



2020

Annual Report



**Ombudsman
Toronto**

Listening. Investigating. Improving City Services.

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Message from the Ombudsman

Being Toronto's Ombudsman has been my honour, and I thank City Council for this opportunity to serve.

As I leave the position and pass the baton to my successor, I can't wait to see the heights to which Ombudsman Toronto—and our great city—will rise.



2020 was a difficult year for all people in Toronto, as it was for people across the globe. COVID-19 brought illness and death, heartbreak, fear, confusion, isolation, grief and untold loss to our city. Tragic events highlighting anti-Black racism and our colonial history amplified this pain and the need to fight racial discrimination and systemic injustice in all its forms.

In the face of so much suffering and uncertainty, meeting people’s needs on the ground presented countless challenges for our local government, many of which will continue beyond the pandemic. The City of Toronto’s leaders and frontline staff alike showed inspiring dedication and commitment to public service in 2020, for which I thank them.

By my observation, the pandemic has already taught the City of Toronto important lessons, including these:

- Transparent, clear and honest messaging people can understand is critical.
- There is huge value in working together—across the organization, with other governments and with people and communities throughout Toronto.
- The City can make things happen more quickly than it ever thought possible.
- Arguably most important: social determinants of health are real. We will not have a truly healthy and prosperous city until we

acknowledge and address the barriers that the most vulnerable and marginalized among us face, and until every person in Toronto has the opportunity to flourish.

I urge the City to carry these lessons beyond the pandemic. Each of them is essential and will be invaluable in helping it to serve people in Toronto more fairly.

The small but mighty team at Ombudsman Toronto pivoted to working remotely in March 2020 without missing a beat, and seamlessly continued our work making City of Toronto services and administration fairer for all.

Each member of the Ombudsman Toronto team has my heartfelt thanks for their unfailing work and dedication in 2020. I also thank the public servants who worked with us to solve problems and the many, many people who brought complaints and concerns to us. It was an honour to try to help, especially at such an uncertain and difficult time for all.

In 2020, people in Toronto and their City Council identified a need for policing reform. I proposed a role for Ombudsman Toronto in police oversight, to enhance administrative fairness and public trust. On April 8, 2021, City Council unanimously approved this proposal, marking the biggest change in police oversight in Toronto’s recent history. We were also pleased to provide an independent Consultation on the City’s important work developing a pilot project where community crisis workers will respond to some non-violent calls, instead of police officers.

Since I will be retiring from my post as Ombudsman in 2021, this will be my last annual report message. I am extremely proud of what we have achieved together since my arrival in 2016. Especially gratifying is the increased trust and respect my office has earned with people across Toronto and with City staff, illustrated in part by a 57% increase in complaints over five years.

I am grateful for the many notes that people in Toronto and City staff alike have sent to me and my team, sharing personal stories about how our work has made a positive difference. They are concrete evidence of Ombudsman Toronto’s ability to make the City a fairer and more equitable place for all people.

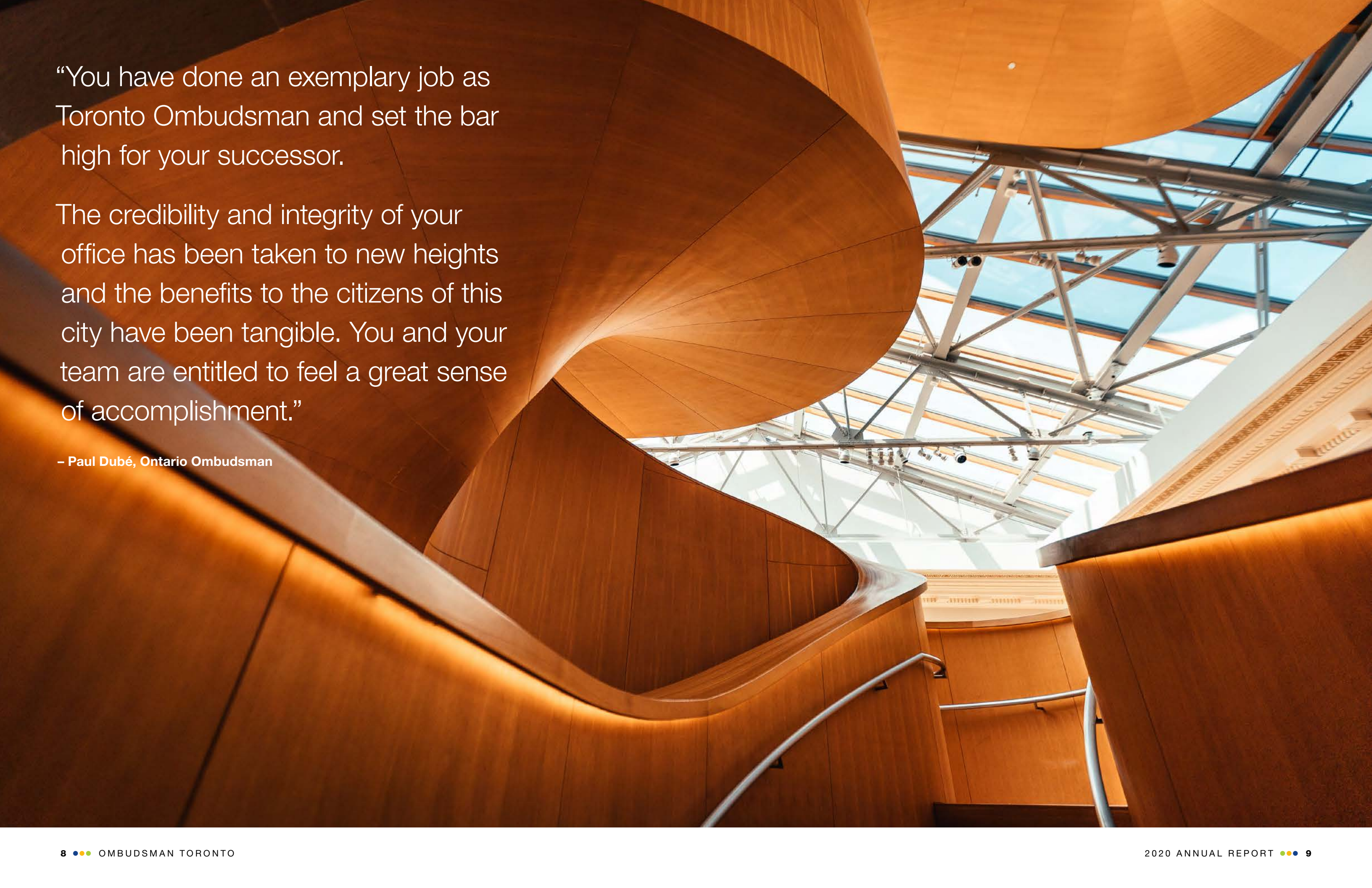
I learned that be most effective, an Ombudsman must always guard the independence of the role and her office. She must be willing to work constructively with the organizations she oversees, to help them hold themselves to account and improve how they serve people. She must listen carefully to the public and to the public service, be ready to call out unfairness when she sees it and be unafraid to push for change when needed. At times, it is a tricky balance; one I worked every day to find.

I thank everyone who helped me fulfill this challenging role the best way I could; your support has meant the world to me. To my fellow Accountability Officers: it has been a privilege to be your colleague.

Being Toronto’s Ombudsman has been my honour, and I thank City Council for this opportunity to serve. As I leave the position and pass the baton to my successor, I can’t wait to see the heights to which Ombudsman Toronto—and our great City—will rise.

Sincerely,

Susan E. Opler
Ombudsman



“You have done an exemplary job as Toronto Ombudsman and set the bar high for your successor.

The credibility and integrity of your office has been taken to new heights and the benefits to the citizens of this city have been tangible. You and your team are entitled to feel a great sense of accomplishment.”

– Paul Dubé, Ontario Ombudsman



Who We Are

We are Toronto's bridge to fairness—the office of last resort for people who believe the City administration has treated them unfairly. We listen, investigate and improve City of Toronto services.



Vision, Mission and Values

Our Vision

Our vision is a City of Toronto government that treats all people fairly.

Our Mission

We are an independent and effective voice for fairness at the City of Toronto. We:

- Listen to the public's concerns about City services and administration
- Investigate by asking questions, gathering information and analyzing evidence
- Explore ways to resolve individual cases without taking sides
- Shine a light on problems and recommend system improvements

Our Values

Independence and Impartiality: We operate at arm's length from the City. This allows us to be unbiased and objective. We speak up for fairness.

Fairness and Equity: We investigate whether a decision, act or omission by the City was fair. We look at the process, the outcome and how people are treated. We consider people's circumstances and needs.

Accessibility: We make it easy for everyone to use our services. If we cannot help with someone's complaint, we direct them to someone who can.

Respect and Empathy: We listen to the people we serve with an open mind. We understand that we don't have all the answers, so we ask members of the public and City staff lots of questions.

Willingness to Help: We do our best to resolve complaints and concerns as quickly and informally as possible. We work constructively with City staff to ensure they serve the public fairly.

Professionalism: We are rigorous in our approach. We base our findings on evidence. We identify practical solutions and recommendations. We maintain confidentiality while clearly communicating the results of our work.

Our Team

Ensuring that the City of Toronto serves all people fairly is at the heart of everything our team does at Ombudsman Toronto.

Whether we're listening to a complaint from a member of the public, following up with City staff to ensure they're implementing our recommendations or educating the public and public servants on what fairness requires, we strive to deliver the highest standard of service possible.

Members of our team come from a variety of professional and personal backgrounds, many with past experience in legal organizations and public service. Together, we are committed to making Toronto a fairer and more equitable place for all people.



“The services that the Ombudsman and her team provide are incredibly helpful in making sure that we can deliver the very best level of service for residents.”

– City Councillor



“I want you to know how supportive your staff has been over these past few months in helping me navigate my queries regarding an issue within the tax revenue departments.”

– Member of the public



Our Role at Ombudsman Toronto

Everyone has the right to be treated fairly
and equitably by their local government.
We work to make sure that happens.



What We Do

We hold the City accountable to the people it serves. Our impact and influence come from our ability to look closely at how City processes work and how the City serves people. We then use persuasion and the power of the Ombudsman’s voice to identify problems and make practical recommendations for improvement.

We investigate complaints from members of the public after they have exhausted all other ways to make a complaint.

When someone believes that the City of Toronto has treated them unfairly—and they have taken their issue as far as it can go through the City’s regular complaints process—they can bring it to Ombudsman Toronto. We will do everything we can to hear, understand and resolve the dispute without taking sides.

We proactively look into larger concerns or trends without a complaint.

We know that many of our City’s most vulnerable people may not be able to make a complaint. That’s why we monitor trends in the City—and in the complaints we receive—to identify larger concerns. When we spot patterns that may point to broader unfairness, we can proactively launch an Enquiry or Investigation.

We help people navigate their local government.

The City of Toronto government is vast and complicated; it is often difficult for someone to know who to contact when they are experiencing a problem. If we receive a complaint we can’t help with—perhaps because the complaint has not gone through the City’s regular complaints process yet, or if it is outside our legal scope—we will do our best to refer the person to the right place to make their complaint.

We work together with City staff, City Councillors and Toronto’s communities in pursuit of fairness.

We believe in working proactively and collaboratively to ensure the City of Toronto serves all people fairly. To achieve that goal, we consult with City administration outside of complaints to help improve its systems and services. We also educate City staff, as well as Councillors and members of the public, about our role, the work we do and the importance of fairness.

“Congratulations on your many contributions for the people of Toronto.”

– Member of the public

Who We Oversee

The City of Toronto's countless services and programs impact people's daily lives in myriad ways. So when there's unfairness in the City's services or administration, it can have a big impact.

We oversee and investigate all City divisions, and almost all City agencies, boards and corporations to make sure their systems are running smoothly and serving the public fairly.

Here is a small sample of the City services within our legal scope:

- Animal Services
- Building Permits
- By-law Enforcement
- Child Care
- City Insurance Claims
- Court Services
- Economic Development and Culture
- Electricity
- Emergency Management
- Employment and Social Services
- Engineering and Construction
- Fire Safety
- Garbage and Recycling
- Licensing and Standards
- Long-Term Care
- Paramedic Services
- Parking Ticket Disputes
- Parks, Forestry and Recreation
- Planning
- Property Standards
- Property Tax
- Public Health
- Roads, Sidewalks and Bike Lanes
- Seniors' Services
- Shelters
- Social Development
- Social Housing
- Transit
- Utility Bills
- Winter Maintenance

For a full list of who we oversee, visit ombudsmantoronto.ca/Complaints/Before-You-Complain/Who-We-Oversee





Fairness Matters

At Ombudsman Toronto, we stand up for fairness.



What is Administrative Fairness?

Fairness can be a difficult concept to define. People will sometimes have different opinions on what is fair in any given situation and context always matters. That is why it is important to have someone that independently holds the City accountable and makes sure it is delivering services fairly.

At Ombudsman Toronto, we are guided by the principles of administrative law.

All people have a right to a fair process, a fair outcome and fair treatment when dealing with their City government.

Fair Process

A fair process has to do with how the City administration makes a decision or delivers a service. For example, it means that everyone should get:

- An opportunity to be heard on decisions or services that affect them
- Reasons for why a decision was made
- Service in a reasonable time



Jacob lives in public housing. The heat in his unit stopped working, so he contacted his superintendent to ask for help. He was told someone would take a look as soon as possible, but two weeks later, the heat had still not been fixed. Jacob continued to follow up. It took three months for someone to fix his heat.




Jacob lives in public housing. The heat in his unit stopped working, so he contacted his superintendent to ask for help. He was told someone would take a look as soon as possible. The next day, someone came by to fix Jacob's heat.




Fair Outcome

A fair outcome considers the decision itself. For example, an outcome will be fair only if City staff:

- Act within their legal authority
- Make decisions without bias and based only on relevant considerations
- Apply rules, policies and procedures with reasonable consistency


 Abdul and Petra are neighbours. One day, they both got tickets for parking on their street. Frustrated, they sent pictures to the City of the sign that said parking was allowed at the time they got their tickets. After reviewing the pictures, someone from the City called Abdul to discuss the issue. Abdul became frustrated and angry, raising his voice. City staff ended the call by saying they didn't appreciate Abdul's attitude, and he would still have to pay the ticket. After looking at the same pictures, the City cancelled Petra's ticket.


 Abdul and Petra are neighbours. One day, they both got tickets for parking on their street. Frustrated, they sent pictures to the City of the sign that said parking was allowed at the time they got their tickets. After reviewing the pictures, the City acknowledged the error and cancelled both Abdul and Petra's tickets.

Fair Treatment

Fair treatment concerns how the City treats the public. Every person interacting with the City of Toronto has the right to:

- Be treated with dignity, respect and care
- Clear and understandable communication
- Accessible services that meet their needs
- Be listened to and to receive an apology when necessary
- Equitable treatment—not just equal treatment—that considers their individual needs, focussing on impact not effort

 Linda wants to apply for a City fee subsidy. She does not understand the information on the City's website or the application form, so she calls the City. The staff member Linda speaks to says impatiently, "The full instructions are on the website and the form. They are the same for everyone. If you don't understand them, there's nothing I can do about that."

 Linda wants to apply for a City fee subsidy. She does not understand the information on the City's website or the application form, so she calls the City. The staff member she speaks to asks her which part of the process she is having trouble with and listens carefully. The staff member then offers to go through the application form in detail with Linda over the phone to help clear up anything she is unsure about. By the end of the call, which has taken some time, Linda says that she now feels able to complete the form, and thanks the staff member for their help. They encourage Linda to call again if she has any more questions.

“I wanted to lend my voice to thank the award-winning Ombudsman who is a leader in our city ... She has helped me in my ward dealing with a number of my constituents who felt, and rightly so it was proven, that they were not treated fairly. At the end of the day, that’s what it’s all about. The services that are provided to all of our residents have to be done in a judicious way and in an equitable way.”

– City Councillor





A Look at Our 2020 Data

Each year, our annual data helps us to better understand what issues the City is facing. Here's a glimpse at our data from 2020.

13

Staff +
the Ombudsman

2,429

Cases Handled

- 4.7% increase from 2019
- 57.2% increase from 2016

160

Formal
Recommendations
Monitored

45

Outreach
Presentations

(25% increase from 2019)

- 17.7% to City Staff
- 82.3% to the Public

2020 by the Numbers

11

Formal
Recommendations
Made

4

Public
Reports

85.3%

Cases Closed
Within 30 Days

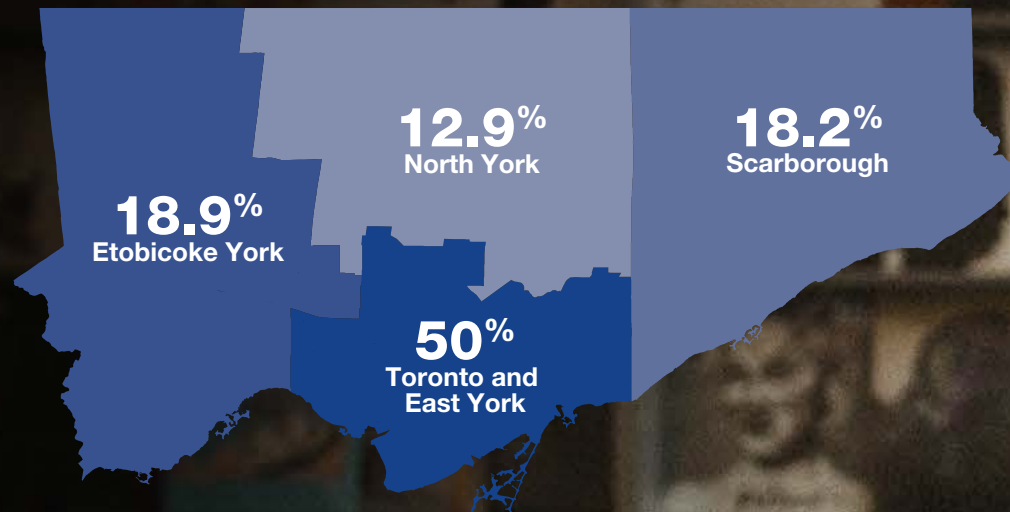
(10.5% increase from 2019)

14

Consultations
with City Staff

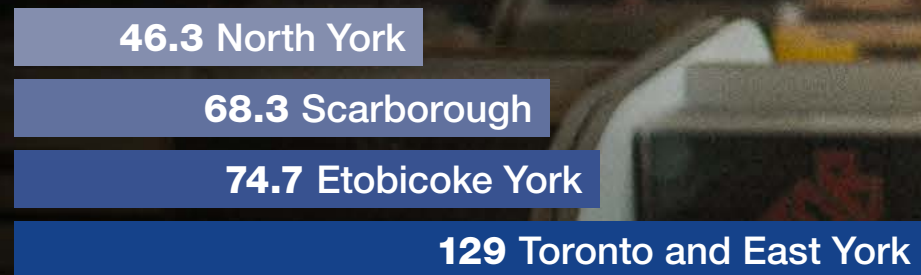
Who We Heard From

*based on complaints with address data available



Complaints per 100,000 People

*estimation based on complaints with address data available



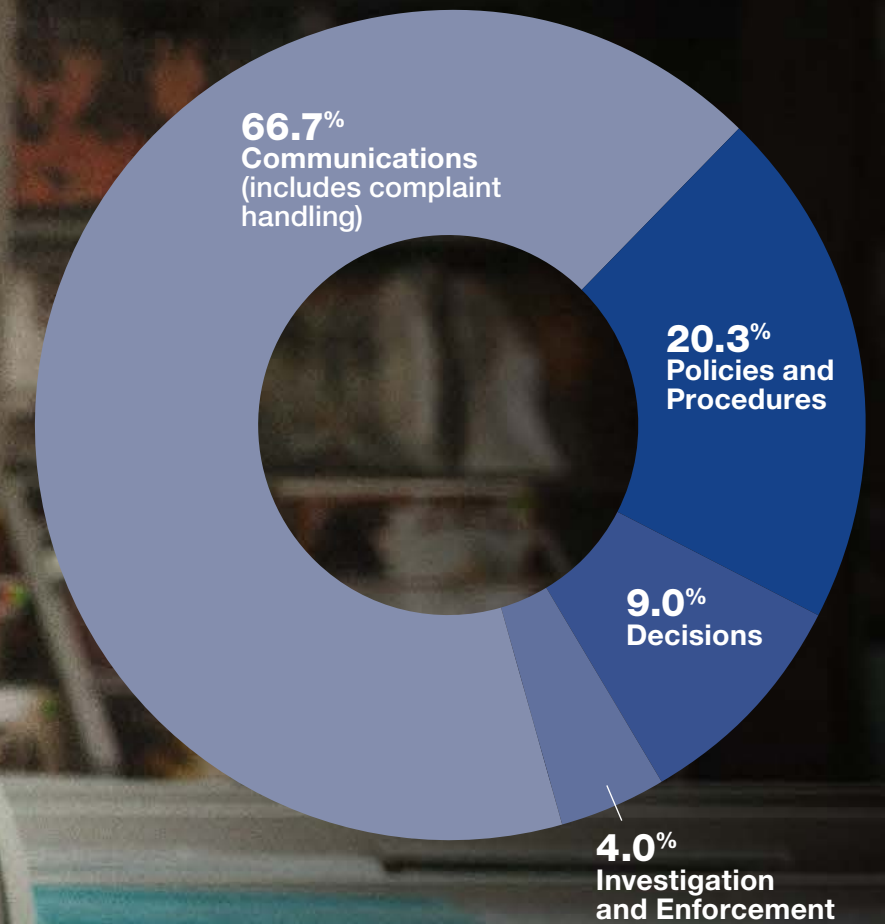
Who We Heard About Most Often

*in alphabetical order

- Legal Services, regarding the Administrative Penalty System
- Municipal Licensing & Standards
- Parks, Forestry & Recreation
- Revenue Services
- Shelter, Support & Housing Administration
- Toronto Building
- Toronto Community Housing Corporation
- Toronto Employment & Social Services
- Toronto Transit Commission
- Transportation Services

What We Found: Fairness Problems

In 2020, we identified administrative fairness problems in just over half of the complaints we reviewed. Here is how they broke down:



What We Heard: Frequent Complaint Topics

Toronto Community Housing Corporation

- Maintenance
- Transfers
- Neighbour Issues

Shelter, Support & Housing Administration

- Client Experience: Shelters, Respite, Drop-ins
- Intake
- Housing Waiting List

Municipal Licensing & Standards

- COVID-19 Orders & By-laws
- Property Standards
- Noise



Our Impact

Our work ranges from finding quick solutions for individual problems to doing in-depth, deep dives into issues of public concern. On issues big and small, our work impacts the daily lives of people in Toronto and improves the City for us all.



“I love Ombudsman Susan Opler. I love the recommendations in her report.”

– Member of the public

Public Reports

Our public reports are the result of Ombudsman Enquiries and Investigations, usually involving complex systemic issues that require in-depth exploration. These reports—and the findings and recommendations the Ombudsman makes in them—hold the City accountable for its actions and help improve public services for everyone.

All public reports are available on our website:

ombudsmantoronto.ca/Investigative-Work/Investigative-Reports

Exploring Trends in the Growing Number of TCHC Complaints

The Issue

Over the past five years, the number of Toronto Community Housing Corporation (TCHC) cases at Ombudsman Toronto has consistently increased. In fact, in each of the last five years, we handled more TCHC cases than cases involving any other City division, agency, board or corporation.

To learn more about the issues its tenants are facing and to improve its internal complaints process, TCHC leadership asked us for information about the complaints our office receives about it.

What We Did

We conducted an Enquiry by doing a thorough analysis of all TCHC-related complaints from the past five years, including a review of the number of complaints about TCHC compared to the other City organizations we heard most about each year.

Our Findings

Based on the data we presented in our Enquiry and through insights we gathered during our regular interactions with TCHC and its tenants, we found two key fairness problems:

- Far too many of the complaints we receive about TCHC are premature (i.e., the complainant has not gone through TCHC’s complaints process before contacting us). This is because TCHC does not have a well-understood, high-functioning complaints process, and that is unfair to its tenants.
- The most common problem we find when we investigate complaints about TCHC is poor communication (e.g., not returning tenants’ calls, not giving tenants clear information or adequate notice when work needs to be done in their unit).

Our Recommendations

To address these findings, we recommended that TCHC develop and execute detailed plans to:

- Effectively publicize its internal complaints process to all tenants, residents, staff and members of the public who interact with TCHC by June 1, 2020.
- Provide all employees with training on how to deliver good public service—including by communicating with tenants, residents and members of the public in a transparent, fair and timely way—by December 31, 2020.

The Impact

In response to our Enquiry and the Ombudsman's presentation of our findings to TCHC management and Board of Directors, TCHC pledged to improve communication to its tenants and to make its complaints process fairer and more effective.

TCHC said it would do this by:

- Improving its complaints process
- Making the complaints process prominent on its website
- Posting information in all TCHC buildings about how tenants can make a complaint
- Expanding and fully staffing Solutions, TCHC's office that deals with escalated complaints.

We plan to follow up in 2021 to ensure that TCHC fully implemented our recommendations.

Reviewing How the City of Toronto Handles Homeowner Third-Party Liability Claims for Basement Flooding and Sewer Backups

The Issue

Every year, Toronto homeowners experience distressing and costly basement flooding and sewer backups. With big rainstorms on the rise, these events are happening more often too. In fact, in some areas of the City, homeowners are dealing with repeated flooding of their basements, resulting in significant property damage each time.

Homeowners who believe the City's negligence caused the incident can submit a claim against the City in hopes of being reimbursed for the damages; an external, third-party claims adjuster under contract with the City will investigate on the City's behalf. However, the City will only consider paying out a claim when there is proof that the property damage was a result of the City's negligence.

From January 1, 2015 to December 31, 2019, the City denied almost 77% of homeowners' basement flooding and sewer backup claims, based on the third-party claims adjuster's determination that claimants had not proven that the City was negligent.

Some homeowners are understandably frustrated and fed up.

City Council asked us to review the City's process for investigating claims against the City by people whose properties have suffered damage due to basement floods and sewer backups.

What We Did

We conducted an extensive Enquiry, including in-depth interviews with homeowners and City staff, a review of 45 randomly-selected basement flood and sewer backup claims, and an analysis of documentation from the City's Insurance & Risk Management and Toronto Water divisions.

Our Findings

Our Enquiry revealed that improvements are necessary to ensure the City has a fair and transparent third-party liability claims process for basement floods and sewer backups. In particular, we found that:

- The City is not providing homeowners with clear and accurate information about the third-party liability process for basement floods and sewer backups, and how it assesses the claims it receives.
- The City is not always or adequately making homeowners aware that it will generally only pay a claim when the adjuster finds that the City's negligence caused the property damage.
- The City only tells claimants after denying their claims that the claimant has the job of proving the City's negligence.



Our Recommendations

In response to these findings, we made nine recommendations to improve the fairness and transparency of the City's third-party liability claims process for basement floods and sewer backups. They included that the City:

- Provide clear, consistent and detailed information about how it handles and investigates basement flood and sewer backup claims.
- Clearly explain to homeowners that the City will only pay a claim when there is evidence that it was negligent, and that the onus is on the homeowner to prove that negligence.
- Explain to the public that it is important to report a basement flood or sewer backup to 311, and that doing so could make a difference in their insurance claim.
- Stop routinely including a confidentiality clause in the Final Release claimants must sign when settling a claim.

The Impact

As a result of our Enquiry, and thanks to members of the public who raised their concerns, the City will now have a fairer and more transparent process for handling homeowners' insurance claims for basement floods and sewer backups.

City Council has also asked City staff to explore other ways of compensating some homeowners who experience repeat basement floods and sewer backups.



An Open Letter from the Ombudsman to the TTC Urging Swift Action Amidst Lingering Systemic Issues

The Issue

The Toronto Transit Commission (TTC) ordered an independent investigation of a February 7, 2020 incident on the 501 Queen St. East streetcar. The incident had attracted public concern after video appeared on social media.

The independent investigation, conducted by Rubin Thomlinson, found that TTC Special Constables and TTC Fare Inspectors had started a violent altercation with a member of the public who appeared to be experiencing mental health challenges.

The incident was not the first time TTC enforcement personnel had escalated a situation to the point of violence.

Our History with the TTC

Ombudsman Toronto has a long history overseeing TTC enforcement and working with the organization to help it restore public trust in its enforcement personnel, specifically TTC Special Constables and Fare Inspectors.

The Ombudsman has repeatedly expressed concern—both publicly and directly to TTC management and staff—about unacceptable violent interactions between these employees and members of the public. On April 20, 2017, Ombudsman Toronto publicly released a report, which shared the findings of our Investigation into the TTC’s oversight of its Transit Enforcement Unit. Two years later, on July 9, 2019, we released a second public report, an Enquiry reviewing the TTC’s investigation of a February 18, 2018 incident involving Transit Fare Inspectors.¹

Through those public reports, the Ombudsman made clear and attainable recommendations—which the TTC accepted—on what the TTC needs to do to exercise proper oversight, change its organizational culture and improve fairness in its service to the public.

¹ All public reports are available on our website: ombudsmantoronto.ca

What We Did

After reviewing Rubin Thomlinson’s report of its independent investigation of the February 7 incident—which was completed at the TTC’s request—the Ombudsman released an open letter to the TTC Board of Directors, expressing her concern over continuing unacceptable violent interactions between TTC enforcement personnel and members of the public.

The letter stressed that critically needed changes in the recruitment, training, job requirements, public awareness, accountability and culture of TTC Special Constables and Fare Inspectors, while underway to some degree, are taking unacceptably long to implement.

Our Recommendations

The Ombudsman told the TTC that it was time to take swift action, and outlined the following advice and recommendations in her letter:

- Publicly release Rubin Thomlinson’s full Investigation Report, or a complete and impartial summary.
- Publicly release TTC’s video footage of the February 7 incident.

- Try to have the criminal conviction of the affected passenger overturned.
- Move more quickly to change the culture of TTC Special Constables and Fare Inspectors.
- Improve oversight over TTC Special Constables and Fare Inspectors.

The Impact

Following the Ombudsman’s letter, the TTC publicly released both the Investigation Report and video footage of the February 7 incident. It also committed to taking steps to try to have the passenger’s record cleared.

Further, TTC management publicly reiterated its commitment to delivering an inclusive, modern and welcoming service to all of Toronto’s diverse residents.

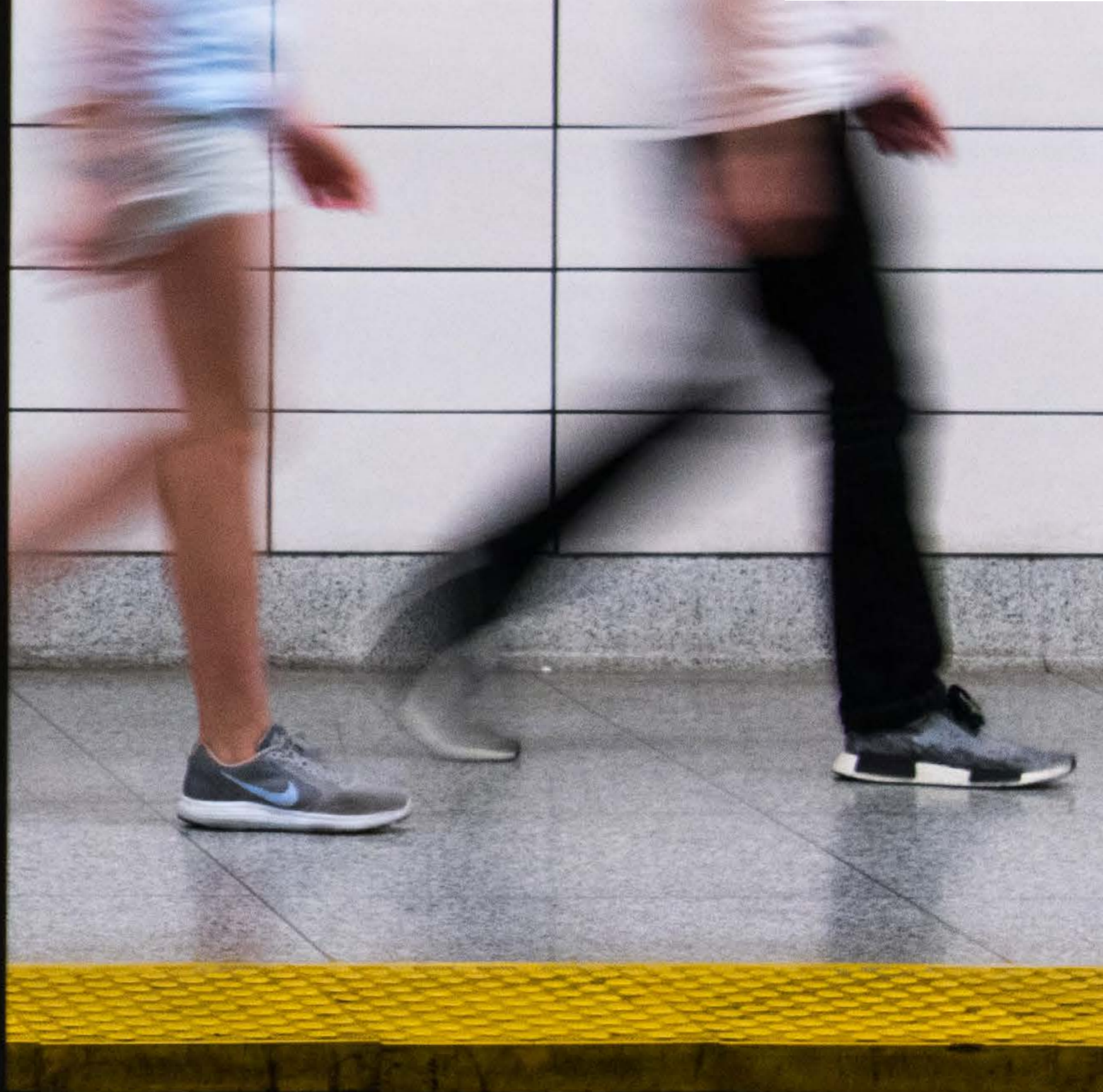
Based on these actions, and through our ongoing discussions with TTC leadership, the Ombudsman believes that TTC management is serious about meaningful reform. We will continue to monitor their progress and work with them to achieve that goal.

“You always give good, practical advice ... Thank you on behalf of both myself and my team, but really for the citizens you’ve helped along the way.”

– City Councillor

“Dear Ombudsman Toronto team, I have just finished reading your open letter to the TTC ... Kudos to your hard work and dedication to the public. I am very proud to have your services to our city. Systemic racism and discrimination coupled with inconsistent enforcement continue to plague our city. Your open letter speaks volumes. Thank you again for all your hard work.”

– Member of the public





Case Stories

All complaints to Ombudsman Toronto are confidential, which means that most of the important work that we do to advance fairness happens behind the scenes.

But case stories provide a window into the kinds of complaints we handle, and the ways in which our office helps to make the City's systems and services fairer for all people in Toronto. So every year in our Annual Report, we choose a small selection to share.

All names have been changed to protect complainants' privacy.

Giving Someone a Chance at Housing Stability

To help people in Toronto keep or get housing, the City provides money for emergency housing needs through the Housing Stabilization Fund (HSF), administered by the Toronto Employment and Social Services division (TESS).

The HSF helps cover the cost of things like moving within the Toronto area, rent arrears, dealing with bed bugs, setting up a residence in Toronto and last month's rent. To qualify for help from the fund, someone needs to be receiving financial assistance through Ontario Works or income support through the Ontario Disability Support Program.

We heard from Ashley, a Toronto resident who was unsatisfied with the City's final decision to deny her request for last month's rent assistance through the HSF. Ashley believed that City staff had denied her request because they incorrectly assumed her rent was more than 85% of her income, which would disqualify her. However, Ashley explained to us that she rented out a room in her apartment, which meant that her net rent was in fact within 85% of her income. After

reviewing her file, we also had concerns about the adequacy of the reasons the City gave Ashley for denying her request.

We spoke with TESS, who agreed to review Ashley's case again. Additionally, it committed to giving her its final decision in writing, clearly setting out the reasons for the decision.

After reviewing her case, TESS changed its original decision and gave Ashley last month's rent support through the HSF.

Why This Matters: Decisions the City makes often have significant consequences for people's lives. That's why it's important as a matter of fairness for the City to consider all information relevant to the situation when making a decision, provide reasons for the decision they make and, when appropriate, change their decision if it's found to be unfair. We made sure it did so in Ashley's case.

Making Sure People in Toronto Got Reliable Information during the Pandemic

When the COVID-19 pandemic hit in March of 2020, we began closely monitoring the City’s website to ensure it contained accurate, up-to-date information about the pandemic and that it was keeping people informed about all changes to City services.

In May, we noticed that the chatbot on the City Services website was giving people outdated and wrong information, saying that Toronto’s sports fields and tennis courts were closed, despite a City press release stating the opposite. We also noticed that a number of links on the ‘COVID-19: Changes to City Services’ webpage did not properly direct people to the intended webpages, which contained critical information.

We immediately brought these discrepancies to the City’s attention, who thanked us for raising the issues and said it would correct the information.

As the COVID-19 pandemic progressed, we continued to monitor the speed and accuracy of the City’s updates to the City Services website—and other City communications—to ensure that people had a reliable and timely source of information they could count on.

Why This Matters: 2020 was an unprecedented and challenging year for our city. From the very start of the pandemic, people had a lot of questions. What was happening? How could they stay safe? What new rules and guidelines did they need to follow? What changes were there to City services? In the face of this uncertainty, clear, accurate and timely communication by our local government was more important than ever to the people of Toronto. Our work helped ensure they got it.

Connecting Someone with Revenue Services to Follow Up on a Refund

Hawa, whose late brother had given her Power of Attorney for Property, contacted us for help straightening out a problem with the City’s Revenue Services division. Her brother had overpaid a utility bill and was due a refund, but he had died before he received it.

As the Executor of her brother’s estate, Hawa wanted to make sure to collect the refund he had been owed. When she contacted us, she was concerned that she had sent copies of all necessary documents—including the Power of Attorney—to Revenue Services two weeks earlier, but she had not yet heard anything back. We contacted Revenue Services, who confirmed that it had just received Hawa’s documents the previous day and would be issuing the refund shortly.

We followed up with Hawa and gave her the contact information of someone she could talk to at Revenue Services. Hawa thanked us for our help, and later called to confirm that she had received the refund.

Why This Matters: The City organizations we oversee have the responsibility—and must have the opportunity—to address complaints from the people they serve. But sometimes members of the public contact us before they have tried to resolve a problem directly with the City. It’s important to us to help however we can, so in those cases, we try to connect the complainant with the right person to talk to at the City, and we let them know that they can come back to us if they don’t get a fair outcome.





Securing Shelter for a Mother and her Children

Sydney reached out to us for help finding shelter for her and her children. She told us she had already asked for help through the Central Intake line at the City’s Shelter, Support and Housing Administration division, but was told there was no space available for them anywhere.

We immediately spoke with the City to see why Sydney and her children had been denied shelter, but we learned there had been a miscommunication. Sydney had requested shelter at a specific location, but it was at full capacity. City staff had told her they were unable to place her at that location due to a lack of space, but they had not told her there was no space available anywhere.

Since Sydney and her children were still in immediate need of shelter, we asked City staff to find another shelter where the family could spend the night. Thanks to our work and the work of the City, Sydney and her children were successfully placed at another suitable location.

Why This Matters: Sometimes there is a misunderstanding between the City and members of the public. By objectively listening to both complainants and City staff, we are often able to help resolve a problem and ensure a fair resolution for everyone.

Fixing an Incorrect Parking Ticket

Having not been in Toronto since 1978, Sangeet was understandably surprised when he received a parking ticket from the City of Toronto.

Not knowing what to do, and without access to email or a phone, Sangeet gave consent for a friend to speak with us on his behalf. His friend told us that Sangeet had tried to dispute the ticket, but there had been a delay receiving the ticket in the mail and now it was past due to dispute online.

We asked Court Services to look into the matter. After investigating, they discovered that the enforcement officer had entered the incorrect license plate number on the violation notice and told us that the ticket, which had been issued in error, would be promptly cancelled.

Sangeet was very happy with the result and thanked us for our help.

Why This Matters: We all make mistakes, including City staff. When those mistakes happen, it’s important for the City to acknowledge and correct the error. We helped get to the bottom of the error in Sangeet’s case.

“Thank you very much ... for your work on behalf of us ordinary citizens!”

– Member of the public

Ensuring Equitable Treatment and Finding Specialized Programs at the City that Can Help

When someone contacts us to complain, we always consider whether the person is experiencing vulnerabilities—including mental or physical ones—that require an extra level of care from both us and the City.

Sometimes circumstances arise that require additional care and specialized support, for example in cases where a TCHC tenant exhibits hoarding behaviour. In such instances, fairness demands that TCHC make an extra effort to be sensitive to the needs of the tenant, and to take all reasonable steps to meet those needs (even when it may be difficult). In such situations, we ensure that TCHC comes up with a plan to respond to the tenant in a reasonable, fair and equitable way. Often, this will involve working with specialized staff at TCHC and/or elsewhere at the City.

One example is SPIDER, the City of Toronto's Specialized Program for Inter-Divisional Enhanced Responsiveness to Vulnerability, where representatives from different parts of the City administration and community partners work together to address difficult cases of elevated risk and vulnerability.

In the eloquent words of a leader from SPIDER, "Vulnerable people should only have to reach as far as they can to have their needs met. Service providers need to do the rest of the reaching and the stretching."

Why This Matters: To treat people fairly, the City must treat them equitably. That means taking into consideration people's unique needs and circumstances. When serving a vulnerable member of the public, City staff must take extra steps to make sure that person's needs are met. We hold City staff accountable by making sure they do this.

Referring Someone to the Right Place to Complain

Tina was having a problem with Canada Post. She tried contacting them directly to resolve the issue, but she got no response. Frustrated and feeling like she had hit a dead end, Tina contacted Ombudsman Toronto to file a complaint.

Since we oversee City organizations and Canada Post is a federal corporation, holding it accountable falls outside of our legal scope. But instead of simply telling Tina that we had no jurisdiction over her complaint and wishing her luck, we suggested that she contact the federal Ministry of Public Services and Procurement to raise her concerns, and we gave her the necessary contact information.

Tina thanked us for the referral, saying that the information helped her feel like she was no longer at a dead end.

Why This Matters: When people contact us, they're often frustrated after having already spent a long time trying to resolve their issue. If we can't help because the complaint is outside our jurisdiction, we will always do our best to point complainants in the right direction to have their issue resolved.

Ensuring the City Shares Accurate Shelter/Respite Capacity Numbers

Early in the pandemic, we started to hear from community advocates and members of the public, who said that people experiencing homelessness were being turned away from shelters and respite sites because there was no space available, despite the City publishing information showing there was space.

Concerned, we contacted the City's Shelter, Support and Housing Administration division





(SSHA) to understand what was causing the discrepancy. City staff explained that the published information was on the City's Open Data portal, which for some sites was based on a breakdown of space prior to COVID-19, before physical distancing requirements became a factor.

City staff told us they were working to update and post accurate capacity data once they had met physical distancing requirements at all sites and that, in the meantime, they had included a disclaimer on their website advising the public not to rely on the capacity data listed in the Open Data portal.

However, as the pandemic progressed, we continued to hear from members of the public and community advocates about discrepancies in SSHA's capacity numbers. We again contacted SSHA, stressing that as a matter of fairness and transparency, the public needed—and was entitled to—accurate and up-to-date information about shelter and respite site capacity.

SSHA then started to post daily capacity numbers on its website, which appear to be a more accurate reflection of shelter and respite site usage. SSHA also told us that it would be correcting some out-of-date capacity figures in the City's Open Data file.

We continue to work with SSHA to ensure that members of the public receive clear, timely and accurate information about the critical services it provides to some of Toronto's most vulnerable people.

Why This Matters: In any given year, shelter and respite capacity data is an important tool for people experiencing homelessness and those who advocate for them. In 2020, this information became even more important, because of people's concerns about safe physical distancing in shelters and respite sites. We pressed SSHA to keep it current and accurate, even in difficult and changing circumstances.

Helping a TCHC Tenant Get Safe Housing

In January of 2020, Sam, a TCHC tenant, contacted us to complain that he had been displaced from his apartment due to mould.

Sam told us that the mould had been present in his unit since August of 2019, after a flood in his building earlier that summer, which he said TCHC had neglected to look into. Sam also stressed that after he brought the issue to TCHC's attention, it had taken some steps to remove the mould, but was ultimately unsuccessful.

While this was happening, TCHC was working to relocate Sam—and all other households living on his floor—to other TCHC buildings in order to complete unrelated repairs. Sam asked for a letter from TCHC stating that his unit was free of mould and safe to live in until he was relocated. He moved out in the meantime, fearing that the conditions in his unit could endanger his health.

TCHC inspected Sam's unit but reported no signs of visible mould and confirmed remediation had taken place one month earlier. TCHC said there was no reason Sam could not stay in his apartment but did not give him a letter clearing the unit.

We contacted TCHC to ask about Sam's request for a letter clearing his unit for occupancy. We pointed out that Sam continued to be displaced from his home because he had not yet received official confirmation from TCHC that it was safe for him to stay there.

After hearing from us, TCHC asked its Environmental Health Unit to inspect Sam's apartment for safety; we requested a copy of the findings from that inspection, as well as all documents pertaining to mould in Sam's unit.

Through those documents, we discovered that the initial remediation job had only been partially completed. Since the remainder of the job

involved removing vinyl throughout the unit, TCHC had decided to put the project on hold until Sam had moved to a new building.

Further, the findings from the Environmental Health Unit's inspection revealed that, although there appeared to be no current health hazard (based on mould type), there were significantly elevated spore levels in the unit, suggesting invisible mould growth.

Given these findings, TCHC arranged an expedited relocation for Sam, who was successfully moved to a new apartment.

Why This Matters: Finding mould in your home is very unsettling, because it can lead to serious health issues. Everyone has the right to live in a safe home free of health hazards. If they don't—and if they raise health and safety concerns with their landlord—they are entitled to have the issue promptly and fully remedied. We helped make sure that TCHC fairly addressed Sam's concerns.

Upholding Fairness in the City's Process

Toronto Employment and Social Services (TESS) provides financial assistance to the families of deceased Toronto residents whose estates do not have sufficient funds to cover the cost of a basic funeral, burial and/or cremation.

Two different families told us they had applied for this financial support, but their applications were denied. Specifically, they complained that TESS had not agreed to give them partial payment for the funeral services of their family members, both of whom had very little income at the time of their death.

The families also told us that funeral and burial services for their family members had to be completed within a day after death, in keeping

with the tenets of their respective faiths. They worried that this might have impacted their eligibility, since the TESS policy on its face requires applications for funeral benefits to be made before the funeral and burial take place.

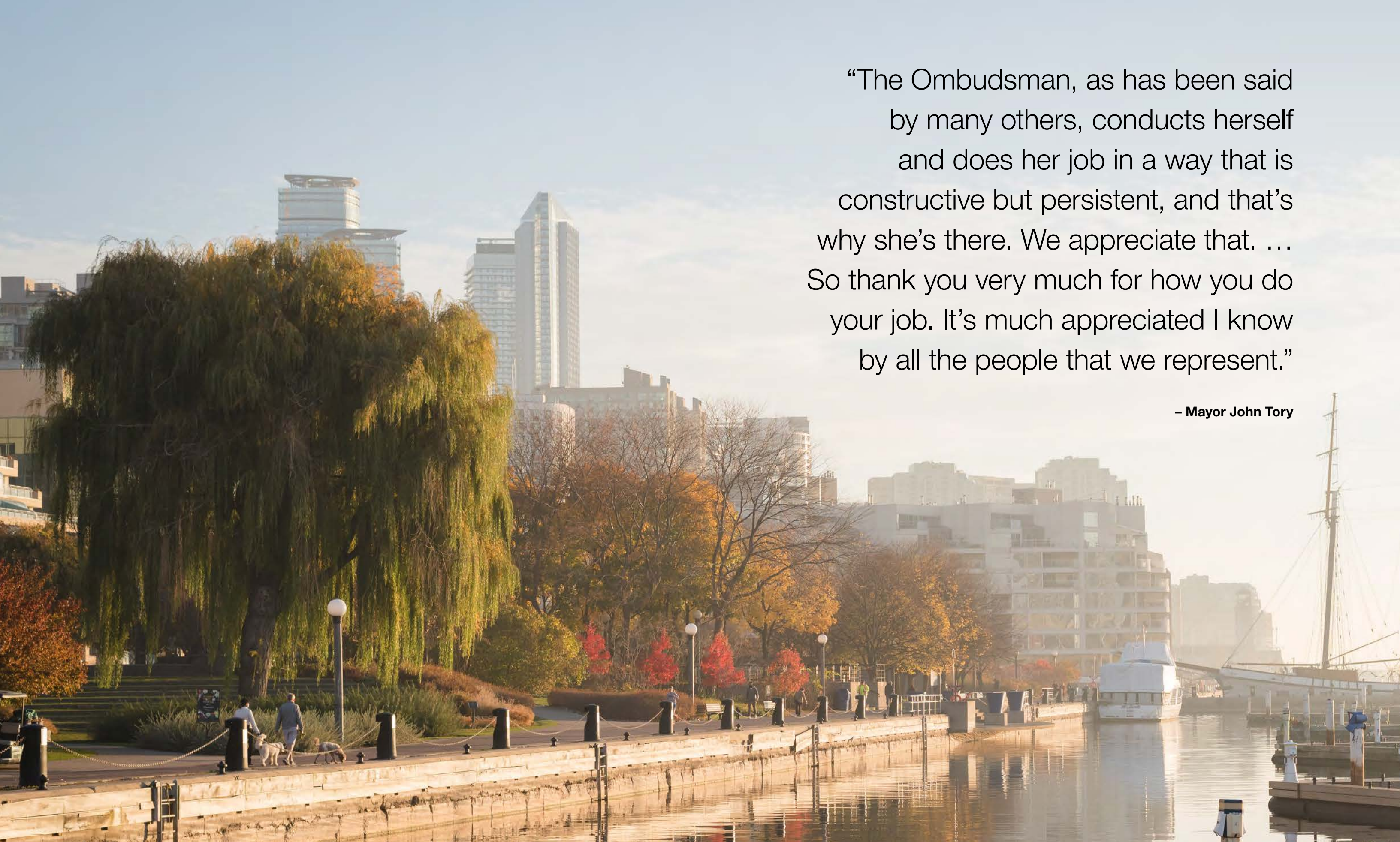
We contacted TESS, who assured us that its policy includes an exception involving religious funerals and confirmed that the families' applications were not denied because they were submitted after the funeral and burial, but because they did not meet the financial eligibility requirements.

TESS also told us that it does not provide partial payments, which is stated in its policy. Staff further explained that providing financial assistance for funeral services is a discretionary support. TESS has decided to offer this support only to residents who are most in need and does not believe it is reasonable to provide partial payments in cases which do not meet the eligibility criteria.

After looking into the matter further and considering all the circumstances, we found no evidence of unfairness in TESS's decision to deny the families' applications. We shared our findings with the families.

Why This Matters: Sometimes after gathering and considering all the available evidence, we find that the City's policies and procedures were, in fact, applied fairly. Regardless of whether we ultimately find unfairness or not, all people deserve to have their issues taken seriously and investigated objectively.





“The Ombudsman, as has been said by many others, conducts herself and does her job in a way that is constructive but persistent, and that’s why she’s there. We appreciate that. ... So thank you very much for how you do your job. It’s much appreciated I know by all the people that we represent.”

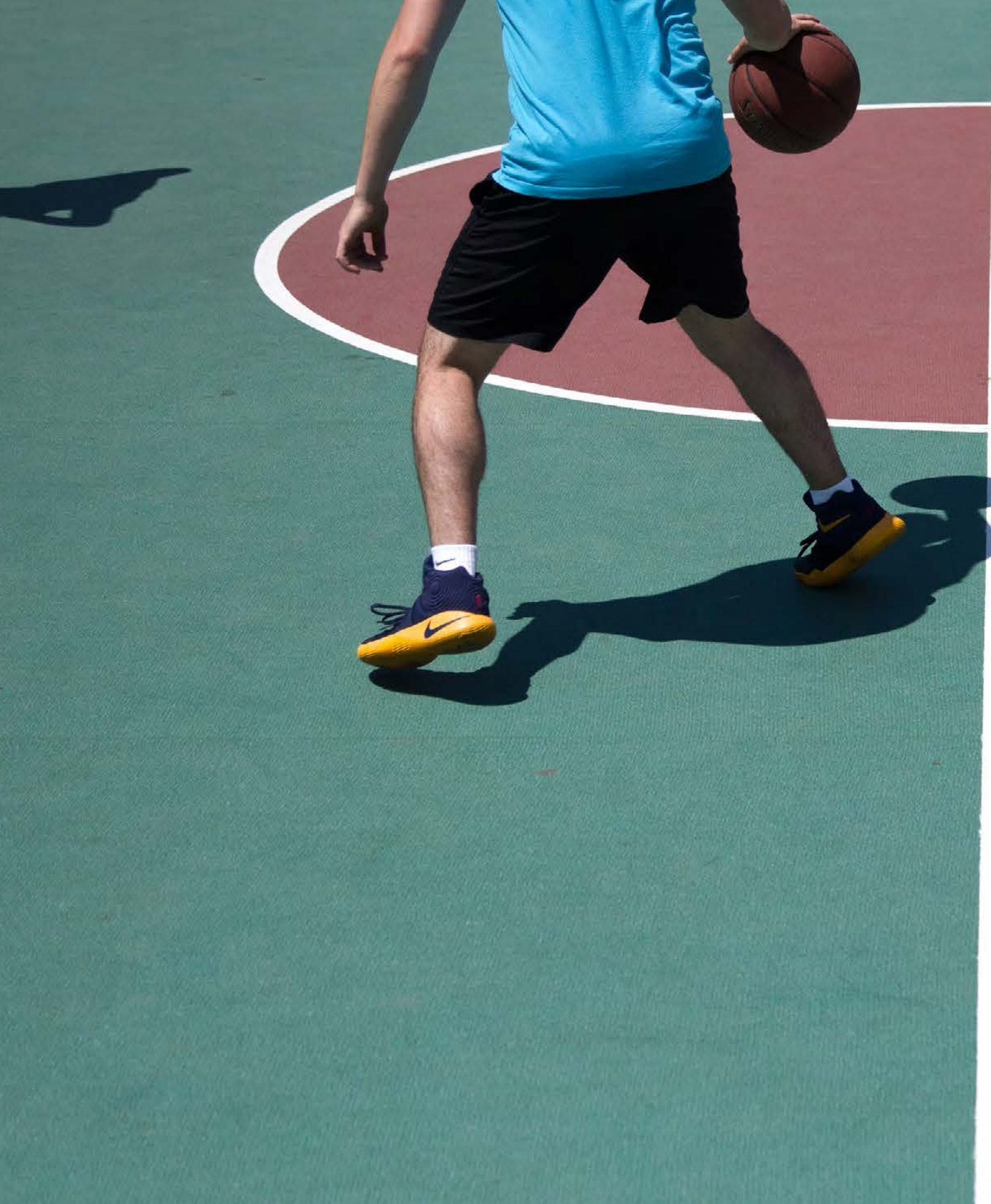
– Mayor John Tory



Because of OT

We are proud to help make the City of Toronto a fairer place for all people. Here are just some of the improvements that happened in 2020, in direct response to our work:

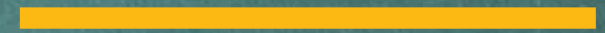
- The City undertook an ongoing review of its pandemic-related communications to the public, to ensure they are clear and effective.
- Management of the City-operated long-term care homes undertook a review of the end-to-end process for COVID-19 testing for residents, to identify and eliminate any avoidable delays.
- TCHC agreed to cover moving costs for tenants who must move to another unit because they are “over-housed” (i.e., occupying a unit that is bigger than they need).
- TCHC also undertook a thorough process and communications review for how it handles over-housed households.
- The City’s Senior Services and Long-Term Care division created a staff training video on the important topic of reprisal, to ensure that residents and staff of City-operated long-term care homes can raise complaints without fear.
- Shelter Support and Housing Administration improved its reporting and analysis of data related to services for people experiencing homelessness.
- Revenue Services clarified its public messaging for people with questions about their property tax account during the pandemic. At our urging, it also re-opened the Revenue Services Call Centre for those looking for answers to questions and concerns.
- Toronto Public Health directed the public to the most current available provincial information about COVID-19 outbreaks in Toronto’s long-term care homes.
- Court Services improved its public messaging on how people could challenge tickets related to COVID-19 rules.
- The City is working to improve the fairness and transparency of its third-party liability claims process for basement floods and sewer backups.
- The TTC is improving training for its Special Constables on serving customers experiencing mental illness or distress, and on how to properly exercise their legal authority under the Mental Health Act.
- TCHC improved its processes to ensure fair workplace investigations, acknowledging and apologizing for past shortcomings.
- The City improved public communication about its winter maintenance program, explaining in detail what service the public can expect in different areas of the city and what people can do if they don’t think the City is providing that service.
- The TTC is continuing its work on a system-wide anti-racism strategy, as well as a culture change and improved oversight for its Special Constables and Fare Inspectors.



Working Together for Fairness

We practise proactive, constructive and collaborative ombudsmanship—with both the City and the public.

Our consultations with City staff help them to understand what fair service to the public requires and how to deliver it. Our outreach to members of the public helps people to know their rights and to hold their City government accountable.



Consultations with City Staff

At Ombudsman Toronto, a key part of our role is proactively working with the City to improve systems and find solutions to problems before they turn into complaints.

Throughout the year, we meet with staff at City divisions, agencies, boards and corporations within our jurisdiction to help improve their systems and make their services fairer and more equitable for the people of Toronto.

In 2020, we conducted 14 consultations with the City on a wide variety of topics, including:

- **Bringing an Accountability Lens to the City's Policing Reform Work:** We supported Social Development and Finance Administration's Policing Reform team with research and development of accountability components for the Community Crisis Support Service pilots.
- **Improving Board Governance at TCHC:** We gave the Toronto Community Housing Corporation (TCHC) Board of Directors advice on fair and effective governance.
- **Streamlining and Simplifying the City's Tribunal Complaints Process:** We worked with the City to initiate a global review of its complaint processes for all 10 City adjudicative boards.





Engaging with Communities

An important part of our work at Ombudsman Toronto is ensuring that members of the public know who we are and what we do. That’s why, every year, we proactively reach out to communities and local organizations across the city to answer their questions and help them understand how they can benefit from our services.

While we typically visit communities for in-person presentations or to attend community meetings, fairs, classrooms and cultural events, our outreach activities in 2020 looked a little different. We quickly adapted to the changing realities of the pandemic and began delivering virtual presentations to communities across the city. In fact, we’re pleased to share that we increased our outreach activities by 25% in 2020—ensuring that even more people in Toronto know who we are and how we can help ensure the City treats them fairly.

If you’re interested in scheduling an information session with us, or just want to learn more, contact us at ombudsmancomms@toronto.ca.

“I would like to say thank you for your presentation about Ombudsman Toronto. It was very good and informative. I was aware of Ombudsman Toronto, but now after the session I have a better understanding of the role.”

– Member of the public

“You make a difference because you allow people an opportunity to be heard. And you remind a big publicly funded institution that policy impacts real people and that they can do better. Sometimes they even listen.”

– Member of the public



Budget

Ombudsman Toronto's operating budget allocation approved by City Council was \$2.2 million for the year ending December 31, 2020.

An external audit firm annually conducts a compliance audit of Ombudsman Toronto.

All unused funds are returned to the City Treasury.

Listening.
Investigating.
Improving City Services.

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