needs and expectations of our customers, and better meet our own standards of excellence for customer service.

Sincerely,

A handwritten signature in black ink, appearing to read "A Klein", written over a horizontal line.

**Amanda Klein**  
Executive Vice-President, Public & Regulatory Affairs, and Chief Legal Officer  
Toronto Hydro