



OMBUDSMAN ONTARIO

2002–2003 Annual Report

*Working to ensure fair and accountable
provincial government service*





OMBUDSMAN ONTARIO

June 2003

Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Dear Mr. Speaker:

I am pleased to submit to you my Annual Report for the period of April 1, 2002 to March 31, 2003, pursuant to Section 11 of the *Ombudsman Act* so that you may table it before the Legislative Assembly.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Clare Lewis".

Clare Lewis, Q.C.
Ombudsman

Clare Lewis, Q.C.
125 Queens Park
Toronto, Ontario M5S 2C7
Telephone: 416-586-3300
Facsimile: 416-586-3485
TTY: 1-866-411-4211
1-800-263-1830 (English)
1 800 387-2620 (Français)

Contents

Ombudsman's Message	2
Significant Cases	11
Year in Review	30
Complaints	40
Statistical Charts	51
Case Stories	58
Staff List	77

ISSN 1708-0851



Clare Lewis, Q.C.

Ombudsman Ontario: Working to ensure fair and accountable provincial government service

*"It is my intention to ensure that my office demonstrates the values of
Fairness, Accountability, Integrity and Respect not just in its words but
in its actions."*

*Clare Lewis, Q.C.
Ombudsman of Ontario*

Ombudsman's Message

This past year has seen a continuation of the process of organizational renewal commenced last year as we pursue our mission of “*working to ensure fair and accountable provincial government service.*” It is my intention to ensure that my office demonstrates the values of **F**airness, **A**ccountability, **I**ntegrity and **R**espect not just in its words but in its actions. To that end, we have spent considerable time looking inward and reviewing our policies and practices to ensure that they are consistent with our stated values.

An extensive human resources audit was completed this year. The resulting audit report made 86 recommendations in 15 areas including strategic directions, recruitment, orientation and training, performance development and staff relations. Many of the recommendations made in this report have already been implemented and we continue to plan strategically for implementation of the remaining recommendations.

My office produced a document entitled *Looking Forward* which reflects our corporate vision to the year 2005, the end of my term of office, and focuses on our public identity, service delivery model, staff and workplace culture and structure. In this process we recognized that a corporate vision should not be imposed by upper level management on an organization, but evolve with appropriate consultation with staff.

We initiated a comprehensive business planning process. The mission, values and vision of our organization are central to that business planning process and guided the creation of the organizational goals and team objectives for the year 2003–2004. Internal and external environmental scans were conducted to provide an overview of the emerging issues that are affecting the office today and that likely will impact our operations over the next few years. These scans also assist in the planning process. Flowing from the overarching organizational goals, the three functional areas of the office, which are complaint, corporate and legal services, each developed their own team objectives. Staff consultation and contribution was an important factor in this business planning process. The Annual Business Plan for 2003–2004 is available on our website (www.ombudsman.on.ca).

Our Annual Business Plan was critical in our financial forecasting and budget planning. This year, my office engaged in zero-based budgeting and further, developed multi-year forecasts for the subsequent two fiscal years. Rather than simply using averages or percentages in estimating budgets for the next fiscal year, each area of the office was required to justify its estimates from the ground up, based on the organizational goals. The final budget estimates and the methodology used to prepare them were shared with staff to foster a better understanding of the budget process and our organization's financial accountability.

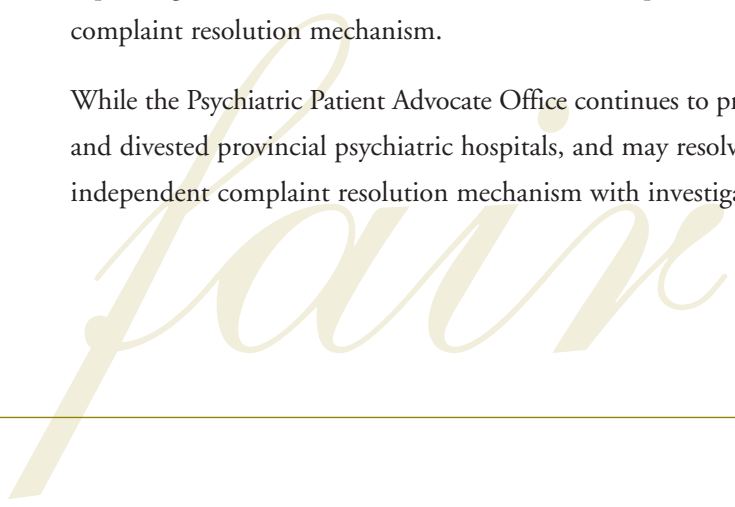
I believe that my office is well on its way to re-establishing a sound organizational foundation for the future. However, to remain relevant to the publics we serve, my office must also look outward. In the past year, our community education program saw significant results from our increased focus on connecting with community organizations whose clients are often most in need of our services. An Ombudsman's effectiveness depends to a large extent on whether persons with complaints are aware of the Ombudsman's existence. This year my office adopted an economical but effective strategy for the delivery of our message through the use of such vehicles as public service announcements and a variety of posters. Early indications, based on analysis of complaint statistics, suggest that these strategies are producing results.

There are many complaints that I cannot address, as they remain outside of the scope of my review. For instance, one issue that is of great significance to me in my role as Ombudsman is the public's right of access to independent complaint resolution when complaints arise about services that are essentially public in nature but which are not within my jurisdiction. I believe that independent review of complaints provides a vital accountability mechanism. In addition to investigating individual complaints and recommending individual remedies, an independent oversight model that allows for broader review of issues, may result in systemic improvement and more efficient use of resources.

In previous Annual Reports, I have discussed the importance of ensuring that the Ombudsman continues to have an oversight role when specific services have been privatized. I was referring on those occasions to the privatization of driver testing and the operation of a correctional facility. In the context of the private operation of Highway 407, I noted that when government does engage in privatization initiatives, there must be accountability mechanisms which will enable government to ensure that private sector partners act fairly with the public. I believe that independent complaint resolution is integral to ensuring accountability.

In 1998, as part of its mental health reform strategy, the Ontario government began divesting control of a number of provincial psychiatric hospitals. Six of Ontario's 10 provincial psychiatric hospitals have been divested to date and others are slated for divestment. When these facilities have been divested to public hospitals, because of their governance structure, they are no longer subject to my jurisdiction. My predecessor raised concerns regarding this situation. When I learned of the impending divestiture of yet another provincial psychiatric hospital, I contacted the Minister of Health and Long-Term Care expressing concern that divestment would result in patients losing their recourse to an independent complaint resolution mechanism.

While the Psychiatric Patient Advocate Office continues to provide advocacy services to patients of current and divested provincial psychiatric hospitals, and may resolve some concerns effectively, it is not an independent complaint resolution mechanism with investigative authority.



I continue to be of the view that there should be recourse for all psychiatric patients to an independent investigative body, as a last resort, to resolve outstanding complaints. The right of complaint empowers those who are often powerless. Psychiatric patients are particularly vulnerable. I believe that the right of complaint to an independent complaint resolution mechanism should be preserved when provincial psychiatric hospitals are divested and should be extended to similarly situated patients in psychiatric units of public hospitals.

While I encourage the creation of internal complaint resolution processes, I believe that, particularly in critical service areas, independent complaint resolution is warranted. Over the last few years, the provincial government has committed to ensuring accountability in the health sector and referred to the creation of a Patients' Bill of Rights or more recently a Charter of Patients' Rights and Responsibilities. While some formal complaint mechanisms exist with respect to certain health issues, such as professional conduct of health care providers, there is generally no formal right to complain regarding the administrative conduct of public hospitals and other health care facilities. My office receives many complaints regarding public hospitals, which do not come within my jurisdiction. The policies and practices of health care facilities often have a practical impact on patients and health care practitioners but are not subject to external review. I have encountered cases when it is a hospital policy, rather than a health care professional's conduct, which appears to have negatively affected a patient. The self-regulating colleges have no authority to deal with such issues.

In consultations with the Ministry of Health and Long-Term Care, I recommended that patients have the right to complain about the administrative conduct of health care facilities. I also encouraged the Ministry to consider an Ombudsman model for reviewing health care complaints. I believe that independent complaint resolution in the health care field would help create a more effective and responsive system while fostering public confidence.

Another significant service area in which there is no independent oversight model is the provincial education system. My office has received a number of complaints regarding school boards, particularly relating to resources for special education. I advised the Minister of Education that, given the fundamental importance of education in this province, I believe parents and in appropriate cases, students, should have recourse to an independent complaint resolution mechanism to resolve complaints about school boards.

The effectiveness of independent complaint resolution mechanisms is demonstrated in the case stories contained in this report. While the majority of our cases are resolved informally within a very short time frame, a number of cases this year required formal investigation. In situations in which I am considering supporting a case, I am required to provide the governmental organization in question with an opportunity to respond, prior to finalizing my views. It has been my experience that most cases that reach this stage are resolved.

Each year my office receives many complaints about the Ontario Human Rights Commission. However, most cases involving the Commission are resolved informally with its cooperation. This year, I did support one case in which it appeared that the Commission's staff failed to accurately reflect a complaint. After receiving my investigative summary, the Commission acknowledged the errors in reports prepared by staff, extended an apology and offered to pay the complainant a modest amount of compensation to reflect the frustration and inconvenience he experienced as a result of its conduct.

I am reporting on four formal investigations into the Ministry of Community, Family and Children's Services. A number of cases which were resolved informally with that Ministry are also highlighted in this report. The Ministry has a diverse and important mandate. Its programs and practices often have significant personal impact on children and families in this province. In one investigation, I raised concerns regarding the Ministry's planning and monitoring of changes in the delivery of services for children with special needs. It appeared to me that, while the Ministry had responded to concerns raised by parents and the media, it had demonstrated a reactive approach and had no clear corporate vision of the scope of the situation. It also appeared that the major factor underlying complaints about access to services was a lack of residential supports for children with complex special needs. During the course of the investigation, the Ministry committed resources to the development of a policy and funding framework for residential supports for children with complex special needs. The Ministry also assured my office that it would be engaging in comprehensive evaluation of all its programs and services on a four-year cycle.

In another case involving planning relating to an individual's transition from a Ministry-operated facility to the community, I expressed concern about the Ministry's apparent failure to ensure that it had written evaluation criteria. I also expressed the view that the Ministry should provide a timely explanation of its funding decisions, including the reasons supporting it. The Ministry acknowledged that I had identified important policy issues that it would take into consideration in future transitional planning.

The Family Responsibility Office (the FRO), now under the Ministry of Community, Family and Children's Services, has consistently generated the second highest number of complaints to my office. This year saw an increase in complaints about the FRO. Two of the formal investigations reported on this year involved the FRO and 13 case stories spotlight errors and inefficiencies relating to the FRO's administration. The FRO has had a checkered history of service delivery. In a previous own motion investigation reported in my 2000–2001 Annual Report, I suggested the FRO's service delivery problems largely resulted from outdated and significantly ill-suited computer technology. It was my belief then and so remains, that the FRO's computer technology must be replaced, if the FRO is to meet its mandate effectively. The continued inadequate technological base will inevitably have negative impact on staff morale and performance. I recommended that all steps necessary be taken to secure adequate resources to permit the FRO to meet its mandate. I received positive assurances that the necessary funding would be sought to permit a full evaluation of the need for necessary repair.

I have continued to monitor the FRO's progress with respect to funding for new technology. The FRO obtained funding for a feasibility study, which commenced in September 2001 and was completed this fiscal year. I have recently been advised that the FRO submitted a request for funding to the government to proceed with the development and implementation of a case management service delivery business model and supporting technologies. The Deputy Minister has advised me that he will not be in a position to discuss the status of this proposal until the budget is tabled in the Legislature. At the date of writing this Report, that event had not occurred.

At the end of December 2002, there were \$1.1 billion in support arrears owing to support recipients and \$212.1 million in support arrears owing to government as a result of assignments for social assistance. The total support arrears outstanding is \$1.3 billion and a review of the FRO's statistics indicates that this figure grows every year. The FRO performs a uniquely significant service for individuals and families who rely on its enforcement of support orders for their income. If support is not forthcoming, many recipients and their children are forced to rely on social assistance, which in turn results in support arrears being owed to the government. My earlier investigation demonstrated the FRO will not be in a position to improve its services, including enforcement for recovery of arrears to support recipients and government, unless its antiquated technology is replaced. I believe that a new case management service delivery business model will only be effective if the FRO has the technology to support it.

The continuing problems at the FRO are amply demonstrated in two cases this year in which the FRO did not take required action. In one case, despite the support recipient's attempts to prompt the FRO to enforce her support order, the FRO missed significant opportunities to recover debt on her behalf. In the other case, the FRO did not enter the proper information into its computer system and continued to collect support after it was no longer owing. In both cases, the FRO admitted its errors and agreed to compensate the complainants. Once again, the FRO acknowledged the limitations of its current computer system, which lacks a true bring-forward mechanism for monitoring support obligation termination dates.

Three years ago, when I began my term of office, I indicated that I believed it was important to strengthen the relationships this office has with the various publics served by it. To do this, it is important to ensure that governmental organizations understand the role and function of my office. In the past, my office had experienced some difficulty in obtaining the cooperation of the Ministry of Health and Long-Term Care, particularly in matters relating to the disclosure of information. Quite understandably, the Ministry is very cautious in releasing sensitive personal health information. I personally met with senior officials at the Ministry to discuss this situation and members of my Senior Team conducted an information session for members of senior staff at the Ministry. I have reason to believe that these efforts will result in what the Acting Deputy Minister at the time referred to as a "renewed spirit of cooperation between our offices."

I am reporting on two investigations involving the Ministry of Health and Long-Term Care. One involved the Northern Health Travel Grant Program (the NHTG Program) and a resident of Northern Ontario who had to travel long distances to obtain methadone treatment for pain management. As a result of my investigation, the Ministry has undertaken steps to meet the needs of northern communities requiring access to methadone treatment services. In the second case, after receiving my investigative summary, the Ministry of Health and Long-Term Care agreed to stop collection of over \$200,000 and reimburse over \$17,000 which had already been collected from a pharmacist.

As a result of an informal enquiry by my office, the Workplace Safety and Insurance Board acknowledged that it had erred when it failed to pay interest on pension arrears and paid a complainant over \$16,000 in interest owing. In another case, after receiving my investigative summary, the Board acknowledged its failure to provide adequate service and readily agreed to provide the complainant with an apology and pay her over \$13,000 in compensation.

During the course of an investigation, the Ontario Rental Housing Tribunal agreed to compensate the complainants for fees they had paid and for the inconvenience caused by its error. I considered another matter relating to the Tribunal on my own motion. This investigation concerned the Tribunal's application of the *Tenant Protection Act, 1997*, which permits landlords to apply for rent increases based on extraordinary increases in the cost for utilities but does not provide a corresponding right for tenants to apply for rent reduction when extraordinary utility costs no longer exist. I expressed concern about this apparent imbalance in the legislation. At the date of writing this Report, the Ministry of Municipal Affairs and Housing had advised that it is meeting with stakeholder groups and is considering a number of options, including legislative amendment.

My office received 7,271 complaints and enquiries over the past year about correctional facilities operated by the Ministry of Public Safety and Security. Complaints from inmates continue to be the highest percentage of our caseload. I had the opportunity to make submissions to the Task Force on the Reform of Correctional Services in Ontario. The current state of Ontario's correctional services is of great concern to me and the Government of Ontario's commitment to reform is a welcome activity. While I recognize the government's intention to be tough on crime, I am concerned that the government take steps to ensure that humanity and fairness remain part of the correction equation. Whatever we may think of people who are inmates or the conduct that earned them that status, once incarcerated, they are vulnerable individuals and it is the obligation of our government to ensure that they are treated humanely. As I stated to the Task Force, it is imperative that the Ministry ensure that its staff is aware of the obligations to uphold the rule of law within correctional facilities and that while incarcerated, inmates still have basic entitlements.

While the Ministry has many sound policies and procedures, my investigations have repeatedly revealed that they are not followed consistently. Inmates are affected in relation to basic entitlements such as access to fresh air, clean clothing and adequate living space. This year I conducted an investigation into the provision of

fresh air (yard) at a correctional facility. Ministry policy requires that yard be offered daily. My investigation revealed that inmates in this facility had gone long periods without access to yard. In addition, inmates had not been referred to health care, as required by Ministry policy, when they had missed yard for extended periods of time. The facility undertook a number of initiatives to address this situation, which I continue to monitor closely.

I received various complaints regarding individuals who had been held in correctional facilities pending trial, who had to appear in court wearing bright orange institutional coveralls. Some individuals had also been released from court in such clothes. These uniforms stigmatize the individual and lead to prejudice in court proceedings and when the individuals are released into the community. After I contacted the Ministry regarding this situation, it responded by noting that based on the concerns that had been raised by my office, by defence counsel and some judges, it had taken steps to ensure that inmates no longer appear in these institutional uniforms in court.

In another case, an inmate claimed that he had not received a change of clothing for 30 days. According to Ministry policy, inmates are normally allowed to receive a change of clothing, including seven sets of underwear, each week. Our investigation revealed that some inmates at a correctional facility had gone up to 45 days without a change of clothing. During our investigation, the facility agreed to undertake a number of initiatives to address this matter and we continue to monitor the situation.

I also conducted an investigation on my own motion into the Ministry of Public Safety and Security's routine practice of placing three inmates in cells with only two beds, leaving the third inmate to sleep on a mattress on the floor. This practice applies to facilities housing remanded inmates — those awaiting trial or sentencing. Overcrowding in these correctional facilities raises numerous concerns. Inmates have fewer opportunities to go outside for fresh air as correctional staff have larger numbers to supervise, living spaces are inadequate and health risks are increased for both inmates and staff. The Ministry has stated that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services. It is not my role to take issue with the government's agenda. However, I can evaluate its results on inmates. I believe that triple-bunked inmates are being punished in a way that is not demanded by their detention, the law or the Ministry's own policy and for no reason other than the Ministry's lack of capacity. This situation must end and after receiving my investigative summary, the Ministry advised me of steps that it is taking to address this very serious concern. I will continue to follow this issue and call for an end to overcrowding and to the practice of triple-bunking in provincial facilities housing remanded inmates.

I am particularly concerned regarding the use of segregation units for housing those with mental illness and the lack of basic services provided to these inmates. In last year's Annual Report, I stated that, in response to my concerns about the treatment of an inmate suffering from mental illness and severe hearing loss, the Ministry had undertaken to take steps to ensure that inmates with special needs received proper placement and treatment. This year, the Ministry advised that a revised classification system will allow for

more comprehensive assessment of inmates and will improve identification and placement of inmates with special needs. Inmates admitted to custody will be screened against standard criteria and those with special needs or who may require treatment will undergo a further assessment. Inmates identified through these assessment processes will then be placed in one of the Ministry's treatment facilities.

Labour relations problems have exacerbated the conditions of inmates in provincial facilities. As you will note from some of the case stories in this report, the labour dispute earlier in this fiscal year adversely affected inmates in various ways. Staffing shortages, overcrowding, lack of recreational outlets for inmates and basic entitlements such as clean clothing and fresh air, can create pressures in the system that result in negative impacts for inmates as well as correctional staff. The labour relations climate is often reflective of the conditions of inmate confinement. Ministry staff have advised my office on several occasions that they are unable to provide staff training currently required across the organization. We have seen examples when individual facilities have not been able to recruit candidates when they are needed. I suggest that the Ministry will not see a positive change in labour relations in the corrections field until a strategic investment is made in human resources management.

This year, I continued to fulfill my personal commitment to visit correctional facilities throughout Ontario. I have visited six institutions, including jails, detention centres and a secure detention young offender facility. I found facility staff cooperative and open to responding to my many questions. Most facilities I toured were clean and a number were undergoing expansion and retrofitting. However, at one facility, I was struck by the very dismal, dank and Dickensian conditions of the segregation cells. I am encouraged by the fact that this facility is undergoing a retrofit to improve overall conditions, including those in segregation. However, it is of concern to me that such conditions have been allowed to prevail for so long. I also noted during my visits a number of correctional staff who were not wearing their facility identification badges. Inmates have a right to at least identify by number the correctional officers with whom they deal. Subsequently, senior correctional staff have issued reminders that it is Ministry policy that all staff wear their identification badges when on duty. However, this problem appears to persist in many of the facilities. Additional Ombudsman posters have been provided to facilities to ensure inmates are aware of my office and how to access it. This is a particular concern in young offender facilities, where I suggested that posters be visibly displayed in all key areas in which young offenders are housed. I will continue my commitment in the coming year to personally visit more correctional facilities across the province.

Many of the case stories contained in this report were resolved informally with individual correctional facilities and the Ministry of Public Safety and Security. The stories highlight concerns about such issues as the misconduct process, the adequacy of food service and health care. There are many dedicated staff in the correctional system and many who work with my staff to resolve inmate complaints fairly and effectively. However, the correctional system must have the necessary resources to meet its mandate of supervising inmates and creating a social environment in which inmates may make attitudinal changes necessary for their eventual and inevitable reintegration into society.

Complaints about government administration, lack of timely decision-making and lack of clarity surrounding criteria and process are common issues that come to my attention. One case that illustrates these concerns is one in which the Ministry of Transportation took four years to review and reach a final decision on an application. I do appreciate the factors which contributed to this delay and am encouraged by the Ministry's commitment to me to clarify its policy and review its process. In this year's Annual Report, I have included a document entitled *Fairness Standards for Decision-Making by Governmental Organizations*, which I hope will be a guide for organizations in their decision-making.

Considering the case stories this year, I think it is important to focus not only on the errors and omissions which led to complaints, but to acknowledge those public servants who have helped to correct situations, once they have been brought to light. This year, I had the pleasure of again presenting the Ombudsman Ontario Public Service Recognition Awards, recognizing exceptional public service in complaints resolution. The awards for 2002–2003 were received by six individuals from the following ministries: Ministry of Community, Family and Children's Services (Family Responsibility Office), Ministry of Labour (Ontario Labour Relations Board), Ministry of Public Safety and Security (Ottawa-Carleton Detention Centre, Toronto Jail), Ministry of Training, Colleges and Universities (two from the Ontario Student Assistance Program).

As Ombudsman, I believe that I have an obligation to promote the Ombudsman concept at home and abroad. Nationally, I have worked with the Canadian Ombudsman Association and the Forum of Canadian Ombudsman as well as the Canadian Council of Parliamentary Ombudsman. I had the privilege of being elected President of the International Ombudsman Institute at Hammamet, Tunisia during this year. The International Ombudsman Institute has 176 members from 103 countries. My office also prepared an investigative training manual for the Institute that will be used nationally and abroad. At the invitation and expense of the Government of Lebanon, I attended a seminar in Beirut on the establishment of an Ombudsman for Lebanon, during which together with other international colleagues, I encouraged the creation of an Ombudsman model for resolution of complaints against the government. My office also received a number of foreign delegations, providing an opportunity to share information about the role and function of various Ombudsman institutions.

I am very pleased with the achievements of my staff this year. I recognize that our ability to resolve complaints fairly and effectively depends on their dedication. This year all areas of the office have demonstrated a firm commitment to the values of this organization: **F**airness, **A**ccountability, **I**ntegrity and **R**espect.



Clare Lewis, Q.C.
Ombudsman

Significant Cases

Ministry of Citizenship

Ontario Human Rights Commission

Mr. G contacted our office because he believed that the Ontario Human Rights Commission (OHRC) failed to properly address the issue of a Catholic school board's treatment of him as a non-Catholic.

Mr. G initially complained to the OHRC regarding his treatment by a school board in its capacity as his employer. He later provided information to the OHRC that the school board discriminated against him on the basis of creed, when it refused to allow him to stand for election as a parent representative on the school council.

The OHRC staff drafted Mr. G's complaint. While the complaint included reference to his allegations that the school board discriminated against him as a parent, the only area of complaint identified was employment.

The OHRC's case analysis recommended that the allegation relating to the election as parent representative be characterized as vexatious. The OHRC staff reasoned that Mr. G had not established a reasonable basis upon which the complaint could be maintained, as he had no children at the school and therefore, did not meet the qualifications for election. In his reply, Mr. G advised the OHRC that his children attended the school in question during the relevant time and that he had been a separate school tax supporter.

The OHRC dismissed Mr. G's complaint on the basis that the matter could have been dealt with under the *Labour Relations Act*, as it was classified as a complaint in the area of employment.

Mr. G requested that the OHRC reconsider its decision. The reconsideration report prepared by OHRC staff again noted that Mr. G was not a parent of a child at the school. Mr. G responded that he was both a parent and a separate school tax supporter. The OHRC denied Mr. G's request for reconsideration on the basis that the subject matter of his complaint could have been and was dealt with more appropriately through the *Labour Relations Act*.

After investigating Mr. G's complaint, the Ombudsman informed the OHRC that he was of the preliminary opinion that the OHRC staff failed to accurately reflect Mr. G's complaint against the school board as a parent. The Ombudsman reasoned that while Mr. G was responsible for reviewing the complaint he signed, it was the OHRC staff who had drafted the complaint and had the expertise to distinguish between complaints relating to employment and services. He also noted that Mr. G had repeatedly advised the OHRC staff that he had children attending the school and that he was a separate school supporter. However, despite his submissions, the OHRC staff continued to incorrectly state that Mr. G was not a parent of a child at the school.

The Ombudsman tentatively recommended that the OHRC provide Mr. G with an apology and appropriate compensation. The OHRC acknowledged that there were errors in the reports prepared by staff. It extended an apology to Mr. G for not informing him that he should have filed a separate complaint under the social area of services and offered to pay him a modest amount of compensation to reflect the frustration and inconvenience he experienced as a result of this conduct. The Ombudsman was satisfied with the OHRC's response and the file was closed.

Ministry of Community, Family and Children's Services

Community and Developmental Services Program Unit

Ms K, whose adult son is autistic, contacted our office with a complaint about the Ministry of Community, Family and Children's Services. Ms K's son was discharged from a Provincial Regional Centre in 1997 as part of the Ministry's Community Living Initiative. This initiative was a phase of depopulating the Ministry's provincially operated institutions. As part of the Community Living Initiative, funds were made available to assist individuals in their transition from provincial institutions to community living.

The Community Living Initiative mandated that a third party Placement Facilitator, who was not a Ministry employee, was to coordinate the process for each person leaving a facility. The third party Placement Facilitator was responsible for developing a comprehensive and personalized plan to address the needs of the individual. The third party Placement Facilitator made no judgment on the cost of the personal plans and had no authority to decide how much money would be spent on a given individual. This decision rested with the Ministry, which had to consider factors such as the number of persons and families requiring assistance in the region, the funding available for the region, and the need to provide fair and equitable service for everyone. Given their limited funds, the Area Offices used an average of \$55,000 per year for the development of placements for people who were discharged from provincial facilities.

Ms K was very involved in the development of the personal plan for her son. She complained to the Ombudsman that the Ministry failed to respond to the family's request for information about the process and eligibility criteria for subsidy funds and other services that her son needed after he left the Regional Centre to live in the community.

The investigation showed that the Ministry did not have a written policy or written guideline on how the Area Offices were to evaluate the personal plans required for the Community Living Initiative. The investigation also revealed that the Ministry did not have any documentation that outlined how the personal plan for Ms K's son was evaluated. The Ministry told our office that there was no written policy or guideline regarding which services would be funded by the Community Living Initiative. However, this initiative was not meant to cover the cost of services that were already available in the community, such as behaviour management, physiotherapy and speech language pathology.

The Ombudsman provided the Ministry with an investigative summary in which he stated that it appeared to him that the Area Offices were not given direction about how to distribute the funding they received under the Community Living Initiative. He expressed concern that the Ministry did not have written criteria for assessing personal plans since the budget was supposed to be based on these plans. The Ombudsman noted that as a result of the lack of explicit policy, the process of determining eligible services, eligible needs and an appropriate budget through the Community Living Initiative was, as Ms K had noted, "opaque."

The Ombudsman told the Ministry he was concerned that it did not have documentation to demonstrate the process followed by the Area Office to establish and approve the budget for Ms K's son. He noted that people affected by the Ministry's budget decisions are entitled to an explanation of the process the Ministry uses to determine and approve these decisions. The Ombudsman stated that by providing reasons for its funding decisions, the Ministry would be able to demonstrate that it had considered the merits of the individual's needs, even if the affected person remained dissatisfied with the Ministry's decision. He noted that the Ministry should be able to demonstrate that the funds were being equitably allocated according to some kind of criteria or policy. The Ombudsman recognized that the Community Living Initiative operated within budgetary constraints. However, he stated that the Ministry should have been able to demonstrate the link between the Community Living Initiative, with its emphasis on individual planning, individual choice, family and community participation, and the realities of the budgeting process.

The Ombudsman indicated that he was considering recommending to the Ministry that if it pursues initiatives similar to the Community Living Initiative in the future, it should ensure that it has written criteria for the evaluation of personal plans. He also suggested that in the future the Ministry should ensure that those affected by its funding decisions receive a timely explanation of the level of funding and the reasons supporting it.

In its response, the Ministry noted that the Ombudsman's investigative summary clearly identified important policy issues the Ministry will consider in developing individual support plans, establishing

funding benchmarks, determining assessment of needs and ensuring a transparent process for decision-making. The Ministry stated that as it plans for the future of the three remaining Ministry-operated facilities for adults with developmental disabilities, the Ombudsman's findings, along with suggestions from families, other interested parties and the Ministry's experience to date will be taken into account. The Ministry noted that as it plans for the eventual closure of these facilities, it will develop transitional plans and ensure that services and supports are available to meet the unique needs of residents before they move into the community. The Ombudsman was satisfied with the Ministry's response.



Family Responsibility Office

Ms B complained about the Family Responsibility Office's (FRO's) failure to enforce arrears in her case of \$10,000. On investigation, the Ombudsman noted the FRO had been involved in enforcing Ms B's support order since 1997. In 1997, the FRO filed a writ of seizure and sale in the wrong jurisdiction. A garnishment of federal funds was also lifted by the FRO in

After reviewing the FRO's system records, the Ombudsman notified the FRO that it appeared that the overpayment occurred as a result of the FRO's error in not entering the termination date information in its computer system.

December 1999 for no apparent reason. The FRO also did not follow up on a driver's licence suspension for six months, until Ms B contacted the FRO to enquire about her case. Despite Ms B's repeated attempts to prompt the FRO to act on her file, no action was taken in a reasonable time frame. It appeared to the Ombudsman that as a result of the FRO's

conduct, the FRO had potentially missed significant opportunities to recover debt on Ms B's behalf. The Ombudsman advised the FRO that he intended to support Ms B's contention regarding the FRO not taking reasonable steps to enforce her court order for support and tentatively recommended that she receive an apology and compensation for her frustration. The FRO agreed to these recommendations and the file was closed as resolved.

Mr. X complained that, because of an error by the Family Responsibility Office (the FRO), he had overpaid his child support. The court order requiring Mr. X to pay child support provided that support was to end when each child reached 21 years of age.

However, this information had not been entered into the FRO's computer system. Consequently, when Mr. X's eldest child turned 21, the FRO's computer system continued to accrue support owing, and support continued to be deducted from Mr. X's pay and sent to the support recipient. By the time the FRO reviewed the case, Mr. X had overpaid \$3,714.18 in support. Although he asked for his money back, the FRO advised Mr. X that he would have to try to recover the money from the support recipient through the courts.

After reviewing the FRO's system records, the Ombudsman notified the FRO that it appeared that the overpayment occurred as a result of the FRO's error in not entering the termination date information in its computer system. The Ombudsman advised the FRO that he was considering recommending the FRO compensate Mr. X. The FRO agreed to reimburse Mr. X for the support that had accrued after his eldest child turned 21. The FRO expressed regret that Mr. X's case had not been handled appropriately and noted staff would receive court order refresher training with particular emphasis on review of any specific termination dates set out in court orders. The FRO acknowledged that its computer system lacks a true bring-forward system for monitoring support obligation termination dates. The system does not monitor and action termination dates automatically and there is no link between the end date of a support accrual and the notification to the income source to stop deducting support. However, the FRO stated that had the termination date been properly entered into the system, any overpayment would have been held and could have been reimbursed to Mr. X.

Integrated Services for Children Unit

Through media reports in late December 2000 and early January 2001, the Ombudsman became aware of the plight of two families who claimed they could not obtain required care for their children with severe disabilities, unless they agreed that the children would become legal wards of Children's Aid Societies (CAS). It was suggested that this situation had arisen as a result of changes in Ministry of Community, Family and Children's Services' funding for special needs agreements. In the past, some CAS had entered into these agreements with families to provide for necessary services for children with disabilities. Under these agreements, the CAS would take over supervision or care and custody of the child.

The Ombudsman decided to investigate on his own motion the Ministry's conduct surrounding changes in the funding and provision of special needs agreements by CAS and the Ministry's current role in the provision of funding and programming supports for families with children who may have been eligible for coverage under these agreements. The Ombudsman notified the Ministry of his intention to investigate in January 2001.

After receiving notice of the Ombudsman's intention to investigate, the Ministry advised our office that access to Ministry-funded services does not require a family to have a special needs agreement, nor is the family required to relinquish legal custody of their child. The Ministry stated that the use of special needs agreements has always been at the discretion of CAS. The Ministry clarified that some CAS used special needs agreements to purchase services to address the very complex residential care needs of a small group of children.

The Ministry told our office that the number of children with special needs who receive services through a special needs agreement has always been very small compared to the number who receive services and supports from other community agencies.

The Ministry told our office that it notified the CAS of funding changes to special needs agreements in 1999. At that time, it advised that child protection resources should be focused on child protection activities and that a specific funding benchmark for special needs agreements would not be provided. However, funding for existing special needs agreements would continue.

During the investigation, the Ministry pointed out that in 1997 it had launched a province-wide initiative to reshape the children's and developmental services systems. In 1999, as a part of this initiative, community-based case resolution mechanisms were implemented. These mechanisms are responsible for assisting children with complex special needs to access necessary services.

Our investigation revealed that the Ministry had taken a number of steps in response to the media reports about families in distress. In January 2001, the Ministry made it clear to CAS that when a parent approaches a CAS and no protection concerns exist, the family must be referred to more appropriate community service providers with a mandate to provide services to special needs children. The Ministry also created the position of special needs coordinator. The coordinator's immediate role was to meet with parents of children in critical situations to help them connect with services in their community. The Ministry also facilitated specific "service agreements" between service agencies and 16 families represented by a law firm, whose situations were considered critical.

The Ombudsman obtained a report dated June 2000 from the Office of Child and Family Service Advocacy (the Advocacy Office), which highlighted concerns that had been expressed by frustrated and demoralized parents, service providers and CAS concerning the change in practice relating to special needs agreements. During the investigation, Ministry staff were questioned as to why the Ministry did not respond to the issues addressed in the report. A senior official at the Ministry indicated that there had been a delay in reviewing and responding to the report. It was not until another report was issued by the Advocacy Office in January 2001 that the Ministry responded. In March 2001 the Ministry indicated that a comprehensive government policy and system redesign framework would be developed. It also stated it was developing standardized Terms of Reference for case resolution mechanisms.

The Ministry advised the Ombudsman that it would ask CAS to review cases in which the care and custody of children had been transferred to the CAS solely for accessing service. As a result, by July 2001, 51 children had their case management transferred from a CAS to a non-protection service provider in the community. The Ministry indicated that of these 51, two were Crown wards whose wardship was reversed.

By May 31, 2001, the Ministry's nine special needs coordinators had identified 230 children whose families had requested additional or enhanced services. Of these, an out-of-home residential placement had been identified for 143 children. By August 2001, the Ministry informed our office that the responsibilities of the coordinators were shifting to support the community so the community could take on the role of special needs coordinator.

During our investigation, Ministry staff advised that the implementation of case resolution mechanisms took longer than anyone expected because some communities did not have the services in place. It was not until the end of September 2001 that all case resolution mechanisms were operational. It was not until September 2001 that the Ministry developed a formal process to determine if case resolution mechanisms were operational. A checklist relating to terms of reference was distributed to regional offices requiring them to complete an assessment of each case resolution mechanism by September 30, 2001. The Ministry indicated that action plans were to be developed for case resolution mechanisms not in compliance with these mandatory requirements and that full compliance was required for all case resolution mechanisms by December 31, 2001.



Senior Ministry staff advised the Ombudsman that a lack of residential supports for children with complex special needs was a significant factor leading to the concerns expressed by parents. It was noted the Ministry did not anticipate the medical advances that took place over the last 10 years, resulting in an increased life span for children with severe disabilities. As well, the number of residential placements available for children with special needs had dramatically diminished, exacerbating the situation. Our investigation revealed that the Ministry did not have the necessary data to decide what level of residential service was required in Ontario for children with special needs and had set no timetable for consideration of this issue.

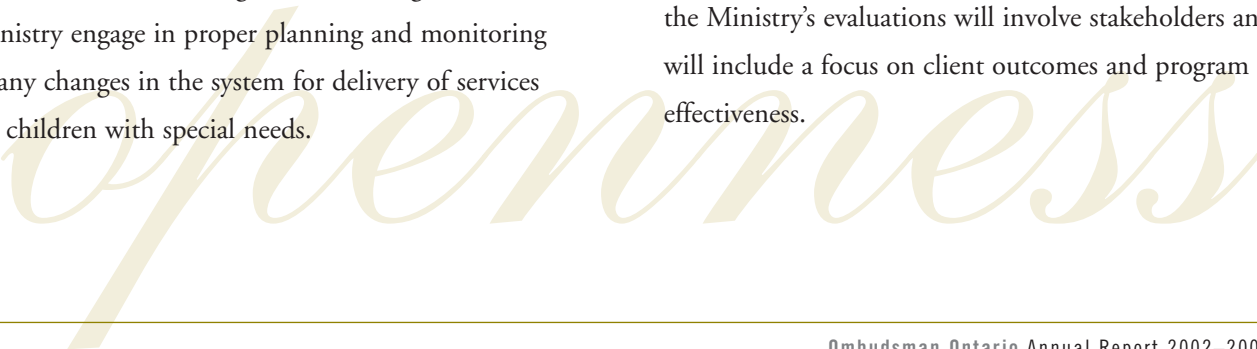
In May 2002, the Ombudsman provided the Ministry with an investigative summary that outlined the findings in his investigation. The Ombudsman expressed concern that the Ministry did not develop a formal process to determine if case resolution mechanisms were operational until September 2001, since these mechanisms appeared to be a key component to finding services for children with special needs. The Ombudsman also was concerned that the Ministry had demonstrated a reactive approach to responding to problems that may well have been prevented had it engaged initially in proper planning and monitoring. The Ombudsman indicated he was considering recommending that the Ministry obtain the necessary data to determine what level of residential services is needed in Ontario for children with special needs in a timely manner and plan accordingly. He also stated he was considering recommending that the Ministry engage in proper planning and monitoring of any changes in the system for delivery of services for children with special needs.

Following receipt of the Ombudsman's investigative summary, the Ministry told the Ombudsman that it was developing a policy and funding framework for residential supports for children with complex special needs. The Ministry plans to have the residential framework completed by Spring 2003 and if approved, implementation of the framework would begin in 2003–2004.

The Ministry agreed to provide the Ombudsman with an update about its progress in developing the policy and funding framework in June 2003 and then every six months thereafter. The Ombudsman was satisfied with the Ministry's commitment.

The Ministry indicated that by December 31, 2001, 287 children had been identified as having critical service needs. The Ministry approved \$18.6 million in 2001–2002 to provide additional services to these children and their families. It was noted that 177 of the 287 children were identified as needing an out-of-home group care residential placement. The Ministry confirmed that this funding is now annualized at \$21 million and remains invested in local services for those most in need.

The Ministry disagreed with the Ombudsman's suggestion that it had failed to engage in proper planning and monitoring. However, the Ministry assured the Ombudsman that in accordance with the direction of the Management Board of Cabinet it would be conducting comprehensive evaluations of all programs and services on a four-year cycle. It stated that all of the Ministry's evaluations will involve stakeholders and will include a focus on client outcomes and program effectiveness.



Ministry of Health and Long-Term Care

Drug Programs Branch

Mr. Y, a pharmacist, complained that the Drug Programs Branch of the Ministry of Health and Long-Term Care was clawing back payments he had received on claims he submitted under the Ontario Drug Benefit Program (the ODB Program) for the drug Remicade. Those eligible for the ODB Program generally include people entitled to provincial social assistance, seniors, residents of certain long-term care facilities and, through the Trillium Drug Program, those for whom prescription drug costs are a high proportion of their income. An eligible person presents a prescription to a pharmacist participating in the ODB Program and the pharmacist then charges and

is reimbursed by the Ministry. Remicade is a drug that became available in June 2001 for the treatment of rheumatoid arthritis and Crohn's Disease. Remicade is a very expensive drug and ODB Program claims can run as high as \$7,000. The total amount the Ministry would be clawing back from Mr. Y was \$232,525.55. The Ministry had already recovered \$17,744.91 from him.

...the Ombudsman advised the Ministry, that it appeared the Ministry's act of recovering payments to pharmacists for Remicade claims when the drug was dispensed as an extemporaneous preparation was contrary to the legislation.

Remicade, Mr. Y explained, is generally dispensed by pharmacists as an "extemporaneous preparation" for injection. An extemporaneous preparation is a drug or

combination of drugs prepared or compounded in a pharmacy according to a prescription. Mr. Y stated that the regulations under the *Ontario Drug Benefit Act* stipulate that such preparations, when prepared by or under the direct supervision of pharmacists for injection, are benefits under the ODB Program provided they do not duplicate a manufactured drug. However, in August 2001, the Ministry notified pharmacists participating in the ODB Program by e-mail that Remicade would not be considered a benefit and a decision on reimbursement would not be made until a review by an expert advisory committee was complete. Mr. Y contended that the Ministry could not supersede the regulatory provisions for the ODB Program by an e-mail direction.

After a review of the *Ontario Drug Benefit Act* and its regulations, it appeared to the Ombudsman that payment for extemporaneous preparations such as Remicade was contemplated by the legislation and that the Ministry could not alter this by notice. The Ombudsman could find no authority for the Ministry to recover monies paid to pharmacists for Remicade claims. Accordingly, the Ombudsman advised the Ministry, that it appeared the Ministry's act of recovering payments to pharmacists for Remicade claims when the drug was dispensed as an extemporaneous preparation was contrary to the legislation. He indicated that he would be recommending that the Ministry stop recovering money paid to pharmacists for Remicade claims and reimburse pharmacists from whom money for such claims had been recovered. The Ministry responded, expressing its appreciation for the Ombudsman's comments and agreeing to comply with his recommendations.

Northern Health Travel Grant Program

Mr. E, a resident of Northern Ontario, complained to the Ombudsman because the Ministry of Health and Long-Term Care had denied his Northern Health Travel Grant (NHTG) applications. The NHTG Program is intended to offset the travel costs for Northern Ontario residents who have to travel long distances to access insured medical services of the nearest medical specialist or designated health facility.

Mr. E needs methadone for pain management. There was no family physician close to Mr. E licensed to prescribe methadone. Accordingly, Mr. E travelled from his home near Timmins to a specialist in Toronto to get his prescription. The specialist in Toronto in turn referred Mr. E to a family physician in North Bay, who is licensed to prescribe methadone. This resulted in 310 kilometres less travel for Mr. E.

Mr. E received a NHTG for his travel to the specialist in Toronto, who is certified by the Royal College of Physicians and Surgeons of Canada. However, Mr. E's applications for NHTGs for the shorter travel distance to the family physician in North Bay were denied because the physician is not a medical specialist.

In an investigative summary, the Ombudsman stated that the Ministry's position that Mr. E had to travel a longer distance to a medical specialist to qualify for a NHTG appeared to be unduly bureaucratic. The Ombudsman indicated he was considering recommending that the Ministry provide Mr. E with travel grants under the NHTG Program for his past and future visits to the family physician in North Bay. The Ombudsman also expressed concern that the Ministry's policy did not cover travel to family physicians licensed to prescribe methadone.

In response, the Ministry told the Ombudsman that after the Ombudsman began investigating Mr. E's complaint, staff in the Ministry's North Region undertook an analysis to determine the most effective and efficient manner in which Northern Ontario patients can access methadone treatment services. The Ministry said that based on its review it did not agree with the Ombudsman that Mr. E should be provided with travel grants for his visits to a non-certified physician. The Ministry stated that any change to the NHTG Program needs to be assessed within the broader health care context, particularly with respect to other physician services and the financial implication of any modification to the NHTG Program.

The Ministry told the Ombudsman that Timmins is designated as underserved for general/family physicians and that it was working with the medical community and the College of Physicians and Surgeons of Ontario (CPSO) to encourage recruitment of general/family physicians licensed to prescribe methadone to serve the Timmins area. The Ministry also said that staff of its Underserved Area Program were negotiating with the physicians in Timmins to encourage certification with the CPSO to permit them to provide methadone treatment.

During the investigation, on his own initiative Mr. E was accepted into the practice of a family physician in Timmins who is licensed to prescribe methadone. At the same time, the Ministry told the Ombudsman that it had recruited another physician to begin prescribing methadone in an outreach clinic in Timmins by mid-October 2002.

The Ombudsman issued a final report to the Ministry in which he acknowledged that the Ministry is taking steps, as a result of his investigation, to address the problem of access to methadone treatment services

in Northern Ontario. However, the Ombudsman advised the Ministry that he felt that the NHTG policy, as it applied to Mr. E and others who are similarly situated, was unreasonable. He recommended that the Ministry provide Mr. E with travel grants under the NHTG Program for the visits he had made to the family physician in North Bay to obtain his prescription for methadone.

The Ministry did not accept the Ombudsman's recommendation. It stated that providing travel grants for medical care provided by family/general practitioners who are licensed to prescribe methadone would go beyond the scope and capacity of the existing program resources and would set a precedent that would encourage patients to seek reimbursement for other non-certified specialist services. The Ministry provided the Ombudsman with details of the significant financial implications of expanding the NHTG Program to permit patients to be referred to non-certified specialists. The Ministry noted that a methadone outreach clinic

is now operating in Timmins on a short-term basis and plans are underway to facilitate the training of local physicians so they can become licensed to prescribe methadone. As well, the Ministry told the Ombudsman that it is considering applying the Timmins model to other northern areas in need of methadone treatment services. After carefully considering this information, the Ombudsman decided not to pursue the matter further.

The WSIB agreed to implement the Ombudsman's recommendations. Ms H was provided with a formal apology and a cheque for \$13,634, representing one year's benefits less an amount reflecting a termination payment Ms H had received from her employer.

Ministry of Labour

Workplace Safety and Insurance Board

Ms H contacted our office concerning the Workplace Safety and Insurance Board's (WSIB's) failure to adjudicate her claim for benefits in a timely manner. Ms H developed neck strain at the age of 51 and attempted to obtain workplace insurance benefits. She was initially denied entitlement by the WSIB. However, the WSIB adjudicator agreed to reconsider Ms H's claim based on new medical evidence. It took the WSIB nearly two years to reconsider Ms H's claim and grant her benefits. In the interim, Ms H recovered from her injury but was terminated from her employment. Ms H complained that as a result of the WSIB's delay in making a decision in her claim, she lost an opportunity to use her re-employment rights under the *Workers' Compensation Act* (the *WCA*). Under the *WCA*, the WSIB is responsible for notifying an employer that a worker is able to perform the essential duties of his or her position or is medically able to perform suitable work. Once this notification occurs, the employer is subject to certain reinstatement obligations for a period of time. In an appeal to the Workplace Safety and Insurance Appeals Tribunal, it was determined that any obligation on Ms H's employer to reinstate her had expired before the WSIB allowed her claim. When informed of the Ombudsman's intent to investigate Ms H's complaint, the WSIB acknowledged that the adjudicator had failed to render a reconsideration decision and that it had failed to send a notice to the employer under the *WCA*. The WSIB also suggested that Ms H appeal the adjudicator's decision granting her entitlement. Ombudsman Ontario's investigator was advised by WSIB staff that while the WSIB has systems in place to prompt adjudicators to take certain actions, Ms H's claim was mishandled through human error.

In an investigative summary, the Ombudsman noted that the WSIB acknowledged but could not explain its failure to render a decision in a timely manner and to notify Ms H's employer under the *WCA* that Ms H was able to return to work. He also noted that an appeal of the entitlement decision would be of no practical value as it would not address the issue of Ms H's re-employment rights. It appeared to the Ombudsman that the WSIB's conduct in delaying adjudication of Ms H's file, failing to communicate effectively with her regarding its administration of her claim and failing to notify the employer of its obligations, deprived her of the opportunity to utilize her re-employment rights. He indicated that it was probable that Ms H would have been in a much better financial position had she had access to her rights under the *WCA*. The Ombudsman said that he was considering recommending that the WSIB issue a formal apology to Ms H and pay her compensation to recognize the WSIB's failure to provide adequate service and her consequent loss of opportunity to use her re-employment rights. The Ombudsman noted that the WSIB had the power to order an employer

that has not fulfilled its re-employment obligations to pay up to a year's net average earnings but that there was no similar statutory recourse against the WSIB for its failure to fulfill its obligations.

The WSIB agreed to implement the Ombudsman's recommendations. Ms H was provided with a formal apology and a cheque for \$13,634, representing one year's benefits less an amount reflecting a termination payment Ms H had received from her employer.

Ms U is a senior citizen who was injured at work in 1963. Since her accident, she has suffered from depression. Ms U called our office to complain that the WSIB failed to pay her interest on pension arrears the Workplace Safety and Insurance Appeals Tribunal had awarded her in 2000. An Ombudsman Representative contacted the WSIB and determined that, in accordance with the WSIB's policy, Ms U was entitled to receive interest on pension arrears. As a result of the Ombudsman's enquiry, the WSIB agreed to pay interest to Ms U and she received a cheque in the amount of \$16,613.80.



Ministry of Municipal Affairs and Housing

Ontario Rental Housing Tribunal

The Ombudsman initiated an own-motion investigation into the Ontario Rental Housing Tribunal's (ORHT's) application of the *Tenant Protection Act, 1997 (TPA)* in relation to rent increases based on extraordinary increases in the cost for utilities. The Ombudsman had received a number of complaints regarding this issue, including a submission by an advocacy group.

The advocacy group submitted that the ORHT had been flooded by landlord applications for above-guideline rent increases, the majority of which related to natural gas price hikes in late 2000 and early 2001. The

Ombudsman was advised that natural gas prices rose dramatically during 2000, reaching a peak in December 2000 and January 2001. However, these prices had returned to 1999 levels by August/September 2001.

The advocacy group contended that while utility prices fluctuate, tenants are paying permanent, compounding increases for temporary price spikes in natural gas or other utilities, even when these costs have already been recovered. On its face, this situation appeared to the Ombudsman to be systemically unfair.

Landlords may apply to the ORHT under the *TPA* to increase the rent charged by more than the annual rent increase guideline on the basis of an extraordinary increase in the cost for utilities. In determining such applications, the ORHT has applied the rules for extraordinary increases set out in regulations made



under the *TPA*. The Divisional Court of the Ontario Superior Court of Justice recently considered a case in which a tenant had concerns about the ORHT's application of the *TPA*. The Court found that it was inappropriate for the Court to adjust the formula for determining extraordinary increases or its format, as they have been duly authorized and the appeal was dismissed. However, the Court expressed concern regarding the current situation.

The ORHT advised the Ombudsman that policy and legislative changes are the responsibility of the Ministry of Municipal Affairs and Housing. It also referred to the Court case, which supports the ORHT's practice. The ORHT advised that from January 1, 2000 to August 31, 2002 it received 2,508 applications for above-guideline rent increases. Of these applications, 1,656 related just to extraordinary operating cost increases related to utilities. These applications affected 179,597 rental units. As of September 30, 2002 there were 460 applications that remained outstanding.

The Ombudsman considered that in making orders for rent increases on the basis of extraordinary increases in the cost for utilities, the ORHT appeared to be applying the law as set out in the *TPA*. To date, the Courts have not found anything inappropriate with the ORHT's actions from a legal perspective. However, the Ombudsman noted the scope of his review extends beyond legal considerations. The Ombudsman may also consider whether or not the Tribunal's conduct is based on legislation that is itself unfair.

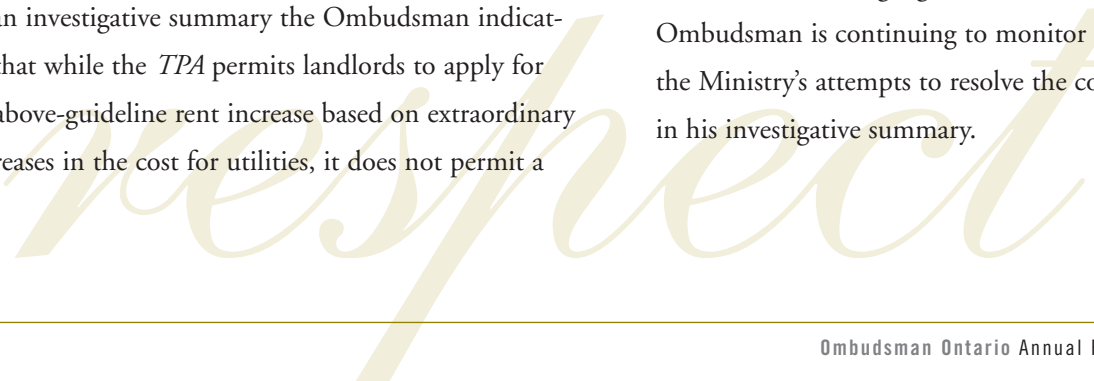
In an investigative summary the Ombudsman indicated that while the *TPA* permits landlords to apply for an above-guideline rent increase based on extraordinary increases in the cost for utilities, it does not permit a

corresponding tenant application for rent reduction in cases in which the extraordinary utility costs no longer exist. The Ombudsman noted that the imbalance may have a substantial negative impact on a large number of individuals in the province. Accordingly, the Ombudsman was of the preliminary opinion that the ORHT's decisions in relation to rent increases based on extraordinary increases in the cost for utilities are in accordance with a provision of a regulation that is unreasonable and improperly discriminatory.

He tentatively recommended that the rental legislation be reconsidered. While it is the ORHT that applies the relevant provisions in its decisions, it is the Ministry of Municipal Affairs and Housing that generally administers the legislation. Under the circumstances, the Ombudsman said he was considering recommending that the Ministry take all steps within its power to have the legislation amended to correct the current inequity.

In response to the Ombudsman's investigative summary, the Ministry advised that it had met with stakeholder groups regarding this issue. The Ministry indicated that it was looking at a number of options to address the matter, including legislative amendment. The Ombudsman is continuing to monitor the progress of the Ministry's attempts to resolve the concerns outlined in his investigative summary.

... the Ombudsman was of the preliminary opinion that the ORHT's decisions in relation to rent increases based on extraordinary increases in the cost for utilities are in accordance with a provision of a regulation that is unreasonable and improperly discriminatory.



Mr. and Ms M complained to the Ombudsman about the conduct of the Ontario Rental Housing Tribunal (the ORHT). Their landlord had obtained a default order for eviction from the ORHT, requiring that they vacate their apartment because they had not paid their rent. Mr. and Ms M stated that they had never received notice of the eviction proceedings or of the order. After receiving a Sheriff's notice to vacate their apartment, they filed a motion to set aside the eviction order and requested an extension of time in order to file a motion. The ORHT granted the extension request. However, it failed to process the motion to set aside, which resulted in the Sheriff attending at Mr. and Ms M's apartment to evict them. Their landlord allowed them and their children to remain in the apartment to continue packing but the locks were changed and they were not given a key. This caused Mr. and Ms M considerable distress. Mr. and Ms M settled the motion to set aside the eviction order by entering into a new lease arrangement at an increased rent. They also paid the landlord's legal and Sheriff's fees associated with the eviction. Mr. and Ms M believed that the ORHT should compensate them for these expenses.

The Ombudsman's investigation revealed that the ORHT's records indicated that notice of the eviction proceedings had been served on Mr. and Ms M and that a copy of the eviction order had been sent to them. However, the ORHT advised the Ombudsman that it should have prepared notice of hearing documents once the extension request had been granted. The Sheriff could then have been notified that the eviction order was not enforceable pending the hearing of the motion to set aside the order. The ORHT's records indicated

that it did not prepare the necessary documentation and had simply closed its file. The ORHT acknowledged that it had erred in failing to schedule a hearing for the motion to set aside and had inappropriately closed its file.

The ORHT, in its adjudicative capacity, denied Mr. and Ms M's request that it compensate them for its administrative errors, on the basis that there was no statutory authority permitting it to do so. However, the ORHT did agree as a matter of administration to compensate Mr. and Ms M for the Sheriff's fees they paid and an additional amount for the inconvenience caused by its error. The ORHT also discussed this case at an internal staff training session. This result was satisfactory to the Ombudsman, who noted that it was by no means clear that Mr. and Ms M would have been successful in having the eviction order set aside or that the ORHT was solely responsible for the expenses they incurred.

Ministry of Public Safety and Security

Correctional Services

The Ombudsman notified the Ministry of Public Safety and Security of his concern with the Ministry's routine practice of placing three inmates in cells with only two beds, leaving the third inmate to sleep on a mattress on the floor. The Ministry's position is that, because the number of remanded inmates (those who have not been tried and/or sentenced) has increased dramatically in the past few years, at times the number of inmates coming into facilities exceeds their established capacity and so some inmates must sleep on the floor.

The Ministry stated that the problem of overcrowding is systemic in nature and that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services.

Overcrowding is occurring in many of the Ministry's jails and detention centres, the maximum-security institutions used primarily for remanded inmates.

Overcrowding is a particular problem in the Greater Toronto Area (GTA), although remand facilities in other high population centres like Ottawa and Hamilton also experience overcrowding. In 1996, the Ministry announced the Infrastructure Renewal Project involving expanding, retrofitting and building new correctional facilities. In the past, the Ombudsman had received assurances from the Ministry that through this Project, there would be beds available to meet demand.

The Ombudsman viewed a number of facilities in the GTA in which remanded inmates typically slept three to a cell. In some cases, inmates had the choice of sleeping with their heads next to the other inmates' bunk bed or next to a toilet and sink. Current Ministry policy is that inmates are locked in their cells for 12 hours each day. In one facility, inmates spend 16 hours a day in cells. The square footage of cells at the facilities visited ranged from 60 to 64 square feet. The Ministry advised that newer facilities are constructed on the basis that two inmates will share 105 square feet.

Overcrowding impacts inmates' access to opportunities to go outside for fresh air, as correctional officers can only supervise a limited number of inmates at a time in the yard. Common day room areas are also overcrowded. A Ministry Health Care Coordinator advised that putting more people into a limited space increases the

likelihood of the spread of contagious disease. The union representing correctional officers has complained to the Ministry that overcrowding jeopardizes the health and safety of staff. Increasingly, judges hearing criminal matters are expressing concern regarding overcrowded conditions in correctional facilities and in some cases are reducing sentences as a result.

The Ombudsman provided the Ministry with an investigative summary in which he noted that the Infrastructure Renewal Project did not appear to offer any clear resolution to the problem of overcrowding, as it was not designed to create additional capacity.

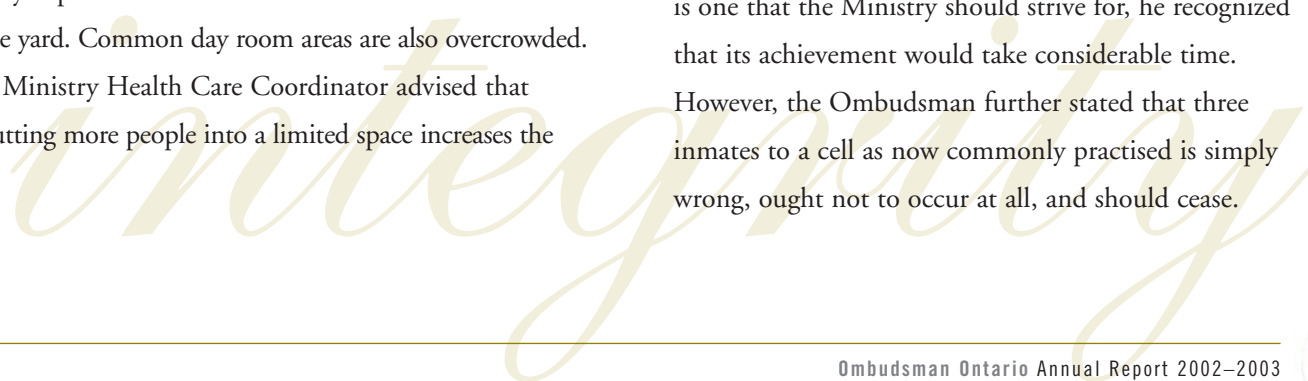
The Ombudsman indicated that in Ontario many inmates remanded into custody lose

not only their liberty but are placed into cells that do not have adequate living space, resulting in additional deprivation. The Ombudsman stated that this situation appeared to be contrary to the Ministry policy requiring that inmates be treated in a "humane manner that recognizes their inherent dignity as human beings."

He referred to the United Nation's *Standard Minimum Rules for the Treatment of Prisoners*, which provide that prisoners awaiting trial are to sleep singly in separate rooms. The Ombudsman stated that while this standard is one that the Ministry should strive for, he recognized that its achievement would take considerable time.

However, the Ombudsman further stated that three inmates to a cell as now commonly practised is simply wrong, ought not to occur at all, and should cease.

The Ministry stated that the problem of overcrowding is systemic in nature and that the government's public safety agenda has resulted in increased police activity, affecting both the courts and correctional services.



The Ombudsman expressed the belief that all triple-bunked inmates are being punished in a way that is not demanded by their detention, by the law or by the Ministry's own stated policy and for no reason other than the Ministry's lack of capacity.

The Ombudsman noted it is not his role to take issue with a government's judgment in asserting and implementing a public safety agenda. However, he stated it was within his mandate to evaluate the impacts of changing societal patterns such as population growth, changes occurring in judicial proceedings and government policies, if these have negative consequences for persons for whom a

government Ministry bears direct responsibility.

The Ombudsman noted that whatever one may think of persons charged with or convicted of crimes, once incarcerated, they are a vulnerable population, as the Ministry's own policies recognize.

The Ombudsman noted that while Senior Ministry officials and Superintendents are aware of their obligations towards inmates and are dedicated to fulfilling them, they require sufficient resources and flexible alternatives to meet the accommodation needs of remanded inmates.

The Ombudsman expressed the belief that all triple-bunked inmates are being punished in a way that is not demanded by their detention, by the law or by the Ministry's own stated policy and for no reason other than the Ministry's lack of capacity. The Ombudsman indicated that he was considering concluding that the Ministry's practice of requiring inmates to sleep on the floor was unreasonable and recommending that it cease this practice and ensure, within a specific time frame, that there is adequate living space for each inmate.

The Ministry responded to the Ombudsman by indicating that an unprecedented growth in the adult male remand population, which is projected to continue to increase, has resulted in inmate numbers exceeding institutional capacity. The Ministry stated that a number of initiatives are underway to manage the immediate situation and the projected inmate population.

The opening of a female unit at one Correctional Complex, the completion of a retrofit at another and changing the designated facility for the Newmarket Court, will create approximately 600 beds for adult males. The Ministry is also developing a strategy to increase the inmate capacity within the GTA. In the meantime, in order to manage the population strain and to facilitate its GTA capacity plan, the Ministry will, for the foreseeable future, continue to operate some institutions that were previously slated for decommissioning.

The Ombudsman expressed the view that the Ministry is responsible for anticipating the consequences of its own policies such as increased law and order, population growth and changes in court proceedings. The Ministry is therefore responsible for taking reasonable steps to take account of and counter obvious and foreseeable deleterious effects, such as overcrowding and its consequent negative impacts on inmates, correctional officers and institutional security. The Ombudsman recognized that required changes will take time but stated that the conditions for remanded inmates should not have reached this unacceptable state. The Ombudsman will continue to closely monitor the progress of the Ministry's initiatives in resolving the problem of inmate overcrowding.

The Ombudsman initiated an investigation into the provision of daily fresh air (“yard”) at a correctional facility. During the period April 1, 2000 to March 16, 2001, complaints received by the Ombudsman from inmates at the facility regarding its failure to provide yard rose to 86 from 11 for the corresponding period in the previous fiscal year. The Ombudsman continued to receive yard complaints on an ongoing basis from inmates in this facility.

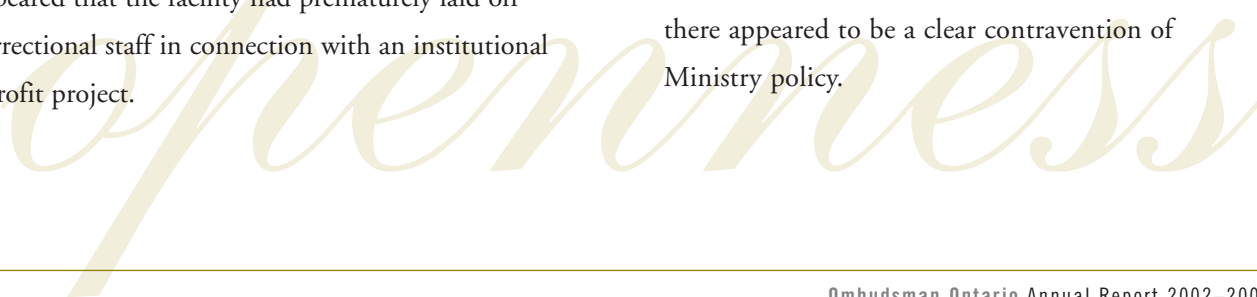
The Superintendent of the facility acknowledged that inmates had not been offered yard as required by Ministry policy and the facility’s standing orders. He indicated that those factors contributing to yard cancellations included staffing, security issues and weather. He added that because of staff shortages, for instance, resulting from high levels of staff sickness, the facility had at times suspended fresh air programs for inmates. He stated that yard was being offered on a rotating basis to ensure equal access and that, his managers were maintaining statistical information on yard activities to ensure fairness. The Superintendent provided the Ombudsman’s office with a list of contingency plans that he said would alleviate the problems that were impacting on the provision of regular yard to inmates.

The Ministry officials interviewed indicated that staffing was the main reason that yard was not offered daily to inmates at the facility. Although the facility had a full complement of staff, frequently for a variety of reasons, it did not have sufficient staff on duty to operate effectively and provide inmates with daily yard. It also appeared that the facility had prematurely laid off correctional staff in connection with an institutional retrofit project.

The Ombudsman’s investigation revealed that the facility’s contingency plans did not have a significant impact on the facility’s ability to provide yard to inmates on a daily basis. The facility’s monitoring of the provision of yard also appeared very limited. A review of the records relating to yard indicated that opportunities for yard were not equitably distributed throughout the various units of the facility. There were also deficiencies in the record-keeping such as errors in logbook entries. It appeared that a large number of inmates did not receive daily yard during the period considered in the investigation. One month, five units did not receive yard for a period of 10 consecutive days. Even when a unit was offered yard, not all inmates on that unit received it, and a number of units did not receive yard for extended periods of time.

The Ombudsman’s investigation revealed that the facility’s contingency plans did not have a significant impact on the facility’s ability to provide yard to inmates on a daily basis.

Ministry policy requires that an inmate be referred to the Health Care Department if yard is denied for more than five consecutive days. This is in recognition that there may be medical consequences if an inmate is denied the opportunity for fresh air and exercise for an extended period of time. Although large numbers of the inmate population were not provided with yard for more than five consecutive days, the facility’s Health Care Coordinator advised that there was no record of inmates being referred to health care as a result of the inmates not receiving yard. Accordingly, there appeared to be a clear contravention of Ministry policy.



The Ombudsman was of the preliminary opinion that the facility's omissions to provide daily yard and to comply with Ministry policies regarding recording information relating to yard and referral to the Health Care Department were unreasonable. The Ombudsman tentatively recommended that the Ministry of Public Safety and Security and the facility take all necessary steps to ensure that daily yard is provided to inmates at the facility as appropriate and that the facility take all necessary steps to ensure that its staff record information relating to yard and refer inmates to the Health Care Department in accordance with Ministry policies.

The Superintendent developed a directive to address the issues raised by the Ombudsman. The Ombudsman subsequently conducted a further investigation to determine if there have been any improvements in the situation following implementation of this directive.

The Ombudsman's investigator was advised that although there had been improvement following the implementation of the yard procedures directive, because of the large numbers of inmates in the facility, it would be impossible for the facility to fulfill the Ministry's requirement to provide yard daily to inmates. The investigator's review of monthly yard reports confirmed that there had initially been great improvement in the number of days inmates had been offered yard. However, later inmates had fewer opportunities for yard as a result of the public service labour disruption.

The Ombudsman found that the initiatives in the directive addressed his concerns regarding the monitoring and tracking of inmates' opportunities for yard. However, his concerns regarding the overall deficiencies in record keeping identified during his original investigation remained unresolved. While encouraged by the efforts

being undertaken by the facility to ensure adequate staffing to provide yard and to fully implement the retrofit system, the Ombudsman continued to have some concerns and indicated that his staff would continue to monitor the situation.

The Ombudsman received various complaints regarding individuals who had been held in correctional facilities, pending trial, who had to appear in court in bright orange coveralls issued by correctional facilities. Some individuals had also been released from court in such clothes. The Ombudsman was concerned as to the prejudicial effect of their appearing in court and in public dressed in correctional uniforms. Ombudsman staff pursued this matter with the Ministry. The Ministry responded by agreeing that based on concerns that had been expressed by the Ombudsman, defence counsel and some judges, it would be revising its policy. The Ministry's policy now generally requires that inmates will not attend at court in institutional coveralls or jumpsuits.

Mr. A, an inmate at a correctional facility, claimed that he had not received a clean clothing change for 30 days. The Ministry's policy provides that inmates normally receive a clean clothing change each week, including a minimum of seven sets of laundered underwear. The facility's standing orders provide that inmate clothing is to be changed weekly and that inmates are to receive one set of coveralls, two t-shirts, seven underwear and two pairs of socks each change. Our investigation revealed that inmates had only received an average of four clothing changes over a three-month period. Some inmates had gone 25 to 45 days without a change of clothing. Facility staff could not confirm that inmates received the required seven underwear when they did receive clothing changes. During the Ombudsman's investigation, the facility increased its

monthly acquisition of inmate clothing and implemented a number of measures to ensure compliance with the Ministry's policy regarding clothing changes. The Ombudsman will continue to monitor the clothing situation at the facility.

Ministry of Transportation

The Ministry of Transportation requires all motor vehicle drivers to obtain a digitized photo driver's licence. However, it may grant exemptions in certain circumstances. In July 1998, Mr. C completed an Application for Photo Exemption based on religious grounds.

The Ministry's application form stated that applicants would be notified of a decision within 30 days. The Ministry denied Mr. C's application in September 1998 because he had not provided all of the required information. Mr. C continued to provide information to the Ministry in an attempt to satisfy the Ministry's requirements. In March 2001, Mr. C complained to the Ombudsman about the time that it was taking to obtain a final decision on his Application for Photo Exemption. Mr. C also noted because of the delay in processing his application he had difficulty having his personal cheques approved by retail businesses.

The Ministry had Mr. C's information in support of his exemption request assessed in August 1999 and July 2000 by a professor of Pastoral Theology, as well as two senior operational policy officers at the Ministry. The consensus of these individuals was that Mr. C's application did not meet the test for an exemption on religious grounds. However, the Ministry did not make a decision after either of these reviews. The Ombudsman found that there were long periods of time when no action was taken on Mr. C's application.

The Ombudsman's investigation revealed that although the Ministry had issued Mr. C a series of temporary licences, the Ministry's driver's abstract for Mr. C contained incorrect information showing that he was unlicensed and that his licence was unrenovable. This misinformation was provided to a company that verifies cheque cashing information for retailers.

In an investigative summary, the Ombudsman noted that the Ministry continued to consider Mr. C's application for four years, although on its face it did not meet the policy criteria. He also noted that while the application form provided that applicants would be notified of a decision within 30 days, the policy did not set out any time frame to ensure timely decision-making. The Ombudsman expressed concern regarding the Ministry's failure to provide Mr. C with a decision in a timely manner and the lack of clarity surrounding its exemption process.

Following receipt of the Ombudsman's investigative summary, the Ministry provided Mr. C with a decision in December 2002 denying his application. The Ministry also agreed to clarify the policy and procedure for applications for photo exemption. The Ministry agreed to modify the application form and review its current criteria for exemption.



DEPARTMENT OF HOUSEHOLD SCIENCE

Year in Review

- Inside Ombudsman Ontario
- Complaints About Us
- Frequently Asked Questions
- Reaching out to Ontario's communities
- Auditor's Report
- Salary Disclosure

Inside Ombudsman Ontario

Policy

Policy development continues to be an important component of Corporate Services at Ombudsman Ontario. This year saw the establishment of the Policy Development Committee to ensure the proper implementation of Ombudsman Ontario's new organizational direction. A policy development and evaluation framework was created and a range of new policies covering human resources, facility management and administrative issues were implemented.

Another major policy undertaking was the drafting of the Ombudsman Ontario Environmental Scan Report, a first for the organization. The report will be updated on an annual basis and cover both external (demographic, legislative, economic) and internal organizational (staffing, fiscal, technological) trends of interest to the office.

Human Resources

The fiscal year saw the completion of Human Resources projects, including the Pay Equity compliance audit which resulted in minor adjustments made to align pay scales and adjust salaries of affected staff members. As well, the recommendations from the human resources audit completed in October 2002, continue to be implemented.

Thirteen members of staff celebrated 10, 15, 20 or 25 years of service with the organization and were presented with awards from the Ombudsman in recognition of their long service and their dedication to Ombudsman Ontario.

Local charities benefited from over \$10,000 raised by Ombudsman Ontario staff through payroll deductions and a number of fundraising events during the year.

Training

Ombudsman Ontario continued its commitment to organizational staff training with workshops throughout the year on process flow-charting and health and safety training for managers, as well as accommodation, Workplace Hazardous Materials Information Sheets (WHMIS) and CPR training for all staff during the annual staff conference. Ombudsman Representatives also received training on the application of the *Ombudsman Act* and file review and analysis.

The Provincial government established Program Evaluation in 2001 to enable a complete review, over a four-year period, of all programs and services provided by Ontario government ministries. Ombudsman Ontario Complaint Services staff took part this year in a four-day training session on program evaluation. This session provided them with an understanding of how ministries plan for new programs, how the programs are evaluated, and how to use evaluation reports effectively in their investigations.



Corrections

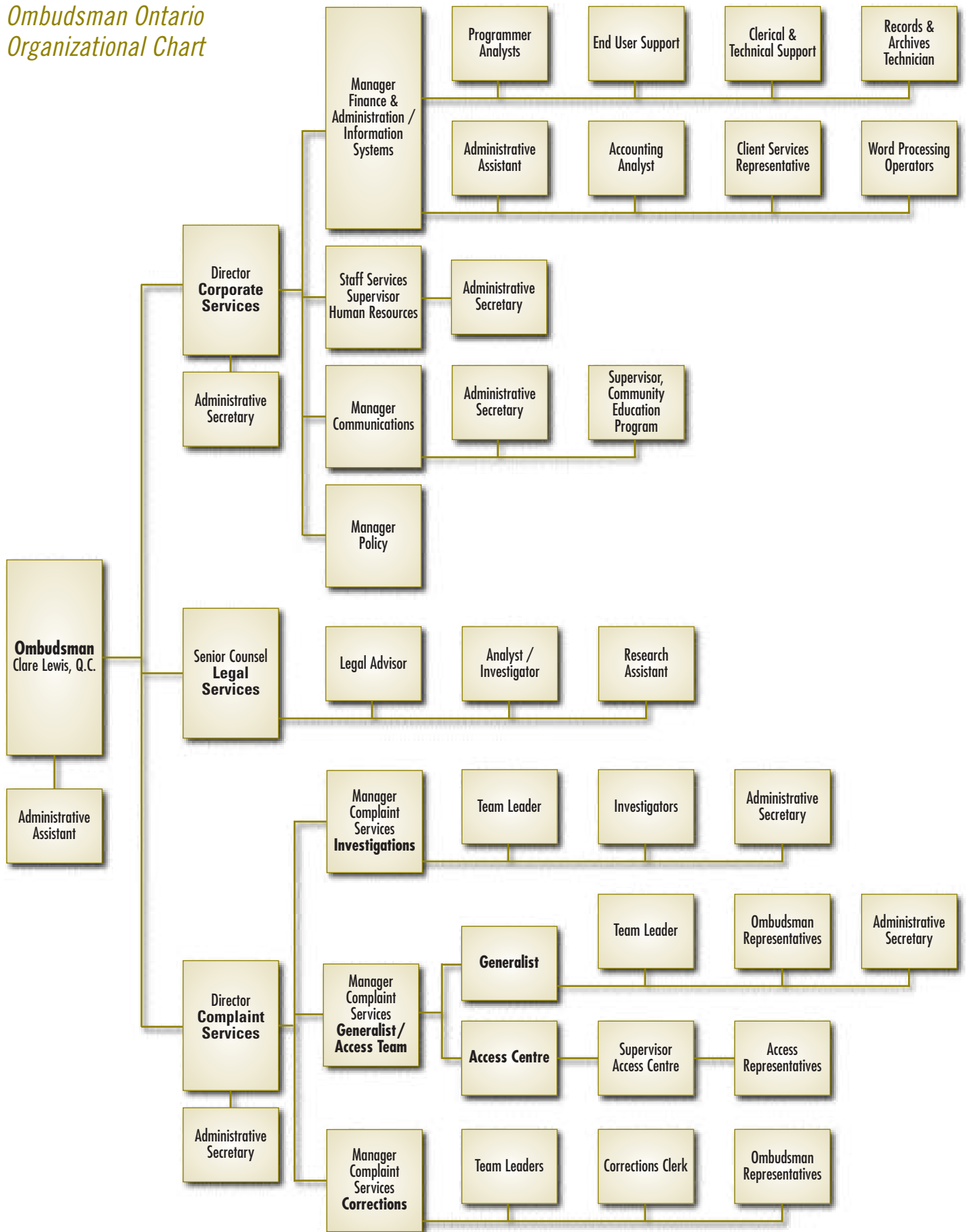
Complaint Services staff commenced regular visits to correctional facilities to receive and review complaints. On several occasions, staff made presentations to new correctional officers at the Central North Correctional Centre (CNCC) and the Bell Cairn Staff Development Centre in Hamilton. In addition, staff attended meetings with Superintendents from various correctional facilities and discussed complaint trends regionally and province-wide. For the second year, staff conducted a presentation on the role and function of Ombudsman Ontario to participants in the Correctional Worker Program at Niagara College.

Information Technology

Ombudsman Ontario was approached by the Office of the Ombudsman of New Brunswick for assistance in finding a complaint tracking system. Following discussions, our office entered into an agreement to provide the New Brunswick Office a licence to use our case management system. This is the third jurisdiction Ombudsman Ontario has assisted by licencing our case management system.



*Ombudsman Ontario
Organizational Chart*



Complaints *About Us*

To ensure that Ombudsman Ontario meets its goals of providing equitable and timely service, we have a system in place to review complaints from the public or government employees who are dissatisfied with the manner in which our staff handled a complaint. Ombudsman Ontario takes all complaints about its services seriously and views the complaints process as an opportunity to improve its service delivery.

The complaints we receive are classified into one of three categories: complaints about decisions, opinions and the disposition of a file; complaints about staff conduct; and complaints concerning organizational policies and procedures.

During the 2002–2003 fiscal year Ombudsman Ontario reviewed 15 complaints about our office, down from 30 last fiscal year. The following is a breakdown of these complaints by category:

- Eight concerned decisions, opinions and disposition of a file
- Four were about the conduct of staff
- Three related to organizational policies and procedures

Of the 15 complaints received, 12 were resolved on an informal basis, usually within 10 days, and warranted no further action. The remaining three involved more complex issues that required a more thorough and lengthy review. Resolution of these complaints took up to 20 days.

The outcomes of these formal complaints were as follows:

- In one case a letter was sent to the complainant upholding and explaining our decision.
- An apology was issued in another case.
- Information was provided about our file review process and a referral was made in the third case.

If you have a complaint about us, you are encouraged to first discuss the complaint with the Ombudsman Ontario staff member who has been dealing with your file.

Alternatively, you may forward your complaint to Ombudsman Ontario in writing, by telephone, in person, by fax, TTY, e-mail at info@ombudsman.on.ca or visit our web site at www.ombudsman.on.ca.



Frequently Asked Questions

Can you help me even if I'm not sure if my complaint is from a provincial organization?

If your complaint does not involve a matter over which the Ombudsman has jurisdiction, we will try to provide a referral to the appropriate organization. Ombudsman Ontario has over 3,100 records in our reference database.

If you are funded by the government, how can you be independent?

The Ombudsman is one of seven Officers of the Legislative Assembly. The Ombudsman reports to the Legislative Assembly directly and is not accountable to a Minister or through a Ministry. He is independent of government administration and all political parties. While the Ombudsman does receive funds from the Consolidated Revenue Fund, his budget estimates are approved by the Board of Internal Economy, a body composed of members of the governing party, the official opposition and the party with the third largest membership in the Assembly. The Board of Internal Economy is chaired by the Speaker of the Legislative Assembly.

Do I need a lawyer to complain to the Ombudsman?

No. However, with authorization from the client, a lawyer may represent their client in a complaint to the Ombudsman.

If the law is unfair, can the Ombudsman recommend it be changed?

Yes, if the Ombudsman determines that a governmental organization has conducted itself in accordance with a law that is inappropriate, he may recommend that the law be reconsidered.

Does it cost anything to complain to the Ombudsman?

Services provided by Ombudsman Ontario are free of charge.

What good is the Ombudsman to me if he can only recommend and not force the government to fix the problem?

While the Ombudsman cannot force a governmental organization to take specific corrective action, the Ombudsman is able to use his persuasive powers to encourage organizations to implement his recommendations. If a governmental organization does not comply with the Ombudsman's recommendations, the Ombudsman can table a report in the Legislative Assembly. Organizations are aware that if they do not cooperate with the Ombudsman, the Ombudsman's opinions and recommendations may be made public and reviewed by the Legislative Assembly.

I understand you are a last resort, but how do I know when to contact you?

The Ombudsman's Office is generally considered an office of "last resort." This means that the Ombudsman cannot investigate a complaint until all statutory appeal and review rights available to deal with the substance of the complaint have been exhausted. However, in most cases, we are able to provide assistance in the early resolution of your issue with an informal phone call.

Can someone from the Ombudsman's office come and speak to my community group?

Yes, someone from our Community Education Program would be pleased to come to your community group. We can also train groups to facilitate "How to Complain Effectively" workshops for their members or clients.

respect

Reaching out to Ontario's communities

Improving public awareness of the Ombudsman's office is a key component of our corporate vision and accountability. While the core business of Ombudsman Ontario is to investigate public complaints about the administrative conduct of provincial governmental organizations, efficient and effective delivery of the message about the services provided by our office is an important function of Corporate Services. Community outreach and corporate communications are functions which are closely linked and used to disseminate our message to Ontario's communities.

Ombudsman Ontario provides information to the public in several ways, including the distribution of Ombudsman Ontario printed materials such as newsletters, brochures, posters and information sheets in over 33 languages. As well, information sessions about our role and function are conducted by Ombudsman staff. This year, we provided information sessions and intake clinics to various communities and organizations. A total of 365 activities were organized and conducted by our staff across the province.

The highest number of outreach activities occurred in the Southwestern Ontario region with 116 sessions conducted by our traveling Ombudsman Representative during the year. These activities included visits to organizations that serve seniors, high school students, individuals with disabilities, women in shelters, groups which assist the unemployed and those concerned with occupational health and safety issues.

One of the more successful corporate communication initiatives this year has been the airing of a 30 second Public Service Announcement (PSA) which was produced in English and French and distributed to over 90 television and cable stations across Ontario at the end of December. Initial results have been very promising and in the final quarter of the fiscal year, 198 individuals said they contacted Ombudsman Ontario for assistance after learning about our office from seeing the PSA on television. By comparison, in the previous quarter, only 23 individuals identified television as their first source of information about our office.

Ontario's population of just over 11.4 million continues to be one of the most ethnically and culturally diverse populations in the world. Ombudsman Ontario's last public survey conducted in the late 1990s indicated that many culturally diverse communities, particularly within the Greater Toronto Area (GTA) (from Oakville in the west to Oshawa in the east and Lake Simcoe in the north), had very little knowledge of our office. In the 2002–2003 fiscal year, a promotion and advertising media campaign was undertaken to reach those individuals from culturally diverse communities within the GTA. The media campaign was also linked to the GTA pilot project that began in the fall of 2001. The project's purpose was to heighten awareness of Ombudsman Ontario's role and mandate within communities of the GTA which are significantly under-represented in our complainant base and to review and revise the strategy for our public education program.

Based on information gained in focus group meetings held as part of the GTA pilot project in the spring of 2002, specific strategies were given priority and tested during the project, including using the ethnic media. Other media initiatives included advertisements in a popular commuter newspaper which reach a significant number of people who live and work within the boundaries of the GTA. The media campaign resulted in a 149 per cent increase over the previous year of new complainants from the GTA who indicated they found out about Ombudsman Ontario through the media.

The GTA pilot project was completed in the fall of 2002. Based on the project's findings, 11 recommendations were put forward to successfully implement a restructured Community Education Program (CEP). The most significant recommendation was the hiring of a program supervisor to coordinate and deliver a comprehensive outreach program throughout the province.

The goals of the CEP are directly linked to two of Ombudsman Ontario's organizational goals:

To enhance the knowledge, awareness and accessibility of Ombudsman Ontario services within the provincial government and Ontario's communities

To enhance the accountability of management practices that supports the delivery of efficient, effective, economical and essential services

It is expected that the CEP will be a sustained, effective and deliberate organizational initiative which will focus on the development of networking relationships with community-based organizations, promote a better public awareness and understanding of the services of Ombudsman Ontario and identify strategies to improve and sustain effective public service.



Auditor's Report

Office of the
Provincial Auditor
of Ontario



Bureau du
vérificateur provincial
de l'Ontario

Box 105, 15th Floor, 20 Dundas Street West, Toronto, Ontario M5G 2C2
B.P. 105, 15e étage, 20, rue Dundas ouest, Toronto (Ontario) M5G 2C2
(416) 327-2381 Fax: (416) 327-9862

To the Ombudsman:

I have audited the statement of expenditure of Ombudsman Ontario for the year ended March 31, 2003. This financial statement is the responsibility of that organization's management. My responsibility is to express an opinion on this financial statement based on my audit.

I conducted my audit in accordance with Canadian generally accepted auditing standards. Those standards require that I plan and perform an audit to obtain reasonable assurance whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation.

In my opinion, this financial statement presents fairly, in all material respects, the expenditures of Ombudsman Ontario for the year ended March 31, 2003, in accordance with the accounting policies described in note 1 to the financial statement.

Toronto, Ontario
May 16, 2003

J.R. McCarter, CA
Assistant Provincial Auditor

Statement of Expenditure: for the year ended March 31, 2003

Expenditure	2002/03 Estimates \$	2002/03 Actual \$	2001/02 Actual \$
Salaries and Wages	5,125,000	5,060,998	4,667,247
Employee Benefits (note 3)	999,400	855,992	968,462
Transportation and Communication	539,000	430,334	427,064
Services	1,484,200	1,572,156	1,474,438
Supplies and Equipment	345,800	568,995	465,749
Sub Total	8,493,400	8,488,475	8,002,960
Less Miscellaneous Revenue	0	18,405	18,091
Net Expenditure	8,493,400	8,470,070	7,984,869

See accompanying notes to financial statement.

Approved:

Ombudsman

Notes to Financial Statement: March 31, 2003

1. Accounting Policies

a) Basis of accounting

Ombudsman Ontario uses a cash basis of accounting which, in the case of expenditures, is modified to allow an additional thirty days to pay for goods and services pertaining to the fiscal year just ended.

b) Furniture, equipment and leasehold improvements

Expenditures on furniture, equipment and leasehold improvements are expensed at the time of purchase.

2. Expenditure and Miscellaneous Revenue

Expenditures are made out of monies appropriated therefor by the Legislature of the Province of Ontario. Miscellaneous revenue is deposited into the Consolidated Revenue Fund.

3. Employee Future Benefits

Ombudsman Ontario provides pension benefits for all its full-time employees through participation in the Public Service Pension Fund (PSPF) which is a multi-employer defined benefit pension plan established by the Province of Ontario.

Ombudsman Ontario's contribution related to the PSPF for fiscal year 2002/03 was \$215,259 (2001/02 — \$149,682) which is included in employee benefits.

The cost of post-retirement, non-pension benefits is paid by Ontario's Management Board Secretariat and is not included in the Statement of Expenditure.

Salary Disclosure

The following list of those earning \$100,000 or more in T4 income for the year 2002 is being reported in accordance with the *Public Sector Salary Disclosure Act, 1996*:

Clare Lewis, Q.C., Ombudsman

T4 Income	\$172,022.16
T4 Taxable Benefits	\$1,451.16

Peter Allen, Director, Corporate Services

T4 Income	\$107,605.75
T4 Taxable Benefits	\$212.66

Lenna Bradburn, Director, Complaint Services

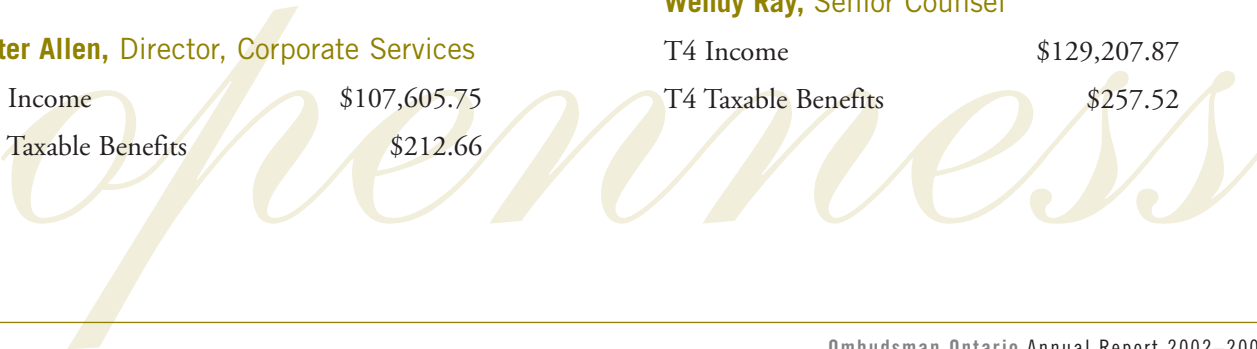
T4 Income	\$117,835.07
T4 Taxable Benefits	\$237.63

Laura Pettigrew, Senior Counsel

T4 Income	\$129,207.87
T4 Taxable Benefits	\$257.52

Wendy Ray, Senior Counsel

T4 Income	\$129,207.87
T4 Taxable Benefits	\$257.52





Complaints

- Effective Complaining
- The Story in Numbers
- Ombudsman Ontario Complaint Process
- Fairness Standards for Decision-Making by Governmental Organizations

Effective Complaining

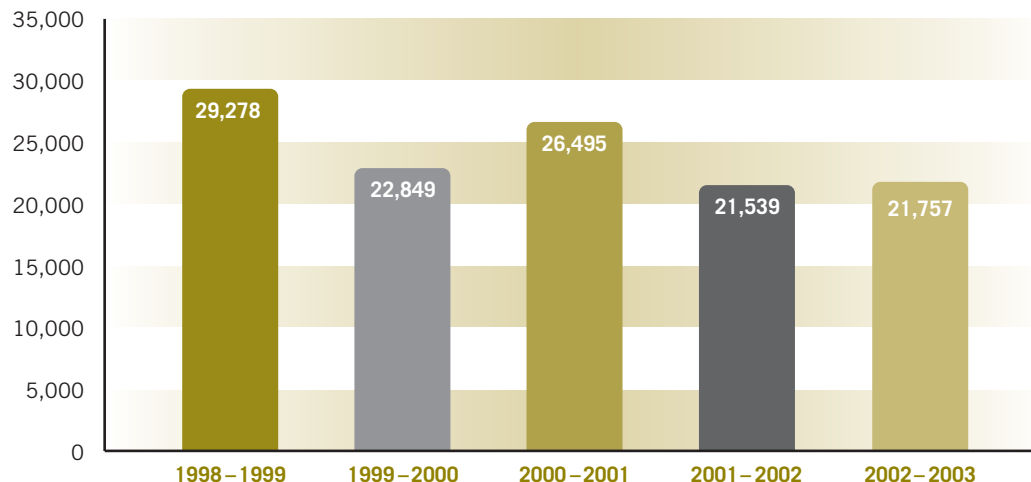
Effective complaining can serve to prevent or stop injustice, correct errors, promote change for the better and generally gives people a sense of empowerment. During the 2002–2003 fiscal year, Ombudsman Ontario received 21,757 complaints and enquiries from members of the public, many of whom believed they had been treated in a manner that was unfair, illegal, unreasonable or discriminatory. The following suggestions were generated by participants of the “How to Complain Effectively” workshops, part of Ombudsman Ontario’s Community Education Program.

- Let your anger motivate and give you energy. Try not to express it negatively.
- Be calm, cool and collected when expressing your complaint.
- Be clear and concise when describing the problem.
- Treat people you are talking to as you would like to be treated: with respect and courtesy.
- Listen carefully to the other person.
- Keep detailed records of the names of people you spoke to, the date and time and their response.
- Ask questions.
- Find out about any relevant complaint and appeal process.
- If you are not satisfied with a response, ask for a referral to someone at the next administrative level.
- Put your complaint in writing and keep copies of all documentation.
- Decide what you want and what you are willing to settle for.
- Be flexible and open-minded in attempting to resolve and find a solution to the problem.
- Call Ombudsman Ontario if you have exhausted all statutory avenues of appeal.

fair

The Story in Numbers

*Total Complaints and Enquiries Received:
Fiscal Years 1998–1999 to 2002–2003*

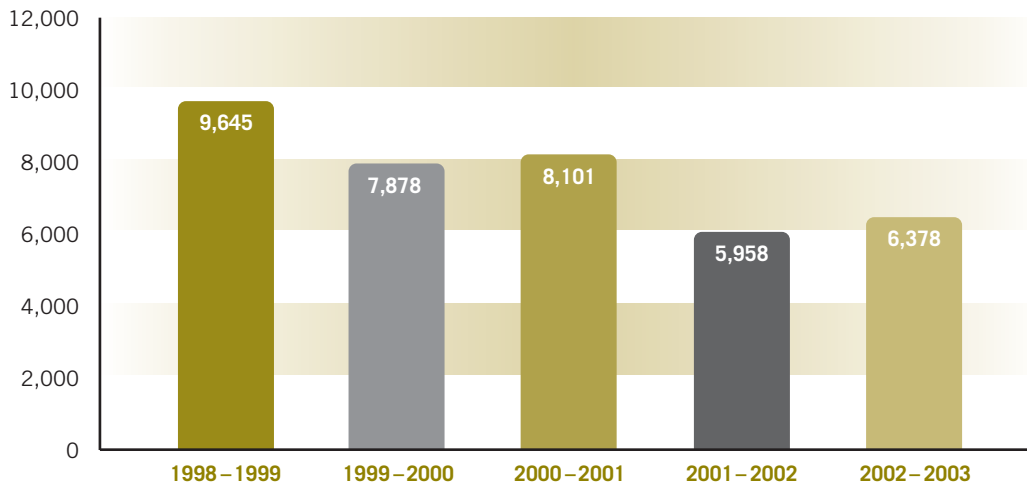


In the 2002–2003 fiscal year Ombudsman Ontario received a total of 21,757 complaints and enquiries. As the above graph illustrates, complaint and enquiry numbers for this fiscal year increased one per cent over the previous year.

Of the complaints and enquiries received by Ombudsman Ontario, 71 per cent were received by phone, 18 per cent were received by mail, six per cent were forwarded to us via the Internet and five per cent arose from visits to an Ombudsman Ontario office or at a community meeting organized by Ombudsman Ontario staff. Less than one per cent fell into the category of “other,” comprised of complaints and enquiries received through a Member of Provincial Parliament or through an Own Motion investigation initiated by the Ombudsman.

There was a 77 per cent increase in the number of complaints and enquiries received via the Internet. This trend not only reflects the wider diffusion of information technology in society, but also Ombudsman Ontario’s efforts to increase the visibility of our services over the Internet through strategic linkages with community web sites.

General Provincial Government Complaints and Enquiries* Received: Fiscal Years 1998–1999 to 2002–2003



* Note: General Provincial Government Complaints and Enquiries include all complaints and enquiries received concerning provincial government agencies and organizations, excluding the Ministry of Public Safety and Security's correctional facilities, young offender facilities operating under the jurisdiction of the Ministry of Community, Family and Children's Services, Ontario Parole and Earned Release Board and Probation and Parole Services.

General Provincial Government Complaint and Enquiry Trends

There was an increase of seven per cent in complaints and enquiries about general provincial government organizations. Part of the rise may be attributed to the enhanced awareness of Ombudsman Ontario's services generated by the launch of the office's targeted media campaign and Community Education Program. As well, there was an increase in complaints and enquiries regarding a number of governmental organizations shortly after services resumed following a provincial government labour disruption occurring between March 13 and May 3, 2002.

Among the provincial organizations that saw above average increases in complaints and enquiries were:

- Hydro One Networks Inc. up 54.6 per cent from 86 to 133
- Ontario Rental Housing Tribunal up 27.4 per cent from 131 to 167
- Family Responsibility Office up 15.4 per cent from 1,156 to 1,335

respect

Top 10 General Provincial Government Organizations Complaints and Enquiries Received: Fiscal Year 2002–2003

Organization/ Program	Complaints/Enquiries	Percentage of Total
Family Responsibility Office	1,335	20.77
Workplace Safety and Insurance Board	790	12.29
Ontario Disability Support Program	601	9.35
Workplace Safety and Insurance Appeals Tribunal	213	3.31
Ontario Student Assistance Program	212	3.30
Ontario Human Rights Commission	183	2.85
Ministry of Transportation — Driver Licensing	175	2.72
Ontario Rental Housing Tribunal	167	2.60
Legal Aid Ontario	151	2.35
Hydro One Networks Inc.	133	2.07

The top five provincial programs registering the greatest number of complaints and enquiries remained unchanged from the 2001–2002 fiscal year, and are the Family Responsibility Office, Workplace Safety and Insurance Board, Ontario Disability Support Program, Workplace Safety and Insurance Appeals Tribunal and the Ontario Student Assistance Program. Combined, these programs accounted for almost half of the general provincial government complaints and enquiries received by Ombudsman Ontario — a proportion largely unchanged from last year.

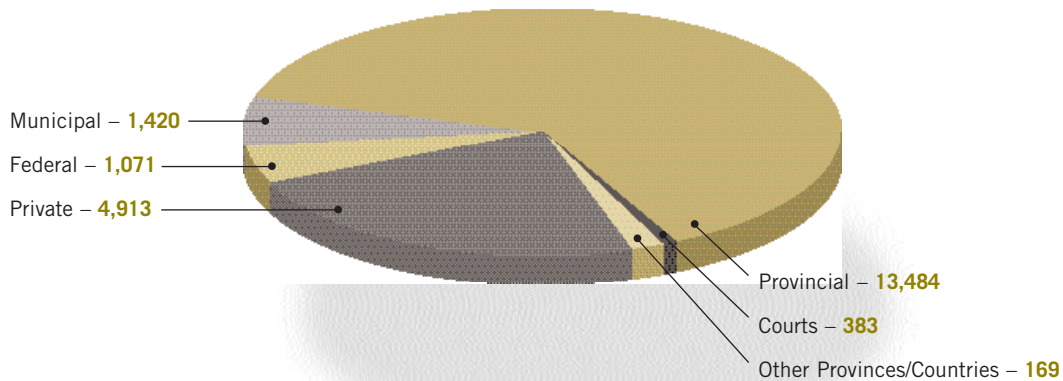
Broadly speaking, the types of complaints and enquiries against general provincial government organizations received by our office can be categorized into two areas: dissatisfaction with decisions made by government agencies (e.g. denial of applications for benefits, tribunal decisions) and customer service/communications related issues. In terms of the latter concerns, a significant number of complaints and enquiries were from individuals contending that they were not being

provided with adequate information about a program; not receiving communication in response to an enquiry; not able to obtain a file status update; and experiencing delays in receiving benefits.

Correctional and Young Offender Services

The rise in complaints and enquiries about general provincial government organizations was offset by a fall of 7.3 per cent in complaints and enquiries about provincial government organizations involved in the delivery of correctional and young offender services. Those organizations include the Ministry of Public Safety and Security's correctional facilities, the Ministry of Community, Family and Children's Services' young offender facilities, Ontario Parole and Earned Release Board and Probation and Parole Services. A portion of this drop was likely influenced by the labour disruptions in the spring of 2002 that impacted adult and young offender facilities directly operated by the Ministry of Public Safety and Security and which resulted in a curtailment of phone access for inmates.

Complaints and Enquiries: Closed During 2002–2003



In Order of Frequency, the Most Common Types of Jurisdictional Complaints Investigated by Ombudsman Ontario This Year Were:

Types of Complaints	Rank Previous Year
1 Wrong or unreasonable interpretation of criteria, standards, guidelines, regulations, laws, information or evidence	1
2 Failure of governmental organization to adhere to own processes, guidelines or policies or to apply them in a consistent manner	2
3 Insufficient reasons for a decision or no reasons given	4
4 Adverse impact or discriminatory consequence of a decision or policy on an individual or group	3
5 Inadequate or improper investigation conducted	6
6 Failure to adequately or appropriately communicate with a client	8
7 Harrassment by a governmental official; bias; mismanagement; bad faith	5
8 Denial of service	7
9 Unreasonable delay	13
10 Failure to keep a proper record	10
11 Other	11
12 Failure to provide sufficient or proper notice	14
13 Omission to monitor or manage an agency for which the governmental organization is responsible	12
14 Unfair settlement imposed; coercion	9

Delivering Results

During the fiscal year 2002–2003 Ombudsman Ontario staff received 21,757 complaints and enquiries and closed a total of 21,440 complaints and enquiries during the same period.

Of the total complaints and enquiries closed this fiscal year, 13,484 related to provincial government organizations. In 78 per cent of these cases, assistance was provided or a resolution reached in favour of the complainant through referrals, enquiries made or investigations conducted by our staff. The remaining 22 per cent includes complaints and enquiries that were discontinued, independently resolved, resolved in favour of the government or cases in which no action was possible.

In a Timely Fashion

Seventy-five per cent of all complaints were closed within 32 days of receipt, up from 24 days last year, and 50 per cent were actually closed within eight days, up from seven days last year.

However, not all complaints can be resolved as quickly. Some involve more complex issues and require a formal investigation. On average these formal investigations were resolved in just over 13 months, up slightly from last year's average of 12 months.

The increase in the time taken to resolve complaints was in large part the result of the labour disruption that affected the provincial government in the spring of 2002. Although our office continued to receive complaints from the public during the period of the disruption, we were not able to access many provincial government program and service providers. This impeded our ability to effectively conduct case resolution activities,

which in turn resulted in delays in the closure of complaints. These problems persisted for several weeks after the labour disruption had concluded, given that government employees were primarily focused on returning service delivery to normal and were not readily available to respond to or deal with complaints and enquiries from our office.

Complainant Profile

Recent data released by Statistics Canada from the 2000 Census highlights the increasing social and cultural diversity of Ontario. In this regard, Ombudsman Ontario is committed to the delivery of services that are sensitive to this diversity and respond to the distinct needs of communities throughout Ontario.

One way of helping to achieve these objectives is by surveying individuals contacting our office, excluding inmates and young offenders, to determine their demographic profile. This year, 72 per cent of such individuals completed the survey. Completion of the survey is voluntary and anonymous. Information is collected about gender, geographic location, age, race, parental status, disability, First Nations/Aboriginal status and household income. The survey results help the Ombudsman identify groups that are under-represented as complainants to our office, given their proportion of the population. This also enables us to track emerging issues of concern for the Ontario public.

The demographic information collected through the survey is also correlated with the complaints and enquiries we receive about various provincial government organizations. This information allows us to better understand the kind of concerns particular groups have about certain government bodies and agencies.

Demographic Profile by Race

Racial Group	Percentage of Individuals Surveyed
White/European	83
Racial Minority*	9
Aboriginal/First Nation	3
No answer	5

* Includes: Black, East Asian/Southeast Asian, South Asian, other racial minority groups and mixed race.

Demographic Profile — Selected Groups

Group	Percentage of Individuals Surveyed
People with disabilities	33
Sole-support parents	14
Youth — under age 25	3
Seniors — age 65 and over	8

Currently, we are reviewing statistical information from the 2000 Census and comparing this with our own survey results to help ensure our programs are reaching all groups and communities in the province.

The 2002–2003 fiscal year saw some minor shifts in the survey results compared to last year. For example, the proportion of individuals surveyed identified as sole-support parents fell to 14 per cent from 16 per cent last year.

Other highlights:

- Youth accounted for three per cent of all individuals surveyed, a figure unchanged from last year. Among this demographic group, the provincial programs generating the greatest number of complaints and enquiries were the Ontario Student Assistance Program and the Ministry of Transportation's Driver Licensing program.
- The proportion of individuals surveyed who identified themselves as seniors remained steady at eight per cent.
- The proportion of individuals surveyed who identified themselves as First Nations and Aboriginal peoples fell to three per cent from four per cent last year.

integrity

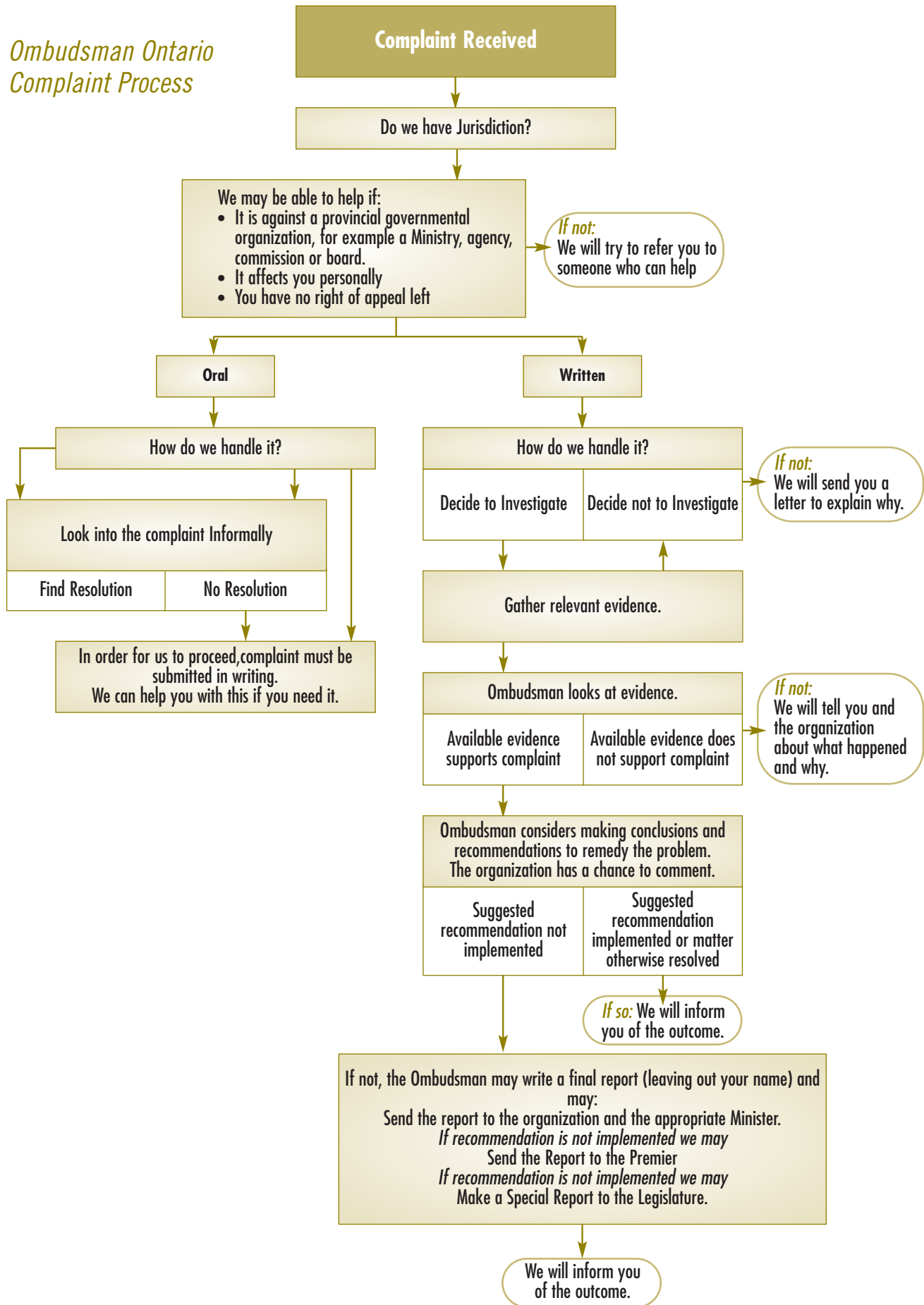
Outcome of Complaints and Enquiries: Closed During 2002–2003

	Non-Provincial	Provincial
Discontinued by Complainant		1,553
Discontinued by Ombudsman		82
Resolved in Favour of Complainant		1,470
Resolved in Favour of Government		570
Resolved Independently		452
Enquiry Made/Referral Given/Resolution Facilitated	7,899	9,120
No Action Possible	57	237
Totals of all outcomes	7,956	13,484

Glossary of Outcomes

- **Discontinued by complainant:** The complaint is abandoned or withdrawn by the complainant.
- **Discontinued by the Ombudsman:** The Ombudsman has declined to proceed for the following specific reasons: the complainant has had knowledge of the complaint for more than 12 months; the subject-matter of the complaint is trivial or the complaint is frivolous, vexatious or not made in good faith; the issue has been dealt with or is currently being dealt with in a systemic investigation; or a request to a complainant to provide information has been ignored.
- **Resolved by Ombudsman in favour of complainant:** The complaint is either supported after an investigation or some resolution that benefits the complainant is achieved even when the Ombudsman declines to investigate further.
- **Resolved by Ombudsman in favour of the government:** The complaint is either not supported after an investigation or it is determined that the organization complained about acted appropriately and no further investigation or enquiry is necessary. In some cases, suggestions for change of policy or practices are recommended to the governmental organizations.
- **Resolved Independently:** Our enquiries reveal that the complaint has been resolved prior to our receiving the complaint or enquiry.
- **Enquiry made/Referral Given/Resolution Facilitated:** Assistance is given to resolve a complaint or enquiry through discussion, enquiries made concerning the matter and information sharing for example, providing the name and phone number of an appropriate organization with the jurisdiction to deal with the issue.
- **No action possible:** No assistance can be given as the problem cannot adequately be defined, the information given does not require the Ombudsman to take action or the complainant is anonymous.

*Ombudsman Ontario
Complaint Process*



Fairness Standards for Decision-Making by Governmental Organizations

Introduction

The Ombudsman investigates complaints relating to the administrative conduct of Ontario's provincial governmental organizations. The Ombudsman encourages provincial governmental organizations to use the Fairness Standards in their administrative decision-making.

There are many types of decisions. The decisions which require the most rigorous application of the Fairness Standards are decisions of statutory tribunals that have significant impact on individual rights. Whether any given Fairness Standard will apply, will depend on the nature of the decision, the decision-maker and the parties and interests involved.

Fairness Standards For Decision-Making

Anyone who may be personally affected by a decision should be given adequate and timely notice of:

- the fact that a decision will be made;
- why a decision is necessary;
- how the decision will affect him/her;
- what information will be considered in the decision-making process;
- what criteria, rules, procedures, policies, or requirements will be applied in the decision-making process;
- the amount of time the decision-making process is expected to take;
- information against his or her interest before the decision is made;
- the decision;

- reasons that adequately explain how and why the decision was made;
- any appeal and/or objection that can be made with respect to the decision; and
- any time limits to the appeal and/or objection that can be made with respect to the decision.

In its decision-making process, the provincial governmental organization should:

- reach the decision objectively, with due respect for relevant information and without bias;
- require and use only that information that is relevant to the decision;
- apply any relevant criteria, rules, policies, procedures, or requirements consistently;
- justify and explain any inconsistency in the application of the criteria, rules, policies, procedures or requirements;
- provide anyone personally affected by the decision with an opportunity to respond to information against his or her interest before the decision is made;
- treat all persons equitably with due respect for differences, circumstances and needs;
- make the decision in a timely fashion;
- explain any delay and accept responsibility for any unnecessary delay that it has caused and for dealing with any adverse consequences of the delay;
- write all notices, decisions and other relevant documents:
 - clearly; and
 - in a courteous, sensitive manner that is respectful of the persons to whom it is addressed.



Statistical Charts

Complaints and Enquiries Closed 2002–2003 Against Provincial Government Organizations* by Final Resolution

(When a complaint is made against a ministry in general, it is identified as 'other'.)

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/Referral Given/Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MANAGEMENT BOARD									
MANAGEMENT BOARD SECRETARIAT	2				1		12		15
ONTARIO PENSION BOARD	1	1				1	14		17
ONTARIO REALTY CORPORATION	1				2		6		9
MINISTER RESPONSIBLE FOR NATIVE AFFAIRS									
ONTARIO NATIVE AFFAIRS SECRETARIAT							2		2
MINISTER RESPONSIBLE FOR SENIORS									
ONTARIO SENIORS' SECRETARIAT							3		3
MINISTRY OF AGRICULTURE AND FOOD									
OTHER	1				1		10		12
AGRICULTURE, FOOD AND RURAL AFFAIRS APPEAL TRIBUNAL		2					5		7
FARMLAND PROPERTY TAX PROGRAM							2		2
MINISTRY OF CITIZENSHIP									
OTHER	2			1			1		4
ONTARIO HUMAN RIGHTS COMMISSION	5	28		1	10	21	123	8	196
MINISTRY OF COMMUNITY, FAMILY AND CHILDREN'S SERVICES									
OTHER	7	4		5	2		57	4	79
ADOPTION DISCLOSURE REGISTRY	3			2	1		9		15
DISABILITY ADJUDICATION UNIT	6	2			1		42		51
FAMILY RESPONSIBILITY OFFICE	223	27		26	17		1024	17	1334
OFFICE OF CHILD AND FAMILY SERVICE ADVOCACY		1					11		12
ONTARIO DISABILITY SUPPORT PROGRAM	53	8		13	12	1	516	12	615
SOCIAL BENEFITS TRIBUNAL	3	13		1	6		65	4	92
SPECIAL NEEDS PROGRAMS — ADULT/CHILDREN	6	1				3	18	1	29
THISTLETOWN REGIONAL CENTRE							1		1
YOUNG OFFENDER FACILITIES	1	1		2	2		13		19
MINISTRY OF CONSUMER AND BUSINESS SERVICES									
OTHER	1						26	2	29
ALCOHOL AND GAMING COMMISSION OF ONTARIO	1	2			1		18		22
LAND REGISTRY OFFICES	1	1					7		9
LICENCE APPEAL TRIBUNAL		2			1		6		9
LIQUOR CONTROL BOARD OF ONTARIO							11		11
OFFICE OF THE REGISTRAR GENERAL	14	5		2	3		92		116
MINISTRY OF CULTURE									
OTHER							2		2
ONTARIO ARTS COUNCIL							1		1
ONTARIO MEDIA DEVELOPMENT CORPORATION		1							1
ONTARIO TRILLIUM FOUNDATION							3		3
MINISTRY OF EDUCATION									
OTHER	1	5		2	1		37	1	47
SPECIAL EDUCATION TRIBUNAL		1							1
MINISTRY OF ENERGY									
OTHER							13		13
HYDRO ONE NETWORKS INC.	12	3		3	3		107	5	133
INDEPENDENT ELECTRICITY MARKET OPERATOR							11		11
ONTARIO ENERGY BOARD							13		13
ONTARIO POWER GENERATION INC.							1	1	2

* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

Complaints and Enquiries Closed 2002–2003 Against Provincial Government Organizations by Final Resolution*
(When a complaint is made against a ministry in general, it is identified as 'other'.) – Continued

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MINISTRY OF ENTERPRISE, OPPORTUNITY AND INNOVATION									
OTHER							2		2
MINISTRY OF FINANCE									
OTHER	1	4			1		19	2	27
FINANCIAL SERVICES COMMISSION OF ONTARIO	1	2			1		61	2	67
MOTOR VEHICLE ACCIDENT CLAIMS FUND							4		4
MUNICIPAL PROPERTY ASSESSMENT CORPORATION	3	2					34	1	40
ONTARIO SECURITIES COMMISSION		1					14		15
PROVINCIAL TAX PROGRAMS (NON PST)	2			1			6	1	10
RETAIL SALES TAX (PST)	3	2			2	1	20	2	30
MINISTRY OF HEALTH AND LONG-TERM CARE									
OTHER	7	5		1			68	6	87
ASSISTIVE DEVICES / HOME OXYGEN PROGRAMS	1	3		1	1		8	1	15
CANCER CARE ONTARIO							1		1
COMMUNITY CARE ACCESS CENTRE	1				3		28	2	34
CONSENT AND CAPACITY BOARD	1				1		2		4
DRUG PROGRAMS BRANCH — ONTARIO DRUG BENEFIT PROGRAM	5			1			9		15
DRUG PROGRAMS BRANCH — SECTION 8 REQUESTS	1			1			12		14
DRUG PROGRAMS BRANCH — TRILLIUM DRUG PROGRAM	4			1			30		35
HEALTH PROFESSIONS APPEAL AND REVIEW BOARD	1	17			4		11		33
HEALTH SERVICES APPEAL AND REVIEW BOARD		1					4		5
LONG TERM CARE BRANCH	1	2					21		24
NORTHERN HEALTH TRAVEL GRANT	1	3			2		16		22
ONTARIO HEALTH INSURANCE PLAN	10	1			3		88	1	103
PATIENT ADVOCATES							4		4
PSYCHIATRIC HOSPITALS/ MENTAL HEALTH CENTRES	2	2					44	1	49
MINISTRY OF LABOUR									
OTHER	1	2			1		16		20
EMPLOYMENT PRACTICES BRANCH	3	4			4		42	2	55
GRIEVANCE SETTLEMENT BOARD		1					3		4
OFFICE OF THE WORKER ADVISER	3				1		30	3	37
ONTARIO LABOUR RELATIONS BOARD		20	1		3	1	39	1	65
PAY EQUITY COMMISSION	1	1					3		5
PUBLIC SERVICE GRIEVANCE BOARD		1					1		2
WORKPLACE SAFETY AND INSURANCE APPEALS TRIBUNAL	2	102		1	15	5	136	8	269
WORKPLACE SAFETY AND INSURANCE BOARD	25	9		11	11	1	724	13	794
MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING									
OTHER		2		1	1	1	24	2	31
ONTARIO MUNICIPAL EMPLOYEES RETIREMENT BOARD				1			4		5
ONTARIO RENTAL HOUSING TRIBUNAL	5	18		4	4	3	130	4	168
MINISTRY OF NATURAL RESOURCES									
OTHER	1	1	1	1	1	2	42		49
CROWN LAND	6	3			1		26	1	37
LICENCES/TAGS		1					17	1	19
NIAGARA ESCARPMENT COMMISSION		5							5
PROVINCIAL PARKS					5		4		9
MINISTRY OF NORTHERN DEVELOPMENT AND MINES									
OTHER							12		12
ONTARIO NORTHLAND TRANSPORTATION COMMISSION							2		2

* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

Complaints and Enquiries Closed 2002–2003 Against Provincial Government Organizations by Final Resolution*
(When a complaint is made against a ministry in general, it is identified as 'other'.) – Continued

ORGANIZATION	Complaint Resolved by Ombudsman in favour of:			Independently Resolved	Investigation Discontinued		Enquiry Made/ Referral Given/ Resolution Facilitated	No Action Possible	Total
	Complainant	Gov't Org.	Gov't Org. with Suggest.		by Com't	by Omb.			
MINISTRY OF PUBLIC SAFETY AND SECURITY									
OTHER	8	3		2	1	2	38	2	56
CORRECTIONAL CENTRES	492	82		154	593	35	1814	30	3200
DETENTION CENTRES	307	56	1	112	500		1260	35	2271
JAILS	148	25	3	64	261	1	772	39	1313
OFFICE OF THE CHIEF CORONER	1			1		1	7		10
OFFICE OF THE FIRE MARSHAL		2					3		5
ONTARIO CIVILIAN COMMISSION ON POLICE SERVICES		2					7		9
ONTARIO PAROLE AND EARNED RELEASE BOARD	1				1		10		12
ONTARIO PROVINCIAL POLICE							28		28
PROBATION AND PAROLE SERVICES	7	2		1	2		26		38
YOUNG OFFENDER FACILITIES	10	3		16	37	1	63		130
MINISTRY OF THE ATTORNEY GENERAL									
OTHER		2			1		39	1	43
ASSESSMENT REVIEW BOARD		5			2		12		19
CHILDREN'S LAWYER		1					11		12
CRIMINAL INJURIES COMPENSATION BOARD	1	1			1		16	1	20
CROWN ATTORNEYS							19	1	20
LEGAL AID ONTARIO	4	14		6	5		126	2	157
ONTARIO LOTTERY AND GAMING CORPORATION	1	2					4		7
ONTARIO MUNICIPAL BOARD		2			2		20		24
PUBLIC GUARDIAN AND TRUSTEE	2	1			2		58		63
MINISTRY OF THE ENVIRONMENT									
OTHER		2		1	3		46	2	54
DRIVE CLEAN PROGRAM	1	1					4		6
ENVIRONMENTAL REVIEW TRIBUNAL							1		1
MINISTRY OF TOURISM AND RECREATION									
OTHER							8		8
MINISTRY OF TRAINING, COLLEGES AND UNIVERSITIES									
OTHER	2	2					29		33
COLLEGES OF APPLIED ARTS AND TECHNOLOGY	3					1	24	1	29
ONTARIO STUDENT ASSISTANCE PROGRAM	15	10		4	6	1	163	5	204
TVONTARIO							5		5
MINISTRY OF TRANSPORTATION									
OTHER	6	2			1		36		45
DRIVER EXAMINATION CENTRES	1	1		1			28		31
DRIVER LICENSING	10	12		2	2		156	5	187
HIGHWAYS	3	1					16		20
MEDICAL REVIEW	6	5		3	2		109	2	127
ONTARIO HIGHWAY TRANSPORT BOARD							1		1
TORONTO AREA TRANSIT OPERATING AUTHORITY							1		1
VEHICLE LICENSING	5	2		1	3		27	1	39
ONTARIO GOVERNMENT									
OTHER							54	1	55
INFORMATION AND PRIVACY COMMISSIONER /ONTARIO							24		24
OFFICE OF THE CHIEF ELECTION OFFICER							1		1
OFFICE OF THE LIEUTENANT GOVERNOR							1		1
OFFICE OF THE PREMIER							9		9
OFFICE OF THE PROVINCIAL AUDITOR							1		1

* While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

*Complaints and Enquiries Closed 2002–2003 by Provincial Ridings (excluding complaints against Correctional Facilities)**

Riding	Total	Riding	Total	Riding	Total
Algoma — Manitoulin	190	Kingston and the Islands	141	Renfrew — Nipissing — Pembroke	150
Ancaster — Dundas — Flamborough — Aldershot	59	Kitchener Centre	105	Sarnia — Lambton	152
Barrie — Simcoe — Bradford	156	Kitchener — Waterloo	96	Sault Ste. Marie	504
Beaches — East York	102	Lambton — Kent — Middlesex	111	Scarborough — Agincourt	53
Bramalea — Gore — Malton — Springdale	68	Lanark — Carleton	111	Scarborough Centre	80
Brampton Centre	68	Leeds — Grenville	118	Scarborough East	52
Brampton West — Mississauga	82	London — Fanshawe	170	Scarborough — Rouge River	38
Brant	123	London General Area	14	Scarborough Southwest	89
Bruce — Grey — Owen Sound	200	London North Centre	190	Simcoe — Grey	148
Burlington	74	London West	148	Simcoe North	203
Cambridge	85	Markham	37	St. Catharines	116
Chatham — Kent Essex	184	Mississauga Centre	57	St. Paul's	78
Davenport	62	Mississauga East	54	Stoney Creek	84
Don Valley East	56	Mississauga General Area	4	Stormont — Dundas — Charlottenburgh	74
Don Valley West	69	Mississauga South	140	Sudbury	201
Dufferin — Peel — Wellington — Grey	107	Mississauga West	7	Thornhill	31
Durham	75	Nepean — Carleton	57	Thunder Bay — Atikokan	165
Eglinton — Lawrence	58	Niagara Centre	116	Thunder Bay General Area	7
Elgin — Middlesex — London	143	Niagara Falls	106	Thunder Bay — Superior North	235
Erie — Lincoln	89	Nickel Belt	139	Timiskaming — Cochrane	244
Essex	131	Nipissing	232	Timmins — James Bay	214
Etobicoke Centre	46	Northumberland	156	Toronto Centre — Rosedale	186
Etobicoke — Lakeshore	79	Oak Ridges	59	Toronto — Danforth	114
Etobicoke North	102	Oakville	64	Toronto General Area	56
Glengarry — Prescott — Russell	94	Oshawa	128	Trinity — Spadina	100
Guelph — Wellington	122	Ottawa Centre	94	Unknown	84
Haldimand — Norfolk — Brant	109	Ottawa General Area	4	Vaughan — King — Aurora	49
Haliburton — Victoria — Brock	183	Ottawa — Orléans	57	Waterloo — Wellington	58
Halton	101	Ottawa South	65	Whitby — Ajax	105
Hamilton East	135	Ottawa — Vanier	71	Willowdale	71
Hamilton General Area	8	Ottawa West — Nepean	123	Windsor General Area	11
Hamilton Mountain	87	Out Of Province/International	340	Windsor — St. Clair	174
Hamilton West	127	Oxford	129	Windsor West	176
Hastings — Frontenac — Lennox and Addington	165	Parkdale — High Park	87	York Centre	94
Huron — Bruce	115	Parry Sound — Muskoka	175	York North	88
Kenora — Rainy River	214	Perth — Middlesex	89	York South — Weston	68
		Peterborough	117	York West	34
		Pickering — Ajax — Uxbridge	85		
		Prince Edward — Hastings	130		

* When a postal code is available.

Complaints and Enquiries Received 2002-2003 Against the Ministry of Public Safety and Security Correctional Facilities*

BY SUBJECT MATTER

HEALTH — ADEQUACY OF CARE	798
LIVING CONDITIONS — FOOD/DIET	606
HEALTH — MEDICATION (OTHER)	488
STAFF CONDUCT	468
HEALTH — DELAY	405
LIVING CONDITIONS	376
CLASSIFICATION OR TRANSFER WITHIN THE PROVINCIAL SYSTEM	337
PERSONAL/INMATE PROPERTY	329
LIVING CONDITIONS — CLEANLINESS, HYGIENE, SANITATION	322
YARD	316
RESPONSES TO INMATE REQUESTS	314
SECURITY — LOCKDOWN	280
OTHER	260
LIVING CONDITIONS — CLOTHING SIZE, CONDITION, ETC.	229
TELEPHONE ACCESS/USE	207
LIVING CONDITIONS — LOCKUP	190
LIVING CONDITIONS — PERSONAL HYGIENE	169
CORRESPONDENCE	159
LIVING CONDITIONS — SEGREGATION	140
LIVING CONDITIONS — BEDDING/MATTRESSES/TOWELS	135
DISCRETIONARY PROGRAM DECISIONS/ACCESS TO PROGRAMS	134
HEALTH — OTHER	123
INMATE TRUST ACCOUNT	119
LIVING CONDITIONS — HEATING, VENTILATION, AIR	119
HEALTH — PRESCRIPTION REQUEST	117

BY SUBJECT MATTER

ADMINISTRATIVE SEGREGATION	113
HEALTH — MEDICAL DIET	113
INMATE MISCONDUCT ISSUANCE ADJUDICATION	101
ADMINISTRATION — OTHER	98
RELIGIOUS OR LIFE STYLE DIET	92
HEALTH — SPECIALIST APPOINTMENTS	92
HEALTH — DENTAL — PREVENTATIVE OR RESTORATIVE	88
HEALTH — DENTAL — EMERGENCY	87
HEALTH — CONTINUITY OF CARE (ADMISSIONS)	86
RELIGIOUS/SPIRITUAL OBSERVANCE	84
CANTEEN	80
OMBUDSMAN ACCESS (LETTER OR PHONE)	73
POLICY/PRACTICE	73
VISITING PRIVILEGES	72
DENTAL	72
CLASSIFICATION — OTHER	71
ALLEGATIONS OF EXCESSIVE FORCE — STAFF MISCONDUCT	70
LIVING CONDITIONS — OVERCROWDING	70
ADMINISTRATION — DELAY	67
INMATE-INMATE DISPUTES/ASSAULTS	63
HEALTH — METHADONE PROGRAM	58
COMMITTAL/SENTENCE CALCULATION	58
ADMINISTRATION — UNFAIRNESS	56
TEMPORARY ABSENCE PASSES	46
CLASSIFICATION OR TRANSFER TO FEDERAL SYSTEM	46
LIVING CONDITIONS — CELL TIME	45

* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.

Complaints and Enquiries Received 2002-2003 Against the Ministry of Public Safety and Security Correctional Facilities – Continued*

BY SUBJECT MATTER

HEALTH — MEDICAL APPLIANCES/DEVICES REQUESTS	39
SPECIAL NEEDS/ TREATMENT UNIT	37
HEALTH — GLASSES, EYE CARE	37
REQUEST FOR PROCEDURAL INFORMATION	36
INTERMITTENT SENTENCE	35
HEALTH — STAFF CONDUCT	34
INSTITUTIONAL DISCIPLINE — OTHER THAN INMATE MISCONDUCT	34
HEALTH — HOSPITAL VISITS/ADMISSION	32
HEALTH — CONTINUITY OF CARE (TRANSFER)	32
CONFINEMENT SEGREGATION	32
HEALTH — DIAGNOSIS	28
SEARCHES	28
PROTECTIVE CUSTODY	26
REQUEST FOR PHONE NUMBER OR ADDRESS	25
RACE RELATED COMPLAINTS	24
ADMINISTRATION — BIAS	23
ADMINISTRATION — NO RESPONSE TO CORRESPONDENCE	23
HEALTH — SECOND MEDICAL OPINION REQUESTS	22
LOST EARNED REMISSION	21
LEGAL AID	19
LIVING CONDITIONS — SMOKING	18
PRE-RELEASE	18
HEALTH — DENTAL — DENTAL APPLIANCES/ DENTURES	17
HEALTH — HIV/AIDS	14
HEALTH — MEDICAL CONFIDENTIALITY/PRIVACY	14
FREEDOM OF INFORMATION/PROTECTION OF PRIVACY	12
ALLEGATIONS OF REPRISAL FOR OMBUDSMAN CONTACT	12

BY SUBJECT MATTER

INMATE TRANSPORTATION UPON RELEASE	12
NEWSPAPER SUBSCRIPTIONS/DELIVERY	11
HEALTH — MEDICAL SEGREGATION	11
COMPLAINANT IS ON IMMIGRATION HOLD	11
ADMINISTRATION — PROGRAM INFORMATION INADEQUATE	11
EMPLOYMENT — OTHER	10
HEALTH — SUICIDE WATCH	10
LOST EARNED REMISSION PUNITIVE SEGREGATION	9
HEALTH — HEPATITIS	8
HEALTH — GYNECOLOGICAL/OBSTETRICAL	5
ELECTRONIC MONITORING	5
MEALS AT COURT	5
LIVING CONDITIONS — IMMIGRATION HOLD	4
TELEPHONE (BUSY, NOT IN SERVICE, ETC.)	4
HEALTH — SMOKING CESSATION ASSISTANCE	4
BAILIFFS	4
INMATE INSTITUTION GUIDE	4
MENTAL HEALTH CARE	4
ADMINISTRATION — INADEQUATE OR NO COMMUNICATION RECEIVED	3
ADMINISTRATION — UNABLE TO OBTAIN FILE STATUS UPDATE	3
CHARTER OF RIGHTS/HUMAN RIGHTS	2
HEALTH — PRE-NATAL CARE	2
HEALTH — SEGREGATION	2
FRENCH LANGUAGE SERVICES	2
TRANSFER-FEDERAL INSTITUTION	1
EMPLOYMENT — UNFAIR COMPETITION	1
HEALTH — HUNGER STRIKE — FOOD WATCH	1

* As any given complaint or enquiry may have multiple subject categories assigned to it, these numbers do not reflect the total number of complaints and enquiries.



Case Stories

The following case stories, summarized by our staff, are representative of the enquiries and investigations we conduct on a daily basis. The names of the complainants have been removed to protect their privacy. While regulatory and adjudicative agencies are considered independent decision-makers, agencies, boards and commissions are listed under the Ministry they are associated with.

Ministry of the Attorney General

Legal Aid Ontario

Mr. O complained to the Ombudsman that Legal Aid Ontario (LAO) unreasonably denied his application for a legal certificate to appeal his criminal conviction and sentence. He contended that the decision was based on a personal assessment of his appeal, not the facts or LAO's guidelines. In reviewing the case, the Ombudsman noted that LAO is required to establish and administer a cost-effective and efficient system for providing high quality legal services to low-income individuals in Ontario. Further, the legislation requires LAO to establish policies and priorities for the provision of legal aid services based on its financial resources. The Ombudsman indicated that he did not believe it unreasonable for LAO to determine how to allocate its resources given the volume of certificate applications it receives and its limited resources.

Based on his review of LAO's final decision, the Ombudsman advised Mr. O that it appeared he was given the opportunity to respond to the information relied upon by LAO and to present his views. It also appeared that there was evidence before LAO upon which it could base its decision that he was financially ineligible and that his application did not fall within the priority guidelines for criminal law coverage. Based on the circumstances of Mr. O's case, the Ombudsman determined that further investigation was unnecessary.

Criminal Injuries Compensation Board

Mr. T complained about the Criminal Injuries Compensation Board's (CICB's) denial of nine requests to extend the time for making an application for compensation. When the CICB files were reviewed during the Ombudsman's investigation, it was noted that police questionnaires had been sent out after denials were issued, sent out and not returned or had not been sent out at all. The CICB advised that there is a new system in place within the CICB for handling such questionnaires. It was also noted that, in the case of two of the extension requests, Mr. T was asked to provide additional information but was not told how he might go about doing this. Further, although his representative did contact the CICB on two occasions about what action she was taking to get further information, the CICB denial letters to Mr. T indicated that a reason for the denials was that the CICB had not heard from him. The CICB decisions were issued before Mr. T was able to complete the information gathering process. After the Ombudsman brought this information to the CICB's attention, it advised that Mr. T would be invited to re-apply on those two cases if he submitted the new information he eventually was able to obtain. The CICB subsequently advised the Ombudsman that its procedure with respect to extension requests would be amended to allow for reconsideration when new information becomes available.

Dear Ombudsman...

Thank you from the bottom of my heart for your assistance/help and effectiveness.

Fair

Assessment Review Board

Ms F complained to the Ombudsman that the Assessment Review Board (the “ARB”) had not decreased the assessment of her cottage property. She also contended that she did not have an opportunity to review the evidence presented to the ARB by the Municipal Property Assessment Corporation (MPAC) until the day of the hearing and that the hearing was not recorded. Our investigation revealed that Ms F had the option of asking that the hearing be adjourned or of seeking an order requiring production of documents by MPAC. The Rules of Practice and Procedure address requests to record proceedings and the factors to be considered by the board in approving such requests. Ms F had not requested that the hearing be recorded.

Dear Ombudsman...

Obviously the role of the Office of the Ontario Ombudsman has relevance for my students and is an important resource for them and the consumers they are working with in the counselling field.

It appeared there was evidence to support the ARB’s decision that Ms F’s property had been treated fairly in its assessment and the ARB appeared to have followed the administrative procedures set out in its Rules of Practice and Procedure. However, Ms F notified the Ombudsman that she had no knowledge of the existence of the ARB’s Rules of Practice and Procedure.

A review of the ARB’s pamphlets indicated that while they include reference to the ARB’s website and a 1-800 number, there is no specific reference to the Rules of Practice and Procedure or that they are available on the website or through purchase from the ARB. As not all members of the public have easy access to computers and not all are comfortable using websites for research, the Ombudsman suggested that

when the ARB next amends its pamphlets, it include reference to the Rules of Practice and Procedure and their availability to the public. The ARB explained that the pamphlets translate the rules that apply most often to simple residential property assessment complaints into plain language and serve as a guide for homeowners preparing for ARB hearings. It noted that, while all of the rules apply to all ARB proceedings, many of the rules are only relevant to more complicated assessments that are most often handled by experienced tax agents or legal counsel. The ARB acknowledged, however, that it is important to ensure all parties, regardless of complaint type or level of knowledge, are informed that the Rules of Practice and Procedure, in their entirety, are the standard to which the ARB adheres. The ARB advised that it will include the information on the Rules of Practice and Procedure in the pamphlet titled “Preparing for Your Hearing at the ARB” to be revised in September 2003 in preparation for the 2004 taxation year complaints.

Ministry of Citizenship

Ontario Human Rights Commission

Mr. B began writing to our office in July 1998 about his concerns about the manner in which the Ontario Human Rights Commission handled his case and its decisions. We received more than 60 letters directly. As of January 2002 the OHRC had recorded 27 complaints for Mr. B. Mr. B also filed numerous complaints with the Trustee of Investigations about the conduct of the Commission’s staff relating to his initial complaints.

The Ombudsman noted that it appeared no matter the explanation provided or corrective action taken, Mr. B believed that the Commission was intent on depriving him of his human rights. Mr. B rejected information

and speculated about the Commission's influence, implicating other organizations and individuals. The Ombudsman was of the view that little would be achieved in examining many of Mr. B's concerns. While there had been some delays, administrative problems and procedural errors, these did not lead the Ombudsman to conclude that the Commission had failed to fulfill its responsibilities to a significant degree. The Ombudsman considered Mr. B's complaints to be vexatious and declined to investigate under s. 17(2)(b) of the *Ombudsman Act*.

Ministry of Community, Family and Children's Services

Family Responsibility Office

Ms Z complained to the Ombudsman because she had not received her support payments for two months and despite many attempts, she had been unable to reach the Family Responsibility Office (the FRO) by telephone to find out where her money was. Ombudsman Ontario staff contacted the FRO, which advised that it had tried unsuccessfully to deposit money directly into Ms Z's bank account. No one at the FRO had taken note of the problem and Ms Z's money was being held in suspense. As a result of the Ombudsman's enquiry, Ms Z's case was reviewed further by the FRO and the money was mailed to her the same day.

Ms I initially contacted the Ombudsman to complain that despite numerous calls and letters to the FRO, it had not enforced her Cost of Living Allowance clause ("COLA") for over five years nor explained why it would not enforce the COLA. The FRO informed Ombudsman Ontario staff that the reason it would not enforce the COLA was that there was a conflict

between the federal child support guidelines and the COLA. However, following Ombudsman Ontario's enquiry, the FRO did enforce the COLA in accordance with Ms I's court order.

Ms I later contacted the Ombudsman to complain that the FRO had once again decided not to enforce her COLA, this time as a result of a recent court order that eliminated support arrears, including the COLA. Ms I had requested that the FRO pay the COLA, despite the court order, on the basis that it was the FRO's negligence that led her to a point at which the COLA was eliminated in the new court order. At the time Ms I contacted Ombudsman Ontario, the FRO had not responded to Ms I's request for almost two months. As a result of Ombudsman Ontario's enquiries, the FRO decided to pay Ms I an amount equivalent to the COLA.

Ms R complained that the FRO had delayed over five months in registering her case and as a result, she feared she would not receive any monies owing to her from the support payor, who was expecting a major settlement from his employer. An Ombudsman Representative contacted the FRO to discuss the situation. As a result, the FRO issued an Initial Support Deduction Notice. Six weeks later \$39,000 was deposited into the recipient's bank account for arrears owing to her.

Mr. S, a long distance truck driver, spent extended periods of time traveling outside of Canada. Mr. S was unaware that the FRO had centralized its operations and continued to send support cheques to an old FRO address. In late 2001, he noticed that his cheques were not cashed promptly. He also received complaints from his two former spouses regarding the amount of support they were receiving. Mr. S was unsuccessful in reaching

the FRO by telephone and his letter to the FRO regarding the matter went unanswered.

Mr. S received notice from the FRO that he was in arrears and his driver's licence was suspended. He sold his truck to satisfy the arrears and his licence was reinstated. Mr. S's licence was later suspended for a second time as a result of arrears that had accumulated because he continued to send cheques to the FRO's old address. Mr. S contacted the Ombudsman concerned that he had no means of earning a living and his support arrears were mounting. Ombudsman Ontario staff contacted the FRO and requested that it review its accounts. It became apparent that Mr. S's accounts were current until the FRO moved to its centralized location.

For some months after the move, the government agency occupying the former address forwarded Mr. S's cheque to the FRO's new address in a timely manner. However, this soon changed. When the FRO did eventually receive Mr. S's cheques, redirected from the old address, they split the amount between the two support recipients, as both accounts were accruing arrears.

The FRO agreed to request reinstatement of Mr. S's licence and waive enforcement of the arrears until Mr. S has had an opportunity to regain employment.

Mr. J is a support payor whose support order was amended in July 2002 to provide for a total postponement of enforcement pending a further hearing. Mr. J stated that despite the postponement, the FRO sent a Support Deduction Notice to his income source to resume support deductions from his wages. Mr. J alleged that \$2500 had been inappropriately deducted from his income since August 1, 2002. As a result of intervention by Ombudsman staff, an urgent request was made to have the funds returned to Mr. J. A short time later Mr. J received the outstanding funds.

Ms W had not received support payments for two months. Ms W contacted the Ombudsman as she had been unable to contact the FRO by telephone and had not received a response to her fax enquiring as to the status of her support payments. An Ombudsman Representative contacted the FRO and was advised that the support payor had died the previous fall. A further review of the file indicated that the FRO had been contacted by a police officer, who was attempting to locate the support recipient in order to complete a death notification of next-of-kin. The FRO staff had refused to share this information with the support recipient. The Ombudsman provided Ms W with information to enable her to contact the police.

Ms W subsequently made beneficiary claims under a life insurance policy and the Canada Pension Plan. She advised the Ombudsman that other relatives of the support payor had initiated claims and that she might not have received the funds had she not learned of the death of the support payor. The Ombudsman later determined that the FRO policy requires that the FRO staff contact support recipients upon the death of a support payor. When this was brought to the FRO's attention, it took steps to remind its staff of this requirement. The FRO staff also apologized to Ms W.

Mr. X contacted the Ombudsman after being advised that he did not qualify for a bank loan because of an unsatisfactory credit rating. Mr. X later learned that the FRO had reported to a credit bureau that he was in default of his support obligations. Mr. X maintained that he did not owe support to the FRO and had never had any dealings with the court relating to support payments. The Ombudsman contacted the FRO and provided it with information regarding Mr. X's complaint. After reviewing its files, the FRO confirmed that Mr. X did not have a case registered with it and he had been

reported to the credit bureau in error. The FRO had the agency's record relating to Mr. X deleted.

Mr. Y is a male support recipient, who has full custody of his two children. He advised our office that for two years the support payments sent in by his former spouse had not been deposited in his account. The FRO had returned \$5,500 to the support payor in error, assuming that as she was female she was the recipient. When the FRO realised its error, it entered into a repayment agreement with the payor. Mr. Y did not find this acceptable and requested that the money be paid to him in a lump sum. The FRO refused stating that it had no money to make such a payment. Following intervention by the Ombudsman, the FRO agreed to pay Mr. Y in full by direct deposit for the money they sent to the payor.

Mr. Q, a support payor, provided the FRO with eight post-dated cheques in accordance with instructions in the Guide for Support Payors. Despite this, the FRO sent a Support Deduction Notice to his income source requiring that it make deductions from his wages. Mr. Q complained that the FRO was both cashing his post-dated cheques and processing deductions received from his income source. Mr. Q wrote to the FRO confirming that he would be putting stop-payments on the balance of the post-dated cheques starting on a specific date and requesting the return of his cheques. However, the FRO cashed Mr. Q's cheque and charged him an administration fee when it was not honoured by the bank. While the FRO acknowledged its error in cashing the cheque, it refused to waive the administration charge. As a result of an enquiry by an Ombudsman Representative, the FRO confirmed that the fee would be waived and Mr. Q's account would be adjusted accordingly.

Mr. T is a senior citizen who complained to the Ombudsman that the FRO inappropriately collected \$1,400 in lottery winnings and forwarded them to his former spouse (the recipient) after his support obligation had terminated. Mr. T's Member of Provincial Parliament was unable to persuade the FRO to return the money and the recipient refused to give the money back. An Ombudsman enquiry revealed that the FRO had received a new court order stating that all Mr. T's spousal arrears had been paid in full and withdrawing the case from the FRO. Rather than closing the case, the FRO sent a letter to the recipient to confirm her understanding of the intent of the order. The recipient never responded and the FRO did not terminate enforcement. The FRO confirmed that because the court order was clear it did not require any documentation from the recipient to close the case. As a result of the Ombudsman's intervention, the FRO agreed to reimburse Mr. T for the amount that had been forwarded to the recipient in error and to close Mr. T's file.

Mr. K explained that the FRO failed to remove a Federal Support Deduction Notice after he had paid his support arrears in full. Consequently, his income tax refund had been sent to the FRO. After an Ombudsman Representative contacted the FRO to discuss the situation, it immediately terminated the Federal Support Deduction Notice and arranged to have the funds returned to Mr. K.

Dear Ombudsman...

This organization is not functioning properly and the government of Ontario needs to look into this. It is simply appalling. On the contrary, the Ombudsman of Ontario is a wonderfully well functioning office! Thank you!

Dear Ombudsman...

I wish to thank you for all your efforts as I am certain I could not have made my voice heard nearly as well, were it not for your integral work and unbiased investigation. I also appreciate the unusual and most helpful prospect of a long-term negotiable repayment plan, and interest free too! I believe that you have presented my case well and as a result are responsible for the repayment plan being suggested for my benefit. Thank you again for being prompt and courteous and a pleasure to work with.

Mr. L contacted our office complaining that he was denied a loan on the basis that a credit check had revealed he had outstanding support payment debts. Mr. L advised our office that he had accrued support arrears years ago because of the length of time that it had taken the FRO to open its file. The FRO had reported the arrears to a credit bureau. However, Mr. L stated that he had satisfied his arrears in 1997. Mr. L indicated that although he had tried on many occasions to contact the FRO to discuss the situation, he was unable to get through to it by phone. As a result of an enquiry by Ombudsman Ontario staff, the FRO sent a deletion notice to the credit bureau.

Ms M is a single parent who had not received any support payments since December 2001. She first contacted our office about this problem in August 2002. Ms M advised that she had provided the FRO with the information necessary to garnish the support payor's income source. She contended that the FRO had not done anything and was allowing the payor's arrears to build up. As a result of enquiries by Ombudsman staff, Ms M's file was reviewed and the FRO sent a Support Deduction Notice to the payor's income source. When Ms M was unable to obtain information about the status of her case, Ombudsman staff again contacted the FRO, which advised that a cheque had been received from the income source.

Ontario Disability Support Program

Ms X attended an intake clinic hosted by an Ombudsman Representative. Ms X explained that she was receiving benefits from the Ontario Disability Support Program (ODSP). She had experienced extreme financial hardship and the bank was foreclosing on her home. She contacted ODSP, who advised her that until she moved into a less expensive residence, she was ineligible for assistance.

Ms X subsequently found a less expensive residence. She submitted an application for Community Start-Up Allowance to assist with her moving expenses. After a period of two weeks the ODSP had still not reviewed the application. Ms X noted that she needed to sign a new lease and be out of her current residence by the end of the week. As a result of the Ombudsman Representative's enquiries, Ms X's application was processed and approved within two days and arrangements were made for her to pick up a cheque for her moving expenses.



A service agency contacted Ombudsman Ontario on behalf of Ms E, whose Ontario Disability Support Program (ODSP) benefits had been terminated. The service agency advised that given the condition of Ms E's mental health, she was unable to comprehend the importance of receiving a monthly ODSP allowance. She also did not cooperate with ODSP staff when they set up appointments to meet with her. The service agency attempted to deal with the Ministry on Ms E's behalf but the Ministry refused to deal with the agency, on the basis that it was a third party. The agency informed our office that it might not be able to provide Ms E with board and lodging if she continued to have no income. Ms E had not paid her bills since her benefits were terminated. Ombudsman Ontario conducted an informal enquiry into this matter on its own motion. Ombudsman Ontario staff enquired into Ms E's case and asked the Ministry whether it had considered appointing a trustee to receive Ms E's ODSP benefits. As a result of our enquiry, the Ministry decided to reinstate Ms E's benefits in the amount of \$11,328.00 and appointed the service agency as trustee.

Mr. A is a person with a disability who contacted the Ombudsman regarding his debt to the ODSP. He explained that he had received a retroactive payment of \$17,000 from Canada Pension Plan Disability in 1994 and had neglected to reimburse ODSP for his duplicated benefits. When he revealed how he spent the \$17,000, ODSP determined that \$13,000 should have been reimbursed to the ODSP for past benefits. In addition, the ODSP found that \$10,000 was inadequately disposed of according to their guidelines and Mr. A was assessed an additional debt of \$10,000. As a consequence, a debt of \$23,000 was being deducted from Mr. A's ODSP benefits. An Ombudsman Representative contacted the ODSP and was advised that while \$13,000 was required to reimburse the ODSP for the overpayment of benefits, the \$10,000 debt was

Dear Ombudsman...

Thank you so much for helping, because without you this would be impossible. May God continue to give you strength and perseverance each day so that you continue to help others.



Dear Ombudsman...

After having contacted you and shared my problem, I received some answers from you within 24 hours of our telephone conversation. Thank you also for having sent me the information brochures. I am very pleased to inform you that as of August 2002, I started receiving support again and in the amounts you had mentioned to me. The money came in just in time for the school start up. I must say that I was very impressed with your prompt service, your professionalism and the dedication you brought to my complaint.

to reflect the future use Mr. A would have had of the money had he spent it in a way the ODSP found appropriate. The Ombudsman Representative questioned the ODSP's authority to deduct the \$10,000 from Mr. A's benefits. Upon further consideration of the matter, the ODSP cancelled the \$10,000 debt and applied the \$4,484 already recovered for inadequate disposition to the benefit overpayment.

Ms D's children live with her for one month during the summer. As a result of this arrangement, the Ministry advised her that half of the amount her former spouse was receiving for the Canada Child Tax Benefit would be deducted from her ODSP cheque. Ms D complained to the Ombudsman that this

was unfair. An Ombudsman Representative contacted the Ministry and spoke to a supervisor. Consequently, the supervisor reviewed the file again and the money that had been deducted was returned to Ms D.

Ministry of Consumer and Business Services

Office of the Registrar General

Mr. N contacted our office and explained that his family was planning to leave the country in two days and he was having problems getting a birth certificate for his one-year-old daughter. Mr. N explained that the previous month he had attended a local Land Registry Office to obtain a birth certificate on a 24-hour-basis and was advised to come back in a week as the computer was down. Mr. N returned to the office two weeks later and was advised that the computers were still not working. However, he was assured that the computers would be functional later that day. The office eventually took Mr. N's application and processing fee and advised him to return within 24 hours for the birth certificate. When Mr. N returned, he was advised that the office was still unable to process the application since the computers were not functioning. The Ombudsman Representative contacted the Registrar General's office to discuss this matter. The Registrar General's office explained that there were problems with Land Registry Offices issuing birth certificates. The computers had been shut down some time prior to Mr. N's attempt to obtain a birth certificate. The Registrar General had decided to shut down the computers indefinitely while it re-evaluated the 24-hour service. As a result of the Ombudsman Representative's efforts and the cooperation of the Registrar General's office, the Registrar General agreed to process Mr. N's application immediately, if he forwarded a new application. Mr. N obtained the birth certificate in time for his trip. The Registrar General's office also advised that it would follow up with all the

Land Registry Offices to ensure the public was notified that for the time being these offices could not provide birth certificates within 24 hours.

Ministry of Energy, Science and Technology

Hydro One Networks Inc. (Hydro One)

Mr. U, a senior citizen and a retired farmer, earns a living by renting his farming properties to tenants. Hydro One required that he pay a security deposit of \$700 to transfer a hydro line at an unoccupied property into his name. Mr. U complained that this amount was excessive and that in the past he had paid \$20 for this service. Hydro One explained that the increase was based on the consumption of the previous occupant. Mr. U stated that Hydro One should take into consideration his good record over 40 years. As a result of an informal enquiry by an Ombudsman Representative, Hydro One agreed to rescind the security deposit and issued a cheque to Mr. U.

Ms V complained that she was having billing problems with Hydro One. Ms V had purchased a new home and was in the process of selling her old home. Hydro One was billing Ms V based on estimated usage but there was no one living at home and there had been no hydro usage over 7 months. Ms V's attempts to have Hydro One conduct regular meter readings and issue bills based on actual usage were unsuccessful. As a result of an enquiry by Ombudsman Ontario staff, Hydro One adjusted Ms V's bills, provided her with a credit and made arrangements to check the meter at the vacant home.

Ministry of Finance

Ontario Securities Commission

Ms D, a 70-year old woman, advised that in August 2000, she and her late husband filed a complaint with the Ontario Securities Commission regarding their insurance company. She complained to the Ombudsman that the Commission refused to provide her with information about the status of her complaint.

Initially, Ombudsman staff was advised that once the Commission sends a letter of confirmation to a complainant, no other communication occurs. A Supervisor at the Commission later indicated that this information was incorrect. The Commission indicated it would inform staff that complainants are to be provided with updates as required and sent closing letters with an explanation of the outcome. The Commission confirmed that a letter had recently been sent to Ms D outlining the outcome of the initial review of her complaint and providing a referral. The Commission also advised that a staff member would contact Ms D to provide her with further information. Ms D was grateful that the Ombudsman's efforts provided her with a contact at the Commission who would answer her questions.

Dear Ombudsman...

The students are extremely diverse, in terms of age, education, and the challenges they face; you and your colleague did an excellent job of engaging them, maintaining their interest, and stimulating a helpful group discussion. Your attitude of respect and acceptance contributed to a positive learning environment.

Ombudsman

Ministry of Health and Long-Term Care

Assistive Devices Program

Ms E complained that the Ministry of Health and Long-Term Care was unreasonable in refusing to provide financial assistance under the Assistive Devices Program (ADP) for the replacement of her bone-anchored hearing aid (BAHA). She advised that the BAHA kept her ears free of infection and pain. When the device was damaged in a fall, she was informed that she would need to replace it at a cost of \$4,500. She said that as a single parent she could not afford this cost. Although financial assistance was available under the ADP for replacement of other hearing devices, it was not available for BAHAs. Ms E contended that the ADP should provide financial assistance to replace the device, as it provides her with better hearing, enables her to live independently and minimizes her visits to specialists for infections.

In response to the Ombudsman's notice of intent to investigate Ms E's complaint, the Ministry advised that it intended to review BAHAs for potential coverage under the ADP. The Ministry further advised that a Medical Advisory Committee of the Ministry had prepared a report to present in late June 2002 which would assess whether new funding should be made available for BAHAs and that the matter would be considered at various stages of the internal approval process. The Ministry undertook to keep the Ombudsman updated of the status of its review. Under the circumstances, the Ombudsman determined to monitor this process. Our office was later advised that effective February 1, 2003, the ADP will provide funding toward the replacement of the external sound processor component of the BAHA.

Consent and Capacity Board

The Ombudsman investigated, on his own motion, concerns regarding the tone and content of a Consent and Capacity Board decision. The Consent and Capacity Board conducts hearings under the *Mental Health Act*, the *Health Care Consent Act, 1996*, the *Substitute Decisions Act, 1992* and the *Long-Term Care Act, 1994*. In the course of the investigation, the Ombudsman considered the Board's policies and procedures relating to decision writing, performance management and complaints resolution. The Board supported its decision. However, it noted that significant adverse findings regarding a physician's conduct had been made, although he was neither a party to the proceedings nor present to respond to the issues. The Board acknowledged this was unacceptable and indicated the steps that had been taken to address this. The Board also outlined steps it had taken and would take in future to further train Board members in the art of decision writing and deliberations. The Board advised that a draft complaint procedure had been prepared and its practice is to refer certain matters to outside counsel for investigation. The Ombudsman was satisfied with the Board's response.

Ontario Health Insurance Plan

Mr. P complained to the Ombudsman that he was having difficulty replacing his Ontario Health Insurance Plan (OHIP) card. Mr. P claimed that the local OHIP office refused to accept his birth certificate as identification, because it was on a piece of paper rather than wallet-sized. He also claimed the Ministry of Health and Long-Term Care had refused to accept other identification as proof of his identity. Within minutes of Ombudsman staff contacting the Ministry of Health and Long-Term Care, the Ministry informed Mr. P

that it would make arrangements with the local office for him to receive a new card. An appointment was made for Mr. P to attend the local office the next day for that purpose.

Ontario Hepatitis C Assistance Plan

Mr. L approached our office because he was concerned that a dispute between the Ontario Hepatitis C Assistance Plan (OHCAP) and the OHCAP Review Committee was contributing to the two-year delay in having a decision made on his file. An Ombudsman Representative confirmed that the Review Committee was asking the OHCAP to request a blood trace-back from Canadian Blood Services (CBS) before it would render its decision. The OHCAP advised that it was not complying with this request because of a CBS policy not to conduct blood trace-backs post diagnosis. However, as a result of the Ombudsman Representative's enquiry, the OHCAP wrote to CBS requesting the trace-back and agreed to provide the CBS response to the Review Committee so that it could reach a decision in the case.

Ministry of Labour

Workplace Safety and Insurance Board

Mr. O contacted the Ombudsman to complain about the Workplace Safety and Insurance Board's (WSIB's) delay in making a decision regarding his claim for compensation.

Mr. O stated that he had been leaving messages for his WSIB adjudicator, who was not returning his calls. Mr. O stated the WSIB had lost several of the documents he had sent, including his doctor's report. He stated he had spoken to a manager who had informed him that

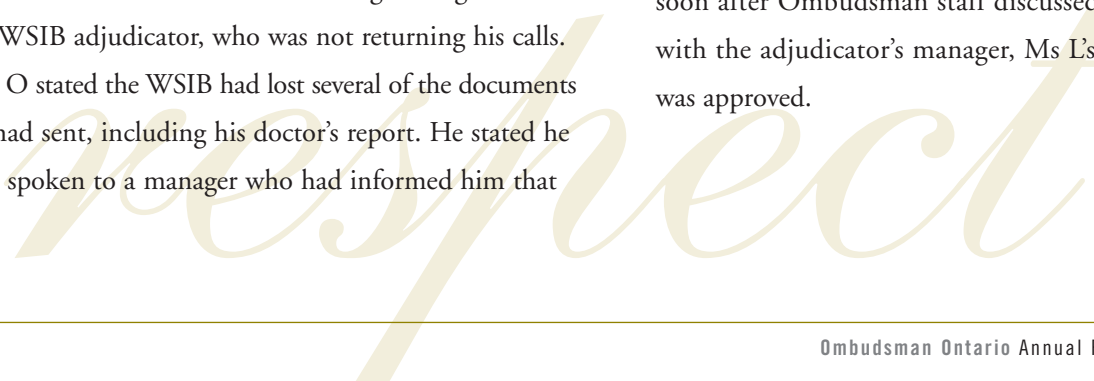
his claim was rejected because there was no employer's report and no doctor's report. Mr. O insisted he had provided the doctor's report and his doctor confirmed that WSIB had already paid for the report.

Mr. O stated he had a \$400 physiotherapy bill that needed to be paid and he required more physiotherapy for his injury to heal properly. Mr. O agreed to provide WSIB with another doctor's report. However, Mr. O subsequently called our office stating that after he submitted a second doctor's report, he was unable to reach his adjudicator to obtain an update on his file. Shortly after Ombudsman staff contacted the adjudicator, Mr. O's claim for physiotherapy as well as one day's pay for lost time was allowed.

Ms L, a senior, whose husband died in 2001 from a work-related occupational disease, filed a claim with the WSIB in March 2001. Ms L advised our office that the WSIB had not returned her numerous calls over a period of many months. Ms L stated she was suffering financial hardship and was anxious to know whether the WSIB would be providing her with any assistance. As a result of Ombudsman enquiries, the adjudicator responded to Ms L. In addition, soon after Ombudsman staff discussed the issue with the adjudicator's manager, Ms L's claim was approved.

Dear Ombudsman...

Thank you for once again speaking with our Union Counselling Training participants. The feedback I received from them is an unanimous thumbs up! Everyone agrees the information is very valuable and relevant to their role.



Ministry of Public Safety and Security

Correctional Services

Mr. M, an inmate, complained to the Ombudsman that he had unfairly received internal discipline and been placed in confinement while at a correctional facility. Mr. M had received an institutional “misconduct” charge for gross insult. The charge was based on an anonymous letter containing derogatory comments about a correctional officer. Mr. M denied writing the letter. Mr. M was initially required to spend 30 days in segregated confinement as discipline. However, his confinement was reduced significantly as a result of an internal appeal. Ombudsman Ontario’s investigation revealed that it was highly unlikely that Mr. M would have had access to the room where the letter was found during the time period that it was placed there. Correctional staff considered him to have been the author after reviewing handwriting from a small selection of a large group of inmates and determining that Mr. M’s handwriting was similar to the writing in the anonymous letter. Ombudsman Ontario consulted a forensic document examiner and forgery analyst, who reviewed the anonymous letter and samples of Mr. M’s writing. The analyst provided the opinion that it was highly probable that Mr. M had not written the anonymous letter. This information was shared with the Ministry, which decided to withdraw the original misconduct charge and adjust Mr. M’s institutional record accordingly. The Ministry has also agreed to discuss the general issue of investigations of inmate misconducts with the Ombudsman.

The Ombudsman received a number of complaints from inmates at a correctional facility regarding the temperature and quality of food served there. The menu at the facility was consistent with the Ministry of Public Safety and Security’s menu guideline for content and portions. However, during the investigation, it was found that the temperature of the meals when delivered to the inmates contravened the regulations made under the *Health Protection and Promotion Act*. As a result of our investigation, the facility revised its meal delivery schedule to shorten the time between loading the meal carts and delivering the meals to the inmates. While complaints regarding food at this facility initially declined, we later received further complaints. As a result of further interviews, Ombudsman Ontario staff determined that correctional staff were not complying with the facility’s new meal delivery schedule. The facility indicated that it would develop an operational standard to deal with inmate complaints about food and would take steps to ensure compliance with the new schedule. Our office continues to monitor the meal service at the facility.

Mr. H, an inmate at a correctional facility, complained that he was unfairly accused of damaging the mortar surrounding a windowpane in his cell and had lost ten days of earned remission. An investigation revealed that the facility did not have documentation confirming that Mr. H’s cell was searched for damage prior to his placement or upon his removal. It was also determined that there had been five other inmates who had occupied the cell before Mr. H and who could have damaged the windowpane. As a result of our investigation, the facility removed the record of Mr. H’s misconduct from his institutional file.

As a result of a medical emergency, Mr. F, an inmate, was taken to a community hospital. Because of the nature of his injury Mr. F was not wearing his denture at the time. When Mr. F returned to the facility five days later, his denture could not be located. Mr. F was without his denture for many months. One staff person recorded that Mr. F's cell possessions were removed from his cell, but did not record where he had placed those possessions. After Ombudsman staff contacted the facility and the Ministry and explained Mr. F's circumstances, the Ministry approved the cost of replacing his denture.

Mr. N, an inmate, complained that his property was lost upon transfer between correctional facilities. Mr. N claimed that when he left the first facility, he was required to sign a Personal Property Declaration form, even though correctional officers would not allow him to review the contents of his personal property before signing. When his property bags were opened by the receiving facility, after the transfer, a wedding ring, inhalers and a belt were missing. The Ombudsman's investigation revealed that although the missing items were listed on the transferring facility's forms, they were not listed on the receiving facilities documents. As a result of the investigation, the facility agreed to compensate Mr. N for the lost wedding ring for which Mr. N provided a purchase receipt. Mr. N was also provided with replacement inhalers. He was not concerned about replacing his belt. The transferring facility also undertook to implement a series of initiatives to address the issue of missing inmate property. The facility will soon have two officers assigned with the task of ensuring that all inmate property is accurately recorded, access to the property room and

its keys will be restricted, random spot checks will be conducted to ensure the accuracy of records and the Admissions and Discharge Area will be overseen by a senior staff member.

Mr. Z was transferred from a police station to a correctional facility. Upon his release, Mr. Z discovered that his diamond earring was missing. The facility advised that no earring was listed on his property sheet. The Ombudsman's investigation revealed that the police had videotaped Mr. Z transferring his possessions, including an earring, into a police property bag and that the bag had been given to the correctional facility. The earring was listed on the police property sheet but not on the correctional facility's property sheet. The correctional facility's property sheet also contained an error regarding the number of Mr. Z's rings in its possession. The correctional facility took the position that it had no liability, as Mr. Z had signed for his property upon admission and discharge and the list did not include reference to an earring.

The Ombudsman found that the correctional facility's staff regularly signed for property being transferred to them from the police, without verifying the contents against the police list. When the Ombudsman's investigator informed the Ministry of Public Safety and Security of Mr. Z's case, it advised that since correctional staff signed for the earring, without verification, the facility was liable. The facility subsequently sent Mr. Z a money order for \$199.50. The Ministry has subsequently revised its policy regarding Accepting Property Delivered by Police.

integrity

A young offender complained that an item of his personal property was lost after he was transferred between facilities. He explained to Ombudsman staff that he had placed his initials, as requested, on the property forms beside those items he did receive but had not placed his initials beside the missing item. An Ombudsman Representative contacted the responsible facility, which indicated that an occurrence report should have been completed in accordance with policy. It also appeared that the facility's practice with respect to identifying missing items was inconsistent. The facility advised that it would complete the necessary paperwork for reimbursement. The young offender was later reimbursed \$50 for the missing item.

Mr. J was an inmate at a correctional facility who contacted the Ombudsman indicating that his glasses had been broken and there had been a delay in getting them replaced. Ombudsman staff contacted the facility and were informed that it could not send Mr. J out to get his eyes tested because of the labour disruption. The inmate had still not been referred for testing when he was released three months later. The facility confirmed that Mr. J would have had his glasses replaced and a portion of the cost reimbursed under ordinary circumstances. Accordingly, the facility agreed to reimburse Mr. J, after his release, 50 percent of the replacement cost of his glasses upon presentation of a receipt.

Mr. I had been transferred from a provincial to a federal correctional facility. He complained to our office that his property was not transferred with him. Ombudsman staff contacted the facility, which confirmed that the property had remained in Toronto. The facility explained this was caused by the labour disruption, which had ended approximately two months before. As a result of the Ombudsman's intervention, Mr. I's property was returned to him.

Mr. K, an inmate in a correctional facility, complained that, although a judge had ordered that he participate in an alcohol and drug treatment program as part of his sentencing, he had not been provided with access to such a program. An Ombudsman Representative enquired into the matter. He was informed that Mr. K was not considered suitable for a group program, as he had some severe behavioural problems and was not cooperative in a group environment. The facility indicated that Mr. K would be transferred to another facility. As a result of the Ombudsman Representative's intervention, the facility arranged for Mr. K to have an individual alcohol program for the remainder of his stay at the facility.

Mr. S, a former inmate at Ontario's privatized correctional centre, complained that he had not been able to resolve an outstanding canteen issue. Mr. S stated that because of problems with canteen distribution his account was debited for \$44.73 worth of items that he had never purchased or received. Our office contacted the facility, which indicated that the matter was currently under internal investigation and that the canteen supplier had been at fault. After a number of telephone calls from our office to the facility, the matter was resolved and Mr. S was issued a cheque.

Mr. P, an inmate at Ontario's privatized correctional centre, complained that after he traded his running shoes with another inmate, the facility took the shoes away because they were not documented on his personal property declaration form. Mr. P was left to wear his shower slippers, which did not provide him with any support. After an Ombudsman Representative contacted the facility, it inspected the shoes and returned them to Mr. P.

Mr. V wrote to our office complaining that a correctional facility had denied him an HIV/AIDS test based on the fact that it was too expensive and would require that he be escorted to the hospital. The facility advised Ombudsman staff that the test would not be provided unless the inmate showed symptomatic signs of a communicable disease. The Ombudsman's review of Ministry policy indicated that voluntary testing for communicable disease is to be made available when clinically indicated or requested. Accordingly, our office contacted the Senior Medical Consultant and informed him of the matter. The Senior Medical Consultant confirmed that Mr. V should be permitted access to the test. Further discussion between the facility and the Senior Medical Consultant resulted in Mr. V being tested for HIV/AIDS.

Mr. Q is a 70-year-old inmate, who has represented himself in many court proceedings. Mr. Q complained that a correctional facility had not provided him with several legal textbooks and dictionaries that he had ordered to assist him in his pending court proceedings. Mr. Q advised that he had submitted numerous inmate request forms over a two-and-a-half month period in an attempt to obtain the legal material. The facility advised our office that the material was being withheld because it posed a potential security risk. Ombudsman

Ontario staff referred the facility to the Ministry's policy guidelines, which specify that legal books and documents for the preparation of cases for unrepresented accused must be delivered to the inmate within two working days from the time they are received by the facility. As a result of Ombudsman Ontario's intervention, one day later the facility released the legal material to Mr. Q.

Mr. N complained that he was in segregation for over a week and only received one shower, was denied the opportunity to go into the facility's yard for fresh air and the privilege of using the telephone. He also claimed that prescription medication was withheld from him and that despite his medical condition, his mattress was removed during the day. The Ombudsman's investigation revealed deficiencies in record-keeping, which impeded our ability to fully assess the merits of Mr. N's complaints. There were inconsistencies and errors in the documentation. The Ombudsman suggested to the facility that it take action to correct and improve record-keeping. As a result of the Ombudsman's investigation, the facility provided written direction to all operational managers and deputy superintendents to ensure compliance with record-keeping requirements. The facility has also revised its daily segregation observation reports to include specific reference to access to the showers and the yard.

Mr. B, an inmate at a correctional facility, complained that he had not received his canteen order but that his account was debited for the items he had ordered. Ombudsman staff enquired into the matter. The facility indicated that the items had been signed for but Mr. B alleged that someone else had signed for them. Correctional staff confirmed that Mr. B had reported that he had not received his canteen items at the time

they were distributed. There were no records to confirm whether the private canteen provider had returned after lunch to continue canteen distribution. The facility could not prove who had signed for the items and there was no internal operational standard directing facility staff as to appropriate canteen distribution practices. As a result of the Ombudsman's intervention, the facility decided to compensate Mr. B for the funds debited from his account and is currently developing an operational standard to address canteen distribution. The private canteen company subsequently developed a written policy instructing the company's employees how to verify inmate identifications when distributing canteen orders.

Mr. D, an inmate at a correctional centre, called the Ombudsman to explain he had been advised that he would be moved to a regular range from a segregation unit, once he signed a behavioural contract. However,

after signing the contract he was placed in a transfer cell. These cells are used to hold inmates who are waiting for a transfer to other facilities and, as a result, there is constant inmate movement. Mr. D was concerned because he did not want to be transferred to another institution. He was having difficulty sleeping in the transfer cell because it was noisy and there was constant disruption. He said that he had tried unsuccessfully to obtain information from correctional staff as to why he was being held in a transfer cell.

Dear Ombudsman...

You helped me to get some dental work done... the same day you made the phone call, they took me down to the dentist. I really appreciate all your work and it's really terrific that guys like me who find themselves in a situation of this nature, being in jail and for the first time, have someplace to call...

An Ombudsman Representative contacted the Deputy Superintendent at the centre. The Deputy Superintendent was unaware that Mr. D was in a transfer cell and said that he would review the situation. He called back and explained that the correctional staff had placed Mr. D in a transfer cell in error. As a result of the Ombudsman's enquiry, Mr. D was immediately moved to a regular range.

Mr. U, an inmate at a correctional facility, contacted the Ombudsman, as he was concerned about obtaining a temporary absence pass to attend a medical appointment. When an Ombudsman Representative enquired with the Health Care Coordinator about the appointment, she was advised that it had already taken place. Mr. U denied this. Further questioning revealed that while inmates may be on the list to attend medical appointments, there may be circumstances when appointments are missed. The Health Care Unit is not always informed of missed appointments. As a result of the Ombudsman's intervention, the facility agreed to make another appointment for Mr. U. It also implemented procedures to ensure that escort staff are available for medical appointments and that the Health Care Unit is advised of any instances when inmates do not attend scheduled appointments.

Mr. Y, an inmate at the privately operated correctional facility, contacted the Ombudsman regarding the failure of the facility to provide him with eyeglasses. Mr. Y was legally blind in one eye and did not have perfect vision in the other. The Health Care Coordinator at the facility advised an Ombudsman Representative that Mr. Y's request for eyeglasses had been denied because there was insufficient time to process the request, given the length of time remaining for him to serve his sentence. The Ombudsman Representative spoke with the

Facility Administrator, who agreed that the Health Care Coordinator had not applied policy correctly. The Administrator advised the Health Care Coordinator that the calculation of time for the purpose of determining whether eyeglasses will be provided is based on the date of the warrant of committal and not on the date the Health Care Coordinator receives the request. The facility arranged for Mr. Y to be seen by an optometrist and optician.

Ministry of Training, Colleges and Universities

Ontario Student Assistance Program

Ms R contacted the Ombudsman complaining that she had been trying for two years to resolve an issue involving misapplied Ontario Student Assistance Program (OSAP) loan payments. Ms R said that five of her loan payments had been misapplied or lost. Her file had been registered as being in default and she was reported to a credit bureau and collection agency. Ms R had copies of cancelled cheques confirming her payments. Ombudsman staff contacted the Ministry of Training, Colleges and Universities with this information. The Ministry immediately reviewed its files, located the payments, purged the record from the collection agency and notified the credit bureau to delete its record of the debt.

Mr. W complained to the Ombudsman that he was not provided with information concerning the effect his transferring from a University to a Community College would have on his Ontario Student Assistance Program (OSAP) loan. Mr. W claimed that the College advised him that he would be entitled to study grants in the second semester. However, when he went to claim these, he was told that his OSAP loan had been

reassessed. He was denied the study grant and informed that his OSAP loan had been overpaid. After he complained, he was told that eligibility levels differ for Colleges and Universities and his transfer to a College had resulted in the overpayment. After an Ombudsman Representative enquired, the Financial Aid Office at the College reviewed Mr. W's case again. It determined that some of his costs had changed and filed an appeal on his behalf. As a result, Mr. W obtained two study grants.

Mr. L, a third year college student, complained to the Ombudsman that the Ministry of Training, Colleges and Universities had determined that he was ineligible for an Ontario Student Assistance Program (OSAP) loan for the current academic session and had reassessed his student loans for prior academic sessions. Mr. L was a landed immigrant, having arrived in Canada in September 1999. The Ministry notified Mr. L in 2002 that he was ineligible for the loan he had received in 2000, because he had not met the one-year residency requirement. He was also told that his loans for 2001 and 2002 had been reassessed, because an overpayment had been created and he would be ineligible for future loans until it was satisfied. The Ministry said Mr. L owed \$12,643 and would not receive any new funding until that amount was paid in full. Mr. L was unable to complete his degree without OSAP funding. Ombudsman staff contacted the Ministry which confirmed that a student must physically reside in Ontario for 12 consecutive months to be eligible for OSAP funding. The date used is the date of landing and it must be one year prior to the start date of the course. The college acknowledged that it had used the wrong date when initially determining Mr. L's eligibility for student loans. As a result of the Ombudsman's intervention, the Ministry admitted that

incorrect information had been provided to Mr. L by the college and it reversed its decision. Mr. L's funding was reinstated for the current session, allowing him to complete his course. The Ministry also agreed that Mr. L's spouse was in the same situation and applied the same ruling to her situation

Ministry of Transportation

Ms S contacted the Ombudsman and advised that when she moved back to Ontario from British Columbia the Ministry failed to indicate that she had an M Class licence for driving motorcycles. The Ministry had advised her that it would add this information to her driver's licence but provided no definitive time frame as to when this correction would be made to her record. Ms S was anxious to have the change made quickly, as without it she would be charged excessive insurance premiums. An Ombudsman Representative contacted the Ministry and was advised that the required adjustment had to be done manually and the Ministry could not confirm when this would occur. However, the Ministry indicated that Ms S should have been issued a 90-day temporary driver's licence in the interim. The Ombudsman Representative was successful in arranging for Ms S to attend at a Ministry office to obtain the necessary temporary driver's licence.

Mr. G contacted our office about the Ministry's delay in responding to a request for an extension of time on his driver's licence renewal. Mr. G lives in a remote location where road testing is not done in the winter months. His licence was due for renewal at the end of

July 2002 but when he contacted the Ministry to book an appointment for a road test, he was told the first available appointment was in January 2003 and at a location Mr. G would have to fly to. He wrote to the Ministry to request an extension of his driver's licence until the ice had melted and the roads were passable. Mr. G did not hear from the Ministry and concerned that his licence would expire, he complained to the Ombudsman. An Ombudsman Representative contacted the Ministry to discuss the situation. The Ministry agreed that because of Mr. G's remote location, his driver's licence would be extended for six months.

Mr. V's Ontario driver's licence was suspended for impaired driving. It was reinstated in February 1999 on the basis of a medical report required by the Ministry. Mr. V subsequently moved to Alberta. In May 2002 Mr. V returned to Ontario and obtained a driver's licence. However, the Ministry later suspended his licence, claiming it had never received a medical report in 1999. Mr. V is a truck driver and he cannot work without his licence. Mr. V's Member of Provincial Parliament was not successful in his attempt to resolve the matter. When Ombudsman staff contacted the Ministry, the Ministry was unable to explain why it would have reinstated Mr. V's licence in 1999 and again in 2002, if it had not received the required medical report. Mr. V was able to provide a copy of the report to the Ministry as well as proof that it was sent in February 1999. Following the Ombudsman's intervention, the Ministry agreed that given its own poor record-keeping and follow-up, it would reinstate Mr. V's licence.

Ombudsman Ontario Staff List: March 31, 2003

Ombudsman

Clare Lewis, Q.C.

Administrative Assistant

Carolyn Braunlich

LEGAL SERVICES

Senior Counsel

Laura Pettigrew

Wendy Ray

Legal Advisor

Tamara Hauerstock

Analyst/Investigator

Lorraine Boucher

Research Assistant

Sherrie Nicholson

COMPLAINT SERVICES

Director

Lenna Bradburn

Administrative Secretary

Denise Salmon

ACCESS CENTRE

Manager

Sue Haslam

Supervisor

Eva Kalisz

Marie-Claire Muamba

(Acting)

Administrative Secretary

Kamala Kirushna

Access Representatives

Monique Bokya-Mboyo

Zalina Deodat

Mukhtar Houssein

Eddie Kabasele

Anne Sophie Leduc

Johanne Safar

Michelle Touchette

GENERALIST TEAM

Manager

Sue Haslam

Team Leader

Tim Arkell

Administrative Secretary

Kamala Kirushna

Ombudsman Representatives

Michelle Amaral

Danielle Barbeau-Rodrigue

Alphonse Barikage

Pierre Belanger

Robin Bosworth

Lira Buschman

Joane De Varennes

Hannalie Ethier

Micheline Gagné

Pauline Gignac

Diane Hall

Roch McLean

Marie-Claire Muamba

Amita Shunglu

Laura Spiers

Pam Young

INVESTIGATIONS TEAM

Manager

Duncan Newport

Team Leader

Millicent Dixon

James Nicholas (Acting)

Administrative Secretary

Betty Baker

Investigators

Kwame Addo

Irene Buncel

Winsome Cain

Gerry Carlino

Rosie Dear

Mary Jane Fenton

Anita Glasier

Anne Hart

Barbara Hirst

Kathy Penfold

Matilda Presner

Elizabeth Weston

Barbara Worthington

CORRECTIONS TEAM

Manager

Sue Seto

Team Leaders

Mary Elizabeth Nugent

Cathy Rea

Corrections Clerk

Lourdes Legardo

Ombudsman Representatives

Garvin DeFour

Chakib El Hakmaoui

Sharon Fowler

Claire Giroux

Esla Hutchinson

George La Rosa

Nicole LeBlanc

Lourine Lucas

Beena Rajendra

Gabriella Trotta

CORPORATE SERVICES

Director

Peter Allen

Administrative Secretary

Susan Mason

FINANCE & ADMINISTRATION

Manager

John Allan

Administrative Assistant

Dora Gimenez-Dixon

Accounting Analyst

Judith Lee

Client Services Representative

Wolfgang Schulz

Word Processing Operators

Maureen Bourns

Jackie Holmes

INFORMATION SYSTEMS

Manager

John Allan

Programmer Analysts

Kwasi Frimpong

Dianne King

End User Support

Joyce Coolman

Clerical & Technical Support

Suzanne Bernier

Records & Archives Technician

Jackie Correia

POLICY

Policy Manager

Juan Gomez

COMMUNICATIONS/COMMUNITY EDUCATION

Communications Manager

Gail Scala

Administrative Secretary

Dean Morra

Community Education Program

Supervisor

Judith Klie

HUMAN RESOURCES

Staff Services Supervisor

Joyce Leonard

Administrative Secretary

Grace Domingo



OMBUDSMAN ONTARIO

Mission Statement

“Working to ensure fair and accountable provincial government service”

Our Values

Ombudsman Ontario is guided by the following values in its interactions with its staff, the public and government:

Fairness: treating everyone in a reasonable, equitable, and impartial manner

Accountability: providing quality services, taking responsibility, evaluating and improving through innovation

Integrity: demonstrating transparent, honest and ethical practices

Respect: understanding individual differences and valuing diversity

Contact Information

1-800-263-1830 – English

1 800 387-2620 – Français

1-866-411-4211 – TTY, hard of hearing and deaf

416-586-3485 – Fax

www.ombudsman.on.ca – Website

This Annual Report is available in French and CD-ROM by request. For general information, or mailing address changes, please call our Communications office at 416-586-3353.



OMBUDSMAN ONTARIO

Ombudsman Ontario Offices

London

920 Commissioners Road East
London, Ontario N5Z 3J1

Ottawa

Suite 110, 261 Montreal Road
Ottawa, Ontario K1L 8C7

Sault Ste. Marie

111 Great Northern Road, Unit 2
Sault Ste. Marie, Ontario P6B 4Y9

Sudbury

66 Elm Street, Suite 108
Sudbury, Ontario P3C 1R8

Thunder Bay

Suite 206, Office Galleria
1000 Fort William Road
Thunder Bay, Ontario P7B 6B9

Toronto

125 Queens Park
Toronto, Ontario M5S 2C7



Ombudsman
Ontario