

ADR CHAMBERS OMBUDS OFFICE

OMBUDSMAN FOR THE CITY OF BURLINGTON



2016 ANNUAL REPORT

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MESSAGE FROM THE OMBUDSMAN

I am pleased to provide our first Annual Report for the City of Burlington.

It has been approximately one year that ADR Chambers has been providing Ombuds Services for Burlington.

We are in place to make sure members of the public receive fair treatment from their municipality. If something goes wrong, we endeavour to ensure that the Municipality takes on the necessary responsibility and ownership to fix the situation.

Our office is available once a complainant has gone through the municipality's internal complaint system and a complainant is not satisfied with the outcome. They may then escalate their complaint to the ADR Chambers Ombuds Office.

On some matters we act as a go-between and mediate complaints to help reach a solution to issues of concern. If we investigate a complaint of unfair treatment and find that improvements to a municipal program, policy or service can be made, we will make specific recommendations for improvement.

At the heart of what we do is to provide neutral third party oversight when an individual makes a complaint.

However it is important to understand that we do not replace decision-makers with our recommendations. Our work as an independent office attempts to promote fair treatment and works to ensure the right people are taking ownership and action.

Over the next year we will continue to work hard to carry out our important responsibilities. We will also make sure both municipal officials and members of the public are aware of our office and call on us for assistance when required.

Marshall Schnapp, B.A, J.D., LL.M.

Ombudsman

ADR CHAMBERS OMBUDS OFFICE

ADR CHAMBERS OMBUDS OFFICE TEAM

ADR Chambers Ombuds Office is headed by the Ombudsman, Marshall Schnapp, who has an extensive legal background, including work as Arbitrator, Mediator, and Investigator. He also has extensive training and experience in dispute resolution. The Ombudsman is supported by a Deputy Ombudsman, Peter Maniatakis, as well as an Intake Officer, Josée Thibodeau, and a project coordinator, Deena Panchuk. Additionally, ADR Chambers Ombuds Office has a roster of experienced investigators, who also have experience in law, dispute resolution, and complaint handling municipal matters.

ADR Chambers Ombuds Office and its staff act in compliance with accessibility, privacy legislation, obligations of confidentiality and applicable codes of conduct.

WHAT WE DO

ADR Chambers Ombuds Office reviews complaints brought by members of the public about the City of Burlington. If a complainant is dissatisfied with the provision of services, a decision or recommendation made by the City in the administration of municipal services, and the complainant has gone through the City's internal complaint system and is not satisfied with the outcome, they may escalate their complaint to the ADR Chambers Ombuds Office. People may contact our office by phone, online and through the mail.

We investigate complaints with a view to resolving them either by agreement among the parties, or by issuing a report with analysis and conclusions, including any recommendations.

Investigations are conducted in private and are confidential as between the parties. ADR Chambers Ombuds Office ensures all investigations are conducted in a fair, neutral, independent and confidential manner while respecting the rights and time constraints of the individuals involved.

Types of Complaints

The types of complaints that may be submitted by complainants are varied, including complaints about the denial of services or the failure to provide a proper quality of service; complaints that the City has made a decision that is not within their legal power to make; complaints that the City has not followed the appropriate procedures in reaching a decision; and complaints that the City has failed to take a certain action that it is required to take under its rules, procedures or by-laws.

Process

Upon receiving a complaint, ADR Chambers Ombuds Office first considers whether it has the jurisdiction to investigate the complaint.

Situations where ADR Chambers Ombuds Office Will Not Investigate

There are certain matters that are not within our mandate to investigate. These include:

- Matters that are not within the jurisdiction of the City of Burlington
- Complaints regarding the conduct of City Councillors and closed meetings of City Council

- Complaints regarding any decision, recommendation, act or omission of any person acting as a legal adviser to the City or acting as counsel to them in relation to any proceedings
- Matters for which there is a right of appeal, under an Act, to a court or tribunal, unless this right has been exercised or the time to exercise this right has expired

We may also not investigate where a complainant has not exhausted the City's internal complaint procedures or where more than 12 months have elapsed from the completion of the City's complaint process, unless the Complainant can establish that there were exceptional circumstances justifying the delay.

There are other circumstances where we may decide not to investigate, such as cases where the subject matter of the complaint is trivial or the complaint is frivolous or vexatious, or where we believe that having regard to all of the circumstances of the case, no further investigation is necessary.

If ADR Chambers Ombuds Office does not investigate a complaint for one of the above reasons, the complainant will be notified of this decision in writing and reasons will be provided. Whenever possible, referral information will also be provided.

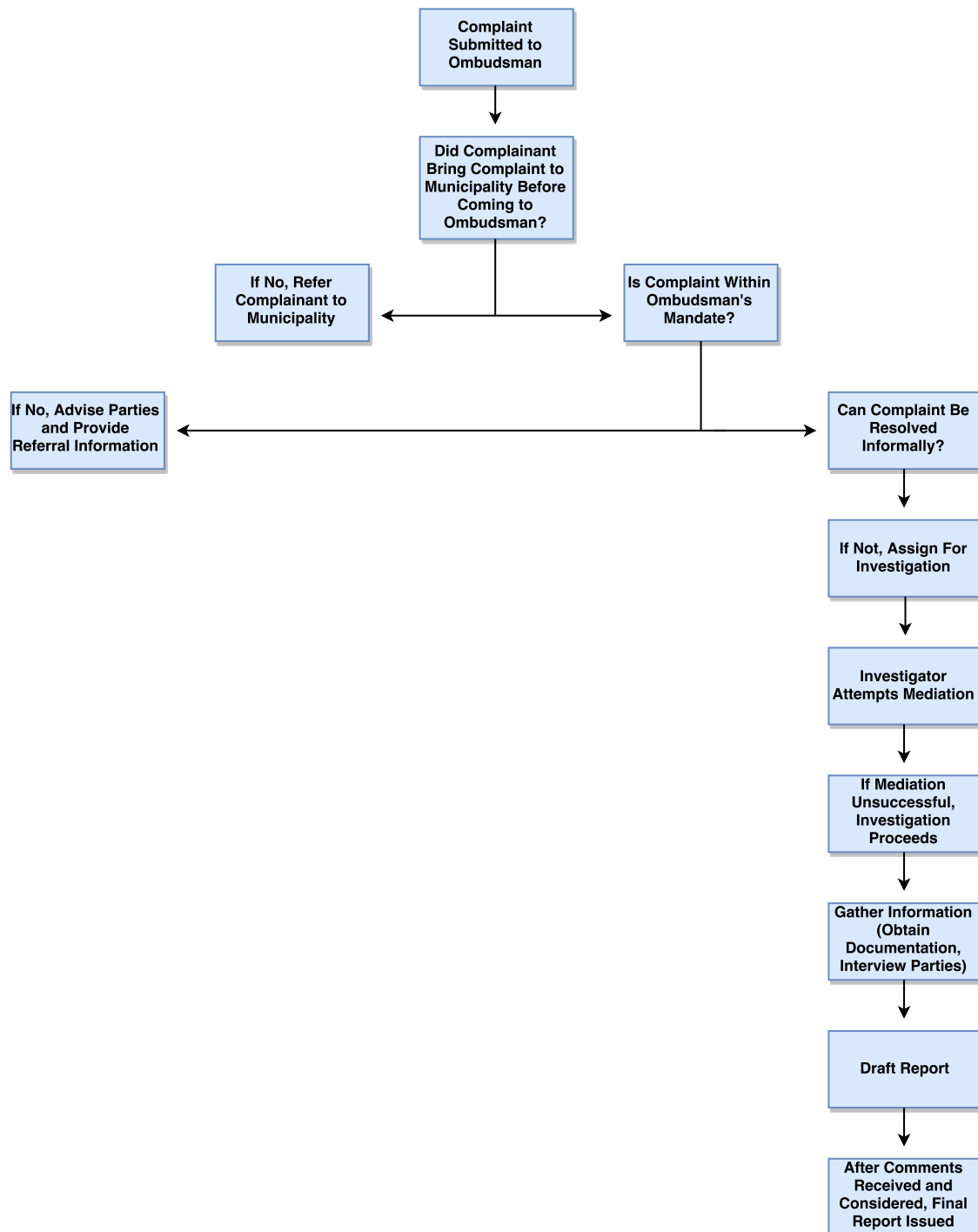
Complaints Within ADR Chambers Ombuds Office's Mandate

In cases where ADR Chambers Ombuds Office decides that it has the mandate to investigate, the Complainant and the City are informed of the decision and the file is assigned to an investigator.

The investigator reviews the file and first considers whether a mediated resolution might be possible. Where possible, the investigator will seek to mediate a resolution. Where no resolution is achieved, the investigator will proceed to gather information and ultimately draft a report containing a description of the complaint, the Ombudsman's findings, and a conclusion and recommendation. In certain instances, such as cases where the Ombudsman concludes that the City has acted appropriately, the report will indicate that the Ombudsman does not recommend that the City take any action. In other cases, the Ombudsman will recommend that the City take certain action(s) to remedy a situation. Recommendations seek to achieve a satisfactory resolution of the complaint, however, all recommendations are non-binding.

Draft reports are submitted to the Ombudsman, who reviews the reports, along with another senior staff member. The reports are then circulated to both the Complainant and the City, who are invited to provide comments. The Ombudsman and the investigator consider the comments and make any necessary changes to the report. The final report is then provided to both parties.

COMPLAINT PROCESS



2016 COMPLAINTS

ADR Chambers Ombuds Office received 8 contacts regarding complaints about the City of Burlington. Two complainants were referred elsewhere. One complainant was referred to Burlington, as complainants are first required to bring their complaint to the City before escalating them to the ADR Chambers Ombuds Office. One complainant's matter concerned a driver's license and was referred to Service Ontario.

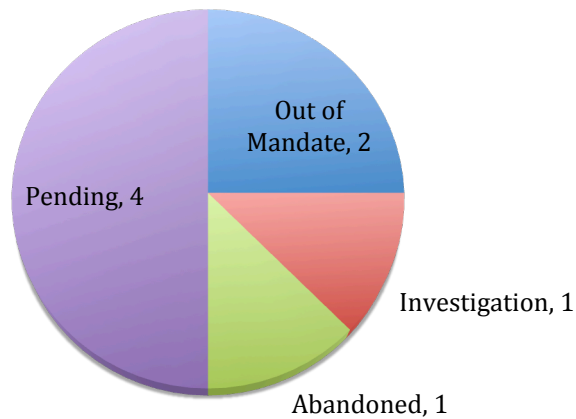
Of the 8 contacts, three have been advised that we required a Complaint Submission Form to be completed and submitted in order to proceed with their complaints, however, they have yet to submit the completed Forms. Complaint Submission Forms are necessary in order to determine whether the complaint is within our mandate and to ensure that all parties are aware of and are prepared to abide by the confidentiality requirement. One complainant called seeking information about our jurisdiction but has not contacted our office about proceeding with her complaint.

Out of the 8 contacts, two have resulted in a complaint being opened. One of the complainants refused to sign the complaint submission form, which includes a confidentiality agreement, and elected to abandon her complaint instead. There was one active investigation at the time this Annual Report was published.

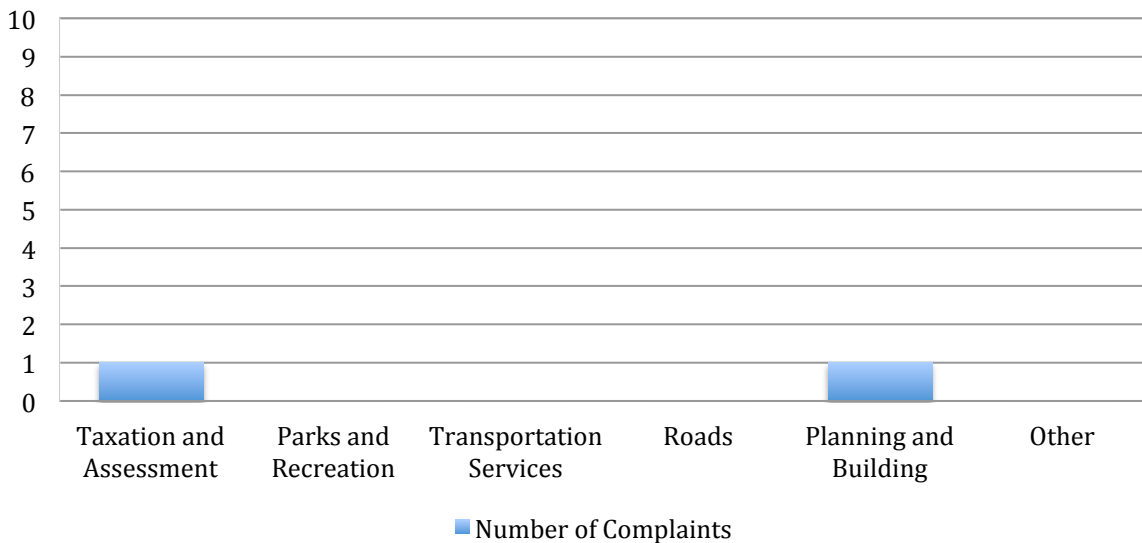
Complaints were received regarding a number of issues. One complaint involved a resident who received notices of by-law infringements with respect to the complainant's property and felt that she should not have to pay the invoice presented by the City for spraying the property for poison ivy. Another complaint was received from a Burlington resident who believed that an administrative error led to the City sending him tax bills inappropriately for previous years' property taxes and imposing additional taxes in addition to what had already been paid.

STATISTICS

Out of the 8 complaints made to our office, 2 involved complaints that were outside of our mandate and were referred elsewhere, 4 complaints are pending, 1 complaint was under investigation, and 1 complaint was abandoned.



Subject of Complaints Opened in 2016



ADR CHAMBERS OMBUDS OFFICE CONTACT INFORMATION

ADR Chambers Ombuds Office

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ADR Chambers Ombuds Office