



ANNUAL REPORT - 2022

ADR CHAMBERS OMBUDS OFFICE
OMBUDSMAN FOR THE REGIONAL
CITY OF BURLINGTON

TABLE OF CONTENTS

<u>MESSAGE FROM THE OMBUDSMAN</u>	3
<u>ADR CHAMBERS OMBUDS OFFICE TEAM</u>	4
<u>WHAT WE DO</u>	5
<u>2022 COMPLAINTS</u>	7
<u>STATISTICS</u>	8



MESSAGE FROM THE OMBUDSMAN

I am pleased to provide our Annual Report for the City of Burlington. As a lawyer, the Ombudsman with the ADR Chambers Ombuds Office, and investigator, I am proud to use my professional skills and work with a dedicated team to serve a public good, helping citizens with their complaints about decisions made by municipalities that affect them.

ADR Chambers has been providing Ombudsman Services for the Municipality for approximately seven years and provides Ombudsman Services to an additional 1.6 million citizens. ADR Chambers is an organization that provides dispute resolution services to citizens across Canada and internationally, also including Integrity Commissioner Services for the City of Brantford, Country of Dufferin, Durham District School Board, the Town of Fort Erie, the Town of Georgina, the Town of Grimsby, Haldimand County, the City of Kawartha Lakes, the City of Kitchener, the Township of Larder Lake, the Municipality of Leamington, the City of Markham, the Township of McGarry, the Regional Municipality of Niagara, the City of Niagara Falls, the Town of Niagara-On-The-Lake, the Township of North Dumfries, the Town of Orangeville, the City of Port Colborne, the City of Richmond Hill, the City of Timmins, the Toronto District School Board, the Township of Wainfleet, the City of Waterloo, the Waterloo Region District School Board, the City of Welland, the Township of Wellesley, and the Township of Woolwich. Our core business is providing ADR services (mediation, arbitration, investigation) and administering large-scale ADR programs, for both the private and public sectors.

I would like to thank our investigators and staff for all of their work and their commitment to ADR Chambers' values of impartiality, independence and fairness as well as their dedication to providing accountable and fair outcomes.

At ADR Chambers, we believe that every person we serve should feel they've dealt with a fair and balanced process. This is why in 2023 we are committed to continuing the quality of our service, including by seeking to facilitate resolutions between the parties. We look forward to the coming year and will continue to work towards our goal of providing the highest quality service to Canadian citizens through innovation, professionalism and responsiveness.

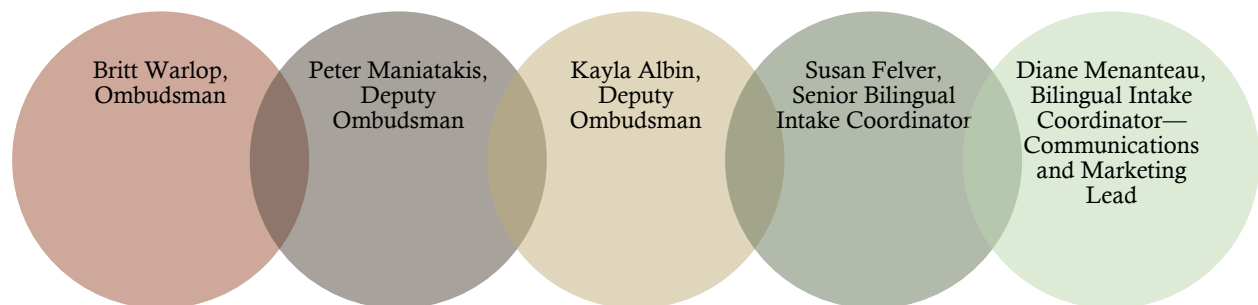
Ombudsman
ADR CHAMBERS OMBUDS OFFICE

ADR CHAMBERS OMBUDS OFFICE TEAM

ADR Chambers Ombuds Office is headed by the Ombudsman, Britt Warlop. Britt is a lawyer who has been called to the Ontario bar and has experience in investigations and employment law. ADR Chambers Ombuds Office is also served by two Deputy Ombudsman Ombudsmen, Peter Maniatakis and Kayla Albin, who are both lawyers with extensive drafting and investigations experience. Two Bilingual Intake Coordinators support the office, Diane Menanteau, Bilingual Intake Coordinator—Communications and Marketing Lead, and Susan Felver, Senior Bilingual Intake Coordinator.

Additionally, ADR Chambers Ombuds Office has a roster of experienced investigators, who also have experience in law, dispute resolution, and complaint handling.

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. We work with the City of Burlington to investigate and resolve complaints as part of the local complaint mechanisms. ADR Chambers Ombuds Office prides itself on its ability to ensure that citizens receive thorough and timely assistance with local issues in the community of Burlington.

If a complainant is dissatisfied with the provision of services, a decision or recommendation made by the Municipality in the administration of municipal services, and the complainant has gone through the Municipality'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.

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 Municipality has made a decision that is not within their legal power to make; complaints that the Municipality has not followed the appropriate procedures in reaching a decision; and complaints that the Municipality 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 Municipality Councillors and closed meetings of Municipality Council
- Complaints regarding any decision, recommendation, act or omission of any person acting as a legal adviser to the Municipality 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 also cannot investigate where a complainant has not exhausted the Municipality's internal complaint procedures or where more than 12 months have elapsed from the completion of the Municipality'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 Municipality 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 possible, 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 Municipality has acted appropriately, the report will indicate that the Ombudsman does not recommend that the Municipality take any action.

In other cases, the Ombudsman will recommend that the Municipality 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 Municipality, 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.

2022 COMPLAINTS

ADR Chambers Ombuds Office received 9 contacts about the City of Burlington. Contacts are instances when complainants contact ADR Chambers Ombuds Office, either by phone or through correspondence, expressing a possible interest in filing a Complaint and seeking information regarding the process. Complaints are not open until we have a completed and signed Complaint Submission Form.

Of the 9 contacts, 5 complainants have been advised that we require 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. These complainants were also advised that complainants are first required to bring their complaint to the Municipality before escalating them to the ADR Chambers Ombuds Office, and if they had not already taken this step, they should do so.

Out of the 9 contacts, 4 resulted in a Complaint file being opened. Two of these Complaints were deemed to be outside our mandate and an Initial View letter was issued. One of these Complaints were outside our mandate on the basis that it involved a claim for damages for a slip and fall, and the courts are a more appropriate forum for assessing such damages. The other Complaint was outside our mandate on the basis that while the Ombudsman can investigate any decision or recommendation made or act done or omitted in the course of the administration of the City and any of its Local Board, and affecting any person or body of persons in his, her or its personal capacity, this complaint was a complaint against Burlington Hydro, which is a separate legal entity. Another open file was closed as resolved after the complainant confirmed that a resolution had been reached with the City.

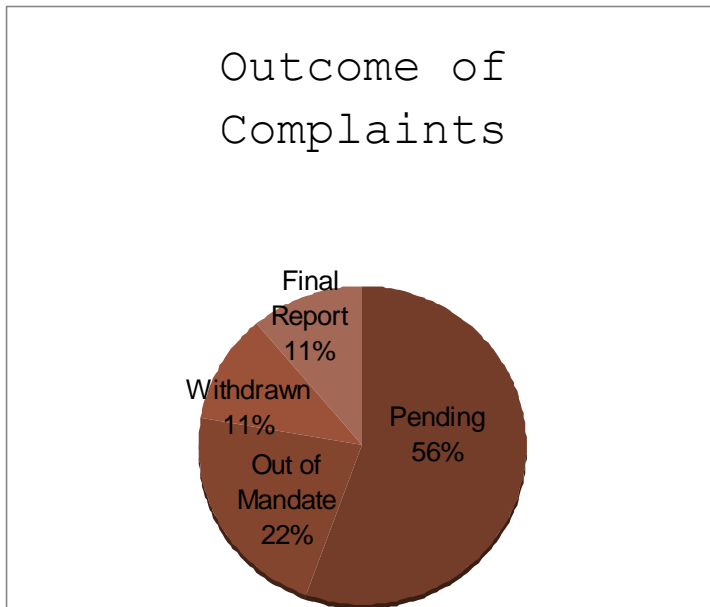
One opened file was assigned for investigation and resulted in the issuance of a final report. The report concluded that the Ombudsman was satisfied that the City intended to meet the requirement of plowing a road in its entirety after a winter event of 7.5 cm and that it was taking steps to rectify the situation moving forward. Therefore, it was not recommended that the City take any further action.

Four Complaints that were opened in 2021 and carried over into 2022 were closed this year. Two of these Complaints were investigated and resulted in the issuance of final reports. One report concluded that the removed tree line buffer that was at issue was a matter of site plan enforcement and that City acted reasonably in attempting to achieve compliance. The other report involved a complaint pertaining to attempts to obtain a building permit and requirements imposed by the City. The report found that the City provided reasonable explanations regarding why a stormwater brief was necessary, which is required of all individuals seeking that particular type of permit, and concluded that the City followed its processes and procedures correctly. The other two complaints were closed on the basis that one complaint was brought to the ombudsman prematurely and the other on the basis that no further investigation was necessary.

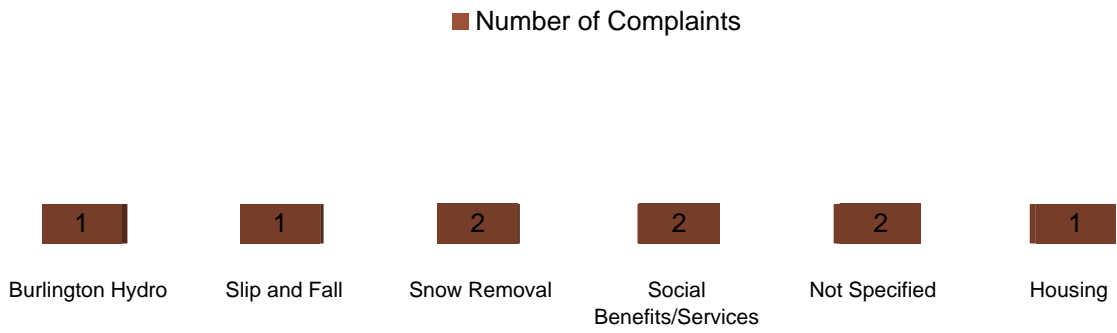
There were no active investigations as of the end of 2022.

STATISTICS

Out of the 9 Complaints made to our office, 5 potential Complaints are pending the return of our intake documents, 2 were outside our mandate, 1 Complaint was assigned for investigation and had a final report issued, and 1 Complaint was withdrawn by the Complainant on the basis that a resolution had been reached.



Subject Matter of Complaints Received in 2022



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ADR Chambers Ombuds Office